

SUMMARY:

An Ordinance of the Town of Tonopah, Nye County Nevada to provide provisions pertaining to the water, sewer and reclaimed water rates, charges, rules and regulations for use thereof, including but not limited to general provision, applications for services water rates and regulation, sewer rates and regulations, billings and payments, discontinuance and restoration of services, collection policies, violations and penalties, and other matters properly relating thereto within the Town of Tonopah, Nye County and repealing all Ordinances in conflict therewith and other matters relating thereto including but not limited to Nye County Code Chapter 22.28.

AN ORDINANCE OF THE TOWN OF TONOPAH, NYE COUNTY NEVADA, ESTABLISHING RULES AND REGULATIONS FOR THE TOWN WATER, SEWER AND RECLAIMED WATER SYSTEMS; INCLUDING BUT NOT LIMITED TO PROVISIONS OF MINIMUM STANDARDS, REQUIREMENT FOR APPLICATIONS FOR SERVICES, RATES, BILLINGS AND PAYMENTS, COLLECTION POLICIES, DISCONTINUANCE AND RESTORATION OF SERVICES, VIOLATIONS AND PENALTIES, AND OTHER MATTERS PROPERLY RELATING THERETO, REPEALING AND REPLACING ANY AND ALL OTHER ORDINANCES IN CONFLICT THEREWITH AND OTHER MATTERS RELATING THEREOF.

**TOWN OF TONOPAH –
TONOPAH PUBLIC UTILITIES**

**WATER, SEWER, and RECLAIMED WATER
REGULATIONS**

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SECTION ONE: GENERAL PROVISIONS

Tonopah Public Utilities, known as the Utility, shall have the duty and responsibilities for the Water Division, Sewer/Wastewater Division, and Reclaimed Water Facility Division.

The provisions found in Article 1. General Administration shall apply to all Divisions of the Utility.

ADOPTION: Adoption of this Ordinance, regulating and controlling sewer and water hookups by Tonopah Public Utilities within the area being served by the Utility, will promote the public health, safety and welfare.

SECTION TWO: DEFINITIONS:

For the purposes of this Ordinance, the following words and phrases shall have the meanings set out in this Section:

2.1 ACT OR THE ACT: The Federal Water Pollution Control Act Amendments of 1972 (P.L. 92- 500; 33 USC 1251 et seq.), as may be amended from time-to-time. Sewer Division only.

2.2 APPLICANT: The person, firm, association, corporation or governmental agency applying for water and/or sewer service or service installations.

2.3 APPLICATION: The written request for service the Utility may require, as distinguished from an inquiry as to the availability or charges for such service.

2.4 APPROVED: Approval by the Manager and/or TONOPAH TOWN BOARD as a result of investigation and tests conducted by them, or by reason of accepted principles or tests by national authorities, technical or scientific organizations.

2.5 BILLING MONTH: The month for which billings are prepared, usually the calendar month in which current meter readings are completed. The time interval between two (2) consecutive actual or estimated meter readings that are made for billing purposes.

2.6 BILLING PERIOD: The regular billing period is monthly, with the mailing date following the last business day of the month.

2.7 BOARD: The Tonopah Town Board of the Unincorporated Town of Tonopah.

2.8 BOD: (Denoting 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 by weight. Sewer Division only.

2.9 BOILER BLOW OFF: The condensed steam or hot water from a boiler when "blown off" to remove scale and slime or "blown down" from cleaning and repair. Sewer Division only.

2.10 BRANCH SERVICE: A service that is not connected to a water main and has as its source of supply another service. Water Division only.

2.11 COMMERCIAL OR COMMERCIAL ENTERPRISE: Any establishment or business operating for profit, whether or not a profit is in fact realized, except as modified by this Ordinance.

2.12 COMMERCIAL BUILDING: Any building, structure or facility or portion thereof, devoted to the purposes of trade and commerce, such as a store or office building.

2.13 CONNECTION: The pipeline and appurtenant facilities such as the curb stop, meter and meter box, all used to extend water service from a Main to premises, the laying thereof and the tapping of the main. Where services are divided at the curb or the property line to serve several Customers, each such Branch Service shall be deemed a separate service. Water Division only.

2.14 CONNECTION FEE: A fee charged in order to provide funds to increase the capacities of water and sewer facilities and services.

2.15 CONSTRUCTION WATER: Water delivered through other than a standard service connection for construction purposes. Water Division only.

2.16 CROSS-CONNECTION: Unprotected connections between the supplies of water systems for pumping, storage and treatment of water, and distribution system of the public water system and any source of pollution or contamination pursuant to any unsafe water or other degrading material that can be discharged or drawn into the public water system as a result of back-siphonage or backpressure, NAC 445A.67185. Water Division only.

2.17 COST: The cost of labor, material, transportation, supervision, engineering and all other necessary expenses.

2.18 CUSTOMER: The person, firm, association, corporation or governmental agency in whose name service is rendered as evidenced by the signature or his/hers/its Legally Designated Representative 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/hers/its name, regardless of the identity of the actual user of the service.

2.19 CUSTOMER'S SERVICE LINE: See definition of Yard Line.

2.20 DATE OF PRESENTATION: The date upon which a bill or notice is mailed or postmarked or delivered to the Customer by the Utility.

2.21 DESERTED OR DESERTED SERVICE: Deserted service shall mean a service connection whose existence is documented in Utility records, but cannot be field located.

2.22 DEVELOPER: Any person engaged in or proposing development of property.

2.23 DEVELOPMENT: A parcel of property being improved and requiring installation of water and/or sewer mains to and possibly on the property being improved.

2.24 DISCHARGE: The addition of a pollutant or effluent to water or to the sewer system.

2.25 DISCHARGE STANDARD, LIMITATION: Any applicable State, Federal or Utility discharge standard or limitation which imposes any restriction or prohibition on quantities, rates or concentrations of chemical, physical, biological, and any other constituent discharge into the Utility's treatment works. Sewer Division only.

2.26 EFFLUENT: Sewage, industrial or any other waste, pollutant, or water, whether treated or untreated, which is discharged into or permitted to enter the sewer system. Sewer Division only.

2.27 EQUIVALENT RESIDENTIAL UNIT DEFINED: The "equivalent residential unit (ERU)" is a measure used to determine estimated water and sewer capacities required by premises. An ERU will be determined as described in Section 10.2 of this Ordinance.

2.28 EXPANSION OR ADDITION: Expansion or Addition shall mean an increase in size of an existing building or other structure presently served by the Utility; or building or structure added to an existing parcel presently served by the Utility. Water Division only.

2.29 FIRE HYDRANT METERS: Fire Hydrant Meters, shall mean, Utility owned portable connecting to fire plug for the purpose of metering water used primarily for short-term temporary construction users to utilize Utility approved fire hydrant connections. Water Division only.

2.30 FIRE HYDRANT METER USER: User utilizing Utility owned portable Hydrant Meter to provide water service through such meter to be used for temporary construction purposes. Water Division only.

2.31 FIXTURE UNIT SURVEY: The tabulation of fixture units by physical inspection or review of construction plans to determine the fixture unit count. Water Division only.

2.32 FIXTURE UNIT WEIGHT: The value ascribed to certain plumbing devices as defined by the current edition of the Uniform Plumbing Code. Water Division only.

2.33 GALLON: The volume of water which occupies two hundred thirty one (231) cubic inches. Water Division only.

2.34 HOOK-UP CHARGE: See definition of Tapping Fee.

2.35 HOUSE PIPING: All piping and fittings installed within a house, structure, building, mobile home, etc., up to and including the last fitting inside or outside the wall. Water Division only.

2.36 INDUSTRIAL SERVICE: Service to commercial Customers engaged in a process which creates or changes raw or unfinished materials into another form or product (factories, mills, machine shops, mines, oil wells, refineries, pumping plants, creameries, canning and packing plants, shipyards, etc.; i.e., in extractive, fabricating or processing activities). Sewer Division only.

2.37 INDUSTRIAL WASTE: Wastes resulting from any process of industry, manufacturing, trade or business, or from the development or recovery of any natural resource, that:

Contains toxic pollutants in toxic amounts as defined in standards issued under section 307(A) of the Act; or;

Is found by the director to have significant impact, either singly or in combination with other wastes, on the treatment or collection system.

2.38 INTER-CONNECTION: Inter-Connection shall mean any actual or potential unauthorized connection from Customer piping, which will provide water to other property, or permit use of water for purposes other than that for which a service connection was authorized. Water Division only.

2.39 LAW: A rule or rules established and enforced by Federal, State, County or local authorities.

2.40 LEGALLY DESIGNATED REPRESENTATIVE: Legally Designated Representative shall mean that person to whom the property owner has given power of attorney or other documentation satisfactory to the Utility authorizing said person to apply for new water service on behalf of the property owner. The documentation presented to the

Utility must contain the property owner's signature, mailing address, and location of the property, which is the subject of the Application. The property owner shall become liable for all water service provided to the property as a result of the Application by the Legally Designated Representative, and any unpaid charges shall become a lien on said property pursuant to Section 9.1 of chapter 167 of the Statutes of Nevada, 1947.

2.41 LOT: A parcel of land separated from other parcels by legal description for purposes of lease, sale or separate use, but which shall not be less than two thousand five hundred (2,500) square feet.

2.42 MAIN: A water or sewer line in a street, highway, alley or easement used for public and private fire protection and for general distribution or water or collection of sewage effluent to premises under separate ownership. Water Division only.

2.43 MAIN EXTENSION: The extension or replacement of water distribution mains, or sewage collection mains, owned by the Utility, including necessary facilities beyond existing service facilities. Water Division only.

2.44 MANAGER: The Manager of the Tonopah Public Utilities or his designated subordinate, who is duly appointed or designated by the Board, administers the operations of the Utility and the provisions of this Ordinance.

2.45 METERED SERVICE: The service for which charges are computed on the basis of measured quantities of water. Water Division only.

2.46 MINIMUM CHARGE: The amount the Customer must pay the Utility for the availability of water or sewer service, irrespective of whether any water is used.

2.47 MOVABLE DWELLING UNIT: Any structure capable of being moved on any lot, site or trailer park requiring use of water and sewer facilities to be habitable, and not having a foundation.

2.48 MULTI FAMILY USES: All plumbing fixtures in hotels, motels, condominiums, apartments, townhouse, or duplexes. Water Division only.

2.49 NON-RESIDENTIAL SERVICE: The service to Customers engaged in selling, warehousing or distributing a commodity, in some business activity, or in a profession, or in some form of economic, religious or social activity (offices, stores, triplexes, clubs, motels, hotels, boarding houses, etc.) or for governmental activities, or for service provided to a builder or developer.

2.50 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 buildings under claim of, or exercising acts of ownership over same for himself, or as executor, administrator, guardian or trustee of the owner.

2.51 PEAK FLOW RATE: The average rate at which wastewater is discharged during the highest thirty (30) minute flow period in the preceding twelve (12) months. Sewer Division only.

2.52 PERMANENT DWELLING UNIT: Any structure existing on a lot, site or trailer park, requiring the use of water and sewer facilities to be habitable, and having a foundation. Water Division only.

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

2.54 PERMIT: A written authorization to discharge pollutants into the Utility's treatment works in accordance with the Act, the law, the regulations promulgated under this Ordinance, and this Ordinance. Sewer Division only.

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

2.56 POINT OF DELIVERY: The point where pipes owned, leased or under license by a Customer contact the Utility's piping systems. Water Division only.

2.57 POLLUTANT: The agricultural waste or any substance that impairs the chemical, physical or biological character or condition of water. Sewer Division only.

2.58 PREMISES: A continuous tract of land, building or group of adjacent buildings under a single control with respect to use of sewer and water and responsibility for payment therefor.

2.59 PRETREATMENT STANDARD: The standards promulgated under section 307(8) of the Act.

2.60 REGULAR WATER SERVICE: The water service and facilities rendered for normal domestic, commercial and industrial purposes on a permanent basis, and the water available therefor. Water Division only.

2.61 REPRESENTS LIEN ON PROPERTY: Until paid, all rates and charges provided in this Ordinance constitutes a perpetual lien on and against the property served and may be foreclosed upon as provided by law.

2.62 RESIDENTIAL SERVICE: A service to a Customer supplied for residential purposes in single-family dwelling, or in an individual flat or individual unit in a multi-family building or portion thereof occupied as the home, residence or sleeping place for one or more persons, provided each such dwelling, flat or unit for which water service is separately metered for that unit.

2.63 RESIDENTIAL UNIT: A structure or a separate space of unit, which has a fully contained living facility with kitchen or kitchenette, living area, bedroom area, bathroom and separate entrance, which is determined by the Manager to be a single unit for purposes of receiving water service. Such unit may or may not be individually metered but considered an ERU. The Manager's decision may be appealed to the Board. The Board will be the final determining authority as to Residential Units. Water Division only.

2.64 SANITARY SEWERS: Those sewers which are designated to carry all waste matter permitted by this Ordinance to enter the system, other than surface drainage water. Sewer Division only.

2.65 SERVICE CLASSIFICATION: Those terms as defined below:

Commercial Service: The service to Customers engaged in selling, warehousing or distributing a commodity, in some business activity, or in a profession, or in some form of economic, religious or social activity (offices, stores, triplexes, clubs, motels, hotels, boarding houses, etc.) or for governmental activities, or for service provided to a builder or developer during the construction phase of any structure(s) and for the purposes that do not come under another classification of service.

Fire Hydrant Meter User: User utilizing Utility provided hydrant meter to provide water service through such meter to be used for temporary construction purposes.

Industrial Service: Service to commercial Customers engaged in a process which creates or changes raw or unfinished materials into another form or product (factories, mills, machine shops, mines, oil wells, refineries, pumping plants, creameries, canning and packing plants, shipyards, etc.; i.e., in extractive, fabricating or processing activities).

Irrigation Service: That service to commercial Customers for agricultural, floral or horticultural use.

Private Fire Protection Service: Water service and facilities for building sprinkler systems, hydrants, hose reels and other equipment installed on private property for fire protection of specific facilities.

Public Fire Protection Service: The service and facilities of the entire water supply, storage and distribution system of the Utility, including the fire hydrants affixed thereto, and the water available for fire protection, excepting Customer service connections and appurtenances thereto for use for public fire protection.

Residential Service: A service to a Customer supplied for residential purposes in a single-family dwelling, or in an individual flat or individual unit in a multi-family building or portion thereof occupied as the home, residence or sleeping place for one or more persons, provided each such dwelling, flat or unit for which water service is separately metered for such unit. Water Division only.

Temporary Service: Service and facilities rendered for construction work and other uses of limited duration of usually six (6) months or less unless a longer duration of time is reached through separate agreement.

2.66 SERVICE CONNECTION: The connection between the Utility's mains and the service connection, including all of the pipe, fittings and valves necessary to make the connection to the Customer's yard line. Water Division only.

2.67 SEWAGE SYSTEM: The system of conduits, tanks, pumps, manholes, cleanouts, ponds, lagoons or other facilities owned or controlled by the Utility for the collection, transmission, treatment and disposal of effluent from the Customer or the Utility. Sewer Division only.

2.68 SEWER HOOKUP: Any method of gaining access to the Utility's sewer facilities and lines, to include, but not be limited to, direct link to the main sewer line or indirect link through another's existing connection. Sewer Division only.

2.69 SEWERAGE FIXTURES: Approved-type installed receptacles, devices or appliances which are supplied with water or which receive liquid or liquid-borne wastes and discharge such wastes into the drainage system to which they may be directly or indirectly connected. Industrial or commercial tanks, vats or similar processing equipment are not sewerage fixtures, but may be connected to or discharged into approved sewerage fixtures. Sewer Division only.

2.70 SITE: A portion of land capable of accommodating any structure, fixed or movable, requiring water and sewer to be habitable, to include trailer parks.

2.72 STANDBY CHARGE: A monthly charge for an account not in use but not disconnected.

2.73 STORM SEWERS: Those sewers which are designated to carry surface drainage water and such other waters as are not required to be disposed of through the sanitary sewer system, in accordance with the provisions set forth in this Ordinance. Sewer Division only.

2.74 SUSPENDED SOLIDS: Solids that either float on the surface of or are in suspension in water, sewerage or other liquids, and which are removable by laboratory filtering. Sewer Division only.

2.75 TAMPERING: Tampering shall mean acts by persons which cause damage to, or alteration of, Utility property including, but not limited to, service connections, shut off valves, hydrants, mains, meters, registers, AMR equipment, and service locks or seals, by a willful or negligent act. Such persons shall be responsible for payment of all damages and costs incurred and any and all penalties prescribed by this Ordinance.

2.76 TAPPING FEE: The cost incurred by the Utility in making the physical connection between the Customer's service lines and the Utility lines, including both direct and indirect

costs.

2.77 TEMPORARY SERVICE: Service and facilities rendered for construction work and other uses of limited duration of usually six (6) months or less, unless a longer period of time is defined in a separate agreement.

2.78 TIME AND MATERIAL COSTS: Time and material costs shall include labor, materials, equipment and outside contractor costs on all of these charges.

2.79 TOWN: The Unincorporated Town of Tonopah, Nye County, Nevada.

2.80 TOXIC EFFLUENT STANDARD, POLLUTANT: Any material appearing on the list developed by the Administrator of the U.S. Environmental Protection Agency pursuant to section 307(h) of the Act. Sewer Division only.

2.81 TRAILER PARK: A parcel of land utilized to provide accommodations such as water, sewer and electrical facilities for movable mobile homes or recreational vehicles.

2.82 UPC: The current edition including revisions of the Uniform Plumbing Code, as published by the International Association of Plumbing and Mechanical Officials.

2.83 USER CHARGE: A charge to the user in order to cover operation, maintenance and replacement costs associated with the water or sewer systems.

2.84 UTILITY: Tonopah Public Utilities, that entity operating under the control and management of a designated Manager, under the authority of the Board to perform all functions with respect to water and sewer services in and around the Town.

2.85 UTILITY REPORT: A report to the Applicant as described in Section 6.9 of this Ordinance.

2.86 WASTE: That useless, superfluous or discarded matter which is discharged into the sewer system. Sewer Division only.

2.87 WASTEWATER: Those water-carried wastes, liquid, solid, gaseous or radioactive, associated with human habitation or from human or animal origin, or from producing, manufacturing, processing, or business operation of whatever nature. Sewer Division only.

2.88 WATER FIXTURE UNIT COUNT: The total water fixture units per the most current Uniform Plumbing Code, determined by count or estimating and assigned to an individual water billing account number. Water Division only.

2.89 WATER HOOKUP: Any method of gaining access to the Utility's water system, to include, but not be limited to, direct connection to the main line, or indirect connection to the main line; i.e., through another's existing connection. Water Division only.

2.90 WATER SYSTEM: The system of conduits, pumps, tanks and structures used or

other facilities owned or controlled by the Utility for the purpose of conveying from its sources, treating in any manner, and conveyances final points of use for the use of the Utility's Customers. Water Division only.

2.91 YARD LINE: That piping between the building and structure served and the Utility's Service Connection.

SECTION THREE: ADMINISTRATION

3.1 Notice: Notice to a Customer will normally be in writing and will be delivered or mailed to the Customer's last known address. In emergencies, or when circumstances warrant, the Utility will endeavor to promptly notify the Customer affected and may make such notification orally, either in person or by telephone. A Customer may make notification in writing to the Utility at its billing office.

3.2 Information: The Utility will maintain, open for public inspection at its business office, pertinent information regarding the service rendered, including the following:

3.2.1 Regulating Ordinance: The ordinance regulating water and sewer services. The Utility charge for the cost of copies of all or part of the ordinance;

3.2.2 Financial Records: Financial records of the Utility, including annual audit and report of monthly revenues and expenditures;

3.2.3 Dates: Current and historical date related to the water usage and billings for services;

3.2.4 Payment Records: Customer payment records, only with the written consent of the Customer.

3.3 Special Contracts: The Manager of the Utility shall be authorized to enter into special contracts with agencies of the United States of America and other individuals or entities, upon the approval of the Board, for water and sewer services and charges.

3.4 Annual Review of Financial Status: The Board will annually review the statement of expenditures and revenues of the Utility within ninety (90) days of the presentation of the Utility's official audit report. The Board will use the information from the review and recommendations from the auditors, council and Manager and adjust schedules of rates, fees and charges for all service by the Utility.

System revenues shall be sufficient at all times, after making reasonable allowances for contingencies and errors in estimates, to pay the operation and maintenance expenses and produce net revenues to retire any outstanding indebtedness, and maintain, any reserve accounts for system replacement and capital improvements .

The Board shall comply with Resolution 10-03.

3.5 Disputes; Disagreement: In case of disagreement or dispute regarding the Application of any provision of this Ordinance, or in circumstances where the Application of this Ordinance appears impracticable or unjust to either party, the Utility, Applicant or Customer, such party may appeal to the Board in writing. The Board shall conduct a public hearing concerning the issue and notify the complaining party of its decision in writing. Either party may appeal the Manager's decision to the Board.

All decisions of the Board shall be final.

3.6 Designation of Tonopah Public Utilities: The water, sewer, reclaimed reuse, septage disposal systems of the unincorporated Town of Tonopah, shall be known as, and operate under the name of Tonopah Public Utilities.

3.7 Tonopah Public Utilities; Power and Duties: It is the duty of the Utility to carry out the terms and provisions of this Ordinance, and to see that this Ordinance is faithfully enforced. Powers of the Utility shall include, but not be limited to, the following:

3.7.1 Inspect all sites for requests for water/sewer services.

3.7.2 Engage the assistance of professional service(s) to ensure that each additional or existing dwelling unit is in conformity with the rules and regulations of this Ordinance.

3.7.3 Grant or deny any requests for water/sewer service based on the criteria provided in this Ordinance.

3.7.4 Restrict, revoke or suspend any hookup not approved by the Utility, or not in compliance with the provisions in this Ordinance.

SECTION FOUR: UTILITY SERVICES AND RESPONSIBILITIES

4.1 Utility To Furnish System: The Utility will furnish a system, plant, works and undertaking used for and useful in obtaining, conserving and disposing of water for public and private uses, including all parts of the water and sewer systems, all appurtenances to it and lands, easements, rights of way, water rights, contract rights, franchises, and other water supply, storage and distribution facilities and equipment.

4.2 Area Served: The Utility shall provide service within the limits of the Unincorporated Town of Tonopah. The Utility may serve other areas as authorized by the Board.

4.3 Hookups subject to approval: Any or all water/sewer hookups shall be made only

after the approval of the Utility. No hookup shall be maintained without the approval of the Utility.

4.4 Hookup area restrictions: Unless approved by the Board, there shall be not more than one hookup for a dwelling unit on sites as follows:

4.4.1 Existing sites, as of the effective date hereof, shall be allowed only one hookup for an area of fifty by eighty feet (50 x 80') for a permanent dwelling unit per lot.

4.4.2 Existing trailer parks, as of the effective date hereof, shall be allowed one hookup for an area of fifty feet by eighty feet (50' x 80') for double-wide movable dwelling units, and an area of thirty five feet by eighty feet (35' x 80') for single-wide, movable dwelling units.

4.4.3 Existing sites, as of the effective date hereof, shall be allowed one hookup for an area of fifty feet by eighty feet (50' x 80') for a double-wide moveable dwelling unit, and one hookup for an area of thirty five feet by eighty feet (35' x 80') for single-wide movable dwelling units per lot.

4.4.4 Any new movable dwelling units placed on any site shall be allowed only one hookup as provided in this Section.

4.4.5 Any existing trailer park, site or lot not in compliance with the restrictions described in this Section shall not be declared in violation of this Section, but any new creation of a permanent dwelling unit or replacing of a movable dwelling unit must comply with these restrictions.

4.4.6 No movable dwelling units shall be allowed access to any water or sewer hookup, whether in transient periods of less than twenty-four (24) hours, or parked for an extended period exceeding twenty-four (24) hours, other than those sites, lots or trailer parks complying with the restrictions of this Section.

4.5 Maintenance of Lines and Equipment: Water meters, boxes, valves and service connections are the property of the Utility and are normally located on a public right of way. The Utility's responsibility for maintenance of a water service ends with the service connection to the Customer's yard property line. Should the service connection be located on private property, the Utility reserves the right for reasonable ingress and egress to maintain its equipment. The Utility's responsibility for maintenance of sewage lines ends at the Customer's property line or at the point of connection of the Customer's line to sewer main crossing private property. No one except an employee or representative of the Utility shall at any time in any manner operate the curb cocks or valves, main cocks, gates or valves; interfere with meters or their connection, street mains, service lines, or other parts of the water system; or interfere with any sewage manhole, cleanout, collection box or appurtenance or installation of the sewage system.

SECTION FIVE: CUSTOMER'S RESPONSIBILITY

5.1 The Customer shall, at his own risk and expense, furnish, install and keep in good and safe condition all equipment that may be required for receiving, controlling, applying and utilizing water and disposing of wastewater ; and the Utility shall not be responsible for any loss or damage caused by the improper installation of such equipment, or the negligence or wrongful act of the Customer or of any of his tenants, agents, employees, contractors, licensees or permittees, in installing, maintaining, operating or interfering with such equipment. The Utility shall not be responsible for damage to property caused by faucets, valves and other equipment that are open when water is turned on at the meter, either originally or when turned on after a temporary shutdown.

5.2 The Utility will not be liable for damage to property occasioned by water running from open or faulty piping or fixtures on the Customer property. The Application for service contains a statement that the Customers who request activation of a service shall be responsible for damage resulting from such activation due to open or faulty piping and/or fixtures on Customer property. Unless the Customer requesting activation is present when the service is turned on, the Utility will return the water services to a shut off condition if there is indication of water running on the Customer's property at the time of service activation. When this occurs, the Utility will reasonably endeavor to contact the Customer or leave notice of explanation for the Customer.

5.3 Persons causing damage to, tampering with, or blocking access to Utility property shall be responsible for all damages and costs incurred by the Utility and any and all penalties prescribed by this Ordinance.

SECTION SIX: APPLICATION FOR SERVICE

6.1 Customer Application Form: The Application is merely a written request for service and does not bind the Applicant to take service for a period longer than that upon which the monthly minimum charge is based; neither does it bind the Utility to service except under reasonable conditions.

6.1.1 Each Applicant for service shall be required to sign, on a form provided by the Utility, as set forth by Resolution of the Tonopah Town Board, which resolution may be revised by the Board as deemed necessary. If the subject property is Rental Property, in addition to the Application, the Owner Notification and Authorization form needs to be completed and submitted.

6.1.2 Each Application for service shall include both water and sewer services. At the time of water services installation there must also be sewer service installation unless the Utility does not provide sewer service at the location for water service.

6.1.3 Beginning with the effective date of this Ordinance each Application shall contain language stating that five (5) years after the Utility determines that a service

is Abandoned, Deserted, Inactive or Removed, the ERU(s) associated with such service will be considered no longer valid and revert to the Utility.

6.2 Abandoned Or Abandoned Service: Abandoned Service shall mean a service connection documented based on actual field conditions as being cut, capped, and left in place. If the service classified as abandoned is actually removed, the service shall be reclassified as Removed in Utility records. See definition of Removed Service.

6.3 Deserted Service Connection: Applicants who apply for activation of a service that has been classified in Utility records as Deserted will be required to make Application for a new service connection. The property owner is required to pay all installation charges, including Application fee and inspection fee (for services installed by a private contractor) to replace the service. In the event a property owner or Applicant, at property owner or Applicant's expense, can locate a service classified as Deserted, the service must be brought to Utility standards at the Applicant's expense, and an Application fee paid, before it is reactivated.

6.4 Inactive Service: Inactive Service shall mean a service connection which is not in use, but is fully operational, installed in accordance with Utility standards and documented in Utility Records.

6.5 Removed Service: Removed Service shall mean a service connection documented based on actual field conditions that the service lateral no longer exists. The service classified as removed in Utility records. If field conditions later indicate that a service classified as removed was actual abandoned, the service shall be classified as abandoned in Utility records. See "Abandoned Service".

6.6 Reactivation Of Deserted Or Inactive Service: Upon receipt of an Application, a Deserted or Inactive service may be activated provided the Applicant pays any costs required to locate the service and upgrade it to current Utility standards. If the service cannot be located, it will be classified as Abandoned, or Removed. If a service is located but found to be non-functional, the service may be classified as Abandoned or Removed.

6.7 Reactivation of an Inactive, Abandoned or Deserted Connection:

6.7.1 Effective with the Adoption of this Ordinance upon receipt of an Application for service connection that is considered an Inactive, Abandoned, Removed or Deserted Connection in excess of five (5) years, before installation the Utility may require applicable Tapping Fees, found in Section Nine of this Ordinance and Connection fee, found in Section Ten of this Ordinance, be paid. Credit will be given for previously paid connection fee of Eight Hundred Dollars (\$800.00). If the service connection is in poor condition from inactivity, Utility may require installation of a new service, with applicable Tapping Fees to be paid prior to installation.

6.7.2 Upon receipt of an Application for service connection that is considered an

Inactive, Abandoned, Removed or Deserted Connection for less than one year, before installation the Utility may require applicable Tapping Fees, but not Connection fees, be paid. If the service connection is in poor condition, Utility may require installation of a new service with applicable Tapping Fees to be paid prior to installation.

6.8 New Or Additional Service Connections Defined:

6.8.1 New Connections: For the purpose of this Section, a service shall be considered "new" if any of the following conditions are met:

The premises, according to the Utility's records, never had water and/or sewer service; or

The premises has been determined to be Abandoned, Deserted or Removed, see definitions.

6.8.2 Additional Service Connections: For the purposes of this Section, additional services shall be considered to be any change in use of a Customer's premises which may increase the use of water/sewer service; and/or require the recalculation of the allocation of Equivalent Residential Units to the premises. The allocations of ERUs to each premises shall be those allocations assigned as included in the Utility's records as of the effective date of this Ordinance.

6.8.3 Application: New/Additional Service Application Form: The Application is merely a written inquiry regarding a new or additional service, and the submittal does not bind the Applicant to proceed, nor does acceptance of the Application require the Utility to install the service. The purpose of the Application is to provide the Utility with information in order that the Applicant can be informed as to the approximate cost and conditions regarding the new service. The owner of any premises shall be required to sign on a form provided by the Utility as approved by Resolution and may be revised as deemed necessary by the Board.

6.8.4 Reversion of ERU's for Abandoned, Deserted, Inactive or Removed Service: Five (5) years after the Utility has determined that a service is Abandoned, Deserted, Inactive or Removed, the ERU(s) associated with such service will be considered no longer valid and revert to the Utility.

6.9 Approval: The Utility, upon receiving an Application for New or Additional Service, shall process the Application as follows:

6.9.1 Prepare a Utility Report to the Applicant within thirty (30) calendar days of receipt of an Application for New or Additional Service for up to four (4) ERU's and within sixty (60) calendar days, of receipt of an Application for New or Additional Services for more than four (4) ERU's, the Utility Report shall provide the Applicant with the following information:

6.9.1.1 A cost estimate, which may include tapping fees, connection charges, engineer fees, consultant or other fees incurred by the Utility, to assist it in preparation of a Utility Report, mainline extension costs and any other special charges;

6.9.1.2 A schedule of payment of costs and charges;

6.9.1.3 A schedule for the installation of services, mainline extensions or other required construction or installations;

6.9.1.4 Listing of conditions, regulations or laws governing the installation or use of service(s);

6.9.1.5 Listing of required compliances needed prior to construction or occupancy as required by any local, State or Federal agencies.

6.9.2 Should the Utility require any additional information for a New or Additional Service, the Utility will send the Applicant a request for additional information, which will include a time frame for receiving said information and a time frame for which the Utility has to respond by providing to the Applicant a Utility Report including the above referenced items.

6.10 Applicant Confirmation: Within fifteen (15) calendar days of the date of sending the Utility Report via email, certified mail or registered mail, to the Customer, the Customer shall agree to the cost estimated, terms and conditions contained in the Utility Report by countersigning the Utility Report and returning it to the Utility office; or, Applicant may, within fifteen (15) calendar days of the Utility's sending of the Utility Report, request a hearing before the Board regarding the Utility Report.

6.11 Performance by Utility: Upon receiving the Applicant's conforming copy of the Utility Report, the Utility will endeavor to meet the commitments made in the Utility Report. The Utility, Board or its agent in no case shall be held responsible for any damages, costs, expenses, loss of revenue or other losses sustained by the Applicant should the Utility be unable to meet the commitments established in the Utility Report.

SECTION SEVEN: TEMPORARY SERVICE

The Utility will, if no undue hardship to its Customers will result and if there is no risk to the public health, safety and welfare, furnish temporary water and/or sewer service for a period not to exceed six (6) months, unless a longer period of time is defined in a separate agreement, by the following means, subject to the conditions listed in this Section Seven below:

7.1 Fire Hydrants: Any use of a fire hydrant for a temporary water service shall be

metered. The Customer may supply his own meter setup which shall be approved by the Utility, or the Customer may use the Utility's meter. The Customer shall use a fire hydrant which shall be designated by the Utility, and shall not use any other hydrant without prior approval of the Utility. Use of the hydrant by the Fire Department for emergency purposes shall take precedence over use of the hydrant by the Customer. The Customer shall operate the hydrant and meter setup at the times and in a manner directed by the Utility. Any damage to the hydrant or Utility's meter setup due to the fault or negligence of the Customer shall be paid for by the Customer. Rates and charges for metered water used shall be according to the rates contained in Town Resolution 11-06 adopted September 28, 2011. Utility may require sufficient deposit, in addition to the estimated water billing, to include the cost of loaned tools or equipment.

7.2 Fill Stands: Utility has metered water fill stands available. Customers shall operate the fill stands in the manner and at the times prescribed by the Utility. Rates and charges for metered water usage shall be according to the rates contained in this Ordinance. The Customer shall be responsible for the cost of any damages to the Utility's equipment or facilities due to his fault or negligence. The Utility shall require sufficient deposit, in addition to the estimated water billing, to include the cost of loaned tools or equipment.

The Utility will, if no undue hardship to its Customer will result and if there is no risk to the public health, safety and welfare, furnish temporary water and/or sewer service for Service Connections with terms and conditions defined in the Utility Report or Memorandum of Understanding including but not limited to a period of time deemed as Temporary.

7.3 Service Connections: The Utility will install temporary metered water and/or sewer services providing the Customer pays in advance to the utility the estimated cost of installing and, if deemed necessary by the Utility, the cost of removing the temporary services.

Upon continuance of service, the actual cost shall be determined, and an adjustment made as an additional charge, refund or credit.

The Customer shall operate the temporary service in accordance with the instructions of the Utility. The rates and charges for metered water and/or sewer service shall be at the rates contained in this Ordinance.

7.4 Compliance with Ordinance: All Customers requesting or utilizing a temporary service shall comply with all other provisions of this Ordinance.

7.5 Application for New/Additional Services Required: Persons desiring temporary services will be required to complete an application for new or additional services.

SECTION EIGHT: REGULATIONS

New or additional service shall conform to the following, in addition to all other

requirements of this Ordinance:

8.1 Impairment Of Customer Services: The Utility shall not install new or additional services where such services will impair the Utility's ability to serve, or reduce the quality of services to other Customers.

8.2 Location Of Services: Services will be installed at the location desired by the Applicant when feasible.

Service installation will be made only to property abutting on distribution mains as have been constructed in public streets, alleys or easements, or to extensions thereof as herein provided.

The laying of Customer's pipeline to the curb should not be done until the location of the service connection has been approved by the Utility Manager.

Services installed in new subdivisions prior to the construction of streets, or in advance of street improvements, must be accepted by the Applicant in the installed location.

8.3 Size Of Services: Services shall be sized for the intended use as required by the UPC. Applicants' requests for oversize services will be granted, providing the oversize will not affect the Utility's ability to serve other Customers.

8.4 Service Connections: New or additional service connections shall conform to the following:

8.4.1 Separate Building: Each building or structure under separate ownership must be provided with a separate service connection. Two (2) or more houses under one ownership and on the same lot or parcel of land may be supplied through the same service connection; provided, that for each house or Movable Dwelling Unit under a separate roof which faces a street an additional minimum will be applied to the single meter serving the houses; or a separate service connection may be provided for each building. The Utility reserves the right to limit the number of houses or the area of land under one ownership to be supplied by one service connection.

8.4.2 Single Connection: Not more than one service connection for domestic or commercial supply shall be installed for one building unless approved by the Town Board.

8.4.3 Different Owners: A service connection shall not be used to supply adjoining property of a different owner, or to supply property of the same owner across a street or alley.

8.4.4 Divided Property: When property provided with a service connection is divided, each service connection shall be considered as belonging to the lot or parcel

of land which it directly enters.

8.5 Customer's Yard Lines: The Customer shall install a readily accessible valve on his yard water line to permit the Customer to shut off water to his premises for maintenance purposes. The Customer shall install a readily accessible sewer cleanout on his sewer yard line which is to be located as required by the UPC.

8.6 Compliance With Laws And Regulations: The Applicant will be responsible for obtaining all necessary local, State or Federal, or other required approvals or permits for the intended use of the premises prior to the Utility providing service. In the event the Applicant has not provided the Utility with written confirmation of compliance with all applicable laws and regulations at the time the services are installed, the Utility will not set the water meter.

8.7 Utility To Install Services: Only duly authorized employees or agents of the Utility will be permitted to install a service connection from the Utility's mains to the Customer's premises, unless otherwise approved by the Utility.

8.8 Customer-Installed Service Lines: In special cases where extension of the Utility's mains to a point adjacent to the Customer's premises is not feasible, in the opinion of the Utility, the Customer may lay service pipe, at his own expense, from the point of use to the point where tap can be made directly to the Utility's then-existing main. The Customer shall be responsible for acquiring and maintaining any required easement for his sewer line and such installation shall be subject to the following:

8.8.1 In such cases, the Utility shall be obligated to maintain reasonable pressure and quantity of flow at the point of connection to its main only; and the Customer shall assume all responsibility and cost for maintenance, operation and replacement of his service line and the pressure and flow therein.

8.8.2 If additional facilities, including, but not limited to, a booster pump, should be required in the Customer's service line to provide adequate pressure for the Customer's service above the pressure normally delivered by the Utility at the point of connection of the Customer's service line to the Utility's main, the Customer shall provide, operate, maintain and replace such facilities at his own expense.

8.8.3 The Utility shall at no time in the future be required to lay additional main beyond the original point of delivery to supply water to the Customer, or other supplied through the Customer's service.

SECTION NINE. TAPPING FEE (CONSTRUCTION)

The Customer shall pay the actual costs to install services, as follows:

9.1 Charges: Charges shall include, but not be limited to, the following:

9.1.1 Direct hourly costs for Utility employees required for the planning and installation of services, including location of existing mains, excavation, backfill, installation of lines, setting meters and all other miscellaneous work as required;

9.1.2 All materials used, including pipe fittings , meters, meter boxes, backfill material or other materials required to install the services;

9.1.3 Equipment costs shall be based on the hourly equipment rates approved by the Town Board, and the number of hours the equipment is used for the service installation;

9.1.4 Street repairs, where required due to the installation of services, will be charged at the cost to the Utility of contracting such repairs; or, if the repairs are done by the Utility, the cost shall be the total of labor, equipment and material costs;

9.1.5 Cost to the Utility of special and miscellaneous services required for the installation of the services, to include contractors, consultants or mainline extensions, as provided in this Ordinance.

9.2 Billing: Tapping Fees will be considered rendered during the billing month in which the service installation is completed. The billing will be processed and subject to the same regulations as billing for regular user charges.

SECTION TEN: CONNECTION FEES

A connection fee shall be determined as follows:

10.1 Unit Charges: Any person desiring to connect a new service, or add additional service to an existing service which shall be or is connected to the Utility's water and/or sewer system, whether directly or indirectly connected, shall pay as a connection fee entitling that prospective user to the right to receive water service, per equivalent residential unit and/or the sum per equivalent residential unit for the right to receive sewer service. The Board shall set the connection fee by resolution. The Board shall review these fees annually and may by resolution change the connection fee amount.

10.2 Equivalent Residential Unit: The "Equivalent Residential Unit (ERU)" is a measure used to determine estimated water and sewer capacities required by premises. The importance of an equivalency basis is to relate one connection to another in a manner that reasonably reflects their proportional use of the Utility system. Equivalency factors "classify" water connections. They serve as the means by which the cost of Utility facilities can be allocated to types of newcomers in a manner that is proportional – on average – to the demands they place on the systems.

10.3 Calculation of Connection Fees: ERU's will be calculated by Meter Size and Meter Type. The Utility will estimate maximum flows, based upon the most current Uniform Plumbing code fixture counts (calculated per Appendix A, Table A 2.1 and Charts A.2.1 and A2.1(1)). In the case where fixture counts cannot be utilized to calculate maximum flows, the Utility will rely on estimated flow requirements provided by the Applicant to include minimum flow, normal low and high flow and maximum flow.

The Utility will utilize meters that comply with American Water Works Association (AWWA) standards. The Utility will select the meter size based upon estimated flows and range of accuracy and capacity considering published meter manufacturer specifications and guidelines and AWWA water meters standards shown in the Table below.

Table AWWA Meter Standards						
Meter Size and Type	Meter Equivalency	Minimum Flow Rate, GPM	Low-Normal Flow Rate, GPM	High Normal Flow Rate, GPM	Maximum Flow Rate, GPM	Headloss at maximum Flow, PSI
5/8" PD	1	0.25	1	10	20	15
¾" PD	1.5	0.50	2	15	30	15
1" PD	2.5	0.75	3	25	50	15
1-1/2" PD	5	1.5	5	50	100	15
2" Compound	8	0.25	1	80	160	15

Example 1: Total Fixture Count = 55 (calculated per UPC Table A2.1)
Total Fixture Demand = 30 gpm (calculated per UPC Chart A2.1(1))
Sprinkler System Demand = 5 GPM (provided by Applicant)
Evaporative Cooler Demand = 0.50 GPM (provided by Applicant)
Total Maximum Demand = 35.5 gpm
TPU Meter Selection = 1" PD

Example 2: Total Fixture Count = 10 (calculated per UPC Table A2.1)
Total Fixture Demand = 7.5 gpm (calculated per UPC Chart A2.1(1))
Other Demands = 0 gpm (provided by Applicant)
Total Maximum Demand = 7.5 gpm
TPU Meter Selection = 5/8" PD (minimum size allowed by TPU)

For any meter size above 2" the ERU calculation shall be determined as set out in Section 6.8.

10.4 Calculation of ERUs For Existing Services: All single-family residential services in place as of the effective date of this Ordinance are assumed to have an ERU allocation of

1.0 per service connection unless otherwise noted in the Utility's records. All other uses in place are assumed to have an ERU allocation as of the effective date of this Ordinance as shown in the Utility Records.

10.5 Reactivation of an Inactive, Abandoned or Deserted Connection: Effective with the adoption of this Ordinance, upon receipt of an Application for service connection that is considered an Inactive, Abandoned, Removed or Deserted Connection in excess of five (5) years, before installation the Utility may require applicable charges of Tapping Fees found in Section Nine of this Ordinance and Connection fees, found in Section Ten of this Ordinance, be paid. Should a Connection fee be required a credit of \$800.00 will be given for prior ERU. If the service connection is in poor condition from inactivity, Utility may require installation of a new service, with applicable Tapping Fees to be paid prior to installation.

10.6 Additional Service Connections: For the purposes of this Section, additional service connections shall be considered to be any change in use of a Customer's premises which may increase the use of water/sewer service; and/or require the recalculation of the allocation of equivalent residential units to the premises. The basic allocations of ERUs to each premises shall be those allocations assigned as included in the Utility's records as of the effective date of this Ordinance.

10.7 Exemption To Fees: Premises which are used for the exclusive use of domestic livestock shall be exempt from the payment of connection fees. Should the premises be converted to a use other than domestic livestock, connection fees shall be due and payable as contained in this Ordinance.

The Board may enter into special agreements which may reduce, exempt or alter the payment of connection fees as required in this Ordinance.

10.8 New Services: When the calculated number of ERUs for a new service is less than 1.0, the Applicant will be required to pay connection fees for 1.0 ERU.

10.9 Payment of Fees: Connection fees for new services shall be paid in full prior to the Utility installing the services. Connection fees for additional services to existing services shall be paid in full prior to the use of the additional services.

10.10 Violations: Any dwelling, structure or premises connected to the Utility's water/sewer system in violation of this Section shall pay connection fees which were in effect at the time the violation occurred.

10.11 Use of Fees: Water and sewer connection fees are to be used solely for the purpose of increasing the capacities of the Utility's water and sewer systems. Any other use must be approved by resolution of the Board. Connection fees shall be deposited into an interest-bearing account, and any interest earned shall remain in the account and be used for the same purposes as the connection fees.

SECTION ELEVEN: MAINLINE EXTENSIONS

When, in the opinion of the Utility as provided in the report to an Applicant for new/additional service, mainline extensions and/or replacements are necessary to provide service to the Customer, the mainline extensions and/or replacements shall conform to the following:

11.1 Utility to Retain Ownership: Any facilities installed pursuant to this Section become the property of the Utility upon inspection, approval and acceptance by the Utility which shall then be responsible for maintenance and repair of the facilities.

11.2 Line Sizes: The Utility shall determine the minimum size of lines required to adequately service the Applicant, including fire protection. Should the Utility require the line sizes be increased beyond what is required to service the Applicant, the Utility will bear the added cost for materials and installation of the increased line size.

11.3 Specifications: The Utility reserves the right to specify the type of materials and equipment to be used in addition to the installation methods, equipment and testing.

11.4 Additional Facilities: Where an analysis of the system shows that existing portions of the system are not capable of providing adequate flow or storage, the Applicant may be required to correct the deficiencies as part of the mainline extension.

11.5 Public Right Of Way: Wherever possible, the lines shall be located in public rights of way and as directed by the Utility. Where it is not possible to locate the line in a public right of way, the Applicant shall provide all necessary easements for the proper operation and maintenance of the line. The location and dimensions of such easements shall be as determined by the Utility.

11.6 Dead-End Lines: No dead-end lines shall be permitted, except at the discretion of the Utility Manager; and in cases where circulation lines are necessary, they shall be designed and installed as a part of the cost of the extension.

11.7 Cost Of Installing: The Utility may install mainline extensions and/or replacements and associated appurtenances, and the cost of such installations will be determined using the cost components of "tapping fee charges". In the event the Utility cannot install the facilities to meet the Applicant's requirements, the Utility may contract the installation of the facilities. The cost of the installation shall include the contract cost plus the Utility's costs.

11.8 Extensions by Applicant: The Utility may allow the Applicant to install mainline extensions providing:

- The Utility may require engineered plans and specifications which cost shall be borne by the Applicant.
- Installation will be made by personnel approved by the Utility.

- The Applicant may be required to post bonds, cash or other security, with the Utility to guarantee satisfactory completion of the installation in accordance with approved plans and specifications.
- The Applicant will pay to the Utility the cost of inspections or testing required to ensure compliance with approved plans and specifications.
- Applicant will provide Utility with an itemized cost for installing the lines.

11.9 Payment: Prior to the installation of lines and facilities by the Utility or its contractor, the Applicant shall deposit with the Utility the estimated cost of such installations. Upon completion of the installation, the Utility will prepare a report of the actual cost of installation and either, bill the Applicant for any balance due, or refund any amounts due.

All amounts due the Utility as a result of the mainline extension and/or replacements shall be paid prior to service being provided.

11.10 Reimbursements: Where the cost of mainline extension has been paid by the property owner as provided in this Section, the Utility shall thereafter , but for not longer than five (5) years after the date the extension is originally connected to the Utility's system, collect from any user connecting to such extension that fraction of the cost of such extension as approved by the Utility as the number of front feet held by the user bears to the total number of front feet which may be served by such extension as determined by the Utility at the time such extension is connected to the Utility's system. Such sums thus actually received by the Utility shall be paid by the Utility only to the owner originally installing such extension, but the Utility shall in no way be obligated to assure that the property owner making such extension is paid the total cost thereof, nor to initiate any action or incur any expense to collect any sum to be paid to the property owner; nor shall such refund be from any revenues derived from the sale of water or sewer service. Where different owners contribute to the making of the extension, such sums shall be refunded to such owners pro rata according to the amounts which they severally contributed toward the extension and pursuant to the preceding plan. In no case shall the owner be paid more than the original cost of the extension.

11.11 Special Reimbursements: Where special conditions exist in the opinion of the Utility which justify reimbursement to the person paying the cost of a main extension which justify reimbursement on any basis other than provided in this Section, the Board may authorize a special reimbursement contract by the Utility and the person constructing the main extension. The special reimbursement agreement shall be made and entered into prior to acceptance of the work and mainline extension by the Utility.

SECTION TWELVE: CONDITIONS FOR SERVICE

12.1 Processing Fee: The Applicant shall pay at the time of submitting an Application for service a processing fee which is nonrefundable. The processing fee is to defray the cost of clerical time to process the Application, set up the account for billing purposes and turn

on the water service when required. The processing fee shall be established by the resolution setting rates.

12.2 Refusal To Serve: The Utility may refuse to serve an Applicant for service under the following conditions:

- If the Applicant fails to comply with any of the provisions of this Ordinance;
- If the intended use of the service is of such a nature that it will be detrimental or injurious to existing Customers;
- If, in the judgment of the Utility 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;
- Where service has been discontinued for fraudulent use, the Utility will not serve an Applicant until it has determined that all conditions of fraudulent use or practice have been corrected;
- When an Applicant is refused service under the provisions of this Section, the Utility will notify the Applicant that he may appeal the decision to the council and Board.
- There is no water commitment to the parcel.
- The account of the Applicant at the same or other location is delinquent.

12.3 Liability For Joint Service: Two (2) or more parties who join in one Application for service shall be jointly and severally liable for payment of bills, and shall be billed by means of single periodic bills.

12.4 Change In Customer's Use: A Customer making any material change in the size, character or extent of the equipment or operations for which the Utility's service is utilized shall immediately file a new Application for service. A change in a Customer's service which requires the installation of a different or additional meter when made at the Customer's request shall be made by the Utility at the Customer's expense and be subject to compliance with all provisions herein.

12.5 Compliance And Notice: The Application or the depositing of any sum of money by the Applicant shall not require Utility to render service until the expiration of such time as may be reasonably required by the Utility to determine if Applicant has complied with the provisions herein. Under normal circumstances, the Utility will require at least one business day's advance notice in order to process an Application for service and "turn on", if required, of the water service.

SECTION THIRTEEN: DEPOSITS

Each Applicant shall pay a deposit and deposit amounts shall be set forth in the Current Rate resolutions approved by the Board for each category listed below. The Board may change the deposit amount as it deems necessary by resolution. The deposit shall be collected, applied and/or returned according to the following conditions:

13.1 Amount Required: The amount required to be paid with the Application prior to service being established shall be:

Residential: \$75.00
Small Commercial: \$75.00
Large Commercial: \$350.00
Industrial: \$350.00
Hydrant: \$350.00

Interest: No interest will be paid on deposits.

13.2 Applicability to Unpaid Billings: Deposits may be applied to amounts due the Utility as follows:

13.2.1 Discontinuance Of Service For Nonpayment Of Bills: If a Customer has service discontinued for nonpayment and has not restored service within fourteen (14) days of the discontinuance, the Customer's deposit shall be applied to all unpaid bills; any balance of the deposit shall be refunded, and the Customer shall be required to complete an Application if he were a "new" Customer.

13.2.2 Vacated Premises: Should the Utility have sufficient reason to believe that a Customer has vacated a premises without notice, as evidenced by an Application for services for the premises by a new Customer, notice from the landlord or other reasonable documentation, the Utility shall apply the Customer's deposit to all unpaid bills; any balance of the deposit shall be refunded to the Customer's last known mailing address.

13.2.3 Discontinuance of Service Customers Request: Should a Customer discontinue service in the manner provided for in this Ordinance, he may request that his deposit be applied to his final billing; any balance remaining shall be refunded to the Customer.

13.3 Return of Deposits: Deposits will be returned to Customers according to the following:

13.3.1 Payment Record: Semiannually, in approximately January and July of each year, the Utility will examine the payment records of its Customers who have made a deposit to establish credit. The Utility shall return deposits to Customers who, in the twelve (12) months previous, have paid all bills for service without having been presented with two (2) or more notices of intended discontinuance of service for nonpayment and/or have not had service disconnected for nonpayment.

Customers who do not qualify to have the deposit returned shall be notified in writing by the Utility of the reason(s) the deposit was not returned and the approximate date his payment record would be reviewed next.

13.3.2 Discontinuance of Service: Customers who have had their service discontinued for any reason will not have their deposit, or any part thereof, returned until all billings due the Utility have been paid in full. Deposit refunds, under normal circumstances, require thirty (30) days from the date of presentation of the final billing.

SECTION FOURTEEN: BILLINGS AND PAYMENTS

14.1 Rendering Of Bills: Billings of the Utility shall be prepared and rendered to the Customer according to the following:

14.1.1 Billing Period: The regular billing period will be monthly, with the date of presentation normally being the first business day following the end of the billing month.

14.1.2 Metered Billings: Meters will be read as nearly as possible on the same day of each month. Separate bills will be rendered for each metered service. Bills for metered service will show at least the reading of the meter at the end of the period for which the bill was rendered, the number of units, and the date of the current meter reading, subject to the exceptions set out in this Section. All bills shall be due and payable upon receipt. Failure to receive a bill does not relieve a Customer of liability. Customers are responsible for payment of all water recorded as having passed through the meter, regardless of whether such water was put to beneficial use. When current bills are not paid by the eighteenth (18th) day of the month or the following business day should the eighteenth fall on a weekend or holiday, they are subject to the assessment of late charges, and will be considered delinquent. Service may then be discontinued if not paid by the disconnection date as identified in the succeeding bill statement. The Utility may, at its sole and exclusive discretion, make arrangements in installments. Failure to remit valid payment in compliance with arrangement made may result in discontinuance without further notice.

14.1.3 Estimated Billings: If, for reasons beyond its control, the Utility is unable to read the Customer's meter on the scheduled reading date, the Utility may bill the Customer for estimated consumption during the billing period, subject to adjustment at the time the meter is next read. The next succeeding bill that is based upon actual meter readings will reflect the difference between prior estimates and actual consumption. If a meter reading is obtained which indicates a meter malfunction, an estimate shall be made of the quantity of water used and a bill rendered for the estimated quantity.

Estimates shall be based first on account history and/or comparable services within the area. If there is not comparable service within the area then estimates shall be based on comparable service within the Utility.

Water bills will be estimated if one or more of the following conditions exist:

Severe weather; Deposits of heavy snow or ice; Vicious dog; Some unusual circumstance which makes it impossible to read the meter, such as a vehicle parked over the meter box.

14.1.4 Responsibility Without Application: A person taking possession of premises and using the water from an active service shall be held liable for the water delivered from the date of the last recorded meter reading, and if the meter is found inoperative, the quantity consumed will be estimated. If proper Application for water service is not made upon notification to do so by the Utility, and if accumulated bills for service are not paid immediately, the service may be discontinued by the Utility without further notice.

14.1.5 Discontinuance Of Service: Customers desiring to discontinue service should so notify the Utility's business office at least one 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.

14.1.6 Flat-Rate Billings: Service designated by this Ordinance as flat-rate shall be considered as provided for the calendar days of the billing month.

14.1.7 Other Billings: Other charges which are not required as advance payment by this Ordinance shall be considered as provided at the date when the service or material has been rendered or delivered during the billing month.

14.1.8 Proration of Bills: The charges applicable to opening and closing bills rendered for periods of less than twenty one (21) days for the billing month will be computed as follows:

14.1.8.1 Metered billings shall not be prorated.

14.1.8.2 Flat-rate billing shall be prorated on the basis of the ratio of the number of days in the billing period (less than 21) to the average billing period, which shall be thirty (30) days. The computed ratio shall then be applied to the amount of the flat-rate billing to determine the prorated flat-rate billing.

14.1.9 Standby Fee: Customers desiring to discontinue service should so notify the Utility's business office at least one business day prior to vacating the premise. The Customer may elect at this point to pay a Standby Fee as set by resolution of the Board, instead of discontinuance of service. A Standby Fee will eliminate the disconnect fee or reconnect fee.

SECTION FIFTEEN: 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:

15.1 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 liable to action as provided in this Ordinance.

15.2 Closing Bills: Upon request 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.

15.3 Delinquency And Penalties: Billings which are not paid on the first workday after seventeen (17) 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 business office of the Utility. Delinquent billings shall be subject to a penalty of ten percent (10%) of the amount thereof, which shall be added to the billing. With approval of the Board, the Utility may waive penalties for governmental agencies whose normal disbursement procedures result in delinquent payments.

15.4 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. With the approval of the council, the Utility may require repeat offenders to pay all billings with a guaranteed negotiable instrument.

15.5 Collection Of Unpaid Billings: The Utility may utilize any or all of the following to collect unpaid billings, rates, charges, penalties and costs:

15.5.1 Discontinuance of service, as provided in this Ordinance: 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 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 at his last known address, according to the records of the Utility and the real property assessment roll for the town.

15.5.2 All unpaid rates and charges and penalties provided in this Ordinance may be collected by suit. The defendant shall pay all costs of suit in any judgment rendered in favor of the Utility.

SECTION SIXTEEN: DISPUTED AND ADJUSTMENTS TO BILLINGS

16.1 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:

16.1.1 File a written protest with the Utility office setting forth his objections within fifteen (15) days of presentation of the bill being protested;

16.1.2 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;

16.1.3 Upon receipt of such protest, the Utility shall, within five (5) days, make a determination in writing as to the correctness of the bill. Should the protested billing involve alleged meter error, the Utility shall follow the procedure for meter tests and adjustment of bills for meter errors as provided in this Ordinance;

If the protestant is dissatisfied with the Utility's decision, he may appeal to the Board, provided such appeal is filed within ten (10) days of presentation of the Utility's decision.

16.2 Meter Tests: A Customer may request, in writing, the Utility to test the water meter serving his property. Any deposits required for the meter test, which shall comply with the following:

16.2.1 No charge will be made for such a test, except where a Customer requests a test within six (6) months after installation of the meter, or more often than once a year, in which case he will be required to deposit with the Utility the following amount to cover the cost of the test:

16.2.2 The Utility shall schedule the meter test within seven (7) days of receiving the Customer's request. A Customer shall have the right to require the Utility to conduct the test in his presence or in the presence of his representative. The Utility shall notice the Customer at least three (3) days in advance of the time and place of the meter test. Where the Utility has no proper meter testing facilities available locally, with the consent of the Customer the meter may be tested by an outside meter manufacturer or its agency, or by any other reliable organization equipped for water meter testing, or by the Utility's meter testing plant where located in some other community. In the latter case, the Customer may demand a duly notarized statement certifying as to the method used in making the test and the accuracy thereof.

16.2.3 A report showing the results of the test will be furnished to the Customer within five (5) days after completion of the test.

16.2.4 The required deposit will be returned to the Customer if the meter is found to

register more than two percent (2%) fast. If the meter is found to register not more than two percent (2%) fast, the Utility will retain the deposit to defray the costs of the meter test. Based on the results of the meter test, the adjustment of billings may be necessary, as provided in this Section.

16.3 Adjustment Of Bills For Meter Error: Adjustments of bills for meter error shall be according to the following:

16.3.1 Fast Meters: When, upon test, any meter is found to be registering more than two percent (2%) fast, the Utility will refund to the Customer the amount of the overcharge based on corrected meter readings for the period the meter was in use at the Customer's premises, but not to exceed the preceding six (6) months, whichever is shorter.

16.3.2 Slow Meters: When, upon test, a meter is found to be registering more than five percent (5%) slow, the Utility may bill the Customer for the amount of the undercharge based on corrected meter readings for the period the meter was in use at the Customer's premises, not to exceed the preceding three (3) months, whichever is shorter.

16.3.2 Non-registering Meters: When, upon test, a meter is found to be non-registering, the Utility may bill the Customer for water consumed which the meter was non-registering for a period not exceeding three (3) months at an estimate of the consumption based upon the Customer's prior use during the same season of the year or upon another Customer of the same class.

16.4 Established Date: In all cases, when it is found that the error in a meter is due to some cause the date of which can be established, the overcharge or undercharge will be computed back to, but not beyond, such date.

16.5 Adjustments of Bills for Leaks: An adjustment of bills for leaks in the Utility's equipment which have registered on the Customer's meter shall be made according to the following:

16.5.1 The amount of leakage shall be determined by establishing the duration of the leak and the Customer's normal usage during the period of the leak, but only for a period not exceeding six (6) months. The Customer's normal usage (minimum 1,000 gallons per month) may be established from historical records or from a period of usage after the leak is repaired. The difference of water metered during the period of the leak and the Customer's normal usage shall be the amount of water subject to adjustment.

16.5.2 The amount of adjustment shall be the rate effective for the Customer multiplied by the amount of leakage. It shall be at the Utility's discretion to refund the amount of the adjustment to the Customer in cash or to apply the amount of the adjustment to the Customer's future billings.

16.5.3 In no case shall adjustments for leaks be given for leaks in Customers' lines, equipment or facilities, or leaks caused by the Customer's use of the Utility's equipment.

SECTION SEVENTEEN: DISCONTINUANCE AND RESTORATION OF SERVICE

17.1 Discontinuance At Customer's Request: Upon request from the Customer, service to a premises shall be discontinued, as follows:

17.1.1 Terminating Service: A Customer may have service discontinued by giving not less than one business day's advance notice thereof to the office of 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 business day's advance notice. When such notice is not given, the Customer will be required to pay for service until one business day after the Utility has knowledge that the Customer has vacated the premises or otherwise has discontinued water service.

Unless discontinuance of service is ordered by the Customer, the Customer shall be liable for charges whether or not the water is used.

17.1.2 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. 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 fifty dollars (\$50.00) per visit.

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

17.2.1 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 eighteen (18) days after presentation, provided the Utility has given the Customer at least five (5) days' prior written notice of such intention.

17.2.2 Noncompliance With Regulations: The Utility may discontinue service to any Customer for violation of the provisions of this Ordinance or the laws or regulations of any other local, State or Federal agency after it has given the Customer at least five (5) days' written notice of such intention. Where safety of water supply is endangered, service may be discontinued or curtailed immediately, without notice.

17.2.3 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) days after the Utility has given the Customer written notice to such effect.

17.2.4 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.

17.2.5 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.

SECTION EIGHTEEN: RESTORATION OF SERVICE

Service will be restored according to the following provisions:

18.1 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.

18.2 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.

18.3 Reconnection Charge: Where service has been discontinued for a violation of this Ordinance, the Customer shall pay the following:

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 \$50.00 per hour.

18.4 Nonpayment: Where service has been discontinued for nonpayment, as contained in this Ordinance, 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,

should the Customer not have a deposit with the Utility.

SECTION NINETEEN: COLLECTION POLICY FOR WATER AND SEWER SERVICES

The Board established a collection policy, effective January 11, 2012, for the Utility for unpaid accounts which are not paid in full that become past due and delinquent, and is the policy in effect under this Ordinance. The Collection Policy for the Utility may, from time to time, be revised if needed by resolution of the Board.

19.1 Establishment Of A New Service And Credit: Each request for new metered service shall require the completion of an Application for each service location. Each Applicant applying for service will be required to establish credit as follows:

19.1.1 If the Applicant is a previous Customer of the Utility, Applicant must pay all unpaid balances due to the Utility in order to establish credit.

19.1.2 Each Applicant shall pay deposits as set forth in this Ordinance and deposit amounts set forth in the Current Rate resolution by the Tonopah Town Board. A deposit shall be collected and applied or returned in accordance with this Ordinance and any subsequent resolutions by the Board.

19.2 Rendering Of Bills:

19.2.1 Billing Period: The regular billing period is monthly, with the date the Utility mails the bill to the Customer, following the last business day of the month. Bills are due and payable and payment must be received by the 18th day of each month at the Utility office, after which a 10% penalty is applied pursuant to this Ordinance.

19.2.2 Metered Billings: Meters will be read between the 10th and 20th day of each month, barring any unforeseen circumstances. Separate bills will be rendered for each metered service. Bills for metered services will show the reading of the meter at the end of the period for which the bill was rendered, the number of units, and date of the current meter reading.

19.2.3 Responsibility Without Application: A person taking possession of premises and using the water from an active service shall be responsible for complying with this Ordinance, all resolutions adopted by the Utility related thereto and all policies and procedures of the Utility related to the provision of water service, and for all charges, fees, fines and penalties for the water delivered from the date of the last recorded meter reading, and if the meter is found inoperative, the quantity consumed will be estimated. If Application for water service is not made upon notification by the Utility, and if accumulated bills for service are not paid within five (5) days the service shall be discontinued by the Utility without further notice.

19.3 Payment Of Billings: Bills for services are due and payable the date the Utility mails the bill to the Customer. Payment may be made through the mail, by telephone, online at tonopahnevada.com, or presented in person to the Utility's business office. Payment of billings shall be subject to the following:

19.3.1 Liability For Payment: Failure to receive bill does not relieve Customer of responsibility for payment of the bill. 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 liable to action as provided herein.

19.3.2 Closing Bills: Upon request for discontinuance of service, the Utility may require the Customer to pay an estimated bill, less any amount on deposit for that account, if, in the opinion of the Utility, the Customer has no or insufficient deposit to pay the estimated closing bill.

19.3.3 Delinquency and Penalties: Bills which are not paid on the first working day after seventeen (17) days of the date the Utility mails the bill to the Customer shall be considered delinquent. A bill shall be considered paid when the total amount due is received by the Utility at its business office. Any unpaid amount due is considered delinquent. Delinquent bills shall be subject to a penalty of 10% of the amount thereof, which shall be added to the bill. The Utility shall waive penalties for governmental agencies whose normal disbursement procedures result in delinquent payments.

19.3.4 Bad Checks: Checks returned for insufficient funds or other reasons for which the check is not negotiable shall deem the bill for which the check was made as being unpaid and subject to the provisions for unpaid bills as contained herein. In addition, the Utility may require cash, money order, bank check or other guaranteed negotiable instrument for the payment of such bills. If a Customer issues three bad checks to the Utility within a 12 month period, the Utility will require said Customer to pay all bills with a guaranteed negotiable instrument as long as the person is a Customer of the Utility. The Utility will charge an amount set by the Board for each check returned for insufficient funds to be added to the bill.

19.4 Discontinue Service/Collection Of Unpaid Bills: The Utility may discontinue service to any Customer according to the following:

19.4.1 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 thirty (30) calendar days after the date the Utility mails the bill to the Customer p, provided the Utility has given the Customer at least five (5) calendar days prior written notice of discontinuation of service.

19.4.2 By the 19th day of each month a notice of disconnection for nonpayment is sent to all Customers more than thirty (30) days past due. The notice will include a

statement that if the bill is not paid by the due date set forth in the notice a Disconnect Fee of \$25.00 will be added to the bill. The notice will be given at least five (5) calendar days prior to the day of disconnection.

19.4.3 If a Customer is not able to pay the bill prior to the date specified for disconnection for nonpayment in the notice, payment arrangements may be made for the past due amount. If the payments are not made within the time frame specified in an Agreement to Pay, the Utility shall disconnect the service without further notice. The Agreement to Pay shall include the past due amount must be paid per the terms set forth in the agreement but no longer than 90 days from the date of the agreement. The amount to be paid shall include the bill amount and penalties due at the date of the agreement and the penalties that will accrue until paid.

19.4.4 Where services have been disconnected for nonpayment, as set forth in this Section, the Customer shall pay, prior to service being restored, all charges, penalties, disconnection fees and reconnection fees; and may be required to establish credit by paying a deposit, should the Customer not have a deposit with the Utility for the account associated with the service.

19.4.5 If a Customer is disconnected for nonpayment and turns their water back on themselves, or their meter shows usage prior to payment to the Utility, the Customer will be assessed a \$100.00 fine. If the Utility must remove the meter in order to stop the Customer from turning their water on, an additional \$25.00 fee will be assessed to remove the meter and \$25.00 fee assessed to reinstall the meter. These fees/fines must be paid along with all charges, penalties, and disconnection and reconnection fees prior to reinstallation of the meter and/or reconnection of service. The meter will be reinstalled on a regularly scheduled workday between 7:00 a.m. and 3:30 p.m. There will be no exceptions to the reinstallation times.

19.4.6 Collection of Unpaid Bills: The Utility may utilize any or all of the following methods or procedures to collect unpaid billings, penalties and costs:

19.4.6.1 Any unpaid delinquent amount which remains unpaid for 60 days after service has been disconnected shall be sent to a collection agency.

19.4.6.2 The Utility reserves the right for all unpaid rates, charges, and penalties may be collected by suit. The defendant/Customer shall pay all costs of suit, including reasonable attorney's fees, in any judgment rendered in favor of the Utility. Until paid, all fees, charges and penalties shall constitute a perpetual lien on and against the property served, and such perpetual lien shall be prior and superior to 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 of Nevada for the foreclosures of mechanics' liens. Before any such lien is foreclosed, the Board shall hold a hearing thereon, after notice by publication and by registered or certified first class mail, postage prepaid, addressed to the last known owner, at his last

known address, according to the records of the Utility and the real property assessment roll of Nye County.

19.5 Restoration Of Service: Once payment has been made to the Utility for all fees, charges and penalties, services will be restored according to the following provisions:

19.5.1 If payment is made during the hours of 8:00 a.m. and 3:00 p.m., Monday through Friday, the Utility will endeavor to make reconnection of services on the day of payment, if conditions permit; otherwise, reconnections will be made on the next regular working day following the day of payment. All reconnections will be made by the Utility Field Staff during normal working hours between 7:00 a.m. to 3:00 p.m.

19.5.2 If a payment has been made after 3:00 p.m. but before 5:00 p.m. and the Customer requests same day reconnection, the Customer shall pay a call out fee of \$50.00 prior to service being reconnected. Any request for reconnection after 5:00 p.m. cannot be honored until the next business day.

SECTION TWENTY: VIOLATION; PENALTY; REPEAL AND SEVERABILITY

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

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

20.3 Repeal: Upon the adoption and effective date of this Ordinance, this Ordinance hereby repeals Ordinance Chapter 22.28 under the Nye County Code.

20.4 Severability: If any provision of this Ordinance or amendments thereto, or the Application thereof 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.

20.5 Constitutionality: If any section, clause or phrase of this Ordinance shall be declared unconstitutional by a court of competent jurisdiction, the remaining provisions of the Ordinance shall continue in full force and effect.

WATER DIVISION

ARTICLE II: GENERAL PROVISIONS:

Section One:	Utility Services and Responsibilities
Section Two:	Water Rates and Regulations
Section Three:	Regulations
Section Four:	Cross Connection Policy
Section Five:	Public Fire Protection
Section Six:	Private Fire Protection

SECTION ONE: UTILITY SERVICES AND RESPONSIBILITIES:

1.1 Quality: The Utility will provide water that conforms to applicable State and Federal regulations established for the particular use.

1.2 Pressure Conditions: All Applicants for service connections or water service shall be required to accept such conditions of pressure and service as are provided by the distribution system at the location of the proposed service connection; and to hold the Utility harmless for any damages arising out of low-pressure or high-pressure conditions or interruptions in service.

1.3 Maintenance of Water Pressure: The Utility shall not accept any responsibility for the maintenance of pressure, and it reserves the right to discontinue service while making emergency repairs and shutdowns required in the operation, repair, maintenance or replacement of the water system. Customers dependent upon a continuous supply should provide emergency storage.

1.4 Maintenance of Lines And Equipment: Water meters, boxes, valving and service connections are the property of the Utility and are normally located on a public right of way. The Utility's responsibility for maintenance of a water service ends with the service connection to the Customer's yard line. Should the service connection be located on private property, the Utility reserves the right for reasonable ingress and egress to maintain its equipment. No one except an employee or representative of the Utility shall at any time in any manner operate the curb cocks or valves, main cocks, gates or valves; interfere with meters or their connection, street mains, service lines, or other parts of the water system;

1.5 Customer's Responsibility: The Customer shall, at his own risk and expense, furnish, install and keep in good and safe condition all equipment that may be required for receiving, controlling, applying and utilizing water and disposing of wastewater and the Utility shall not be responsible for any loss or damage caused by the improper installation of such equipment, or the negligence or wrongful act of the Customer or of any of his tenants, agents, employees, contractors, licensees or permittees, in installing, maintaining, operating or interfering with such equipment. The Utility shall not be responsible for damage to

property caused by faucets, valves and other equipment that are open when water is turned on at the meter, either originally or when turned on after a temporary shutdown.

The Utility will not be liable for damage to property occasioned by water running from open or faulty piping or fixtures on the Customer property. Customers who request activation of a service shall be responsible for damage resulting from such activation due to open or faulty piping and/or fixtures on the Customer property. The Utility may, at its discretion, opt to return the water service to a shut off condition if there is indication of water running on the Customer's property at the time of service activation. When this occurs, the Utility will endeavor to contact the Customer or leave notice of explanation for the Customer.

Persons causing damage to, tampering with, or blocking access to Utility property shall be responsible for all costs incurred and any and all penalties prescribed by this Ordinance and any applicable State and Federal Laws.

1.6 Continuity Of Service: The Utility 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 service to its Customers and the general public, as follows:

Where an interruption of service affects the service to any public or private fire protection device, the Utility will promptly endeavor to notify the fire chief or other official responsible for such fire protection of such interruption and of subsequent restoration of normal service.

The Utility will not be liable for interruption or shortage or insufficiency of supply or any loss or damage of any kind or character occasioned thereby, if same is caused by an act of God, fire, strike, riot, war, accident, breakdown, and action by governmental body or any other cause beyond the control of the Utility.

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

During time of threatened or actual water shortage the Utility will apportion its available water supply among its Customers as required in the approved Water Conservation Plan. In any event, it will apportion the supply in the manner that appears most equitable under the circumstances then prevailing, and with due regard to public health and safety.

The Utility, as required by the Division of Water Resources, had adopted a Water Conservation Plan as of 1992 to be reviewed and updated if needed every five years, last review was completed at the adoption of this Ordinance in 2012. This plan will be followed during time of threatened or actual water shortage.

SECTION TWO: WATER RATES AND REGULATIONS

2.1 Rates And Charges: The schedule of rates and charges for the water facilities and service furnished by the Utility, which rates are based upon the costs of financing, constructing, operating, maintaining, repairing and replacing the system are as follows:

2.2 Rate Change by Resolution: The Board shall review the rates and charges established pursuant to this Ordinance, and may by resolution change such rates and charges or establish rates for special uses or users for particular service locations in accordance with the discretionary authority of the Board. Upon the effective date of this Ordinance, the following resolutions have been adopted by the Board:

- Residential and Small Commercial Resolution 08-04 Adopted December 10, 2008;
- Industrial Resolution 11-06 Adopted September 28, 2011;
- Surcharge Resolution 10-03 Adopted October 27, 2010.

2.3 Service Charge: There shall be a monthly service charge assessed to each metered service consisting of: (1) a base rate which is based upon the size of the meter; and (2) a use charge based on the amount of water used per thousand gallons or fraction thereof multiplied by the usage rate. The following rates are established as of the effective date of this Ordinance.

2.4 Metered Water Rates: The following rates for metered water service rendered by or through the Utility are established:

TABLE 2 RESIDENTIAL & COMMERCIAL WATER RATES July 1, 2016 to June 30, 2017			
Line Size	Description Usage	Base Rate	Usage Rate Per 1,000 Gallons
5/8 to 1 - Inch	R1	\$9.65	\$3.65
1 - Inch	C1	\$10.15	\$4.15
1 1/2 - Inches	C2	\$26.15	\$4.15
2 - Inches	C3	\$38.15	\$4.15
3 - Inches	C4	\$66.15	\$4.15

(See current yr Rates)

2.5 Surcharge: The Board shall have the authority to establish an additional surcharge. By Resolution 10-03, adopted October 27, 2010, the Board established the surcharge rate for the repayment of construction loans, new construction or equipment. The Board may review the surcharge rate established by this Resolution and may by amendment, change the amount of the surcharge or establish rates for special uses or users for particular service locations as mandated by the discretionary authority of the Board. Prior to the effective date of such surcharge, the Board shall publish the amount, indicate the purpose of such surcharge, and the estimated duration of such surcharge. Prior to the effective date, the Board shall notice and at least one public hearing on the matter shall be allowed. The surcharge amount increase shall be applied exclusively to the stated purpose, and the rate shall be applied to the metered water used from the Utility system.

2.6 Publicly Owned Recreation Areas: All recreation areas controlled by the Town, recreation areas available for public use controlled by the Nye County School District and the Tonopah cemetery shall qualify for the small commercial metered water rate.

SECTION THREE: REGULATIONS

Service under this Ordinance shall be subject to the Utility's rules and regulations governing water service, as follows:

3.1 Connection Required: The Board has determined that it is necessary for the protection of the public health that owners of improved property within the limits of the town be required to connect their commercial and residential establishments to the water system, provided that such establishment is within four hundred feet (400') of the nearest water main and is capable of being served by the Utility's water system. In the event any owner of improved property fails or refuses to make such a connection after being so requested by the Utility, the Utility may take such lawful action as necessary to effect such connection.

3.2 Water Used: The Customer shall be responsible for and shall be billed for all water used as indicated by the meter reading. Billings shall only be adjusted for meter error as provided in this Ordinance, or for leakage in the Utility's meter and/or service connection which has passed through the Customer's meter.

3.3 Water Meters: All services shall be metered. Meters will be installed in the street or sidewalk area, and shall be owned by the Utility and installed and removed as provided in this Ordinance. No rent or other charge will be paid by the Utility for a meter or other facilities, including connections. All meters will be sealed by the Utility at the time of installation, and no seal shall be altered or broken except by one of its authorized employees or agents.

3.4 Customer's Responsibility: All facilities installed by the Utility on private property for the purpose of providing water service shall remain the property of the Utility, and

4 - Inches	C5	\$98.15	\$4.15
6 - Inches	C6	\$150.15	\$4.15
8 - Inches	C7	\$186.15	\$4.15
10 -Inches	C8	\$212.15	\$4.15

INDUSTRIAL WATER RATES			
July 1, 2016 to June 30, 2017			
Rate Code	Description Usage	Base Rate	Usage Rate Per 1,000 Gallons
I1	Up to 1,000 Gallons	\$ 24.15	
I2	1,001 to 10,000 Gallons	\$ 24.15	\$4.65
I3	10,001 to 25,000 Gallons	\$ 24.15	\$5.15
I4	25,001 to 50,000 Gallons	\$ 24.15	\$5.65
I5	50,001 to 100,000 Gallons	\$ 24.15	\$6.15
I6	100,001 to 500,000 Gallons	\$ 24.15	\$6.65
I7	Over 500,001 Gallons	\$ 24.15	\$7.15

HYDRANT WATER RATES			
July 1, 2016 to June 30, 2017			
Rate Code	Description Usage	Base Rate	Usage Rate Per 1,000 Gallons
H1	Up to 1,000 Gallons	\$ 38.15	
H2	1,001 to 10,000 Gallons	\$ 38.15	\$4.65
H3	10,001 to 25,000 Gallons	\$ 38.15	\$5.15
H4	25,001 to 50,000 Gallons	\$ 38.15	\$5.65
H5	50,001 to 100,000 Gallons	\$ 38.15	\$6.15
H6	100,001 to 500,000 Gallons	\$ 38.15	\$6.65
H7	Over 500,001 Gallons	\$ 38.15	\$7.15

may be maintained, repaired or replaced for the Utility without consent or interference of the owner or occupant of the property. The property owner shall use reasonable care in the protection of the facilities. No payment shall be made for placing or maintaining the facilities on private property.

3.5 Right of Access: The Utility or its duly authorized agents shall have, at all reasonable times, the right to ingress and egress over the Customer's premises for any purpose properly connected with the service of water to the Customer.

3.6 Utility's Equipment: No person, other than authorized Utility personnel, shall open, close, operate, tamper with, tap or connect into any Utility valve or any mains, pipes, laterals, hydrants or other valves or pipes owned or controlled by the Utility or used by the Utility in connection with the Utility water system unless authorized by the Utility Manager.

3.7 Customer's Liability: The Utility will not be responsible for any loss or damage caused by any negligence or wrongful act of a Customer or his authorized representative in installing, maintaining, operating or using any appliances, facilities or equipment for which water service is supplied. The Customer will be held responsible for damage to the Utility's facilities and other property resulting from the use and operation of appliances and facilities on the Customer's premises, including damage caused by steam, hot water, chemicals, etc.

3.8 Service Connection: Every service connection installed by the Utility shall be equipped with a curb cock or wheel valve on the inlet side of the meter. Such valve or curb cock is intended for the exclusive use of the Utility in controlling the water supply through the service connection pipe. If the curb cock or wheel valve is damaged by the Customer's use to an extent requiring replacement, then such replacement shall be at the Customer's expense.

3.9 Leaking Pipes and Fixtures: When turning on the water supply as requested when the house or property is vacant, the Utility will endeavor to ascertain if water is running on the inside of the building. If such is found to be the case, the water will be left shut off at the curb stop. The Utility's jurisdiction and responsibility end at the property line, and the Utility will in no case be liable for damages occasioned by water running from open or faulty fixtures, or from broken or damaged pipes inside the property line.

3.10 Interruption in Service: The Utility shall not be liable for damage which may result from an interruption in service from a cause beyond the control of the Utility.

3.11 Large Quantities of Water: When an abnormally large quantity of water is desired for any purpose, arrangements must be made with the Utility prior to taking the water. Permission to take water in unusual quantities will be given only if it can be safely delivered through the Utility's facilities and other Customers are not inconvenienced thereby. The Applicant may be required by the Utility to provide in all or part at his own expense the sources of water therefor.

3.12 Resale of Water: No Customer shall resell any water received from the Utility. Water received from the Utility may not be delivered to premises or areas of the premises other than those specified in the Customer's application for service. Unless approved by the Utility Manager, no private meters may be installed on the Customer side of the Utility service. Any meter installed on the Customer side of the Utility service without the approval of the Utility Manager may be ordered to be removed by the Customer and at the Customer's expense.

3.13 Watering Schedule: The Board may by resolution establish a lawn and garden watering schedule, setting out the days, times and areas permissible to water.

3.14 Waste of Water: It is unlawful for anyone to waste water. For the purposes of this Section, "waste" means the excessive irrigation or sprinkling from public mains of lawn, gardens, trees, grass, shrubbery or vegetation which causes water to run into any street, alley or sidewalk. Nothing in this Section shall be construed to apply to the accidental breaking of any hose, water pipe or other irrigation device, unless it is not abated within two (2) hours after personal notice of such break is given to the person owning, controlling or maintaining the same or having any pecuniary interest therein. If such breaks are not repaired, or the water turned off within two (2) hours of notice, it shall be the duty of the Utility to shut off the water; it is unlawful for any person to again turn on the water until proper repairs have been made.

SECTION FOUR: CROSS CONNECTION POLICY

4.1 Cross Connection Control Policy: The Utility has the authority to establish and maintain a cross connection control program under NRS 445.860. The Utility is responsible for maintenance and protection of source facilities, the distribution system and all other facilities owned and controlled by the Utility. For that reason and purpose, the Board approved the Tonopah Public Utilities Water System Cross Connection Plan on February 22, 2012, which plan may be updated as needed by the Board.

4.2 Customer's Control Valve: The Customer shall provide a valve on his/her side of the service installation as close to the meter location as practicable to control the flow of water to the piping on his premises. The Customer shall not use the service curb stop to turn water on and off for his convenience. Services in place as of the effective date hereof shall not be required to install a valve unless the Customer replaces his yard line, or required maintenance on his yard line will allow installation of the required valve. The Utility, when replacing or maintaining service lines, may install the required valve and bill the Customer.

4.3 Cross-Connections and Backflow Devices: The Customer must comply with local, State and Federal laws, including the Utility's ordinances, resolutions, policies and plans, governing the separation of dual water systems or installations of backflow protective devices to protect the public water supply from the danger of cross-connections.

Backflow protective devices must be installed as near the service line as possible and shall be open to test and inspection by the Utility. Plans for installation of backflow protective devices must be approved by the Utility prior to installation.

4.4 Backflow Device; Discontinued Service: The service of water to any premises may be immediately discontinued by the Utility if any defect is found in the check valve installations or other protective devices, or if it is found that dangerous unprotected cross-connections exist. Service will not be restored until such defects are corrected.

4.5 Relief Valves: As a protection to the Customer's plumbing system, a suitable pressure relief valve must be installed and maintained by the Customer, at Customer's expense, when check valves or other protective devices are used. The relief valve shall be installed between the check valves and the water heater.

4.6 Ground Wires: All individuals or business organizations are forbidden to attach any ground wire to any plumbing which is or may be connected to a service connection or main belonging to the Utility. The Utility will hold the Customer liable for any damage to its property occasioned by such ground wire attachments.

4.7 Moving Meters: Meters moved for the convenience of the Customer will be relocated at the Customer's expense. Meters moved to protect the Utility's property will be moved at its expense. If the lateral distance which the Customer desires to have the meter moved exceeds eight feet (8'), Customer will be required to pay for new service at the desired location.

4.8 Service Calls: The Utility will not be responsible for the installation and maintenance of the water lines beyond the end of the Utility's service connection or meter. Service calls for water service problems which are the Customer's responsibility on holidays or after normal business hours shall be the actual overtime costs to the Utility with a minimum charge of Fifty dollars (\$50.00) per visit. Service calls during regular business hours shall be billed as provided in this Ordinance.

SECTION FIVE: PUBLIC FIRE PROTECTION

The Utility shall maintain and control all public fire hydrants, service lines, valves, mains and other associated equipment according to the following:

5.1 Required: When public fire protection is required in the opinion of the Utility, or other responsible agency, as a result of developments on a premises, the owner of the premises shall be responsible for the cost of installing the public fire protection.

5.2 Installation: Public fire protection service will be installed according to the requirements of the Utility or other responsible agency, and shall be installed by the Utility or other responsible person acceptable to the Utility.

5.3 Moving Fire Hydrants: When a fire hydrant has been installed in the location specified by the proper authority, the Utility has fulfilled its obligation. If a property owner or other party desires a change in the size, type or location of the hydrant, he shall bear all costs of such changes, without refund. Any change in the location of a fire hydrant must be approved by the proper authority.

5.4 Use of Fire Hydrants: Fire hydrants are for use by the Utility or by organized fire protection agencies pursuant to contract with the Utility. Other parties desiring to use fire hydrants for any purpose must first obtain written permission from the Utility prior to use, and shall operate the hydrant in accordance with instructions issued by the Utility. Unauthorized use of hydrants will be prosecuted according to law.

SECTION SIX: PRIVATE FIRE PROTECTION

The Applicant for private fire protection service shall pay the total actual cost of installation of the service from the distribution main to the Customer's premises, including the cost of a detector or other suitable and equivalent device, valve and meter box, such installation to become the property of the Utility, and operate the system according to the following:

6.1 Connections: There shall be no connections between his fire protection system and any other water distribution system on the premises unless approved by the Board.

6.2 Water Used: There shall be no water used through the fire protection service except to extinguish fires and for testing the firefighting equipment.

6.3 Check Valves: The Utility reserves the right to install on all fire service connections a check valve of a type approved by the National Board of Fire Underwriters, and to equip the same with a bypass meter at the expense of the owner of the property.

6.4 Fire Service Tanks: Occasionally water may be obtained from a private fire service for filling a tank connected with the fire service, but only if written permission is secured from the Utility in advance and an approved means of measurement is available. The regular water rates will be applied.

6.5 Utility Liability: The Utility assumes no responsibility for loss or damage due to lack of water or pressure, either high or low, and merely agrees to furnish such quantities and pressures as are available in its general distribution system. The service is subject to shutdowns and variations required by the operation of the system.

6.6 Meters: The Utility may require private fire protection systems to be metered. If the Utility does not require a meter, and if water is used through a fire service connection for any other purpose than extinguishing fires, it shall have the right to place a meter on the fire service connection and at the owner's expense or shut off the entire water supply to such premises.

6.7 Charges: The Board may establish monthly and/or usage charges for private fire protection systems. If the Board does not establish usage charges in the cases where private fire protection systems are metered, there shall be no charge for water used to extinguish fires or test the systems.

6.8 Violation: If water is used from a private fire service in violation of an agreement or of these regulations, the Utility may, at its option, discontinue and remove the service.

ARTICLE III

WASTEWATER/SEWER REGULATIONS

GENERAL PROVISIONS

Section One:	Utility Services and Responsibilities
Section Two:	Sewer Rates and Regulations
Section Three:	Regulations
Section Four:	Industrial Waste

SECTION ONE: UTILITY SERVICES AND RESPONSIBILITIES

1.1 Maintenance of Lines And Equipment: The Utility's responsibility for maintenance of sewage lines ends at the Customer's property line or at the point of connection of the Customer's line to sewer main crossing private property. No one except an employee or representative of the Utility shall at any time in any manner operate or interfere with any sewage manhole, cleanout, collection box or appurtenance or installation of the sewage system.

SECTION TWO: SEWER RATES AND REGULATIONS

2.1 Rates And Charges: By Resolution 08-05, adopted December 8, 2008, the rates for the sanitary sewer facilities and services furnished by, through or for the use of the Utility's sewage system were established and such rates are found and declared to be reasonable and just, taking into account and consideration the cost and value of the system, the cost of maintaining and operating the system, the proper and necessary allowances for the depreciation thereof and the amount necessary for the retirement of debt bonds from revenues of the system.

The Board shall review the rates annually and may amend the rates by resolution should they deem necessary.

2.2 Surcharge: The Board shall have the authority to establish an additional surcharge rate which shall be added to the charge per gallon of metered water and the minimum and maximum charge per ERU. The Board, by resolution, may establish additional surcharge rates for the repayment of construction loans, new construction or equipment. Prior to the effective date of such surcharge rates, the Board shall publish the amount, indicate the purpose of such surcharge and the estimated duration of such charge. Prior to the effective date, ample opportunity for public hearing the Board shall notice and hold at least one

public hearing on the matter. The surcharge amount increase shall be applied exclusively to the stated purpose.

SECTION THREE: REGULATIONS

3.1 Connection Required: The Board has determined that it is necessary for the protection of the public health that owners of improved property within the limits of the town be required to connect their commercial and residential establishments to the sewer system and to cease to use all other methods of sewage disposal, provided that such establishment is within four hundred feet (400') of the nearest sewer main and is capable of being served by the Utility's sewer system.

In the event any owner of improved property fails or refuses to make such a connection upon being requested by the Utility, the Utility may take such lawful action as necessary to effect such connection.

In the event the Utility's sewer system is expanded so that a sewer main is established within four hundred feet (400') of a previously improved parcel of property which has in use some alternate method of sewage disposal, then the owner shall not be required to connect to the Utility's sewer system until the owner's alternate method of sewage disposal requires substantial repair or the owner desires to expand sewage treatment capacity, at which time this subsection shall be complied with fully.

Service Initiated/Discontinued: Sewer service, where provided, will be normally considered initiated or discontinued when water service to the premises is turned on or turned off, and shall be billed accordingly. If, in the opinion of the Manager, unusual circumstances warrant continued billing for sewer service, partial billing or no billing, the Customer shall be so notified.

3.2 Determination Of Character Of Effluent: Before any matter of any nature may be discharged into the sewer system, which discharge might reasonably be considered a violation of this Ordinance, the controlling characteristics of such matter shall be determined to the satisfaction of the Manager. The responsibility of initiating such determination, of any costs involved, and of submitting the results and the decision as to whether or not the effluent discharge shall be allowed, shall be the responsibility of the Manager.

The fact that any matter has been discharged into the sewer system prior to the passage of the Ordinance codified in this Ordinance, or subsequent thereto but without any objection from the Manager, does not constitute a valid right to so discharge such matter. If, upon discovery by the Manager at any time that any matter being discharged into the sewer does not conform to the requirements of this Ordinance, the Manager may immediately stop the discharge of such matter into the sewer system, if necessary by discontinuing water service to the premises.

3.3 Right To Access: Employees or agent 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 Ordinance. 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.

3.4 Interconnections: There shall be no physical connection between a public or private potable water supply system and a sewer, or appurtenances thereto, which would permit the passage of any sewage or polluted water into the potable supply.

3.5 Separation Of Water/Sewer Facilities: While no general statement can be made to cover all conditions, the sewers shall meet the requirements of the approving authority, i.e., health department, with respect to minimum distances from public water sources or other water supply structures.

3.6 Improper Use Of Sewers: The Utility reserves the right to inspect an existing lateral or collecting sewer that discharges effluent directly or indirectly to trunk sewers. If it is found that such lateral or collecting sewers are improperly used or improperly maintained, thereby causing discharge of septic wastewater, excessive ground water, debris or any other objectionable substance to the Utility sewers, the Utility will give notice of the unsatisfactory condition to the offending discharger and shall direct the condition be corrected.

In cases of continued noncompliance with the Utility directive, the Utility may disconnect the offending sewer from the Utility sewerage system and/or discontinue water service to the premises.

3.7 Excessive Sewer Maintenance: No person shall discharge or cause to be discharged to a trunk sewer, either directly or indirectly, any waste that creates a stoppage, plugging, breakage, any reduction in sewer capacity or any other damage to sewer facilities of the Utility. Any excessive sewer maintenance expenses or other expenses attributable thereto will be charged to the offending discharger by the Utility.

Any refusal to pay excessive maintenance expense duly authorized by the Utility shall constitute a violation of this Ordinance.

3.8 Sand And Oil Interceptors Required: All businesses with petroleum product discharge shall install an approved sand and oil interceptor in accordance with the Uniform Plumbing Code.

3.9 Grease Interceptors Required: All businesses dealing in food preparation of any kind shall install an approved grease interceptor in accordance with the Uniform Plumbing Code and/or requirements of the Nevada Department of Health.

3.10 Garbage Disposals Prohibited: The use of garbage disposals in retail and wholesale produce enterprises, including grocery stores, is prohibited for disposal of produce waste.

3.11 Matter Excluded From Sewer System: Unless specifically permitted in writing by the Utility, sewage, waste or any matter having any of the following characteristics shall not be discharged into, placed where they might find their way into, or be allowed to run, leak or escape into any part of the sewer system:

Ashes, cinders, sand, earth, coal, rubbish or any matter which is chemically or physically stable for at least five (5) 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;

Inflammable, explosive or poisonous liquids, gases or solids, or any matter which, after entrance into a sewer, might reasonably be expected to form in any way such flammable, explosive or poisonous liquids, gases or solids;

Liquid matter of any nature containing suspended solids in excess of one thousand (1,000) parts per million;

Matter of any nature containing a five (5) day biochemical oxygen demand in excess of three hundred (300) parts per million;

Animal or vegetable greases, oils or matter containing animal or vegetable greases, or oil of any nature in excess of three hundred (300) parts per million;

Liquid matter with a hydrogen ion (pH) concentration below five and five-tenths (5.5) or above nine and zero-tenths (9.0), measured at the point where discharge enters the sewer main;

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 Manager might interfere with the satisfactory operation of any treatment facility or any portion of the sewer system;

Rainwater, storm water, ground water, street drainage, subsurface drainage, yard drainage, water from yard fountains, ponds, swimming pools (except for filter backwash water), or lawn sprays or any other uncontaminated water into any sewage facility which directly or indirectly discharges to a sewer owned by the Utility system;

The contents of any septic tank, cesspool or chemical toilet.

SECTION FOUR: INDUSTRIAL WASTES

Matter Excluded From Storm Sewers: All matters excluded from the Utility's sewer system shall be excluded from storm sewers with the exception of surface drainage water.

4.1 Customer's Liability: The Utility will not be responsible for any loss or damage caused by any negligence or wrongful act of a Customer or his authorized representative in installing, maintaining, operating or using any or all appliances, facilities or equipment for which sewer service is supplied. The Customer will be held responsible for

damage to the Utility's facilities and other property resulting from the use and operation of appliances and facilities on the Customer's premises, including the discharge of prohibited matter or the use of the Utility's sewer system contrary to the provisions of this Ordinance.

4.2 Customer's Responsibility: All facilities installed by the Utility on private property for the purpose of rendering sewer service shall remain the property of the Utility and may be maintained, repaired or replaced by the Utility without consent or interference of the owner or occupant of the property. The property owner shall use reasonable care in the protection of the facilities. No payment shall be made for placing or maintaining the facilities on private property.

4.3 Utility's Liability: The Utility shall not be held liable for damages or inconveniences caused by sewage backups into the Customer's premises as a result of blockages in the Utility's lines for reasons beyond the control of the Utility. The Utility, when responsible, shall respond in a timely manner when notified of sewage backup into a premises, and shall remove the blockage as expeditiously as manpower and equipment availability permit. Only in instances of negligence in the performance of its responsibilities of maintenance, response or removal of a blockage may the Utility be held responsible for damages caused by a sewage backup into a Customer's premises.

4.4 Utility's Responsibility: The Utility's responsibility for maintenance of sewer lines ends at the Customer's property line, or at the point of connection of the Customer's line to a sewer main crossing private property. A Customer shall notify the Utility should he have reason to believe a sewage blockage exists or is imminent in the Utility's lines. The Utility shall investigate the problem and shall make one or more of the following determinations:

4.4.1 No blockage exists or is imminent in the Utility's lines;

4.4.2 A blockage may exist or is imminent in the Utility's lines and removal is the Utility's responsibility;

4.4.3 A blockage may exist or is imminent in the Customer's line and removal is the responsibility of the Customer.

Should the Utility make determination 1 of this subsection and a sewage backup occurs in the Customer's premises, and it is determined the backup was a result of a blockage in the Utility's line, the Utility shall be negligent and responsible for reasonable damages and costs as a result of the backup.

Should the Utility make determination 2 of this subsection and the blockage was the Customer's responsibility, the Utility may bill the Customer for the removal of the blockage.

Should the Utility make determination 3 of this subsection and the blockage is removed by the Customer and the blockage was the Utility's responsibility, the Utility shall reimburse the Customer the reasonable cost for removing the blockage.

Should a Customer remove a blockage prior to having contacted the Utility, and it is determined the blockage was the Utility's responsibility, the Utility shall be responsible only to reimburse the Customer one-half (1/2) of the reasonable cost to remove the blockage.

4.5 Change In Location: Sewer lines, manholes, cleanouts or other facilities or equipment of the Utility's sewer system located on private property will be moved, when feasible, at the request and expense of the property owner.

ARTICLE IV

RECLAIMED WATER DIVISION REGULATIONS

GENERAL PROVISIONS

Section One: Utility Services and Responsibility
Section Two: Definitions
Section Three: Application

SECTION ONE: UTILITY SERVICES AND RESPONSIBILITIES

All responsibilities are found in the Effluent Management Plan for Construction Water Use of Reclaimed Water dated March 18, 2013.

SECTION TWO: DEFINITIONS

2.1 Construction Water – Reclaimed – Reuse: Metered water delivered for construction purposes including, but not limited to, compacting and dust control. Construction water is not permitted for domestic or fire suppression use.

2.2 Non Potable Water: (also called recycled or reclaimed water) Water that does not meet the State of Nevada standards for potable water and that is made available for irrigation purposes for large scale turf and landscaped areas including, but not limited to, golf course, schools, and parks. Non potable water may include reclaimed or recycled wastewater, water which have been recovered from a ground water recharge/recover facility for non-potable use, and/or potable water which has been blended with reclaimed or recovered groundwater for capacity or water quality reasons.

2.3 Non Potable Water User: The entity or person responsible for fees and charges assessed for using non-potable water from a recycled water distribution system. This user shall also be responsible for completing and complying with the non-potable water supplication for use required by the Nevada Division of Environmental Protection (NDEP).

EFFECTIVE DATE: This Ordinance shall be in full force and effect from and after passage, approval and publication as required by law.

PROPOSED ON THE 14TH DAY OF DECEMBER, 2016

PROPOSED BY: DON KAMINSKI

PASSED AND ADOPTED ON THIS 12TH DAY OF JANUARY, 2017.

VOTE: AYE: TOWN BOARD MEMBER _____

AYE: TOWN BOARD MEMBER _____

AYE: TOWN BOARD MEMBER _____

AYE: TOWN BOARD MEMBER _____

AYE: TOWN BOARD MEMBER _____

NAYE: TOWN BOARD MEMBER _____

NAYE: TOWN BOARD MEMBER _____

ABSENT: _____

TONOPAH TOWN BOARD, NYE COUNTY, NEVADA

BY: _____

DUANE DOWNING, CHAIRMAN

ATTEST: _____

JERRY ELLISTON, CLERK TO THE BOARD

Applicant: _____ I do not wish to furnish this information

Co-Applicant: _____ I do not wish to furnish this information

Ethnicity: _____ Hispanic or Latino _____ Not Hispanic or Latino Ethnicity: _____ Hispanic or Latino _____ Not Hispanic or Latino

Race: _____ American Indian or _____ Asian _____ Black Alaska Native African American _____ Native Hawaiian or other _____ White Pacific Islander Race: _____ American Indian or _____ Asian _____ Black Alaska Native African American

_____ Native Hawaiian or other _____ White Pacific Islander Sex: _____ Female _____ Male Sex: _____ Female _____

Applicant agrees to comply with the provisions of this Ordinance and all applicable State and Federal Regulations regarding the use of the service for which he/she has applied.

OTHER FEES: There will be a \$5.00 fee per transaction to add, remove or modify a user at the request of the Customer. This includes the issuance of new identification cards that are stolen, lost or misplaced.

PAYMENT OF BILLINGS. Delinquency and Penalties: Billings which are not paid on or before the due date shall be considered delinquent. Delinquent billings shall be subject to a penalty of 10% of the amount due added to the billing. Accounts that are 60 days past due are subject to termination unless acceptable payment arrangements are made with the office. In the event a service is disconnected for nonpayment after the 60 days past due notice there is a \$25.00 disconnect fee. A fee of \$35.00 shall be charged for all returned checks.

EFFLUENT MANAGEMENT PLAN. Reclaimed Water is only authorized to be used for construction water purposes that include dust control and moisture addition to soils for compaction. The Applicant, by signing this Agreement, acknowledges that he/she has received a copy of the Effluent Management Plan and has read and fully understands the requirements of the Effluent Management Plan. The User shall notify Tonopah Public Utilities in the event that the User violates any of the conditions of the Effluent Management Plan. Notification shall be both verbally within 24 hours of the event **and** followed up in writing within 48 hours of the event describing the date the event occurred and the complete circumstances that led up to and through the event including any remedial actions taken.

I UNDERSTAND AND AGREE THAT IF MY ACCOUNT MUST BE REFERRED TO ANY THIRD PARTY FOR COLLECTIONS, I WILL BE RESPONSIBLE FOR ANY AND ALL COSTS RELATED TO THE COLLECTION ACTION, INCLUDING, BUT NOT LIMITED TO, COLLECTION AGENCY PERCENTAGE FEES, COURT COSTS AND REASONABLE ATTORNEY FEES.

APPLICANT SIGNATURE

DATE

Account Number _____ Deposit # _____

Card Number(s) _____

Date Paid _____

The following information is requested by the Federal Government in order to monitor compliance with Federal Laws Prohibiting discrimination against Applicants seeking to participate in this program. You are not required to furnish this information, but are encouraged to do so. This information will not be used in evaluating your Application or to discriminate against you in any way. However, if you choose not to furnish it, we are required to note the race/national origin of individual Applicants on the basis of visual observation or surname.

*This form Superseded by
current application approved
1/25/17
Tonopah
Resolution 2017-1*

SECTION THREE: APPLICATION

TONOPAH PUBLIC UTILITIES

APPLICATION FOR RECLAIMED WATER FOR CONSTRUCTION

APPLICANT INFORMATION

Date Service Requested _____

Name _____

Company Name _____

Mailing Address _____

Telephone # _____

TID or Social Security # _____

SERVICE INFORMATION

Please describe each water truck that is intended to be used to transport Reclaimed Water from the Truck Fill Station:

Vehicle License

State and Plate

Number

Truck Make Truck Size, Gallons Truck Color

In order to receive water at the Truck Fill Station, each water truck using the facility must be assigned an identification card and pin number by the Tonopah Public Utilities.

In accordance with Federal Law and U.S. Department of Agriculture Policy, Tonopah Public Utilities is prohibited from discriminating on the basis of race, color, national origin, sex, religion, age, disability (Not all prohibited bases apply to all programs.) To file a complaint of discrimination write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). Tonopah Public Utilities is an equal opportunity provider and employer.

DEPOSIT REQUIRED. New Customers are required to pay a \$75.00 deposit fee.

PROCESSING FEE. A new account processing fee of \$10.00 will be charged on the first month's bill.

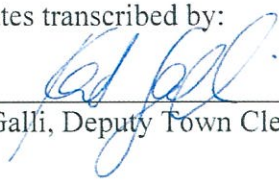
3. Public Comment

None.

4. Adjourn

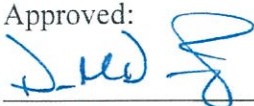
The public hearing adjourned at 7:15 p.m.

Minutes transcribed by:



Kat Galli, Deputy Town Clerk

Approved:



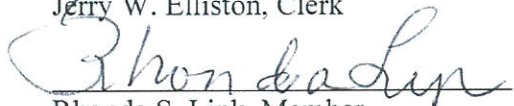
Duane Downing, Chairman



Don Kaminski, Vice-Chairman



Jerry W. Elliston, Clerk



Rhonda S. Link, Member



Michael Sain, Member

TONOPAH TOWN BOARD
PUBLIC HEARING MINUTES
JANUARY 12, 2017
Tonopah Convention Center
301 Brougner Avenue, Tonopah, NV 89049

Tonopah Town Board Chairman Duane Downing called the public hearing to order on January 12, 2017 at 7:00 p.m. Also present were Vice-Chairman Don Kaminski, Clerk Jerry Elliston, and Board Members Roni Link and Mike Sain. Eleven others were in attendance. Chairman Downing led in the Pledge of Allegiance.

1. Public Comment

None.

2. Public Hearing

1) For possible action, discussion and deliberation to adopt, amend and adopt, or reject, TTO Bill No. 2016-06, a bill proposing an ordinance of the Town of Tonopah, Nye County, Nevada, establishing rules and regulations for the Town Water, Sewer and Reclaimed Water Systems; including but not limited to provisions of minimum standards, requirements for applications and for services, rates, billings and payments, collection policies, discontinuance and restoration of services, violations and penalties, and other matters properly relating thereto, repealing and replacing any and all other ordinances in conflict therewith; providing for the severability, constitutionality, and effective date hereof, and other matters properly relating thereto.

2) This ordinance shall be in force and effect from and after the 30th day of January, 2017.

Tom Smith introduced himself and noted that he is a civil engineer in Nevada and one of the owners of North Tonopah Development (NTD). He read a statement that was not provided as backup describing his point of view about how Tonopah Public Utilities (TPU) management handled their application for service in 2016. He noted that NTD wanted to put their own meter on their property and that he does not understand why they were not allowed to do so. He stressed that NTD does not want to resale water as they know that this is illegal in the State of Nevada. He questioned why TPU has Section 3.12 Resale of Water in their Ordinance. Chairman Duane Downing read the section into the record (see backup) and stressed that this prevents someone from purchasing TPU's water and reselling it. He added that TPU is protecting their water system.

Don Kaminski motioned to adopt an ordinance of the Town of Tonopah, Nye County, Nevada, a bill proposing to establish rules and regulations for the Town Water, Sewer and Reclaimed Water Systems; including but not limited to provisions of minimum standards, requirement for applications for services, rates, billings and payments, collection policies, discontinuance and restoration of services, violations and penalties, and other matters properly relating thereto, repealing and replacing any and all other ordinances in conflict therewith and other matters relating thereto. Jerry Elliston seconded. No further discussion. Motion carried 5-0.

3.9 Leaking Pipes and Fixtures: When turning on the water supply as requested when the house or property is vacant, the Utility will endeavor to ascertain if water is running on the inside of the building. If such is found to be the case, the water will be left shut off at the curb stop. The Utility's jurisdiction and responsibility end at the property line, and the Utility will in no case be liable for damages occasioned by water running from open or faulty fixtures, or from broken or damaged pipes inside the property line.

3.10 Interruption in Service: The Utility shall not be liable for damage which may result from an interruption in service from a cause beyond the control of the Utility.

3.11 Large Quantities of Water: When an abnormally large quantity of water is desired for any purpose, arrangements must be made with the Utility prior to taking the water. Permission to take water in unusual quantities will be given only if it can be safely delivered through the Utility's facilities and other Customers are not inconvenienced thereby. The Applicant may be required by the Utility to provide in all or part at his own expense the sources of water therefor.

3.12 Resale of Water: No Customer shall resell any water received from the Utility. Water received from the Utility may not be delivered to premises or areas of the premises other than those specified in the Customer's application for service. Unless approved by the Utility Manager, no private meters may be installed on the Customer side of the Utility service. Any meter installed on the Customer side of the Utility service without the approval of the Utility Manager may be ordered to be removed by the Customer and at the Customer's expense.

3.13 Watering Schedule: The Board may by resolution establish a lawn and garden watering schedule, setting out the days, times and areas permissible to water.

3.14 Waste of Water: It is unlawful for anyone to waste water. For the purposes of this Section, "waste" means the excessive irrigation or sprinkling from public mains of lawn, gardens, trees, grass, shrubbery or vegetation which causes water to run into any street, alley or sidewalk. Nothing in this Section shall be construed to apply to the accidental breaking of any hose, water pipe or other irrigation device, unless it is not abated within two (2) hours after personal notice of such break is given to the person owning, controlling or maintaining the same or having any pecuniary interest therein. If such breaks are not repaired, or the water turned off within two (2) hours of notice, it shall be the duty of the Utility to shut off the water; it is unlawful for any person to again turn on the water until proper repairs have been made.

