

ORDINANCE NO. II

**AN ORDINANCE ESTABLISHING RATES, RULES AND
REGULATIONS FOR SEWER SERVICE**

BY THE

KINGSBURY GENERAL IMPROVEMENT DISTRICT

**BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE KINGSBURY GENERAL
IMPROVEMENT DISTRICT, DOUGLAS COUNTY, NEVADA, AS FOLLOWS:**

ARTICLE I. DEFINITIONS

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

1.01 ADDITIONAL DEFINITIONS:

For the purpose of this Ordinance, additional terms, definitions and requirements of the edition of Uniform Plumbing Code of the International Association of Plumbing and Mechanical Officials then in effect shall apply. Copies of this Code are on file with the District.

1.02 APPLICANT:

The person making application for a permit for sewer connection, who shall be the owner or authorized agent of owner to be served by the requested permit.

1.03 APPLICATION FOR SERVICE:

Shall mean the written request for sewer service on the District's form as distinguished from an inquiry as to the availability or charges for such service.

1.04 APPROVED:

Accepted by the District as meeting an applicable specification stated or cited in this Ordinance, or suitable in the sole judgment of the District for the proposed use.

1.05 BACKFLOW:

The reversal of the normal flow of water caused by either backpressure or backsiphonage.

1.06 BOARD:

Shall mean the Board of Trustees of the District.

1.07 BUILDING:

Shall mean any structure used for human habitation or a place of business, recreation or other purpose containing water facilities or requiring water or sewer service.

1.08 BUILDING SEWER:

Shall mean that portion of any sewer beginning at the plumbing or drainage outlet of any building or industrial facility and running to the property line. The Building Sewer shall be installed and constructed of materials in compliance with the Uniform Plumbing Code of the International Association of Plumbing and Mechanical Officials then in effect.

1.09 COLLECTION SYSTEM:

The system of pipes, manholes, pump stations and appurtenances receiving liquid wastes from buildings and premises for transmission to the treatment facility.

1.10 COMMERCIAL BUILDING:

Shall mean any building, structure, or facility or a portion thereof, devoted to the purposes of trade or commerce, such as a store or office building. For other than residential service, 25 fixture units shall be equivalent to a residential unit.

1.11 CONTRACTOR:

Shall mean an individual, firm, corporation, partnership, or association or other legal entity duly licensed by the State of Nevada to perform the type of work to be done under the permit.

1.12 COUNTY:

Shall mean the county of Douglas, Nevada.

1.13 CUSTOMER:

The legal owner of a property or premises.

1.14 DISTRICT:

Means the Kingsbury General Improvement District acting through its duly authorized officers or employees within the scope of their respective duties.

1.15 FIXTURE:

Shall mean any sink, tub, shower, water closet, dishwasher, clothes washer, floor drain, irrigation system or outlet, or any plumbing fixture connected to the water system. The fixture unit value shall be as described and valued in the Uniform Plumbing Code of the International Association of Plumbing and Mechanical Officials then in effect.

1.16 FLAT RATE:

Means service to a customer without a water meter or other means of determining water or sewer use.

1.17 GARBAGE:

Shall mean solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

1.18 GREASE INTERCEPTOR:

Shall mean a device for separating grease from liquid wastes prior to discharge to the District sewer system and required at all outlets from establishments serving food or beverages.

1.19 INDUSTRIAL ESTABLISHMENT:

A business establishment, the waste from which has a greater concentration of suspended solids, or a greater biological oxygen demand (BOD), or chemical oxygen demand (COD), or is more variable in content and rate of discharge and may require more extensive or different treatment than domestic waste.

1.20 LATERAL SEWER:

Shall mean the portion of a sewer connecting a building sewer to the main sewer.

1.21 LAUNDROMAT, LAUNDRY, CAR WASH (COMMERCIAL):

These businesses may require pre-treatment of wastes prior to discharge or may be prohibited from discharge into District system.

1.22 MAIN SEWER:

Shall mean a public sewer designed to accommodate flow from more than one lateral sewer.

1.23 MAIN EXTENSION:

The extension or replacement of sewer mains and necessary facilities beyond existing service facilities in accordance with the provisions of the rule applicable to main extensions.

1.24 MAINTENANCE:

Upkeep of property or equipment in good working order as required by law or industry practice, including tests required by law, repair, renewal and replacement.

1.25 MANAGER:

The general manager of the District, his or her successor or other person duly designated to perform the services or make the determinations permitted or authorized.

1.26 PERMANENT SERVICE:

Sewer services within the District are considered permanent, even though the use of the sewer may be continuous, intermittent or seasonal in nature unless specifically identified otherwise by the District. Typically permanent services will have paid a connection fee.

1.27 PERMIT:

Any written authorization required pursuant to this or any other regulation of District for installation of, or connection to the District sewer system, including, without limitation, a permit to discharge sewage to the District collection system.

1.28 PERSON:

Any individual, firm, partnership, corporation, limited liability company, joint venture, association, political subdivision, governmental agency, municipality, trust, estate or any other legal entity whatsoever.

1.29 PLUMBING SYSTEM:

Shall mean all plumbing fixtures and traps or soil, waste, special waste and vent pipes, and all sanitary sewer pipes within a building and extending to the building sewer connection three feet outside the building wall.

1.30 PRIVATE SEWER:

Shall mean the building sewer, lateral sewer and all portions of the sewer system on private property or that portion of the lateral sewer within the public right-of-way necessary to provide sewer service to a property or properties.

1.31 PUBLIC SEWER:

Shall mean a sewer lying within a street or easement and which is controlled by or under the jurisdiction of the District.

1.32 RESIDENTIAL UNIT:

A self-contained living unit with kitchen and bathroom facilities including those in single family homes, apartments, mobile homes, trailers, cabins, condominiums, townhouses, timeshare units and vacation club units or as otherwise defined by Douglas County. Douglas County's definition of "kitchen" shall apply. A self-contained area with its own kitchen and bathroom facilities which is partitioned off from or added to any existing residential unit or lot shall be considered a separate residential unit.

1.33 SANITARY SEWER:

Shall mean a sewer which carries sewage and from which storm, surface and ground waters are intentionally excluded.

1.34 SERVICE AREA:

The sewer service areas and each thereof as may be duly established by the Board from time to time.

1.35 SERVICE CLASSIFICATIONS:

Service Classifications shall be defined as follows:

A. RESIDENTIAL SERVICE

Is service to a residential customer, including in a single family dwelling, mobile home, or in an individual townhouse, condominium or apartment unit in a multiple residential unit building.

B. TIMESHARE AND VACATION CLUB SERVICE

Is service to officially recognized timeshare and vacation club units.

C. COMMERCIAL SERVICE

Is service to customers engaged in selling, warehousing or distributing a commodity, in some business activity, or in a profession, or in some form of economic or social activity (offices, stores, clubs, schools, public service facilities, hotels, etc.), and for purposes that do not come under another classification.

D. INDUSTRIAL SERVICE

Is service to customers engaged in a process which changes raw or unfinished material into another form or product (factories, snowmaking, pumping plants, extractive, fabrication or processing activities).

1.36 SERVICE CONNECTION:

The point on the main sewer where the lateral sewer is connected, i.e., where District responsibility over the sewer system ends at its point of connection to the customer's private sewer.

1.37 SEWAGE:

Shall mean a combination of water-carried wastes from residences, business buildings, public buildings, institutions and industrial establishments.

1.38 SEWAGE WORKS:

Shall mean all facilities for collecting and pumping of sewage. The sewage works and all facilities shall be in accordance with design and construction practices of the Uniform Plumbing Code then in effect, of pertinent Nevada State Statutes, Rules and Regulations, and Douglas County ordinances.

1.39 STORM SEWER OR STORM DRAIN:

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Shall mean a sewer which carries storm surface or ground waters and drainage, but excludes sewage and polluted industrial wastes.

1.40 TIMESHARE UNIT:

Means timeshare unit as specifically defined by Douglas County. Generally, this shall mean the real property or real property improvement in a project which is officially divided into timeshare intervals.

1.41 VACATION CLUB UNIT:

Shall mean real property which is used for vacation club purposes under the specific approval of Douglas County.

ARTICLE II. GENERAL PROVISIONS

2.01 **SHORT TITLE:**

This Ordinance shall be known and may be cited as "Kingsbury General Improvement District Sewer Ordinance."

2.02 **ENABLING LAW:**

This ordinance is adopted pursuant to the applicable provisions of NRS, Chapter 318, and other appropriate sections of Nevada Revised Statutes, Nevada Administrative Code and Douglas County ordinances.

2.03 **MISSION:**

The District will exercise reasonable care and diligence to provide to its customers continuous sewage collection service in a safe and efficient manner and to avoid interruptions in service.

2.04 **SEVERABILITY:**

If any section, paragraph, sentence, clause or phrase of this Ordinance or any part thereof is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof. The Board hereby declares that it would have passed each section, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, paragraphs, sentences, clauses or phrases be declared invalid.

2.05 **CONTROL OF SYSTEM:**

The entire public sewer system shall be under the exclusive control and management of the District. When the District finds it necessary or convenient to make repairs or improvements to its system, District shall have the right to temporarily suspend sewage collection service. The District shall not be liable for any loss or damage occasioned thereby. Repairs or improvements will be made as rapidly as practical and at such times as will cause the least inconvenience to the customer.

2.06 **PERMIT REQUIRED FOR SEWER USE:**

Connections and sewer use shall be made in accordance with the provisions of District rules, regulations, ordinances and specifications. No person shall connect, substantially increase or alter the use of their private sewer system without making application to the District, securing a permit and paying applicable charges. This includes the addition of one or more residential units to an existing service through a building addition and/or the partitioning of an existing structure.

Anyone found to be using or substantially altering the use of a sewer service without the approval of the District will be held liable for the service utilized from the date of such use or from the earliest reasonable date that use can be determined. Charges for such unauthorized use will be considered to have been due when the use occurred and will be subject to the penalties due on delinquent amounts and such other damages and or penalties prescribed by law. No person other than

duly authorized representatives or agents of the District shall discharge any material into the sewer system without prior written approval and payment of all charges.

2.07 CONNECTION FEES AND SERVICE CHARGES:

Connection fees, service fees and other charges are fixed by the rules, regulations and ordinances of the District. Such fees and charges are included in Article VII, Sewer Service Billing Procedures and Special Charges; Article VII, Service Rate Classifications; Article IX, Connection Charge Classifications; Exhibit A, Schedule of Sewer Service Rates and Charges; Exhibit B, Schedule of Sewer Connection Charges, and Schedule C, Schedule of Some Other Charges.

2.08 ISSUANCE OF PERMIT:

Upon application for sewer service and payment of all applicable charges, the District will issue a sewer connection permit providing there is sufficient treatment capacity available in the system to meet the requested service. The application may be denied if delinquent charges are owed to the District by applicant, or if applicant has not complied with all requirements of the ordinances, rules and regulations of the District.

2.09 PROVIDING OF SERVICE CONNECTION, SIZE AND LOCATION:

A service connection of suitable capacity as determined by the District, from the District's sewer main to the curb or property line abutting the street or District right-of-way shall be provided to all subdivided lots. A service connection to a parcel of land not part of a developed subdivision will be the responsibility of the property owner.

2.10 UNIFORM PLUMBING CODE:

The latest edition of the Uniform Plumbing Code of the International Association of Plumbing and Mechanical Officials, shall be followed for all water and sewer connections services and volumes and in the determination of sewer service.

2.11 NOTICES TO CUSTOMERS:

Notices from the District to a customer will normally be given in writing, and either delivered or mailed to him at his last known address. Where conditions warrant and in emergencies, the District may resort to notification either by telephone or messenger.

2.12 NOTICES FROM CUSTOMERS:

Notice from the customer to the District may be given by customer or customer's authorized representative in writing (1) at the District's administrative office.

2.13 RIGHT OF ENTRY BY DISTRICT:

Authorized representatives of the District shall have the right of ingress and egress from a customer's premises at reasonable hours for any purpose reasonably connected with this Ordinance and all rules and regulations duly adopted hereunder or amendments hereto.

2.14 SEWER REQUIRED:

The owner of any residential building or structure occupied by humans, situated within the District, is required at owner's expense to connect said building directly with the public sewer of the District, in accordance with the provisions of this ordinance.

2.15 APPEALS:

Any person who is dissatisfied with any determination made under this Ordinance may at any time within thirty (30) days after such determination, appeal to the Board by giving written notice to the Manager setting forth the determination with which such person is dissatisfied and the bases for such dissatisfaction.

2.16 DUTY OF MANAGER UPON CUSTOMER APPEAL:

The Manager shall promptly investigate and transmit to the Board of Trustees a report upon the matter appealed. The Board shall cause written notice to be given at least ten (10) days prior to the time fixed for hearing to all persons affected by such application of the time and place fixed by the Board for hearing such appeal. Following hearing, the board may, approve, disapprove or revise any determination made by the Manager.

2.17 REFUNDS:

Prior to hearing of an appeal made concerning amount of charges due, charges shall be paid in full by the person making appeal. Any charge or amounts previously paid under protest will be refunded forthwith, in the event the Board determines that the charge was incorrectly made.

2.18 DISCONTINUANCE OF SERVICE:

Discontinuance of service may include the shut-off of water service to the customer. Service may be discontinued for any of the following reasons:

2.18.1 FAILURE TO MAINTAIN FACILITIES:

Failure of the customer to maintain his or her facilities in a suitable condition to prevent discharges of sewage from his private sewer, may result in a discontinuance of service.

2.18.2 VIOLATION OF DISTRICT RULES AND REGULATIONS:

Failure to comply with this Ordinance or any District rules and regulations for installation, inspection, or operation of sewer facilities may result in discontinuance of service.

2.18.3 NON-PAYMENT OF BILLS:

A customer's service may be discontinued for non-payment of a bill for service furnished, if full payment of the bill is not received in the District office by the payment due date printed on the bill, provided the District has given the customer at least five (5) days prior written notice of such intention. Service will be restored upon payment of outstanding fees and charges. Shut-off and restoration of service will be billed as individual service calls.

2.18.4 FRAUDULENT USE OF SEWER

When the District has discovered that a customer has obtained service by fraudulent means, or has diverted sewer service for unauthorized use, the service to that customer may be discontinued without notice. The District will not restore service to such customer until that customer has complied with all rules and regulations and reasonable requirements of the District and the District has been reimbursed for the full amount of the service rendered and the actual cost to the District incurred by reason of fraudulent use.

2.19 SERVICE TO MULTIPLE UNITS ON SAME AND SEPARATE PREMISES:

Separate houses, mobile homes, condominiums, apartments, buildings, living or business quarters on the same premises, under a single control or management, may be served at the option of the District by either of the following two methods: The customer may use separate service lines to each or any unit, provided that the piping system from each service is independent of the others, and is not interconnected. Alternatively, the customer may use a single service line to supply the entire premises under a single ownership or management, providing that the single owner or manager is responsible to pay the sewer billings for the entire premises.

No two adjacent buildings on separate premises shall be permitted to join in the use of the same lateral sewer. Every building or industrial facility must be separately connected with the public sewer if such public sewer exists in the street upon which the property abuts or in an easement which will serve the property.

Should a parcel be subdivided on which one or more buildings shared a lateral sewer, the building or buildings not directly connected with the public sewer shall abandon their connection with the jointly used lateral sewer and connect directly to the public sewer.

In case of repair, any and all customers using a joint service line will be jointly and severally responsible for the repair of the line, including all costs.

2.20 APPROVAL OF PLANS

A condition for obtaining a connection permit shall be the approval of plans and specifications for the works to be constructed and conformance with Standard Specifications and Standard Details of the Kingsbury General Improvement District.

2.21 DISTRICT APPROVAL AND FINAL ACCEPTANCE REQUIRED UPON CHANGES TO PROPERTY

Any new construction, addition, remodel or demolition requiring the issuance of a Douglas County building permit shall require written approval by the District and final acceptance by a District inspector.

ARTICLE III. DISTRICT RESPONSIBILITIES

3.01 **NEW CONSTRUCTION FIELD LOCATIONS FOR CUSTOMERS:**

After customer's good faith effort to locate customer's sewer lateral for new construction, the District may, at the request of a customer, field locate sewer lines and facilities if District personnel and equipment are available. The customer shall reimburse District for costs, including mileage, labor and equipment. When District record drawings do not show locations for sewer services, the District will locate and identify services, including field location, at no expense to the customer.

3.02 **NOT RESPONSIBLE FOR CUSTOMER-CAUSED DAMAGE:**

The District shall not be responsible for any loss or damage directly or indirectly resulting from or caused by the proper, improper or negligent installation, operation, use, repair or maintenance of private sewer facilities or equipment by the customer or any other person, even when customer's facilities are located below the flowline of the sewer main.

3.03 **EMERGENCY INTERRUPTIONS:**

The District will make all reasonable efforts to prevent interruptions to service and when such interruptions occur will endeavor to re-establish service with the shortest possible delay consistent with the safety of its customer and the general public.

Where an emergency interruption of service affects the service to a customer, the District will promptly endeavor to notify the customer and any public agency with concern or jurisdiction of such interruption and of subsequent restoration of normal service.

The District will not be liable for interruption or flooding or overflow, or line breakage, or any loss or damage of any kind or character occasioned thereby, if caused by fire, strike, riot, accident, breakdown, action by governmental body or any other cause beyond the control of the District.

3.04 **SCHEDULED INTERRUPTIONS:**

Whenever the District finds it necessary to schedule an interruption to its service, it will, where 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 District operations.

ARTICLE IV. CUSTOMER RESPONSIBILITIES

4.01 **LEGAL OWNER OF PROPERTY RESPONSIBLE PARTY:**

The District holds the legal owner of a property or premises served by its sewer collection system primarily responsible for compliance with District rules, regulations, ordinances and specifications, including payment of all District charges.

4.02 **MAINTENANCE AND REPAIR OF PRIVATE LINES:**

The customer, at customer's sole expense, shall furnish, install, and maintain in good repair and to code all building sewer and lateral sewer lines from the District main to the premises served.

4.03 **DISPOSAL OF WASTES:**

It shall be unlawful for any persons to place, deposit, or permit to be deposited upon public or private property within the District, or in any area under the jurisdiction of said District, any human or animal excrement, garbage or other objectionable waste.

4.04 **DAMAGE CAUSED BY CUSTOMER ACTIONS:**

The customer shall be liable for damages to facilities owned by the District caused by an act of the customer or his tenants, employees, agents or contractors.

4.05 **UNLAWFUL DISPOSAL:**

It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, seepage pit or other facility intended or used for the disposal of sewage.

4.06 **REQUIREMENTS OF SEWER LATERAL INSTALLATION OR REPLACEMENT:**

Upon replacement of any portion of a customer's sewer lateral, the customer shall be responsible for ensuring that the sewer lateral complies with the then existing District specifications, and meets the performance standards then in effect. The District requires inspection of a new sewer lateral installation or repairs made to a customer's sewer service line or replacement of any portion of the customer's service line.

4.07 **DISTRICT-REQUIRED CORRECTIVE ACTION:**

If the District determines that corrective action is needed on facilities which are the customer's responsibility to maintain, the District shall serve the customer with written notice and allow a reasonable time for satisfactory correction. Failure to take corrective action within the stated time may result in the discontinuance of sewer service, including the shut-off of water service to the customer. If the District finds it necessary in the interest of immediate public health and safety, the District may discontinue service without written notice or perform work on said facilities. The costs and expenses incurred for discontinuance of service and work and material shall be paid by the customer.

4.08 CHANGE OF USE:

Customers making any material change in the size, character or extent of the equipment or operations utilizing sewer service, or who add one or more residential units to an existing service through a building addition and/or the partitioning of an existing structure, or whose change in operations results in an increase in the discharge of sewage, shall immediately give the District written notice of the nature of the change. The Manager will review the customer's permit and inform the customer in writing of any additional permit or fees due by virtue of the change of use.

4.09 REQUIRED APPURTENANCES, GREASE INTERCEPTORS, PRE-TREATMENT:

Interceptors shall be provided when and where necessary for the removal of grease, oil, or sand and other waste components not present in normal residential sewage. No such device shall be required for residential service.

Such devices as required in the preceding paragraph shall be maintained by the owner and the separated wastes not discharged to the sewer system.

The admission into the public sewers of any waste having five day BOD (biochemical oxygen demand) greater than 300 mg/l or of 300 mg/l by weight of suspended solids, or containing any quantity or substance having characteristics described in Section 4.11, or having a daily flow greater than two percent of the average daily flow of all the District shall be subject to special rates and such conditions as the District requires to treat and dispose of the special waste discharge. When necessary this may include increase in the service rate from that of normal residential waste, or require such treatment as necessary prior to discharge into the sewer system, and the complete exclusion of certain wastes harmful to the treatment process.

The District reserves the right to require customers with interceptors to submit copies of interceptor pumping reports or other documentation of maintenance.

4.10 MEASUREMENT AND TESTS:

All measurements, tests, and analyses of the characteristics of wastes shall conform to accepted practice, and be performed according to Standard Methods for Waste Water Examination. An acceptable sampling point, apparatus, and sampling may be required to determine waste characteristics. All tests and sampling shall be at the expense of the customer.

4.11 TYPES OF WASTES PROHIBITED:

No combined sewer, downspout, cooling water, or untreated industrial waste shall be discharged into the sewer system.

Except as hereinafter provided, no person shall discharge into the sewer any of the following described wastes:

- A. Any liquid or vapor having a temperature higher than 150° F;

- B. Any surface water or groundwater including that from downspouts, sumps, or drains;
- C. Discharges from recreational vehicle holding tanks, either through the use of clean-outs or discharges directly into manholes;
- D. Any water or waste which may contain more than 100 mg/l of fat, oil or grease;
- E. Any gasoline, benzine, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas;
- F. Any garbage that has not been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle larger than one-half inch in any dimension;
- G. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of sewage works;
- H. Any waters or wastes having a pH lower than 5.5 or higher than 9.0 or having any corrosive property capable of causing damage or hazard to structures, equipment and personnel of sewage works.
- I. Any noxious or malodorous gas or substance capable of creating a public nuisance.
- J. Any septic tank sludge.
- K. Any commercial detergent or other cleaning material not readily degradable biologically.
- L. Any other substance determined by the District to have properties unacceptable for sewage treatment.

4.12 SWIMMING POOLS:

It shall be unlawful for any person to discharge the contents of a swimming pool into a sanitary sewer except in the manner specified herein. The size of pipe carrying discharge water shall not be larger than two inches and shall not be under a head to exceed 20 feet. If the water is discharged by pumping, the rate of flow shall not exceed 100 gallons per minute. Each swimming pool discharging to a sanitary sewer shall be equipped with an approved backflow prevention device to preclude any possibility of a backflow of sewage into the swimming pool or piping system.

4.13 LAUNDROMAT, LAUNDRY, CARWASH:

A laundromat part of a residential unit or group of residential units for exclusive use of residents shall be part of the residential unit.

Any of the above services operated other than as a part of the residential service must treat wastes from the services to the quality of the average residential waste of District, prior to discharge into District system.

4.14 CONTROL MANHOLES:

When required by the District, the owner of any property served by the lateral sewer carrying industrial wastes shall install a suitable control manhole in the lateral sewer to facilitate observation, sampling and measurement of wastes. Such manholes, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the District. The manhole shall be installed by the owner at owner's expense and shall be maintained by owner so as to be safe and accessible at all times.

4.15 INDIVIDUAL SEWAGE PUMP STATIONS

In all buildings in which the plumbing system is too low to permit gravity flow to the public sewer, domestic wastewater carried by the building sewer shall be lifted by artificial means, approved by the District, and discharged to the Public Sewer at the expense of the owner. A ball check or other backwater device shall be installed and maintained by the customer in building sewers serving fixtures at a lower elevation than the overflow of the sewer to which it discharges. The District reserves the right to have sewer pump stations inspected and tested when deemed by the Operations Superintendent to be a potential hazard to public health or the environment. The District shall determine the inspection and testing frequency.

4.16 TRASH PADS WITH DRAINS TO SEWER:

Plans shall be submitted to the District for review and approval for all outside trash pads with drains to the sewer system. Any trash pad(s) totaling 300 square feet or more in area per premise and draining to sewer shall be roofed. A properly-sized grease interceptor shall be installed on the waste line of all trash pads draining to sewer.

4.17 DISTRICT AUTHORIZATION REQUIRED:

No person, other than District personnel or their authorized agents, shall tamper with, tap or connect into any District sewer main or manhole owned or controlled by the District or used by the District in connection with sewage collection unless authorized by the District.

4.18 NEW SEWER FLOWS OVER COLLECTION SYSTEM CAPACITY:

When it is determined by sound engineering evaluation accepted by KGID that proposed new flows to the sewer system, together with existing flows, will cause any part of the collection system to be over-capacity or will exacerbate an existing over-capacity condition, KGID will require upgrade to the collection system prior to approval of the new flows. The upgrade shall be solely at the cost of the customer adding the new flows.

ARTICLE V. WASTEWATER SYSTEM IMPROVEMENTS

5.01 APPLICATION FOR WASTEWATER SYSTEM IMPROVEMENTS:

The following rules shall apply to the construction and/or modification of wastewater system improvements:

A. APPLICATION

Any owner of one or more lots or parcels, or developer of a tract of land, desiring to install and/or modify wastewater system improvements shall make a written application therefore to the District. For the purpose of this Article, wastewater system improvements include all on-site and off-site wastewater system improvements, with the exception of individual customer service connections. Said application ~~to~~ shall contain the legal description of the property to be served and street address thereof, and any additional information which may be required by the District, and be accompanied by a map showing the location of the proposed connections. The applicant shall specify all offers of dedication to the District. The application shall be accompanied with three (3) sets of improvement plans, prepared by a Nevada licensed engineer. The proposed improvements shall be in accordance with the District's standards and specifications. The size, type and quality of materials and location of the sewer mains and system appurtenances may be specified by the District.

B. REVIEW BY THE DISTRICT

The District and/or its engineers shall review the proposed plans and may require changes, if necessary, before a connection permit is issued. A plan check fee shall be required for all plans requiring the District's approval in accordance with Schedule C "Schedule of Some Other Charges" and additional plan check fees may be charged for plan rechecking. If the District hires an outside engineer to review plans, and the cost is more than 50% of the plan check fee, applicant shall pay the cost of the engineer's review in addition to the plan check fee. The District shall provide applicant with an itemized invoice for outside engineering services and applicant shall pay any balance due in accordance with invoice terms.

C. OFFERS OF DEDICATION

If the applicant has offered to dedicate some or all of the wastewater system improvements to the District, the issue shall be considered by the Board of Trustees after the plans have been reviewed. At its discretion the Board may accept some or all of the lines offered for dedication. Acceptance shall be subject to installation of the sewer system improvements according to the approved plans and specifications as verified by appropriate inspections and also subject to applicants providing District with a reproducible set and two prints of accurate record drawings.

D. EASEMENTS AND RIGHTS-OF-WAY:

In the event that an easement is required for the extension of the public sewer or the making of connections, the applicant shall procure and have accepted by the Board a proper easement or grant of right-of-way sufficient to allow the construction and maintenance of such extension or connection. Easements or rights-of-way are reserved for the servicing of sewer facilities and no structure or building shall be placed within or over easements or rights-of-way, nor shall these areas be occupied or used in any manner as to restrict or deny access for repairs or maintenance. All costs

for removing or replacing land surfaces, landscaping or other occupancies shall be the responsibility of the property owner.

5.02 GENERAL:

All costs and expenses incident to the design, installation and connection of any sewer service or other work for which a permit has been issued shall be borne by the Applicant, by being paid in full, and shall be in addition to all fees, service and connection charges provided for in this Ordinance. If the work is for the installation of a sewer main that the District has conditionally accepted for dedication, the owner shall indemnify District for any loss or damage that may directly or indirectly be occasioned by the work. All work shall be authorized in writing by the District.

All improvements shall be designed and constructed in accordance with the District's standards and specifications, including the *Standard Specifications for Public Works Construction*, Nevada Division of Environmental Protection's standards, and where applicable, the Nevada Department of Transportation's *Standard Specifications for Road and Bridge Construction*. The applicant is responsible to acquire all approvals and permits from local and state agencies.

5.03 SERVICE LINE AND FACILITIES INSTALLED BY CUSTOMER IN SPECIAL CASES:

In special cases where extension of District's mains to a point adjacent to Customer's premises is not feasible in the opinion of the District, Customer may lay service pipe, at his or her own expense, from point of use to point where the connection can be made directly to District's then existing main.

If additional facilities, including but not limited to a booster pump, should be required in Customer's service line to provide gravity flow in the lateral sewer to the District's main, the Customer shall provide, operate, maintain and replace such facilities, all at customer's own expense.

District shall at no time in the future be required to lay additional main beyond the original point of delivery to supply sewer service to said Customer or others supplied through said Customer's service.

5.04 REFUND AGREEMENT:

In any case in which the applicant is required to advance the cost of a main extension, property owners who subsequently apply for permits to connect to said main extension shall pay to the District, in addition to normal connection fees, their proper pro-rata share of the original main extension cost, the amount of which shall be determined by the Manager. The amount so paid shall be paid over by the District to the original applicant.

Refund shall not be made to the applicant who installed the main extension in an amount exceeding the funds originally advanced. Upon termination of a ten (10) year period from the date of acceptance of the main extension, any balance remaining of the advance shall become the property of the District.

ARTICLE VI. SPECIFICATION FOR SEWER CONSTRUCTION
MATERIALS AND MANNER OF CONSTRUCTION

6.01 **APPLICATION:**

All sewer construction materials and methods of construction shall meet KGID specifications which are available at the District office.

**ARTICLE VII. SEWER SERVICE BILLING PROCEDURES
AND SPECIAL CHARGES**

7.01 **BILLING TIME:**

Bills for sewer service are payable in the District office by the due date specified thereon, unless special terms have been arranged with the District.

7.02 **BILLING PERIOD:**

Billing period shall be the period for which a billing is made, not necessarily coincident with the calendar month (i.e., may be billed on a cycle of between 28 and 31 days.)

7.03 **PENALTIES:**

All charges shall become delinquent after the due date specified in the bill if payment has not been received by the District. All delinquent charges shall be subject to a basic penalty of ten percent (10%) of charges for the first month delinquent. In addition, a penalty of one and one-half percent (1-1/2%) per month for non-payment of the charges and basic penalty shall thereafter be imposed. Customers with a good payment record as defined by the District may have a late penalty waived. No penalty greater than \$100 shall be charged a customer per property per billing cycle. The District credits all payments against the oldest outstanding balance, to include charges and penalties, first.

7.04 **INDIVIDUAL LIABILITY FOR JOINT SERVICE:**

Two 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.

7.05 **INITIATION OF MONTHLY CHARGES TO NEW SERVICES:**

Monthly charges begin six months after a permit is issued and continue as long as a premise is connected to the system.

7.06 **MONTHLY CHARGES IRRESPECTIVE OF USE:**

Monthly charges will be due and payable as long as the property is connected to the sewer system. Disconnection of service can only be made by Board approval. Reconnection of service will be made only upon application for a new connection permit and the payment of any connection fees due and of any past due charges.

7.07 **UNAUTHORIZED USE OF DISTRICT FACILITIES OR SEWAGE SERVICE:**

A person connecting to District's system or taking ownership of existing premises and using a service connection without having made application to the District for sewer service shall be held liable for the service provided from the date of connection or commencement of ownership. If proper application for sewer service is not made upon notification to do so by the District, and if accumulated bills for service are not paid immediately, the service may be discontinued by the District without further notice.

7.08 DISCOUNTS:

Water and sewer bills paid one year in advance are subject to the credit shown in Exhibit C based on prior year's water use; however, the last bill of the year for which annual payment is made shall include billing for all amounts used during that year over the amount actually paid, including the difference between the amount paid and any rate increase approved during the prepaid period and shall be payable under the same terms as the regular bill.

7.09 OTHER SERVICE CHARGES:

The regulations set forth in this Article shall also be applicable to sewer-related charges or their obligations or amounts due or payable to the District, including without limitation, repair charges or other service charges, unless the District by special agreement determines otherwise.

7.10 NON-PAYMENT OF BILLS:

A customer's service may be discontinued for non-payment of a bill for service furnished, if payment has not been received by the District by the due date specified thereon and a portion of the bill is at least 30 days delinquent, provided the District has given the customer at least five days prior written notice of such intention. Service will be restored upon payment of outstanding fees and charges. Termination and restoration of service will be billed as individual service calls. If service must be discontinued by plugging the sewer lateral, the customer will be liable for any and all expenses incurred by the District.

When a customer's personal check to the District is returned unpaid, the District reserves the right to decline to accept additional personal checks from the customer for a period of six months. Customers will be charged the Insufficient Funds Check Charge in Exhibit C each time an insufficient funds check is received by the District.

7.11 RESPONSIBILITY FOR PAYMENT OF BILLS:

Failure to receive a bill does not relieve a consumer of liability. Any amount due shall be deemed a debt to the District, and any person, firm, corporation, or other legal entity failing, neglecting or refusing to pay said indebtedness shall be liable for an action in the name of the District in any Court of competent jurisdiction for the amount thereof, together with penalties and interest.

7.12 SERVICE CHARGES:

A service call charge in accordance with the amounts stated in Exhibit C will be made for each response to the property by District personnel. The charge will be made and collected prior to renewing service following discontinuance for violation of these rules or for non-payment of bills.

7.13 ABATEMENT:

During the period of discontinuance of sewer service, habitation of such premises by human beings shall constitute a public nuisance, whereupon the General Manager may cause proceedings to be brought for the abatement of the occupancy of said premises by human beings. In such event, the customer shall be liable for a reasonable attorney's fee, together with litigation costs.

7.14 COMBINED BILLINGS BY DISTRICT:

Where the person charged is a user of more than one service billed regularly by the District, the charges may be billed upon the same bill and collected as one item.

7.15 GOVERNMENT CONDEMNED PROPERTY:

Units condemned or posted as uninhabitable by the County or any other responsible government authority may have monthly service charges temporarily waived or reduced in accordance with separate policy adopted by the District as it may be changed from time to time upon owner submittal of evidence certifying same to the District. Should the District believe the property is occupied despite being condemned or posted as uninhabitable, monthly service charges will continue to accrue. This waiver of fees does not apply to temporarily out-of-service properties for other than government condemnation.

ARTICLE VIII. SERVICE RATE CLASSIFICATIONS

8.01 **RATE SCHEDULE:**

Users of District's sewage facilities shall pay to the District a sewer service charge for all connections to the system, according to the following categories.

8.01.1 **RESIDENTIAL SERVICE:**

Residential Service – Class 1. This service classification shall include residential units in apartment buildings and in single-ownership mobile home parks. Users in this category shall be charged according to a fixture unit count. The charge shall be as shown in Exhibit A per 25 fixture units or 25 fixture unit multiples thereof. For example, a Residential Service, - Class 1 service with 35 fixture units would be assessed two 25 fixture unit multiples and be charged twice that of a service with 25 fixture units or less.

Residential Service – Class 2. This service classification shall include residential units in single family dwellings, condominiums, townhouses, mobile homes on individually-owned sites, and all other residential units not included in Class 1. The monthly charge for this service classification shall be the minimum charge per residential unit in Exhibit A.

8.01.2 **TIMESHARE AND VACATION CLUB SERVICE:**

This service classification shall include all officially recognized timeshare and vacation club units. The monthly charge for each unit in this classification shall be the minimum charge per timeshare or vacation club unit in Exhibit A.

8.01.3 **COMMERCIAL SERVICE:**

Users in this category shall be charged according to a fixture unit count. The charge shall be as shown in Exhibit A per 25 fixture units or 25 fixture unit multiples thereof. For example, a commercial service with 35 fixture units would be assessed two 25 fixture unit multiples and be charged twice that of a service with 25 fixture units or less.

8.01.4 **INDUSTRIAL SERVICE:**

Users in this category shall be charged according to a fixture unit count. The charge shall be as shown in Exhibit "A" per 25 fixture units or 25 fixture unit multiples thereof.

ARTICLE IX. CONNECTION CHARGE CLASSIFICATIONS

9.01 **CONNECTION CHARGE REQUIRED:**

Persons desiring to connect to the sewer system of District shall pay to the District a sewer connection fee at the time of issuance of the permit for a sewer connection.

A sewer connection permit and availability of service charge shall also be required for the addition of one or more residential units to an existing service through a building addition and/or the partitioning of an existing structure, whether or not the addition is legally recognized by Douglas County. The following schedule shall apply:

9.01.1 **RESIDENTIAL:**

Residential Service – Class 1. This classification shall include residential units in apartment buildings and in single-ownership mobile home parks. Users in this category shall be charged according to a fixture unit count. The charge shall be as shown in Exhibit B per 25 fixture units or 25 fixture unit multiples thereof. For example, a Residential Service - Class 1 service with 35 fixture units would be assessed two 25 fixture unit multiples and be charged twice that of a service with 25 fixture units or less.

Residential Service – Class 2. This classification shall include residential units in single family dwellings, condominiums, townhouses, mobile homes on individually-owned sites, and all other residential units not included in Class 1. The charge for this classification shall be the charge per residential unit in Exhibit B.

9.01.2 **TIMESHARE AND VACATION CLUB:**

This classification shall include all officially recognized timeshare and vacation club units. The charge for this classification shall be the charge per timeshare or vacation club unit in Exhibit B.

9.01.3 **COMMERCIAL:**

A minimum connection charge as shown in Exhibit "B" shall be charged.

9.01.4 **INDUSTRIAL:**

A minimum connection charge as shown in Exhibit "B" shall be charged.

ARTICLE X. ANNEXATION AND ASSESSMENT FEES UPON DEVELOPMENT

10.01 **FEE IN LIEU OF SPECIAL ASSESSMENT FOR SEWER:**

A property that has not previously been assessed for the sewer collection system or which was annexed into Kingsbury GID after 1972 and therefore was not assessed a sewer assessment shall pay a fee in lieu of an assessment at the time the owner of the annexed parcel makes an application for sewer service. The fee shall be in addition to any other fees paid, not limited to connection fees and plan review fees. The fees shall be as listed in Exhibit B.

ARTICLE XI. SERVICE AREA DESCRIPTION

11.01 **SERVICE AREA DESCRIPTION:**

The service area for sewage service for the Kingsbury General Improvement District is defined as all of the property within the boundaries of Kingsbury General Improvement District as described in Douglas County Ordinance 140, "an Ordinance creating a General Improvement District to be known as Kingsbury General Improvement District," except that Kingsbury General Improvement District #2, organized pursuant to Chapter 318, Title 25 of the Nevada Revised Statutes, by ordinance number 133, as amended by the Douglas County Board of Commissioners, adopted October 7, 1963, and effective November 24, 1963, is also included in the sewer service area.

ARTICLE XII. EFFECTIVE DATE

12.01 **EFFECTIVE DATE:**

This ordinance shall take effect July 1, 2003 but without prejudice to written commitments made by District to applicants within six (6) months prior to the enactment of this ordinance.

W.R. Hayes, Chairman

ATTEST:

Robert Cook, Secretary

CERTIFICATION

**ORDINANCE NO. 2
An ORDINANCE ESTABLISHING RATES, RULES AND
REGULATIONS FOR SEWER SERVICE
BY THE
KINGSBURY GENERAL IMPROVEMENT DISTRICT**

I hereby certify that the attached is a full, true and correct copy of an Ordinance passed and adopted at a regular meeting of the Board of Trustees of the KINGSBURY GENERAL IMPROVEMENT DISTRICT duly held on May 15, 2003, by the following vote:

AYES: Hayes, Treanor, Cook, Schussel

NOES:

ABSTAINED:

ABSENT: Beattie

Robert Cook, Secretary

**EXHIBIT A
TO
KINGSBURY GENERAL IMPROVEMENT DISTRICT
ORDINANCE NO. II**

**SCHEDULE OF SEWER SERVICE RATES AND CHARGES
EFFECTIVE JULY 1, 2003**

	<u>07/01/02</u>	<u>07/01/03</u>
1. <u>Residential Services</u>		
Class 1 – monthly charge per 25 fixture units or portion thereof	\$34.00	\$36.00
Class 2 – monthly charge per residential unit	\$34.00	\$36.00
2. <u>Timeshare and Vacation Club service per unit</u>		
		\$36.00
3. <u>Commercial Service</u>		
Monthly charge per 25 fixture units or portion thereof	\$34.00	\$36.00
4. <u>Industrial Service</u>		
Monthly charge per 25 fixture units or portion thereof	\$68.00	\$72.00

**EXHIBIT B
TO
KINGSBURY GENERAL IMPROVEMENT DISTRICT
ORDINANCE NO. II**

**SCHEDULE OF SEWER CONNECTION CHARGES
AND CHARGES FOR PROPERTIES NOT PREVIOUSLY ASSESSED
EFFECTIVE JULY 1, 2003**

CONNECTION CHARGES

1. Residential

Per residential unit with no more than 3 bedrooms and
Two bathrooms \$3,000.00

Each additional bathroom and each additional bedroom \$ 600.00

2. Timeshare and Vacation Club

Per timeshare or vacation club unit with no more than 3 bedrooms and
Two bathrooms \$3,000.00

Each Additional bathroom and each additional bedroom \$ 600.00

3. Commercial

For first 25 fixture units \$3,000.00

For each additional fixture unit in excess of 25 \$ 120.00

4. Industrial

For first 25 fixture units \$3,000.00

For each additional fixture unit in excess of 25 \$ 240.00

CHARGES FOR PROPERTIES NOT PREVIOUSLY ASSESSED AND PROPERTIES ANNEXED INTO
KGID AFTER 1972

\$1,500 for each residential unit and \$1,500 for each 25 fixture unit equivalents in a
commercial development.

**EXHIBIT C
TO
KINGSBURY GENERAL IMPROVEMENT DISTRICT
ORDINANCE NO. II**

**SCHEDULE OF SOME OTHER CHARGES
EFFECTIVE JULY 1, 2003**

<u>ITEM</u>	<u>AMOUNT</u>
1. PREPAYMENT OF ONE FULL YEAR'S SEWER BILL	CURRENT MONTHLY RATE TIMES 12 MINUS 5% DISCOUNT OF TOTAL
2. SERVICE CALLS	
A. Service calls during normal business hours	\$ 50.00
B. Service calls outside normal business hours	\$100.00
3. INSUFFICIENT FUNDS CHECK CHARGE	\$ 20.00
4. PLAN REVIEW FEES	
Major Project (over 10 hours of staff time)	\$750*
Moderate Project (up to ten hours of staff time)	\$500*
Minor Project (up to 5 hours of staff time)	\$250*

*Plus any engineering costs incurred by KGID
Additional plan reviews will be charged for if plans change after the first review.

Review of water and sewer improvements together will require only a single fee per review.

ORDINANCE NO. II

**AN ORDINANCE ESTABLISHING RATES, RULES AND
REGULATIONS FOR SEWER SERVICE**

BY THE

KINGSBURY GENERAL IMPROVEMENT DISTRICT

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ORDINANCE NO. II

**AN ORDINANCE ESTABLISHING RATES, RULES AND
REGULATIONS FOR SEWER SERVICE**

BY THE

KINGSBURY GENERAL IMPROVEMENT DISTRICT