

## Title 14

### DEVIL'S GATE WATER GENERAL IMPROVEMENT DISTRICT

**Title 14: Devil's Gate Water General Improvement District**  
**Chapter 10: Devil's Gate Water General Improvement District Creation**  
**Sections: .010 through .070**

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**Title 14: Devil's Gate Water General Improvement District**  
**Chapter 20: Water System Rates and Conditions**  
**Sections: .010 through .230**

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Chapter 10 - DEVIL'S GATE WATER GENERAL  
IMPROVEMENT DISTRICT CREATION

.010 Consent of Eureka Town Board

The Board of Eureka County Commissioners, sitting as the town Board of the unincorporated town of Eureka, unanimously consents to the formation of the District pursuant to the provisions of N.R.S. 318.055(2), although all or part of the proposed District may lie within seven (7) miles from the boundary of said unincorporated town.

.020 Name of District

The District shall be known as the Devil's Gate Water General Improvement District.

.030 Basic power of District

The District is created to furnish facilities for water as provided by N.R.S. 318.116(15) and N.R.S. 318.144.

.040 Determinations for creation of District

The Board of Eureka County Commissioners find and determine, following public hearing at which all interested parties were afforded an opportunity to be heard, or to submit written comments:

- A. That public convenience and necessity require the creation of the District;
- B. That creation of the district is economically sound and feasible;
- C. That the service plan for the District conforms to subsection 1 of N.R.S. 308.030; and
- D. That the service plan for the District does not contravene any of the criteria enumerated in subsection 1 of N.R.S. 308.060.

.050 General description of District boundaries

The District includes all real property situate within the East ½ of Sec. 17, T20N, R53E, MDB&M, and Government Lots 15 and 16 of Sec. 29, T20N, R53E, County of Eureka, State of Nevada.

.060 Recital of number of protests

The total number of protests filed against formation of the District is zero (0), which number is less than a majority of the owners of property within the District, which is a total of forty (40) owners.

.070 Creation hearing

A public hearing for creation of the District, duly advertised in a newspaper of general circulation in the County of Eureka, was held on the twentieth day of May, 1996, at the hour of 7 p.m. at the Eureka County Courthouse in the unincorporated town of Eureka.

## Chapter 20 - WATER SYSTEM RATES AND CONDITIONS

### .010 Authority

- A. The Devil's Gate GID shall be governed by its Board of Directors, as defined in this chapter.
- B. The Board may from time to time adopt or amend ordinances or resolutions or policies as necessary for the management of the GID.
- C. Any violation of this duly adopted ordinance, or damage to GID facilities, shall be punished as a misdemeanor.
- D. Any violation of this duly adopted ordinance, resolution or policy of the GID may result, at the option of the Board, in termination of service by the GID.

### .020 Definitions

As used in this chapter, unless the context requires otherwise, the following are to mean:

**Board** means the Board of Eureka County Commissioners sitting as the Board of Directors of the Devil's Gate GID, or any successor Board of Directors duly elected or appointed.

**Commercial** means all services not classified as residential.

**Connection charge** means the fee charged to new customers for the right of service by the system to one (1) residential or commercial customer.

**Department** means the Eureka County Department of Public Works, or any successor operator of the system.

**Devil's Gate water system** means the system of wells, reservoirs, tanks, treatment plants and structures used in any manner for the production and delivery of potable water to the customers of the GID.

**Director** means the Director of Public Works or any of his duly authorized representatives, or any successor Director of the system.

**GID** means the Devil's Gate General Improvement District.

**Residential** means one (1) single-family dwelling.

**Hookup charge** means the fee charged to new customers for the work necessary to install service to a parcel without service.

**Turn-on charge** means the fee charged to turn on service at an existing connection.

.030 Classification of service

- A. **Residential.** This category applies strictly to single-family dwellings served by nothing larger than a three-quarter (3/4") inch pipe.
- B. **Commercial.** This category applies to all services not classified as residential.
- C. **Variiances.** Customers utilizing an existing meter no longer applicable to the use of their property may request a different categorization of their service despite the size of the meter previously installed, valid until such time that the meter must be replaced. Request for a variance will be reviewed by the Public Works Director and submitted to the Board with a recommendation of refusal or approval.

.040 Service application - Contents

Each applicant for water service shall sign, on a form provided by the Public Works Department, an application which shall set forth:

- A. Date;
- B. Location of premises to be served, giving street address and description of property to be served;
- C. Applicant's name and mailing address and the name and mailing address of the legal owner of the premises;
- D. Purpose for which the property will be used (residential, commercial, apartment, etc.);
- E. Size water service and meter desired;
- F. Person and address to which the monthly bills are to be mailed;
- G. The date the applicant will be ready for service;
- H. The name of the contracting or plumbing agency that will be hooking the premises to the GID water system.

.050 Service application - Purpose

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

.060 Responsibility for charges

- A. The applicant, and with the legal owner of the property being served, together and individually, are responsible for the payment of all water charges at the premises applied for, and within the meaning of this chapter are, together and individually, referred to as the “customer.” Only the original applicant or the legal owner of the premises may request termination of water service or a change in the person or address to which the monthly bill is to be sent.
- B. Applications will be reviewed by the Director, submitted to the Board with his recommendation of refusal or approval.
- C. Delinquent charges for water and/or sewer service shall be declared by the Director and shall be collected on the tax roll, or collected with the property taxes due on mobile or manufactured homes that do not meet the requirements of N.R.S. 361.244 (real property) in the same manner, by the same persons, and at the same time as, together with and not separately from, general taxes, according to the following procedure:
  - 1. No later than June 1 of each year a list shall be submitted by Public Works to the Assessor, in a form approved by the Assessor, describing each lot or parcel of real property or each mobile or manufactured home with respect to which the charges are delinquent on May 1. The list shall include the amount of the delinquent charges, and the descriptions shall be by reference to maps prepared by and on file in the Assessor’s office.
  - 2. The list shall be published in a newspaper circulated in Eureka County at least one (1) time prior to May 15, describing the procedure to request an appeal hearing before the Board to contest the delinquency before the delinquent charges constitute a lien.
  - 3. The amount of such delinquent charge constitutes a lien against the lot or parcel of land or mobile or manufactured home against which the charge has been imposed as of the time when the lien of taxes on the roll or on mobile or manufactured homes attach.
  - 4. The Assessor shall include the amount of the delinquent charges on bills for taxes levied against the respective lots and parcels of land or mobile or manufactured homes, and the amount of the delinquent charges must be collected at the same time and in the same manner and

by the same persons as, together with and not separately from, the general taxes of the County.

5. All laws applicable to the levy, collection and enforcement of general taxes of the County, including but not limited to laws relating to delinquency, correction, cancellation, refund, redemption and sale, are applicable to delinquent charges for services.

.070 Charges for service taps

- A.
  1. The GID will install service laterals to the property and customer to connect his shutoff valve and piping.
  2. In no case will service laterals be installed unless the property to be served fronts on a street or alley with an adequately sized main and the distance the Department has to run the service is less than seventy-five (75) feet. In no instance will the service laterals be installed across private property.
  3. If adequately sized mains are not available the property owner will have to request the mains be extended in accordance with the terms and conditions of this chapter.
- B.
  1. Charges for these taps will be set from time to time by resolution of the Board.
  2. If the service is installed in an existing paved street or area, the applicant shall be charged the cost of time and materials, but not less than two hundred (\$200.00) dollars to cover the cost of pavement cutting and replacement.
  3. Services over three-quarter (3/4") inch diameter will be charged at actual cost of labor, materials and equipment plus fifteen percent (15%) to cover overhead. In addition for all size of service, the actual cost plus fifteen percent (15%) will be charged when unusual conditions require excessive time to complete, such as when a street of reinforced concrete must be trenched manually, or when it is necessary to tunnel under a street rather than open trench, or to push or jack service pipe. Unusual conditions will be determined by the Director.
- C. Charges for service taps shall be collected in advance. When services are to be at cost an estimated cost shall be first collected and when the actual cost is determined any overpayment will be refunded or an underpayment billed.
- D. Water customers have ninety (90) days from the time they install any type of dwelling (including but not limited to shed, tent, camper, motor home, or mobile home) on their property to install a septic system and all other

installations required to meet the Nevada State health regulations and to present the Director with proof (i.e., an occupancy permit) of such installations or their water will be shut off until the time such requirements are met. No dwelling unit may be occupied until a septic system is installed and operative.

**.080 Service laterals**

- A. The water service lateral extending from the water main to the property line shall be maintained by the Public Works Department, all pipes and fixtures extending or lying beyond the property line shall be installed and maintained by the owner of the property.
- B. No person shall make any alteration or extensions in any water service lateral except in compliance with the provisions of this chapter.
- C. Except as herein provided, subdividers and developers who install complete water facilities, including water service laterals and meters to individual services in their development, as provided in the Code, are exempt from connection fees when these facilities are acceptably installed solely at the expense of the subdivider or developer, but the normal turnon charge will still be made at the time service is required by the customer.
- D. Applications hereunder may be made by the owner of the property to be served or such owner's duly authorized agent.

**.090 Fees and charges**

- A. Water system standby service charges shall be as follows:
  - 1. As determined by Resolution of the Board duly executed October 20, 1997, all lots (defined by N.R.S. 2778.0165), whether or not owned by the same person, within the District's boundaries as defined by Section 14.10.050, shall pay an annual standby service charge recalculated yearly and divided evenly among the number of lots then in existence, to provide for the availability of service through the funding of a capital improvement and/or depreciation fund. This fund shall generate no more than \$12,000.00 per year.
- B. Water system connection fees shall be as follows:
  - 1. Privilege (buy-in) fee for any new connection to system, one thousand two hundred (\$1,200.00) dollars; to be deposited in the capital improvement fund.

C. Water system monthly service charges shall be as follows:

1. Turn-on of existing connection, twenty-five (\$25.00) dollars; temporary turn off for at least forty five (45) days but not more than one hundred eighty (180) days, ten (\$10.00) dollars;
2. **Residential** (with or without online service): Sale of water to Devil's Gate residents who do not have water available to them is authorized. Any person wishing to purchase water must fill out a request form and submit it to the Director for approval. The charge will be the same as current residential online users pay which is a base rate of thirty-five dollars and twenty five cents (\$35.25) per month for up to ten thousand (10,000) gallons of water; plus a commodity rate of two dollars and ten cents (\$2.10) per thousand (1,000) gallons or any portion thereof in excess of ten thousand (10,000) gallons per month. Citizens who qualify for the senior rate will pay a base rate of fifty percent (50%) of the residential base rate per month for up to ten thousand (10,000) gallons of water; plus a commodity rate of two dollars and ten cents (\$2.10) per thousand (1,000) gallons or any portion thereof in excess of ten thousand (10,000) gallons per month phased in according to the schedule below.
3. **Construction and industrial use only (per load)**: Sale of water to haul away for a commercial operation shall be ten dollars (\$10.00) per load, and two dollars and ten cents (\$2.10) per thousand (1,000) gallons or any portion thereof.
4. **Commercial, three-quarter inch**: Base rate of zero to ten thousand (10,000) gallons, forty dollars and sixteen cents (\$40.16); a commodity rate of two dollars and ten cents (\$2.10) for each additional thousand (1,000) gallons or any portion thereof.
5. **Commercial, one inch**: Base rate of zero to ten thousand (10,000) gallons, sixty-six dollars and thirty-one cents (\$66.31); a commodity rate of two dollars and ten cents (\$2.10) for each additional thousand (1,000) gallons or any portion thereof.
6. **Commercial, two inch**: Base rate of zero to ten thousand (10,000) gallons, one hundred seventeen dollars (\$117.00); a commodity rate of two dollars and ten cents (\$2.10) for each additional thousand (1,000) gallons or any portion thereof.
7. **Commercial, four inch**: Base rate of zero to ten thousand (10,000) gallons, two hundred eighteen dollars and twenty-five cents (\$218.25); a commodity rate of two dollars and ten cents (\$2.10) for each additional thousand (1,000) gallons or any portion thereof.

These rates are phased in according to the following schedule:

				Effective	Effective
				7/1/2009	7/1/2010
		Effective	7/1/2008		
	Effective	7/1/2007			
	7/1/2006				
Base Rate	\$31.01	\$32.04	\$33.08	\$34.15	\$35.25
Comm 3/4			\$37.72	\$38.94	\$40.16
Comm 1			\$62.27	\$64.29	\$66.31
Comm 2			\$110.00	\$113.50	\$117.00
Comm 4			\$204.75	\$211.50	\$218.25
Commodity	\$1.61	\$1.73	\$1.85	\$1.97	\$2.10

- D. Meters will be read and bills rendered monthly, weather permitting, and the Public Works Director has the authority to determine which months meters will be read. If a meter is not read, the customer shall be billed at the base rate.
- E. Bills for water will be figured in accordance with the GID's published rate schedule and will be based on the amount consumed for the period covered by the meter readings, except where a customer orders turn-off less than one (1) month after turn-on, the minimum bill to such customer for such period shall be equal to the minimum charge for one (1) full month's service.
- F. Reading from different meters will not be combined for billings.
- G. Bills are due when rendered, delinquent after ten (10) days and if not paid in fifteen (15) days, penalties may be levied and service may be discontinued. A ten (\$10.00) dollar fee will be added to any account for each certified letter sent for delinquent payment.
- H. Failure to receive bills or notices shall not prevent such bills from becoming delinquent nor relieve the customer from payment.
- I. Service discontinued for nonpayment of bills will be restored only after bills are paid in full and the water turn-on of twenty-five (\$25.00) dollars is paid in advance.

- J. Any resident(s), sixty-two (62) years of age or older, being billed for residential service and with a total combined income of less than eleven thousand two hundred five (\$11,205.00) dollars per year, per household, is eligible for a fifty percent (50%) senior discount on the base rate water fee for the property on which the resident(s) reside but not the commodity rate. This discount sunsets and is no longer available after June 30, 2011. To apply for this discount, such residents must first submit an application to the Director with current information (W-2 form) to show proof of income and proof of age. The application will be renewed April 15th each year. Failure to reapply for the water discount by April 15th of each year will result in being charged the regular rate. The Board may refuse any applicant who, in the Board's opinion, fails to meet the foregoing requirements. The Director reserves the right to discontinue or alter the income requirements of this discount program at any time, without notice.

.100 Turn-on fee

Turn-on fee must be paid to the Public Works Department before water is turned on. The customer who is living in a mobile home (excluding installation in a mobile home park) must present a valid mobile home permit.

.110 Annual review

- A. The Board will annually review the statement of expenditures and revenues of the Department. The Board will use the information from the review, and recommendations from the County Treasurer, Auditors and the Director, to adjust schedules of rates, fees and charges for all service by the Department. System revenues shall be fully 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.
- B. If recommended action is not taken, the Board shall specifically address why recommended action was not taken.

.120 Service termination

- A. When the Public Works Department has discovered that a customer has obtained service by fraudulent means that service may be discontinued.
- B. The Public Works Department will not restore service to such customer until that customer has complied with the GID Code and rules and reasonable requirements of the Department and the Department has been reimbursed for the full amount of the service rendered and the actual cost to the Department incurred by reason of the fraudulent use.

- C. For persons with or without online service, water may be obtained at the water spigot located at the corner of the 586 First Street in District #1, and between El Gato and El Dorado on El Centro in District #2, in Diamond Valley, from 8 a.m. to 4 p.m., Monday through Friday except holidays, at the rate set for residential service, by contacting the Public Works Office in person or by phone 237-5372. The Director reserves the right to discontinue the sale of such water after posting a thirty (30) day notice.
- D. **Non payment of bills.** The Board shall have the right to discontinue utility service to any customer after giving proper notice in writing that the customer's bill for water service has been delinquent for at least forty five (45) days:
1. Proper notice may be accomplished either by sending a notice by regular or certified mail to the address last given by customer or by posting a notice at the location receiving water service.
  2. The customer must respond with a written statement as to why the customer believes no justification exists for terminating the service(s) to the Public Works Office within five (5) business days from the date notice was sent or posted. If the customer fails to respond in writing within the five (5) business day period the service(s) shall be immediately discontinued thereafter. A final notice shall be posted at the location receiving water and/or sewer one (1) business day prior to discontinuing service(s).
  3. All written responses questioning bills shall be made to the Public Works Office. The Director, or designee, shall immediately set up an appointment to discuss the bill in question within five (5) business days of receipt of the written response.
  4. The Director shall within three (3) business days give the customer a written decision as to whether or not the customer owes the utility for past services, what amount is due and due date of payment. If the customer fails to pay the amount stated by the due date stated then the service(s) shall be discontinued immediately.
  5. Any failure on the part of the customer to inform the Department of a change of mailing address in writing shall not constitute a defense to whether proper notice was given.
- E. **Restoration of Service.** When service has been discontinued for violation of any section of this title, a reconnection charge of twenty-five dollars (\$25.00) will be charged.

- F. If service is discontinued due to lack of payment, water may still be obtained at the designated spigot as described in this chapter.

.130 Service refusal

- A. The Public Works Department may refuse to serve an applicant under the following conditions:
  - 1. If the applicant fails to comply with any of the provisions of this chapter;
  - 2. If the intended use of the service would be detrimental or injurious to existing customers;
  - 3. If in the judgment of the Public Works Department, the applicant's installation for utilizing the service is unsafe or hazardous or subject to freezing, or of such nature that service cannot be rendered;
- B. The Board reserves the right to refuse or discontinue its service without notice for the following:
  - 1. To prevent fraud or abuse;
  - 2. Customer's wilful disregard of Board's rules;
  - 3. Insufficiency of supply due to circumstances beyond the Board's control;
  - 4. Legal processes;
  - 5. Direction of public authorities;
  - 6. Strike, riot, fire, flood or other act of God, accident or any unavoidable cause.
- C. The Board may, besides prosecution by law, refuse service to any customer who tampers with a meter or other measuring device.

.140 Liability

- A. The Department may install its meter at the property line, on the customer's property or in a location mutually agreed upon.
- B. When two (2) or more meters are to be installed on the same premises for different customers they shall be closely grouped and clearly designated to which customer it applies.
- C. The Department does not assume the responsibility of inspecting the

customer's piping or apparatus and will not be responsible therefor.

- D. The Department shall not be liable for damage of any kind whatsoever, resulting from water or the use of water on the customer's premises, unless such damage results directly from negligence on the part of the Department. The Department shall not be responsible for any damage done by or resulting from any defect in the piping, fixtures or appliances on the customer's premises. The Department shall not be responsible for negligence of third persons, or forces beyond the control of the Department, resulting in any interruption of service.
- E. Under normal conditions, the customer will be notified of any anticipated interruption of service.

.150 Customer responsibility

- A. Piping on the customer's premises must be so arranged that the connections are conveniently located with respect to the GID lines or mains.
- B. If the customer's premises are so arranged that the GID is called upon to provide additional meters, each place of metering will be considered as a separate and individual account.
- C. Where a meter is placed on premises of a customer a suitable place shall be provided by customer for placing such meter unobstructed and accessible at all times to the meter reader.
- D. The customer shall furnish and maintain a private cutoff valve on the customer side of the meter, the Department to provide a like valve on the Department side of such meter.
- E. The customer's piping and apparatus shall be installed and maintained by the customer at the customer's expense, in a safe and efficient manner and in accordance with the Department's rules and in full compliance with the sanitary regulations of the State.
- F. The customer shall guarantee proper protection for the Department property placed on the customer's premises and shall permit access only to authorized representatives of the Department.
- G. In the event that any loss or damage to the property of the Department or any accident or injury to persons or property is caused by or results from the negligence or wrongful act of the customer, his agents, or employees, the cost of the necessary repairs or replacements shall be paid by the customer to the Department and any liability otherwise resulting shall be assumed by the customer.

- H. The amount of such loss or damage or the cost of repairs shall be added to the customer's bill and if not paid, service may be discontinued by the Department.

.160 Prohibited water uses

Water furnished by the Department shall be used for domestic or commercial consumption by the customer, members of his/her household, and employees only. The customer shall not sell water to any other person or permit any other person to use said water, water shall not be used for irrigation, fire protection nor other purpose except that when water is available in sufficient quantity without interfering with the regular domestic and commercial consumption in the area served, the water may be used for any other purpose. Disregard for this rule shall be sufficient cause for refusal or discontinuance of service.

.170 Water main extensions

- A. Any owner of one (1) or more lots or parcels of land desiring the extension of one (1) or more water mains to serve such property shall make a written application therefor to the Board, said application to contain the legal description of the property to be served and any additional information which may be required by the Board, and be accompanied by a map showing the location of the proposed connections.
- B. Upon receipt of the application the Director shall make an investigation of the proposed extension and shall report his findings to the Board, including the estimated cost thereof.
- C. The Board shall thereupon consider said application and report, and after such consideration, either reject or approve it.
- D. When the Board approves of the proposed main extension, the applicant shall advance the amount of such estimate and the line shall be installed by the Public Works Department or installed under contract by a licensed private contractor acceptable to the Board.
- E. Should the Board desire to install facilities greater than what is needed to meet the applicant's service demands, the cost of the excess size of facilities shall be borne by the Public Works Department, unless the Board shall determine that the increased size is necessary to serve the applicant.
- F. The size, type and quality of materials and location of the line shall be specified by the Public Works Department. The applicant will be required to secure all necessary right-of-way and easements for the construction of said lines.

.180 Subdivisions

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

.190 Fire flow

All main extensions will be designed to receive maximum fire flow to the area being served.

.200 Reimbursement for main extension.

- A. Where the cost of the main extension has been paid by the property owner, the Board shall thereafter, but not longer than ten (10) years after the date of said extension is originally connected to the Devil's Gate water system, collect a portion of the cost of the extension from any water user connection to such extension. That fraction of the cost of such extension as approved by the Board shall be as the number of front feet or acreage, or combination of the two, held by said water user, bears to the total number of front feet or acreage or combination of the two which may be served by such extension as determined by the Board at the time such extension is connected to the Devil's Gate water system. Such sums as are thus actually received by the Board shall be paid by the Board only to the property owner originally installing such extensions. The Board shall in no way be obligated to assure that the person making such extension is paid the total cost thereof or to initiate any action or to incur any expense to collect any sums to be paid to property owners.
- B. When different property owners, including the Public Works Department, contribute to the making of the extension, such sums shall be refunded to such property owners pro rata according to the amount which they finally contributed towards the extension and pursuant to the preceding plan. This shall include the right of the Board to recover on a pro rata basis, the cost of any over sizing participated in by the Board.
- C. Where special conditions exist in the opinion of the Board which justify reimbursement to persons paying the cost of a main extension on any other basis other than that provided above, the Board may authorize a special reimbursement contract by the Public Works Department and the person or persons requesting the main extension, said special reimbursement agreement shall be made and entered into prior to commencement of the work.

.210 Complaints - Adjustments

- A. If the customer believes a bill to be in error, he shall present his claim, in

person to the Department, before the bill becomes delinquent.

- B. Such claim, if made after the bill has become delinquent, shall not be effective in preventing discontinuance of service, as heretofore provided; the customer may pay such bill under protest and said payment shall not prejudice his claim.
- C. The Department will make special meter readings at the request of the customer for a fee of two (\$2) dollars; provided, however, that if such special reading discloses that the meter was over-read no charge will be made.
- D. Meters will be tested at the request of the customer upon payment to the Department of the actual cost to the Department of making the test; provided, however, that if the meter is found to over-register beyond three percent (3%) of the correct volume no charge will be made.
- E. If the seal of a meter is broken by other than the Department representative or if the meter fails to register correctly or is stopped for any cause, the customer shall pay an amount estimated from the record of his previous bills and/or from other proper data.
- F. Customers who request water bacteriology and chemistry testing because of smell, odor or health requirements will be charged the health laboratory fee plus fifteen percent (15%) to cover handling and postage.

#### .220 Appeals

The Board shall review any decision made by the Director or his representatives or agents in interpreting, applying or enforcing the provisions of this chapter after the receipt of any application or petition in writing, requesting a review of such decision. In exercising its powers of review, the Board may, in conformity with the provisions of the law, reverse or affirm wholly or partly, or may modify the order, make such order, requirement or determination as ought to be made. The Board may also initiate a review of the Director's interpretation of the provisions of this chapter by a motion and by a vote of a majority of the members present. In all cases the decision of the Board shall be final.

#### .230 Violation - Penalty

Any person, firm or corporation violating any of the provisions of this chapter shall be guilty of a misdemeanor violation and on conviction thereof shall be punished by a fine in any sum not exceeding one thousand (\$1,000) dollars or by imprisonment in the County jail for a period not to exceed six (6) months or by both such fine and imprisonment. Each day's violation of the provisions of this chapter may be deemed a separate offense.