

Title 13

TOWN OF CRESCENT VALLEY

**Title 13: Town of Crescent Valley**  
**Chapter 10: Crescent Valley Town Boundaries**  
**Sections: .010 through .030**

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## Chapter 10 - CRESCENT VALLEY TOWN BOUNDARIES

### .010 Existence of unincorporated town ratified

The previous existence of the townsite of the unincorporated town of Crescent Valley, as shown on Document 34081 as recorded in the office of the County Recorder dated April 6, 1959, is ratified and accepted and made a part of this Code.

### .020 Boundaries of Crescent Valley enlarged by annexation

The previous boundaries of the townsite of the unincorporated town of Crescent Valley are as shown on the map of Crescent Valley ranch and farm unit No. 1, recorded in the office of the County Recorder as document 34081 on April 6, 1959, encompassing all of Section 5, Township 29 North, Range 48 East, MDB&M except that portion of the north half of the northeast quarter of said Section 5, Township 29 North, Range 48 East, MDB&M shown as "Not a Part" on said map of Crescent Valley ranch and farms, unit No. 1. Those boundaries are enlarged by annexation to include the area shown on said map and document as "Not a Part." Following such annexation, the townsite of the unincorporated town of Crescent Valley is declared to embrace all of Section 5, Township 29 North, Range 48 East, MDB&M.

### .030 Plat of enlarged townsite approved and recordation thereof ordered

That certain plat of the townsite of Crescent Valley, Nevada, said Section 5, T29N, R48E, MDB&M in Crescent Valley, Nevada prepared by W.H. Settelmeyer, Nevada professional land surveyor, and certified by him on the 28<sup>th</sup> day of August, 1959, incorporating the original townsite and the annexation herein referenced, is approved by the Board of County Commissioners and the same is ordered to be recorded by the County Recorder in the official records of the County.

## Chapter 20 - CRESCENT VALLEY TOWN ADVISORY BOARD

### .010 Town Advisory Board

- A. Beginning January 3, 2011, there shall be three (3) persons, all of whom are qualified electors who are also residents of the unincorporated town of Crescent Valley to serve as the Town Advisory Board pursuant to the Unincorporated Town Government Law, N.R.S. 269.500 through N.R.S. 269.625.
- B. The Board of County Commissioners have the right granted by the Unincorporated Town Government Law to remove any member of the Town Advisory Board if the Board of County Commissioners finds that his or her removal is in the best interest of the residents of Crescent Valley, and may appoint a member to serve the unexpired term of the member removed. Any vacancy must be advertised by the Town Advisory Board by mail, newsletter or newspaper at least thirty (30) days before the filling of a vacancy. Any appointed member who wishes to remain on the Board must be elected by the voters of Crescent Valley at the next election.
- C. The duties of the Town Advisory Board are to assist the Board of County Commissioners in governing the unincorporated town by acting as liaison between the residents of the town and the Board of County Commissioners, and advising the Board of County Commissioners on matters of importance to the unincorporated town and its residents.

### .020 Mandatory training and attendance

- A. Each member of the Town Advisory Board shall seek out and attend training relating to:
  - 1. State statutes, regulations, ordinances, and resolutions concerning land use planning, development and any other subject matter that the Board of County Commissioners deems necessary; and
  - 2. The provisions of Chapter 241 of N.R.S. (open meeting law).
- B. Town Advisory Board members are expected to attend all meetings of the Advisory Board in their entirety. If a member repeatedly does not attend meetings, the Advisory Board as a whole may request his or her removal from the Advisory Board by the Board of County Commissioners.

.030 Advisory Board management responsibility

The Board of County Commissioners may, by resolution adopted at a regular meeting, designate services as properly within the power of the Town Advisory Board to manage.

.040 Meetings

The Town Advisory Board shall meet twice each month at the Crescent Valley Town Hall, on the 12th and 26th days. If these meeting days are a Friday or Saturday, the meeting will be held Thursday. If Thursday is a holiday the meeting will be held Wednesday. If these meeting days are a Sunday, the meeting will be held Monday. If Monday is a holiday the meeting will be held Tuesday. All regularly scheduled meetings commence at 4:30 p.m.

.050 Elected and appointed terms of office

Each Town Advisory Board member shall be elected by the voters of Crescent Valley for two (2) year terms beginning in 2004.

.060 Chairman of the Board

The Town Advisory Board shall elect a chairman from among its members to serve a two (2) year term. If a vacancy occurs during the chair's two (2) year term, a new chairman shall be elected from among the remaining members for the unexpired term of the former chairman. All chairmen are not eligible to immediately succeed themselves for a term of office as chairman.

## Chapter 30 - CRESCENT VALLEY TOWN WATER SYSTEM

### .010 Authority

- A. The Crescent Valley water system shall be managed and governed by the Board of County Commissioners, unless the Board, upon a resolution duly passed pursuant to Nevada Revised Statutes 269.580, allows the Crescent Valley Town Advisory Board certain managerial powers over the water system.
- B. Amendments to this chapter may be made as necessary by a majority vote of the Board.
- C. Any violation of this duly adopted ordinance, or damage to Crescent Valley Town Water facilities, shall be punished as a misdemeanor.

### .020 Definitions

As used in this chapter, unless the context requires otherwise, the following definitions apply.

**Board** means the Board of County Commissioners.

**Connection charges** or **connection fees** means a fee charged new customers in order to equalize the investment in plant, equipment and other facilities made by present water users in Crescent Valley. The charge is for the right of service in the system.

**Department** means the County Department of Public Works.

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

**System** means the system of conduits, pumps, treatment plant and other structures used for the purpose of supplying water to the residents of Crescent Valley and conveying this service to all users.

### .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 be required to sign, on a form provided by the 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; and
- H. The name of the contracting or plumbing agency that will be hooking the premises to the town 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 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 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, then 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 Department 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 that 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 sizes 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 Department, and 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 alterations 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 turn-on 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. 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.

- B. Water system monthly service charges shall be as follows:

1. Turn-on of existing accounts: twenty-five (\$25.00) dollars;
2. Temporary turn off for at least forty five (45) days but not more than one hundred eighty (180) days, ten (\$10.00) dollars;
3. **Residential** (with or without online service): Sale of water to Crescent Valley town 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-nine dollars and twenty-four cents (\$39.24) per month for up to sixteen thousand (16,000) 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 sixteen thousand (16,000) 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 sixteen thousand (16,000) 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 sixteen thousand (16,000) gallons per month.
4. **Commercial** - Base rate of three-quarter inch (3/4"): zero to sixteen thousand (16,000) gallons: thirty-nine dollars and twenty-four cents (\$39.24); plus a commodity rate of two dollars and ten cents (\$2.10) per thousand (1,000) gallons or any portion thereof in excess of sixteen thousand (16,000) gallons per month;
5. **Commercial** - Base rate of one and a half inch (1 1/2"): zero to sixteen thousand (16,000) gallons: fifty-three dollars and fifty-three cents (\$53.53); plus a commodity rate of two dollars and ten cents (\$2.10) per thousand (1,000) gallons or any portion thereof in excess of sixteen thousand (16,000) gallons per month;

6. **Commercial** - Base rate of two inch (2"): zero to sixteen thousand (16,000) gallons: seventy-six dollars and eighty-six cents (\$76.86); plus a commodity rate of two dollars and ten cents (\$2.10) per thousand (1,000) gallons or any portion thereof in excess of sixteen thousand (16,000) gallons per month;
7. **Commercial** - Base rate of three inch (3"): zero to sixteen thousand (16,000) gallons: one hundred nine dollars and ninety-eight cents (\$109.98); plus a commodity rate of two dollars and ten cents (\$2.10) per thousand (1,000) gallons or any portion in excess of sixteen thousand (16,000) gallons per month;
8. **Commercial** - Base rate of four inch (4"): zero to sixteen thousand (16,000) gallons: one hundred forty-three dollars and eleven cents (143.11); plus a commodity rate of two dollars and ten cents (\$2.10) per thousand (1,000) gallons or any portion thereof in excess of sixteen thousand (16,000) gallons per month.
9. **Constructional & industrial use (per load)** - Base rate per load: ten (\$10.00) dollars; plus a commodity rate of two dollars and ten cents (\$2.10) per thousand (1,000) gallons or any portion thereof.

All rates are effective according to the following chart:

		Effective 7/1/2006	Effective 7/1/2007	Effective 7/1/2008	Effective 7/1/2009	Effective 7/1/2010
Residential & Commercial 3/4"	\$26.93	\$29.91	\$32.96	\$36.07	\$39.24	
Commercial 1 1/2"	\$44.47	\$46.99	\$49.57	\$52.19	\$53.53	
Commercial 2"	\$63.24	\$66.54	\$69.92	\$73.35	\$76.86	
Commercial 3"	\$93.84	\$97.76	\$101.75	\$105.83	\$109.98	
Commercial 4"	\$124.44	\$128.97	\$133.59	\$138.30	\$143.11	
Commodity	\$0.81	\$1.12	\$1.44	\$1.76	\$2.10	
Construction and Industrial (C&I)	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00
C&I Commodity	\$2.10	\$2.10	\$2.10	\$2.10	\$2.10	\$2.10

- C. 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.

- D. Bills for water will be figured in accordance with the system's published rate schedule and will be based on the amount consumed for the period covered by the meter readings, except where a consumer orders turn-off less than one (1) month after turn-on, then the minimum bill to such consumer for such period shall be equal to the minimum charge for one (1) full month's service.
- E. Reading from different meters will not be combined for billings.
- F. 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.
- G. Failure to receive bills or notices shall not prevent such bills from becoming delinquent nor relieve the consumer from payment.
- H. Service discontinued for nonpayment of bills will be restored only after bills are paid in full and the water turn-on fee of twenty-five (\$25.00) dollars is paid in advance.
- I. 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

The turn-on fee must be paid to the Department before water is turned on. A 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 this 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 Department has discovered that a customer has obtained service by fraudulent means, that customer's service may be discontinued.
- B. The Department will not restore service to such customer until that customer has complied with this chapter and all 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 528 Fifth Street, in Crescent 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 at 468-0326. 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 Department may refuse to serve an applicant or customer under the following conditions:
1. If the applicant or customer fails to comply with any of the provisions of this chapter;
  2. If the intended use of the service is of such a nature that it will be detrimental or injurious to existing customers; or
  3. If in the judgment of the Department, the applicant's or customer'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 service without notice for the following reasons:
1. To prevent fraud or abuse;
  2. A customer's wilful disregard of the Board's rules;
  3. Insufficiency of supply due to circumstances beyond the Board's control;
  4. Legal processes;

5. Direction of public authorities; or
  6. Strike, riot, fire, flood, accident or any other unavoidable cause.
- C. The Board may, in addition to 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 each meter 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 and the Board shall not be liable for damage of any kind whatsoever, resulting from water or the use of water on the customer's premises connected to the system, 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 Department will notify the customer 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 system's lines or mains.
- B. If the customer's premises are so arranged that the Department 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 the premises of a customer, a suitable place shall be provided by the 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, and the Department shall 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 to it only by authorized representatives of the Department.
- G. In the event of any loss or damage to the property of the Department, or any accident or injury to persons or property, caused by or resulting from the negligence or wrongful act of the customer, his agents, or employees, the cost of the necessary repairs or replacement 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. The water shall not be used for irrigation, fire protection nor any 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 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. The line shall be installed by the 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 Department, unless the Board shall determine that the increased size is necessary to serve the applicant.
- F. The size, type and quality of material and location of the line shall be specified by the Department. The applicant will be required to secure all necessary rights-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 town water system) collect a portion of the cost of the extension from any water user connecting to such extension. That fraction of the cost of such extension shall be determined by 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 town 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 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 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 his bill to be in error, he shall present his claim, in person, at the Department office 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 anyone 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. The Board may, in conformity with the provisions of the law, reverse or affirm the Director's decision wholly or partly, or may modify any 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 quorum or a majority of the members present if such number exceeds a quorum. In all cases the decision of the Board shall be final.

.230 Violation - Penalty

- A. The Department will install a seal on all inactive water meters. It will be the responsibility of the customer to inform the Director when the water meter needs to be activated for water usage and pay the turn-on fee prior to the removal of the seal. Any unauthorized removal of the seal is a misdemeanor punishable by a one thousand (\$1,000) dollar fine and up to six (6) months in jail.
- B. 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 (\$1000) dollars or by imprisonment in the County jail for a period of not to exceed six (6) months or by both such fine and imprisonment. Each day's misdemeanor violation of the provisions of this chapter may be deemed a separate offense.