TITLE 9. PUBLIC WORKS

CHAPTER 1: EXCAVATIONS AND ENCROACHMENTS

9.01.01: DEFINITIONS:
As used in this Chapter, unless the context otherwise requires, the following definitions apply:

CITY: The City of Fernley, Nevada, County of Lyon, State of Nevada.

CITY RIGHT OF WAY: The entire width of a public right of way whether shown on a recorded document or claimed by City as a prescriptive right of way. This includes land, property or interest therein offered for, acquired for, dedicated to or developed as a public right of way, whether or not the area of such is actually used as a right of way or maintained or accepted for maintenance by the City.

CONTRACTOR: Any person, public utility, private utility or improvement district created or existing under NRS chapter 309 or 318, that performs an excavation, street-cut or encroachment.

COUNCIL: The Fernley City Council.

COUNTY: Lyon County, a political subdivision of the State of Nevada.

COUNTY RIGHT OF WAY: The entire width of a public right of way whether shown on a recorded document or claimed by County as a prescriptive right of way. This includes land, property or interest therein offered for, acquired for, dedicated to or developed as a public right of way, whether or not the area of such is actually used as a right of way or maintained or accepted for maintenance by the County.

DEPARTMENT: The City of Fernley Public Works Department.

DIRECTOR: The City of Fernley Public Works Director.

ENCROACHMENT: Includes any tower, pole, pole line, pipe, pipeline, fence, stand, driveway, roadway, culvert, building excavation or any structure or object of any kind or character not particularly mentioned herein which is placed in, under or over any portion of the entire City right of way.

EXCAVATION: The movement or removal of earth, rock, pavement or other material in or on the ground. The term includes auguring, backfilling, digging, ditching, drilling, grading, plowing-in, ripping, scraping, trenching and tunneling.

LICENSED CONTRACTOR: A person who possesses a license issued under NRS chapter 624 and a City of Fernley business license to allow the person to engage in

excavation and construction activities.

PERSON: Any person, firm, partnership, association, corporation, district or organization.

STREET CUT: Any excavation in any improved portion of any City or County highway, street, alley, road or right of way.

UTILITY: The City of Fernley Water and Sewer Utility.

9.01.02: PERMIT REQUIRED; EXCEPTIONS:

(A) It is unlawful for any person to encroach or excavate within a City right of way without first obtaining a permit.

(B) In the case of an emergency requiring an immediate encroachment and/or excavation upon a City right of way when the Department is not open, the person making such shall notify the Lyon County Sheriff and appropriate fire department(s) of the encroachment and/or excavation with the location, time and extent thereof. The person making the emergency encroachment and/or excavation shall obtain a permit on the next business day following the encroachment and/or excavation whether the work has been completed or not.

9.01.03: PERMIT APPLICATION:

(A) ISSUANCE: The Director is authorized to issue written permits authorizing the permittee to do any of the following:
  (1) To make an excavation/street cut upon a City right of way;
  (2) To construct, install, build, place, change or remove any encroachment upon a City right of way; and/or,
  (3) To plant, remove, cut down, injure or destroy any tree, shrub, plant or flower growing upon any City right of way.

(B) APPLICATION:
  (1) All applications for a permit under this Chapter shall be made to the Department.
  (2) All applications shall be in writing on forms provided by the Department.
  (3) Each applicant shall have a licensed contractor perform any work described in the application and shall provide the contractors name, license classification and address thereon, unless the requirements of this Section are waived by the Director.
  (4) Each applicant for a permit allowing an encroachment shall include the following information in the application:
    (a) The name(s) of the owner(s) of the property abutting the portion of the City right of way upon which the encroachment is to be made;
    (b) The legal description of the property abutting the portion of the City right of way upon which the encroachment is proposed to be made;
    (c) A clean and legible drawing, which shows the affected property lines as they abut the right of way, the edge of the traveled portion of the right of way,

including shoulder areas, and the location, size, height and type of construction of the proposed encroachment; and

(d) All other information that the Director deems necessary.

(5) Each applicant applying for permit allowing a street cut or excavation, shall provide the following information:

(a)The time, date and location of the excavation;

(b) A concise description of the work to be completed; and,

(c) All other information that the Director deems necessary.

9.01.04: PERMIT; FEES:
Any and all fees associated with the City of Fernley right-of-way use permit shall be set by the City Council pursuant to resolution of the Council.

9.01.05: ENCROACHMENTS ALLOWED:
If the encroachment will not infringe on the public's ability to safely traverse the right of way or the right of way will not otherwise be adversely affected by allowing the encroachment, the Director may issue a City of Fernley right-of-way use permit to the applicant to allow the encroachment.

9.01.06: STREET CUTS; REQUIREMENTS PRIOR TO ISSUANCE:

(A) Bond: Every person seeking a City right-of-way use permit for the purpose of a street cut shall first execute, in City's favor, a bond or other suitable guarantee, in an amount sufficient to complete the total work requested by permittee plus ten percent (10%). City may collect on the bond or other like guarantee if the permittee fails to complete the work in accordance with the conditions set forth on the permit.

(B) Insurance: Every person making a street cut shall purchase and maintain a policy of comprehensive general liability insurance of limits not less than five hundred thousand/one million dollars ($500,000.00/1,000,000.00) aggregate limits. A certificate of insurance must be placed on file with the Director evidencing proof of coverage with a thirty (30) day notice of cancellation or change in coverage to the City.

(C) A single permit allowing the street cut is required for any single continuous excavation, master development, or series of test holes, cores, borings, pole anchors or pole holes, or any other individual openings less than three (3) square feet in area within an improved portion of the City right of way.

9.01.07: EXCAVATIONS, UNIMPROVED:
Any excavation performed on an unimproved section of the City right of way shall be subject to the same requirements prior to issuance as set forth in Section 9.01.06.

9.01.08: CITY OF FERNLEY RIGHT-OF-WAY USE PERMIT; FORM CONTENTS:
A City of Fernley right-of-way use permit shall be in the form and contain all the conditions and restrictions as provided by the City.

9.01.09: EXISTING ENCROACHMENTS:

(A) Any unpermitted encroachments existing at the time this Chapter becomes effective must be permitted, pursuant to the terms of this Chapter, within one year from the effective date of this Chapter.

(B) Following the one year period provided above, the Director may remove from the right of way any encroachment for which a permit has not been authorized which is not removed, or the removal of which is not commenced and thereafter diligently prosecuted, within five (5) days after personal service of notice and demand upon the owner of the encroachment or his agent. In lieu of personal service upon that person or his agent, service of the notice may also be made by registered or certified mail and by posting, for a period of five (5) days, a copy of the notice on the encroachment described in the notice. Removal by the Director of the encroachment is subject to the failure of the owner to comply with the notice or demand given by the Director.

9.01.10: WAIVER:

The provisions of this Chapter may be waived by the Council upon application by the permittee.

9.01.11: CONCRETE CURBS, GUTTERS AND SIDEWALKS: Concrete curbs, gutters and sidewalks that meet the requirements as specified in the Public Works Detail Sheets. All development in commercial, industrial and residential development zones shall require the “L”-type curb and gutter wherever curb and gutters are required. Rolled-type curb and gutter may be permitted and must be in conformance with the Public Works Detail Sheets and must be accepted by the city during plan review. (ORD 2015-004)

CHAPTER 2: BOUNDARIES OF FERNLEY WATER AND WASTEWATER SERVICE DISTRICT

9.02.01: BOUNDARIES: The City of Fernley Utilities water and wastewater service district, formerly and/or commonly known as the Fernley Water District and Fernley Sanitation District, is hereby defined as the entire area included within the City of Fernley, i.e., all land and property within that part of Lyon County, Nevada, lying north of the east/west Township line between Township 18 North and Township 19 North, M.D.B. & M.

CHAPTER 3: RULES AND REGULATIONS FOR OPERATION AND MAINTENANCE OF CITY OF FERNLEY UTILITIES WATER DIVISION

9.03.01: WATER SYSTEM: The goal of City of Fernley Utilities is to develop a comprehensive, integrated water system to serve the residents within the City of Fernley to evaluate potable, reliable water service. To this end, City of Fernley Utilities will review every development within the Utility boundaries to evaluate, conjunctive with the developer, the feasibility of integrating the development, presently or in the future, with the Utilities municipal water system. The Utility will maintain a system, plant, works and undertaking used for and useful in obtaining, conserving and disposing of water for public and private uses, including all parts of the water system, all appurtenances to it, and lands, easements, rights in land, water rights, contract rights, franchises, and other water supply, storage and distribution facilities and equipment. The Utility has the right to accept or not accept any water system facilities for ownership and maintenance. Acceptance of water system improvements will be concluded in writing after a 1 year guarantee period, which begins when the project has been completed. Any property with or without a well, when within the Utility boundaries, may be required to connect to the Utility municipal water system if reasonably accessible. The Utility has the right to refuse service to any customer in the event the Utility deems that the customer or applicant would create a condition that, in the opinion of the Utility, could contaminate the water supply, wells, or aquifer.

9.03.02: PRESSURE CONDITIONS: All applicants for service connections or water service shall be required to accept such conditions of pressure and service as are provided by the distribution system at the location of the proposed service connection, and to hold the Utility harmless for any damages arising out of low pressure or high pressure conditions or interruptions in service.

9.03.03: MAINTENANCE OF WATER PRESSURE AND INTERRUPTION OF SERVICE FOR EMERGENCY REPAIRS: The Utility and Council shall not accept any responsibility for the maintenance of pressure and reserve the right to discontinue service while making emergency repairs and shutdowns required in the operation of the water system. Customers dependent upon a continuous supply shall provide their own emergency storage. Whenever the Utility 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 Utility operations.

9.03.04 APPORTIONMENT OF WATER DURING TIMES OF SHORTAGE: During time of threatened or actual water shortage, the Utility will apportion its available water supply among its customers as directed by the Council with due

regard to public health and safety.

9.03.05: TAMPERING WITH UTILITY PROPERTY: No one except an employee or representative of the Utility shall at any time operate any portion of the Utility's system, or interfere with other parts of the water system.

9.03.06: EXCAVATIONS: Any person or entity wishing to excavate within the Fernley Utility District boundary must obtain line location information at least 48 hours before commencing any work. The Utility will only be liable for any requested Utility line locates that are marked in the field by the Utility that exceed two feet on any outside face of a water main or buried appurtenance.

9.03.07: BONDING: All water projects installed by developers are required to be bonded before the project begins to insure completion. The Council shall require posting of a 110% surety bond, cash or other improvement security with the Utility to guarantee the satisfactory completion of any improvements to the City's water system.

9.03.08: PENALTY FOR VIOLATION. In addition to any other provision of these regulations, for the failure of the customer to comply with any regulation of the Utility, the customer's service may be discontinued. Water service shall not be restored to such customer until he shall have complied with the rule or regulation.

9.03.09: DECISIONS OF PUBLIC WORKS DIRECTOR FINAL: All decisions of the Public Works Director shall be final unless appealed in writing to the Council within ten (10) working days. In such appeals, the Council's decision shall be final.

9.03.10: DEFINITIONS:
APPLICANT: The person, firm, association, corporation or government agency applying for water service.

BOUNDARIES: The City of Fernley Utilities Water service district, defined in Fernley Town Ordinance #7.

COMMERCIAL\INDUSTRIAL SERVICE: Service to customers other than residential.

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

CONNECTION FEE: A fee paid to receive water service from Fernley Utilities.

COSTS: The cost of labor, material, transportation, supervision, engineering, field testing and all other expenses.

COUNCIL: The Fernley City Council.

CROSS-CONNECTION: Any physical connection between the piping system from the City of Fernley Utilities services and that of any other water supply that is not, or cannot be, approved as safe and potable for human consumption, whereby water from the unapproved source may be forced or drawn into the Fernley Utilities distribution mains.

CUSTOMER: The person in whose name the service is rendered as evidenced by the signature on the application or contract for that service, or in the absence of a signed instrument, by the receipt and payment of bills regularly issued in applicants name regardless of the identity of the actual user of the service.

DEVELOPER: A person who subdivides or develops a piece of property.

DROUGHT: A prolonged period of dryness.

MAIN: A water line in a street, highway, alley or easement used for public and private fire protection and for general distribution of water.

MAIN EXTENSION: The extension of water distribution mains and other improvements to the Utility's system.

METERED SERVICE: Service for which charges are computed on the basis of measured quantities of water.

MINIMUM CHARGE: The minimum amount that the Customer must pay the Utility for the availability of water service, irrespective of whether any water is used, as specified by the applicable rate schedule.

MOBILE HOME PARK: Means any parcel that has mobile park zoning or any parcel with more than two mobile homes.

OWNER: The person in whose name the legal title to the property appears, by deed duly recorded in the Lyon County recorder's office, or the person in possession of the property or buildings under claim of, or exercising acts of ownership over same for himself, or as executor, guardian or trustee of the owner.

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

PERSON: An individual or a company, association, co-partnership or public or private corporation, governmental agency, or other organization operating as a single business entity.

PREMISES: A lot or parcel of real property under one ownership.

PRIVATE FIRE PROTECTION SERVICE: Water service and facilities for building sprinkler systems, hydrants, hose reels, backflow prevention devices, detector checks, and other facilities installed on private property for fire protection.

PUBLIC FIRE PROTECTION SERVICE: The service and facilities of the entire water supply, storage and distribution system of the City of Fernley Utilities, including the fire hydrants affixed thereto, and the water available for fire protection.

PUBLIC WORKS DIRECTOR: The utility manager of Fernley City Utilities.

RATE SCHEDULE: The rates, charges, and fees, for water service as established by the Council.

REGULAR WATER SERVICE: Water service and facilities rendered for normal residential, commercial and industrial purposes on a permanent basis, and the water available therefore.

RESIDENTIAL SERVICE: Service to a customer supplied for residential purposes in a single family dwelling or building, or individual apartment in a multiple family dwelling, or building or portion thereof occupied as the home, residence or sleeping place for one or more persons.

STATE LAB: Nevada State Health Labs located in Reno and Carson City.

TEMPORARY WATER SERVICE: Water service and facilities rendered for construction work and other uses of limited duration.

UTILITY: City of Fernley Water and Sewer Utilities.

WATER DIVISION: City of Fernley Utilities performing functions related to water service.

WILLSERVE: The written approval for water service from City of Fernley Public Works Department.

9.03.11: NOTICES
(A) To customers. Notices from Fernley Utilities to a customer will normally be

given in writing, and either delivered or mailed to last known address. Where conditions warrant and in emergencies, the Fernley Utilities may provide notification either by telephone, messenger, or door hanger.

(B) From customers. Notice from the customer to Fernley Utilities may be given by customer or his authorized representative in writing at the Utility's office.

9.03.12: FORM – INFORMATION: An applicant shall make written application for water service. A purchaser or successor of interest in a commercial or industrial account shall sign a new application for service within five working days to assume the responsibility for an account.

9.03.13: APPLICANT COMPLIANCE: By signing an application, applicant agrees to observe any regulations now and hereafter adopted related to the water service. Any applicant for a willserve or water service may be refused service by the Utility when in the opinion of the Utility it is detrimental to the Utility.

9.03.14: RESALE OF WATER: Except by special agreement with the Utility, no customer shall resell any of the water received from the Utility, nor shall such water be delivered to premises other than those specified in such customer's application for service.

9.03.15: CONNECTION FEE: The fee shall be paid according to the Rate Schedule. The connection charge shall be a one-time fee. The parcel number to which the service applies must be specified. The connection fee for a single-residence unit (e.g. a house, mobile home or manufactured housing unit) shall be paid before a building permit is obtained. The connection fee for multiple-residence units (e.g. apartments or condominiums), commercial and industrial units shall be paid at least two (2) days before the installation of the water meter.

9.03.16: FEES FOR TENTATIVE PROJECTS: Monies paid for utility fees that are to be applied to tentative projects, may be held in a separate bank, trust, or escrow account and are refundable if the project is abandoned.

9.03.17: PAYMENT FOR PREVIOUS SERVICE: An application will not be honored unless payment in full has been made for water service previously rendered to the applicant by the Utility.

9.03.18: INSTALLATION CHARGE: All charges for a service installation shall be paid in advance by the applicant. In addition to any other charge or deposit herein provided for the charge for the installation of a service connection shall be set from time to time by motion of the Council as found in the Fernley Rate Schedule.

9.03.19: INSTALLATION OF SERVICES: Regular water services will be installed at a location and size to be determined by the Water Division. Only duly authorized

employees or agents of Fernley Utilities will be authorized to install service connections. Service installation will be made only to property abutting on distribution mains as have been constructed in public streets, alleys or easements, or to extensions thereof as herein provided. Service installed in a new subdivision prior to the construction of streets or in advance of street improvements must be used by the applicant in the installed location. No other Utility services or appurtenances are allowed in Utility trenches unless approved by Fernley Utilities. The Utility shall specify if a water main may be “tapped” wet or dry.

9.03.20: CHANGES IN CUSTOMER’S EQUIPMENT: Customers making any material change in the size, character or extent of the equipment or operations utilizing water service, or whose change in operations results in a large increase in the use of water, shall immediately give Fernley Utilities written notice of the nature of the change, and, if necessary, amend their applications and pay any additional applicable charges.

9.03.21: SIZE AND LOCATION: Fernley Utilities reserves the right to determine the size of service connections and their location with respect to the boundaries of the premises to be served. The laying of customer’s pipeline to the curb shall not be done until the location of the service connection has been approved by the Utility. Existing water meter structures that are outside an existing easement as of the date of these regulations will remain in place unless the customer wishes to pay for the movement of such structures back into the easement. In the event the Utility has maintenance to perform on such a water structure, the Utility may at its expense move the water structure back into the easement area. Obstructions of any sort are not allowed within a reasonable working distance around any water structure, pursuant to Fernley City Ordinance # 5.

9.03.22: CURB VALVE: Every service connection installed by Fernley Utilities shall be equipped with a curb valve on the inlet side of the meter. Such valve is intended for the exclusive use of Fernley Utilities in controlling the water supply through the service connection pipe. If the curb valve or any other part of water meter assembly and box is damaged by the customer, replacement or repair shall be at the customer’s expense.

9.03.23: RESIDENTIAL, COMMERCIAL AND INDUSTRIAL SERVICE CONNECTION: It is unlawful to establish or maintain a connection excepting in conformity with the following rules:

(A) SEPARATE BUILDING. Each house or building under separate ownership must be provided with a separate service connection. Two or more houses under one ownership and on the same lot or parcel of land may be supplied through the same service connection, provided that for each house under a separate roof an additional monthly minimum billing will be applied and additional connection fee is paid. The Utility reserves the right to limit the

number of houses or the area of land under one ownership to be supplied by one service connection.

(B) SINGLE CONNECTION. No more than one service connection for residential or commercial supply shall be installed for one building, except under special conditions.

(C) DIFFERENT OWNERS OR PROPERTIES: A service connection shall not be used to supply adjoining property of a different owner or to supply property of the same owner across a street or alley.

(D) DIVIDED PROPERTY: When property provided with a service connection is divided, each service connection shall be considered as belonging to the lot or parcel of land which it directly enters.

9.03.24: HOTELS, MOTELS, CONDOMINIUMS, APARTMENTS, ANY OTHER MULTIPLE COMPLEXES: A master meter shall be installed at the property line of these types of facilities. The master meter and associated construction parts and costs for the development, meeting the Utility's specifications, shall be installed at no expense to the Utility.

9.03.25: SERVICE CONNECTIONS: The service connections extending from the water main to the property line and including the meter, meter box and curb valve, on the supply side of the meter shall be maintained by the Utility. All pipes and fixtures extending or lying beyond the property line into or on the property shall be installed and maintained by the owner of the property. Customers are required to have a shut off device on their side of the water meter installation for their use to shut off water in an emergency.

9.03.26: MAIN EXTENSIONS:

(A) REQUIREMENTS: The following requirements shall apply to main extensions:

(1) APPLICATIONS: An applicant for main extension shall make a written application to the Utility, containing the legal description of the property to be served and any additional information which may be required by the Utility, and shall be accompanied by a map showing the location of the proposed connections.

(2) INVESTIGATION: Upon receipt of the application, the Utility manager shall make an investigation and survey of the proposed extension and shall report his findings to the Council, including the estimated cost.

(3) RULING: The Council shall consider said application and report, and after such consideration, reject or approve it.

(4) CITY LINES: All extensions thus provided for, in accordance with these regulations, shall be and remain the property of Fernley Utilities.

(5) DEAD-END LINES: No dead-end lines shall be permitted, except at the discretion of the Public Works Director, and in cases where circulation

lines are necessary they shall be installed by the developer as a part of the cost of extension.

(6) FRONTAGE EXTENSION: Unless waived by the Utility, all extension mains shall run along the entire frontage of the developer's lot or parcel.

(7) Applicant must comply with all applicable laws, statutes, ordinances and regulations, specifically including Chapter 7 of this Title.

(B) SPECIFICATIONS AND CONSTRUCTION: The size, type and quality of material and location of the lines shall be specified by the Utility and supervised and inspected by the Utility, and shall include consideration of the best interests of the Utility's water system. The developer shall physically mark in the field all water structures and provide triangulation measurements on the As-built Drawings. Water lines in subdivisions will be marked at the curb with an approved permanent method. The developer is responsible for all costs and expenses of the Utility relating to the installation of the water system, including, but not limited to, the Utility's costs of engineering, inspections, legal and administrative expenses. All water mains must be a minimum size of 8", except fire hydrant laterals, which must be 6". Any water main line extensions or new construction require inline valves to be installed at specified distances as approved by the Utility at the expense of the developer. The Utility shall specify if a water main is "tapped" wet or dry. All newly constructed water mains and appurtenances shall be pressure tested to Utility specifications. All water mains will be disinfected to Nevada State Health Division standards. Water samples will be taken by the developer and processed at the State Lab. No water service will be provided until all tests and inspection reports are approved by Utility.

9.03.27: SUBDIVISIONS and MOBILE HOME PARKS

(A) APPLICATIONS – REQUIRED: A person desiring to provide a water system within a tract of land which he proposes to subdivide shall make written application via a tracker form at Fernley Utilities.

(B) APPLICATION – CONTENTS: The application shall state the Lyon County parcel number of the tract, the name of the subdivision and its location. It shall be accompanied by initial sketches, a copy of a tentative map, and of the plans, profiles and specifications for the street work therein.

(C) INVESTIGATION: Upon receiving the application, the Utility manager shall make an investigation and survey of the proposed subdivision and shall report his findings to the Council, including a recommendation as to the facilities required and the estimated cost of the proposed water system therefor.

(D) SPECIFICATIONS AND CONSTRUCTION: The size, type and quality of material and location of the lines shall be specified by the water division and supervised and inspected by the Utility. The developer shall physically mark in the field all water structures and provide triangulation measurements on

the As-built Drawings. Water lines within subdivisions will be marked at the curb with an approved permanent method. The developer is responsible for all costs and expenses of the Utility relating to the installation of the water system, including, but not limited to, the Utility's costs of engineering, inspections, legal and administrative expenses. All water mains must be a minimum size of 8". Any water main line extensions or new construction require inline valves to be installed at specified distances to be approved by the Utility at the expense of the developer. The Utility reserves the right to specify any other appurtenances it deems necessary, at the expense of the developer. The Utility shall specify if a water main may be “tapped” wet or dry. All newly constructed water mains and appurtenances shall be pressure tested to Utility specifications. All water mains will be disinfected to Nevada State Health Division standards. Water samples will be taken by the developer and processed at the State Lab. No water service will be rendered until all tests are approved and all inspections reports are in the hands of the Utility.

(D) PROPERTY OF UTILITY: All facilities shall become the property of the Utility after a one year guarantee period starting at the completion date of the project provided the facilities meet all Utility specifications.

(E) MOBILE HOME PARKS: A master meter shall be installed at the property line of a mobile home park with the water consumption billed pursuant to the Rate Schedule.

(F) MOBILE HOME PARK CONNECTION FEES: The connection fees shall be charged pursuant to the Rate Schedule. A connection fee shall be charged for each space within the mobile home park, to be collected before construction commences.

9.03.28: GENERAL USE REGULATIONS

(A) NUMBER OF SERVICES PER PREMISES: The applicant may apply for as many services as may be reasonably required for the premises provided that the facilities for each service be independent of all others and that they not be interconnected. Separate connection fees shall be paid for each service line.

(B) WATER WASTE: Customers are required to abide by the City of Fernley Water Conservation Plan. No customer shall knowingly permit leaks, excessive use, or waste of water.

(C) IMPROPER USE OF A NEW SERVICE: Any person using water from a new service without having complied with the utility's application, installation, testing or inspection procedures shall be:
(1) Liable for all injury and\or damage caused by the use of the service.

(2) Liable to the Utility for all costs incurred because of the use; and
(3) Prosecuted at law, at the discretion of the Utility.

(D) RESPONSIBILITY FOR EQUIPMENT ON CUSTOMER PREMISES: All facilities installed by the Utility on private property for the purpose of rendering water service shall remain the property of the Utility and may be maintained, repaired or replaced by the Utility without consent or interference of the owner or occupant of the property. The property owner shall use reasonable care in the protection of the facilities. No payment shall be made to the property owner for placing or maintaining said facilities on private property. The customer shall, at his own risk and expense, furnish, install and keep in good and safe condition all equipment that may be required for receiving, controlling, applying and utilizing water, and the Utility shall not be responsible for any loss or damage caused by the improper installation of such equipment, or the negligence or wrongful act of the customer or any of his tenants, agents, employees, contractors, licensees or permittee in installing, maintaining, operating or interfering with such equipment. The Utility shall not be responsible for damage to property caused when faucets, valves and other equipment are open when water is turned on at the meter, either originally or when turned on after a temporary shutdown.

(E) DAMAGES THROUGH LEAKING PIPES AND FIXTURES: When turning on the water supply as requested, unless the customer or an assigned agent requests to be present the Utility will activate the water service and will not be responsible for any damage that occurs on the customer's property.

(F) DAMAGE TO WATER SYSTEM FACILITIES: The customer shall be liable for any damage to the service facilities when such damage is from causes originating on the premises by an act of the customer or his tenants, agents, employees, contractors, licensees or permittee, including the breaking or destruction of locks by the customer or others on or near a meter, and any damage to a meter that may result from hot water or steam from a boiler or heater on the customer's premises or any other damage deemed by the Utility as the customer's fault. The Utility shall be reimbursed by the customer for any such damage promptly on presentation of a bill unless other arrangements are made with the Utility.

(G) GROUND-WIRE ATTACHMENTS: No ground wire shall be attached to any plumbing which is or may be connected to a service connection or main belonging to the Utility. The customer shall be liable for any damage to utility property caused by such ground-wire attachments.

(H) CONTROL VALVE ON THE CUSTOMER PROPERTY: The customer shall provide a valve on his side of the service installation, as close to the meter location as practicable, to control the flow of water to his premises. The customer shall not use the Utility service curb stop to turn water on and off.

(I) CROSS-CONNECTIONS - BACK FLOW PROTECTION DEVICES: The customer must comply with state and federal laws governing the separation of dual water systems or installations of back flow protective devices to protect the public water supply from the danger of cross-connections. Back flow protective devices must be installed as near the service as possible and shall be open to test and inspection by the water division. Plans for installations of back flow protective devices must be approved by the water division prior to installation. The Utility may refuse or discontinue service until there is installed at the expense of the customer a suitable approved protective device, as required by the State Health Division, other State or Municipal authorities having jurisdiction, and the Utility.

(J) CROSS-CONNECTIONS - SPECIAL CASES: In special circumstances, when the customer is engaged in the handling of especially dangerous or corrosive liquids or industrial or process waters, the Utility may require the customer to eliminate certain plumbing or piping connections as an additional precaution and as a protection to the back flow protective devices.

(K) RELIEF VALVES: A suitable pressure relief valve may be required on some private facilities and must be installed and maintained by the customer. When check valves or other protective devices are used the relief valve shall be installed between the check valves and the water heater or other facilities.

(L) BACK FLOW DEVICE - WHEN REQUIRED ON ALL SUPPLY LINES TO ONE PREMISES: Whenever back flow protection has been found necessary on a water supply line entering a customer’s premises, then any and all water supply lines from the Utility's mains entering such premises, building or structures shall be protected by an approved AWWA back flow device.

(M) BACK FLOW DEVICE – INSPECTION: The double check valve or other approved AWWA back flow protection devices may be inspected and tested periodically for water tightness by the Utility. The devices shall be serviced, overhauled or replaced whenever they are found defective and all costs of repair and maintenance shall be borne by the customer.

(N) BACK FLOW DEVICE - DISCONTINUED SERVICE: The service of water to any premises may be immediately suspended by the Utility if any defect is found in the check valve installations or other protective devices, or if it is found that dangerous unprotected cross-connections exist. Service will not be restored until such defects are corrected.

(O) LIABILITY FOR INTERRUPTION IN SERVICE: The Utility shall not be liable for damage which may result from an interruption in service from a cause beyond the control of the Utility.

(P) RIGHT OF ENTRY: Representatives from the utility shall have the right of ingress and egress to the customer's premises at reasonable hours for any purpose reasonably connected with the furnishing of water service.

(Q) WELLHEAD PROTECTION PROGRAM: All water service is subject to the requirements of the Fernley Wellhead Protection Program.

(R) HAZARDOUS MATERIALS: Removal of underground tanks and other hazardous materials from inside the Utility boundaries requires notification to the Utility and coordination with State, County and Local officials.

(S) POOLS AND TANKS: When a large quantity of water is for filling a swimming pool or for other purpose, arrangements must be made with the Utility prior to taking such water. Permission to take water in unusual quantities will be given only if and when it can be safely delivered through the Utility's facilities and if other customers are not inconvenienced.

9.03.29 METERS:

(A) INSTALLATION COSTS: All service shall be metered and the meter location will be designated by the Utility. The installation costs shall be paid to the Utility at the time water connection fee is paid. Meters will be installed in the street, sidewalk, or easement and shall be owned by the Utility. All meters will be sealed by the Utility at the time of installation, and no seal shall be altered or broken except by one of its authorized employees or agents.

(B) CHANGE IN LOCATION: Meters moved for the convenience of the customer will be relocated at the customer's expense. Meters moved for Utility's purposes will be moved at the Utility's expense.

(C) TESTING: All meters will be tested prior to installation and no meter will be installed which registers more than two percent (2%) fast or slow. If a customer desires to have an existing meter serving his premises tested, he shall pay for the cost of testing. Should the meter register more than two percent fast or slow, the cost will be refunded, but should the meter register two percent or less, the cost of testing will be borne by the customer.

(D) ADJUSTMENT FOR ERRORS - FAST METERS: If a meter tested at the request of a customer is found to be more than two percent fast, the excess charges for the time service was rendered the customer requesting the test, or for a period of six months, whichever is the lesser, shall be refunded to the customer.

(E) ADJUSTMENT FOR ERRORS - SLOW METERS: If a meter tested at the request of a customer is found to be more than two percent slow, the Utility may bill the customer for the amount of undercharge based upon corrected meter readings for the period, not exceeding six months, that the meter was

in use.

(F) NONREGISTERING METERS: If a meter is found to be nonregistering, the charges for service shall be at the minimum monthly rate or based on the estimated consumption, whichever is greater. Such estimates shall be made from previous consumption for a comparable period or by such other method as is determined by the Utility.

(G) DAMAGE TO METERS: The customer shall be liable for any damage to the meter due to the customers negligence or carelessness.

9.03.30: DEPOSITS:

(A) ESTABLISHMENT – MAINTENANCE: Each applicant for service shall establish and maintain credit to the satisfaction of the Utility by a guaranteed deposit before service will be rendered.

(B) GUARANTEE DEPOSIT: The deposit required for water service pursuant to the existing rate schedule will be paid for with cash or check. If a deposit is paid with a check and subsequently the check does not clear the bank, service will be immediately terminated and, a charge of $50 shall be paid by the customer along with a mandatory cash deposit before service will be restored.

(C) DEPOSIT REESTABLISHMENT: Any amount due for water service that remains unpaid for 45 days after presentation of a bill may be deducted from the guarantee deposit, and service shall be subject to discontinuance until the deposit is restored. Any customer who receives two 45 day delinquency notices in a one year period shall be required to pay a new guarantee deposit, or update the deposit to the current rate.

(D) RETURN OF GUARANTEE DEPOSIT - PROPERTY OWNER: A guarantee deposit on an account which has not been in arrears at any time during a 12 month period is returnable after the expiration of said period, without interest. If the service is discontinued in less than a year, the deposit will be returned after all outstanding bills for water service have been paid. Any deposit uncalled for within five years from the date when made will become the property of and be retained by the Utility.

(E) RETURN OF GUARANTEE DEPOSIT – RENTER: Deposits made by a renter shall be refunded only on termination of service.

9.03.31: BILLING AND FEES:

(A) BILLING PERIOD: The regular billing period will be monthly.

(B) METER READING: Meters will be read as nearly as possible on the same day of each month.

(C) PARTIAL BILLING PERIOD: Service for less than the normal billing period shall be billed for not less than a one month minimum charge.

(D) PAYMENT: Water charges are due and payable at the office of the Utility on or before the 20th day of the month and are delinquent if not paid before the next month's bill is issued.

(E) RENTALS: Property owners shall be responsible for water bills for rental properties if the renter fails to pay the bills. Water service is subject to discontinuance to customers who are twenty (20) days in arrears.

(F) LENGTH OF SERVICE: Water service begins at the date of application for service, or at a later date approved by the Utility. The water charge begins when a service connection is installed and the meter is set, unless the water is ordered to be left shut off when the service connection is installed. To discontinue service, the customer must notify the Utility at least twenty four hours prior to vacating the premises. The customer shall continue to be liable for the charges whether or not the water is used, unless discontinuance of service is ordered or a new customer takes over the service.

(G) WATER USED WITHOUT REGULATION APPLICATION: A customer taking possession of premises and using water from an active service connection without having made application to the Utility for water service shall be held liable for the water delivered from the date of the last recorded meter reading, and if the meter is found inoperative, the quantity consumed will be estimated.

(H) ADMINISTRATIVE CHARGES: The Utility may establish, with the Council's approval, reasonable charges for late fees, bank charges for returned checks, service reestablishment charges, and other administrative charges.

(I) PENALTY ON UNPAID BALANCE: Rates and charges which are not paid on or before the next regular water service billing date may be subject to a late penalty in accordance with the Rate Schedule.

(J) RATE STRUCTURE
The City Council shall fix the following by resolution:
(1) Water User Fees;
(2) Sewer User Fees;
(3) Utility Miscellaneous Fees

(K) WATER BOND DEBT FEE:

(1) Each property owner with a connection to the municipal water system; will be charged a fee equal to that of their meter size capacity. Should a property only have a will-serve commitment letter and no meter installed, said property will be charged the base rate until such time as a meter is installed. All water bond debt fees shall be collected through the property tax bills issued by and collected through the Lyon County Assessor.
(2) Each property will be audited on an annual basis for changes in the meter size capacity. All changes will be reflected in the next fiscal years property tax statement.

9.03.32: DISCONTINUANCE OF SERVICE:

(A) LIABILITY: Failure to receive a billing statement does not relieve customer of liability. Any amount due shall be deemed a debt to the Utility, and any person, firm or corporation failing, neglecting or refusing to pay said indebtedness shall be liable to an action by the Utility in any court of competent jurisdiction for the amount thereof.

(B) RECONNECTION CHARGE: A reconnection charge plus penalties will be made and collected prior to renewing service following a discontinuance as reflected in the rate schedules.

(C) UNSAFE APPARATUS: If any unsafe or hazardous condition is found to exist on the customer's premises, or if the use of water thereon by apparatus, appliances, equipment or otherwise is found to be detrimental or damaging to the Utility or its customers, the service may be shut off without notice. The Utility will notify the customer immediately of the reasons for the discontinuance and the corrective action to be taken by the customer before service can be restored.

(D) CROSS-CONNECTION: Water service may be refused or discontinued to any premises where there exists a cross-connection in violation of any law or ordinance.

(E) IMPROPER\ILLEGAL SERVICE: If the Utility discovers that a Customer improperly or illegally connected to or altered water service, service to that Customer may be discontinued without notice. Service will not be restored until the Customer has complied with all rules and requirements of the Utility and the Utility has been reimbursed for the full amount of the service rendered and the actual cost to the Utility incurred by reason of the improper or illegal use, including court costs and legal fees.

(F) NONCOMPLIANCE WITH REGULATIONS: Service may be discontinued for noncompliance with any regulation relating to the water service.

9.03.33 PUBLIC FIRE PROTECTION:

(A) FIRE PROTECTION: Public fire protection service will be installed at the

expense of the applicant by the Utility or other responsible party acceptable to the Utility. Fire hydrants and public fire protection facilities will be installed meeting the requirements of the Utility and other applicable agencies' guidelines. Public fire hydrants and facilities will be maintained by Fernley Utilities.

(B) FIRE HYDRANT LOCATION AND SPECIFICATIONS: Fire hydrants shall be located as specified by the Utility and also must meet local fire district specifications. The Utility has the right to exceed local fire protection specifications. Fire hydrant laterals must be a minimum of 6".

(C) USE OF FIRE HYDRANTS: Fire hydrants are for use by the Utility and organized fire protection agencies. Other parties desiring to use fire hydrants for any purpose must first obtain written permission from the Utility prior to use and shall operate the hydrant in accordance with instruction issued by the Utility and use a hydrant meter to record water usage for payment in accordance with the Rate Schedule. Unauthorized use of hydrants will be prosecuted according to law.

(D) CHARGES: A charge may be imposed for hydrant maintenance and water used.

(E) MOVING FIRE HYDRANTS: A change in the size, type or location of a hydrant must be approved by the Utility and the costs of such changes shall be borne by the applicant.

(F) OBSTRUCTION OF FIRE HYDRANTS: Obstructions of any kind are prohibited within three feet of a fire hydrant.

(G) USE OF WATER: Unless approved by the Utility, there shall be no water used through the fire protection service except to extinguish fires and for testing the fire fighting equipment.

(H) NO CONNECTION TO OTHER SYSTEM: There shall be no connections between a fire protection system and any other water distribution system.

9.03.34: PRIVATE FIRE PROTECTION:

(A) CONNECTION TO ANY OTHER SYSTEM: There shall be no connections between a fire protection system and any other water distribution system.

(B) USE: The following rules shall apply to fire service connections:

(1) VALVE: When a fire service connection is installed, the valve will be closed and sealed and remain so until a written order is received from the customer to have the water turned on.

(2) CHECK VALVE: The Utility requires all fire service connections to be installed with a double check valve of a type approved by the National Council of Fire Underwriters.
(3) There shall be no water used through the fire protection service except to extinguish fires and for testing fire fighting equipment.

9.03.35: MONTHLY RATES: The monthly rates for private fire protection shall be contained in the Rate Schedule.

9.03.36: WATER FOR FIRE STORAGE TANKS: Water may be obtained for a private fire service for filling an Utility approved tank connected with the fire service, but only if written permission is secured from the Utility.

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

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

9.03.39: TEMPORARY SERVICE:
(A) SERVICE: The Utility may provide temporary service to a property for a specified period of time pursuant to a written agreement.

(B) DEPOSIT: The applicant shall deposit in advance the estimated cost of installing and removing the facilities required to furnish said service exclusive of the cost of salvageable material. Upon discontinuance of service the actual cost shall be determined and an adjustment made as an additional charge, refund or credit.

9.03.40: REIMBURSEMENTS FOR MAIN EXTENSIONS AND NEW FACILITIES:
(A) AGREEMENTS: The City and developers, customers and/or other parties may enter into agreements for the reimbursement or repayment of the costs of construction of main extensions or other improvements to the Utility system, subject to the requirements of this chapter:
(1) To the City, if the City provides the construction of the project, from the customers along the new line.
(2) To the developer or other party who provides the construction of the project, from the Utility upon receipt of funds from customers along the new line for reimbursement of the project costs. Such reimbursements shall not become general obligations of City.

(B) REIMBURSABLE COSTS: The reimbursable costs may include the actual

costs of construction of the main extension and\or other new facilities, including oversizing; related design, planning, engineering, inspection and testing fees and costs; and the Utility's administration and overhead costs incurred.

(C) REIMBURSEMENT AMOUNTS: The amount to be reimbursed by each new customer who utilizes the main extension or other new facilities will be determined by dividing the square footage of the customer's lot or parcel by the total square footage of all the lots or parcels included in the project, then multiplying the total cost of the project by that same fraction or percentage. For purposes of determining the total square footage of the lots and parcels included in the project:

(1) The area of use will be defined to include lots/parcels that could use the main as their primary water source, and will not include excess acreage of a large parcel that has some small frontage. The area of use will be mapped for reference.

(2) If a lot or parcel within the area of use is sub-parceled or subdivided, the reimbursement amount will be divided pro rata between or among the new parcels or lots so created, again determined by the square footage.

(D) TIME OF PAYMENT: The reimbursement amount shall be due and payable at the time of connection of the property to the main extension or other new line or facility, or at such other times as may be approved by the City by written agreement. The reimbursement amount must be paid or the written agreement executed before water service is provided to the property.

(E) EASEMENTS AND RIGHTS-OF-WAY: The provider of the new line or facility must obtain legal easements for the Utility for the new line or any portion thereof which would not be located in an existing utility easement or right-of-way.

(F) OVERSIZING: In the event the main extension or new line is required to be larger in diameter than the developer would need because of the number of additional customers to be served, the costs of material for oversizing of the main extension or construction of extra facilities shall be included in the reimbursable costs. The oversizing costs shall consist of the difference between the price of the larger pipe or other materials and the price of the pipe that would be sufficient if the line were only to service that property alone.

(G) TIME LIMIT FOR REIMBURSEMENT: All reimbursement agreements shall be limited to ten (10) years, or such shorter period as may be required by the City.

(H) CONSTRUCTION OF PROJECT: The City shall decide whether to construct the project or to allow the developer or other party to build the project. No

construction may begin before execution of the written reimbursement agreement.

(G) BIDDING REQUIREMENTS: If the City provides the construction, the bidding laws and requirements applicable to the City shall be used. A developer doing infrastructure improvements under the reimbursement agreement process must obtain a minimum of two acceptable bids, to the City, and shall utilize the lowest bid.

(H) AGREEMENT BINDING ON SUCCESSORS: Reimbursement agreements shall be binding on the heirs and successors in interest of the parties to the reimbursement agreement.

(I) MODIFICATIONS OF AGREEMENT: Reimbursement agreements may be altered, modified or amended only in writing by the parties.

CHAPTER 4: OBSTRUCTION OF WATER AND WASTEWATER UTILITY METERS AND EQUIPMENT

9.04.01: OBSTRUCTION OF UTILITY EQUIPMENT PROHIBITED: No property owner or other person shall fence, screen, build around, or otherwise partition off any water or wastewater equipment, including but not limited to meters, manholes, fire hydrants, panels, or other access equipment, in such a way as to restrict, limit or otherwise obstruct access to said utility from a public street, alley or way, without the express written consent of the subject utility.

9.04.02: CORRECTION OF VIOLATION: Upon any violation of this ordinance, after notice to the property owner or other responsible party, who then refuses to correct the violation, the City may hire or cause an appropriate correction of the violation, including the installation of a gate or other access to the utility equipment, which shall then be charged to the property owner or legally responsible person.

CHAPTER 5: WATER SHORTAGE AND WASTE OF WATER

9.05.01: DECLARATION OF PURPOSE: The City recognizes the need to maintain a sufficient supply of water to meet the needs of City residents. At times it may become necessary to impose restrictions on the use of water to ensure that City may provide adequate and equal amounts of water to the residents of the City. In order to ensure the availability of an adequate supply of water to the residents of the City of Fernley, the City Council may, after a declaration of water shortage is made, as provided in this section, or upon a finding that water is being wasted, additionally restrict the use of water for certain outdoor uses or household purposes and limit the time within which water may be used for those purposes.

9.05.02: DEFINITIONS:
HOUSEHOLD PURPOSES: The purposes for which a person uses water inside a residence, and excluding all outside uses.

OUTDOOR WATERING: All uses of water which occur outside the residential dwelling, including watering of trees, grass, shrubbery, or vegetation and washing vehicles.

RUNNING TO WASTE: The intentional application, expenditure or use of water in such a way that the water can be observed collecting in pools to a depth of one inch (1") or more or in any depressed area or flowing or running across the ground or any surface area in a manner that is excessive for the use or nonuse to which the water is being put.

USER: The record owner, as such owner is defined by the records of the Lyon County assessor, or occupant for the time being of such property or location connected to a utility from which a waste of water originates on or from.

UTILITY: Each entity operated by the City of Fernley, for the purpose of providing water and/or sewage services to residents of Fernley, Nevada.

WASTE OF WATER: Consumption of water which results in:
(A) Water running to waste; or

(B) Intentionally using, expending or applying the water supply provided by any utility in a manner contrary to any water conservation or use restriction, regulation, policy, rule, condition, directive, ordinance, or request that has been issued to the users of the utility in question or that has been given general public notice by the utility in question; or

(C) Any combination of the above subsections of this definition.

Nothing contained in this term may be construed so as to prohibit any person having a direct legal right or owning any appropriated water right from using water in accordance with the express terms and conditions of any permit to use or with permission from an appropriate State engineer, or pursuant to any order or directive of any Federal water

master having authority in the City or pursuant to any lawful court order or decree.

WASTEWATER: Treated effluent from any sewage treatment plant operated by a governmental entity, or effluent emitted from an individual sewage disposal system approved by a governmental entity.

WATER: Refers to all water, except wastewater, supplied from a utility to any user.

9.05.03: DECLARATION OF WATER SHORTAGE: The Council may declare a water shortage by resolution when it appears to the Council that either insufficient water is available to meet the reasonable needs and requirements of a particular utility, or that there is insufficient potable water for human consumption as determined by the State Health Department.

9.05.04: WATER USE RESTRICTIONS: The Council may, by resolution or ordinance, adopt water use restrictions which are designed to alleviate water shortages or the waste of water occurring in any area served by a utility.

9.05.05: ISSUANCE OF CITATION: A citation must be issued and served whenever any user is found to have engaged in the waste of water.

9.05.06: FORM OF CITATION: The citation must contain the following information:
(A) The location at which the violation occurred;

(B) The date and time of the violation;

(C) The Section of the Fernley Municipal Code which allegedly is being violated;

(D) Information which advises of the manner in which and the time within which the citation should be answered;

(E) Any other reasonable information which is prescribed by the utility; and

(F) The signature of the person who issues the citation.

9.05.07: SERVICE OF THE CITATION: Service of the citation is accomplished by providing a copy of the citation through any of the following procedures:
(A) Personal service of the copy upon the user; or

(B) Personal service of the copy upon a person of suitable age and discretion residing at the user's residence or working for the user at the place where the waste of water initiates; or

(C) Registered mailing of the copy to the user at the user's address as shown on the records of the utility; or

(D) Posting the copy upon the premises where the waste of water initiates.

9.05.08: FILING OF CITATION WITH THE MUNICIPAL COURT: The original citation must be filed with the municipal court with jurisdiction over the area in which the violation occurred. The municipal court shall maintain jurisdiction over the violations pursuant to Nevada Revised Statutes 5.050(1)(a).

9.05.09: VIOLATIONS AND PENALTIES: In addition to termination of utility service by City of Fernley, any person, corporation or other entity found to be in violation of this chapter is subject to the following penalties:

(A) CRIMINAL PENALTIES: Any violation of this chapter shall be a misdemeanor, punishable as provided by section 1.04.01 of this code and by Nevada Revised Statutes for misdemeanors. In addition, the court may order restitution for the cost of wasted water, any damage or loss to the water system and other matters properly relating to the offense.

(B)CIVIL PENALTIES:

(1) First Violation: A fine of twenty five dollars ($25.00).
(2) Second Violation: A fine of fifty dollars ($50.00).
(3) Third Violation: A fine of two hundred fifty dollars ($250.00).
(4) Fourth Violation: A fine of five hundred dollars ($500.00).
(5) Successive Violations: A fine of one thousand dollars ($1,000.00) for each successive violation.

In addition, the court may order restitution for the cost of wasted water, any damage or loss to the water system and other matters properly relating to the offense.

(C) All fines will be paid through the Fernley Municipal Court.

9.05.10: RESPONSIBILITY FOR THE WASTE OF WATER: In any prosecution or litigation concerning a waste of water as set forth in this chapter, the waste of water, together with proof that such waste of water originated at the residence or place of business, shall constitute in evidence a prima facie presumption that the "record owner", as defined by the Lyon County assessor's office, or occupant for the time being of such residence or business location connected to a utility, was responsible for such waste of water.

9.05.11: DISCONTINUATION OF SERVICE: City of Fernley, may discontinue service to any user where the waste of water originates on or from the user's premises. Nothing contained in this chapter shall prevent the City's agent, without notice to any resident or user, from causing water service to the property to be halted to prevent the immediate and substantial waste of water. Service shall be terminated by the utility within ten (10) days after a user is found to have engaged in the waste of water by the municipal court and has either failed to pay the ordered fine or has failed to comply with this chapter.

9.05.12: RESTORATION OF SERVICE: When the cause for termination of service has been corrected to the satisfaction of the utility, or the user has proven to a majority of

the Council that future compliance will be forthcoming from the user, service will be reestablished within a reasonable time.

CHAPTER 6: CROSS-CONNECTION CONTROL

9.06.01: PURPOSE:

(A) Protect the public water supply against actual or potential contamination through cross-connections by isolating sources of contamination that may occur within a water user's premises because of some undiscovered or unauthorized cross-connection on the premises.

(B) Eliminate existing connections between drinking water systems and other sources of water that are not approved as safe and potable for human consumption.

(C) Eliminate cross-connections between drinking water systems and sources of contamination.

(D) Prevent the making of cross-connections in the future.

9.06.02: DEFINITIONS:

AIR-GAP SEPARATION (AG): A physical break between a supply pipe and a receiving vessel. The air-gap shall be at least double the diameter of the supply pipe measured vertically above the top rim of the vessel, but in no case less than one inch (1").

APPROVED BACKFLOW PREVENTION ASSEMBLY: Refers to an assembly that has been manufactured in full conformance with the standards established by the American Waterworks Association (AWWA C506, 'Current Revision' Standards for Reduced Pressure Principle and Double Check Valve Backflow Prevention Devices); and has passed laboratory and field evaluation tests performed by a recognized testing organization which has demonstrated their competency to perform such test to the City of Fernley Public Works Department.

APPROVED WATER SUPPLY: Any water supply whose potability is regulated by a state or local health agency.

AUXILIARY SUPPLY: Any water supply on or available to the premises other than the approved water supply.

AWWA STANDARD: An official standard developed and approved by the American Water Works Association (AWWA).

BACKFLOW: A flow condition, caused by a differential in pressure that causes the flows of water or other liquids, gases, mixtures or substances into the distributing pipes of a potable supply of water from any source or sources other than an approved water supply source. Back siphonage is one cause of backflow. Backpressure is the other cause.

CONTAMINATION: A degradation of the quality of the potable water by any foreign substance which creates a hazard to the public health, or which may impair the

usefulness or quality of the water.

CROSS-CONNECTIONS: As used in this chapter means any unprotected actual or potential connection between a potable water system used to supply water for drinking purposes and any source or system containing unapproved water or substances that is not or cannot be approved as safe, wholesome and potable. By-pass arrangements, jumper connections, removable sections, swivel or changeover assemblies, or other assemblies through which backflow could occur, shall be considered to be cross-connections.

DOUBLE CHECK VALVE ASSEMBLY, (DC): An approved backflow prevention assembly of two (2) internally loaded, independently acting check valves, including resilient seated shut-off valves on each end of the assembly and test cocks for testing the water-tightness of each check valve.

PERSON: Any individual, corporation, company, association, partnership, municipality, public utility, or other public body or institution.

PREMISES: Any and all areas on a water user's property which are served or have the potential to be served by the public water system.

PUBLIC WATER SYSTEM: A system for the provision of piped water to the public for human consumption that has fifteen (15) or more service connections or regularly serves an average of twenty-five (25) individuals daily at least sixty (60) days out of the year.

NON POTABLE WATER: Wastewater, which, as a result of treatment, is suitable for uses other than potable use.

REDUCED PRESSURE PRINCIPLE BACKFLOW PREVENTION ASSEMBLY (RP): An approved backflow prevention assembly incorporating two (2) internally loaded check valves, including resilient seated shut-off valves on each end of the assembly, and equipped with necessary test cocks for testing the assembly.

SERVICE CONNECTION: The point of connection of a user's piping to the water supplier's facilities.

WATER SUPPLIER: The person who owns or operates an approved water supply system.

WATER USER: Any person obtaining water from an approved water supply system.

AMERICAN BACKFLOW PREVENTION ASSOCIATION: An organization that provides backflow education and technical assistance. (ABPA)

9.06.03: CROSS-CONNECTION PROTECTION REQUIREMENTS:

(A) GENERAL PROVISIONS:

A. Unprotected cross-connections with the public water supply are prohibited. Nevada Administrative Code 445, Section 408 requires the State Health Officer's written approval to interconnect water supplies.

B. Whenever backflow protection has been found necessary, the City of Fernley will require the water user to install an approved backflow prevention assembly by and at the user's expense for continued services or before new service will be granted. For new water meter sets, the required backflow assembly shall be installed, inspected, approved and certified test results provided to the City of Fernley Public Works Department within; five (5) days of meter set, unless the Public Works Director or designee approves otherwise. The service will be locked off if inspections and certifications are not completed as specified above. A twenty-five dollar ($25.00) fee will be assessed on the building permit for the installation of the backflow device.

C. Wherever backflow protection has been found necessary on a water supply line entering a water user's premises, then any and all water supply lines from City of Fernley mains entering such premises, buildings, or structures shall be protected by an approved backflow prevention assembly. The type of assembly to be installed will be in accordance with the requirements of this chapter.

(B) WHERE PROTECTION IS REQUIRED:

(1) Each service connection from the City of Fernley water system for supplying water to premises having an auxiliary water supply shall be protected against backflow of water from the premises into the public water system unless the auxiliary water supply is an approved water supply. NAC 445, Section 408 requires the State Health Officer's written approval to interconnect water supplies.

(2) Each service connection from the City of Fernley water system for supplying water to premises on which any substance is handled in such fashion as may allow its entry into the water system shall be protected against backflow of the water from the premises into the public system. This shall include the handling of processed waters and waters originating from the City of Fernley water system which have been subjected to deterioration of sanitary quality.

(3) Backflow prevention assemblies shall be installed on the service connection to any premises having:

(a) Internal cross-connections that cannot be permanently corrected and controlled to the satisfaction of the City of Fernley or

(b) Intricate plumbing and piping arrangements or where entry to all portions of the premises is not readily accessible for inspection purposes, making it impracticable or impossible to ascertain whether or not cross-connections exist.

(C) TYPE OF PROTECTION REQUIRED:

(1) The type of protection that shall be provided to prevent backflow into the approved water supply shall be commensurate with the degree of hazard that exists on the water user's premises. The type of protection assembly that shall be required (listing in an increasing level of protection) includes: atmospheric vacuum breaker (AVB), pressure vacuum breaker or spill resistant pressure vacuum breaker (PVB/SVB), double check valve assembly (DC), reduced pressure principle backflow prevention assembly (RP), and an air-gap separation (AG). The water user may choose a higher level of protection than required by the City of Fernley. The minimum types of backflow protection required to protect the approved water supply, at the user's water connection, are given in NAC 445A.6719 through NAC 445A.6721. Situations that are not covered in those sections of the NAC shall be evaluated on a case-by-case basis and the appropriate backflow protection shall be determined by the City of Fernley.

(2) When two (2) or more services supply water from different street mains to the same building, structure, or premises through which an interstreet main flow may occur, shall have at least a DC on each water service to be located adjacent to and on the property side of the respective meters. Such protection shall not be considered adequate if backflow protection is deemed necessary to protect the mains from contamination; in such cases the installation of approved backflow assemblies at such service connections shall be required.

9.06.04: BACKFLOW PREVENTION ASSEMBLIES:

(A) APPROVED BACKFLOW PREVENTION ASSEMBLIES:

(1) Only backflow prevention assemblies which have been approved by the University of Southern California Foundation for Cross-Connection Control and Hydraulic Research shall be acceptable for installation by a water user connected to the City of Fernley's potable water system.

(2) The City of Fernley will verify upon request, if a business is on the City's approved backflow prevention assembly tester list.

(B) BACKFLOW PREVENTION ASSEMBLY INSTALLATION: Backflow prevention assemblies shall be installed in a manner prescribed in the City of Fernley Public Works Design Standards. Location of the assemblies shall be as close as practical to the user's service connection. The City of Fernley shall have the final authority in determining the required location of a backflow prevention assembly.

(1) Air-Gap Separation (AG). The air-gap separation shall be located on the user's side of and as close to the service connection as is practical. All piping from the service connection to the receiving vessel shall be above grade and be entirely visible. NO water use shall be provided from any point between the service connection and the air-gap separation. The water inlet piping shall terminate a distance of at least two pipe diameters of the supply inlet, but in no case less than one inch above the overflow rim of the receiving tank.

(2) REDUCED PRESSURE PRINCIPLE BACKFLOW PREVENTION ASSEMBLY

(RP): The approved reduced pressure principle assembly shall be installed on the user's side of and as close to the service connection as is practical. The assembly shall be installed a minimum of twelve inches about grade and not more than thirty-six inches about grade, measured from the bottom of the assembly, and with a minimum of twelve inches side clearance. The assembly shall be installed so that it is readily accessible for maintenance and testing. Water supplied from any point between the service connection and the RP assembly shall be protected in a manner approved by the City of Fernley.

(3) DOUBLE CHECK VALVE ASSEMBLY (DC): The approved double check valve assembly shall be installed on the user's side of and as close to the service connection as is practical. The DC shall be installed above grade, if possible, and in a manner where it is readily accessible for testing and maintenance. If a double check valve assembly is put below grade it must be installed in a vault such that there is a minimum of twelve inches between the bottom of the vault and the bottom of the assembly, so that the top of the assembly is a maximum of twenty inches below grade and a maximum of thirty inches below grade, so there is a minimum of twenty-four inches of clearance between the side of the assembly with the test cocks an the side of the vault, and so there is a minimum of twelve inches clearance between the other side of the assembly and the side of the vault. Special consideration must be given to double check valve assemblies of the "Y" type. These assemblies must be installed on their "side" the test cocks in a vertical position so that either check valve may be removed for service without removing the assembly. Vaults that do not have an integrated bottom must be placed on a three-inch layer of gravel.

(4) PRESSURE VACUUM BREAKER ASSEMBLY/SPILL RESISTANT PRESSURE VACUUM BREAKER (PVB/SVB): The approved PVB/SVB shall be installed 12" above the downstream piping and sprinkler heads. The assembly shall not be subject to any backpressure from injection systems, compressed air, pumps, or other means.

(5) ATMOSPHERIC VACUUM BREAKER (AVB): The use of the AVB for service protection is prohibited.

(C) BACKFLOW PREVENTION ASSEMBLY TESTING AND MAINTENANCE:

(1) The owner of any premises on which, or on account of which, backflow prevention assemblies are required in accordance with Section 2, shall have the assemblies tested by a person who is certified as a Backflow Prevention Assembly Tester by the CA/NV AWWA or ABPA. Backflow prevention assemblies must be tested at least annually and immediately after installation, relocation or repair. The City of Fernley may require a more frequent testing schedule if it is determined to be necessary. No assembly shall be placed back in service unless it is functioning as required. A report on the City of Fernley supplied form must be filed with the City of Fernley Public Works Department each time an assembly is tested, relocated or repaired. These assemblies shall be serviced, overhauled or replaced, whenever they are found to be defective and all costs of testing, repair, and maintenance shall be borne by the water user.

(3) A successful, operational function test by a tester shall be completed and is due to City of Fernley within seven (7) days after the assembly is installed and water service is set and/or established.
(4) Affected water users can obtain a list of qualified testers from the City of Fernley, City Clerk's Office. City of Fernley will notify affected customers by mail when periodic testing of an assembly is required and also supply users with the necessary forms to be filled out each time an assembly is tested or repaired.

(D) BACKFLOW PREVENTION ASSEMBLY REMOVALS:
(1) Approvals must be obtained from the City of Fernley before a backflow prevention assembly is removed, relocated, or replaced.
(2) Removal-The use of an assembly may be discontinued and the assembly removed from service upon presentation of sufficient evidence to the City of Fernley to verify that a hazard no longer exists or is not likely to be created in the future.
(3) Relocation-An assembly may be relocated following confirmation by the City of Fernley that the relocation will continue to provide the required protection and satisfy installation requirements. A retest will be required following the relocation of the assembly.
(4) Repair-An assembly may be removed for repair, provided the water use is either discontinued until repair is completed and the assembly is tested and returned to service, or the service connection is equipped with other backflow protection approved by the City of Fernley. A retest will be required following the repair of the assembly.
(5) Replacement-An assembly may be removed and replaced provided the water use is discontinued until the replacement assembly is installed and tested. All replacement assemblies must be approved by the City of Fernley and must be commensurate with the degree of hazard involved. A retest will be required following the replacement of the assembly.

9.06.05: ADMINISTRATIVE PROCEDURES:
(A) WATER SYSTEM SURVEY:
(1) City of Fernley will review all requests for new service to determine if backflow protection is needed. Plans and specifications must be submitted to the City of Fernley upon request for review of possible cross-connection hazards as a condition of service for new service connections. If it is determined that a backflow prevention assembly is necessary to protect the public water system, the required assembly must be installed before service will be granted.
(2) City of Fernley may require an on-site inspection to evaluate cross-connection hazards. City of Fernley will transmit a written notice requesting an inspection appointment to each affected water user. Any water user who cannot or will not allow an on-premises inspection of premises piping systems shall be required to install the backflow prevention assembly or air-gap the City of Fernley considers necessary.
(3) City of Fernley may, at its discretion, require a re-inspection for cross-connection

hazards of any premises to which it serves water. The City of Fernley will transmit a written notice requesting an inspection appointment to each affected water user. Any water user who cannot or will not allow an on-premises inspection of premises piping systems shall be required to install the backflow prevention assembly or air-gap the City of Fernley considers necessary.

(B) TESTER RESPONSIBILITIES AND TESTING REQUIREMENTS:

(1) The City of Fernley test form shall be used for required backflow prevention assemblies. This form is available in electronic format.

(2) All data on the test form must be legible and complete, otherwise the form will be returned to the tester for completion.

(3) If the water meter number is not provided on the test form, the tester shall provide a copy of the water user's bill and attach it to the test form.

(4) Any tester who conducts tests of backflow prevention assemblies which protect fire service connections shall also be a licensed fire system contractor or work under the direct supervision of a licensed fire system contractor per Nevada State Health.

(5) The City of Fernley retains the right to test a water user's backflow prevention assembly on a random basis as a quality control measure. Advance notice will be given to the user.

(6) The City of Fernley may conduct periodic spot checks of a tester's work using the tester's gauge. Also, the City of Fernley may require that the tester perform the test in the presence of a City of Fernley representative.

(7) The tester shall calibrate, at least annually, all test gauges per NAC 445A.67245. The calibration certification forms must be submitted prior to testing.

(8) Both backflow prevention assemblies on a Detector Check assembly shall be tested. Designate the test for the bypass assembly as such on the test form. Read the bypass meter and record it on the test form.

(C) CUSTOMER NOTIFICATION-ASSEMBLY INSTALLATION:

(1) The City of Fernley will notify the water user of the survey findings, listing the corrective actions to be taken if any are required. A period of sixty days will be given to complete all corrective actions required, including installation and testing of approved backflow prevention assemblies or air-gap, unless a written extension is granted.

(2) A second notice will be sent to each water user who does not take the required corrective actions prescribed in the first notice within the allowed sixty-day period. The second notice will give the water user a two-week period to take the required correction action. If no action is taken within the two-week period, the City of Fernley may terminate water service to the affected water user until the required corrective actions are taken.

(D) CUSTOMER NOTIFICATION-TESTING AND MAINTENANCE:

(1) Should the water user fail to complete the required annual testing /inspection or the City of Fernley require a more frequent testing schedule, the City of Fernley will notify the affected water user that their backflow prevention assembly

installed on their service connection shall be tested or the water users air-gap shall be inspected within a period of time set by the City. This written notice shall give the water user thirty days to have the assembly tested or air-gap inspected, and supply the water user with the necessary form to be completed and resubmitted to the City of Fernley.

(2) A second notice shall be sent to each water user who does not have the backflow prevention assembly tested or air-gap inspected as prescribed in the first notice within the thirty-day period allowed. The second notice will give the water user a two-week period to have the backflow prevention assembly tested or the air-gap inspected. If no action is taken within the two week period, the City of Fernley may terminate water service to the affected water user until the subject assembly is tested, or air-gap inspected.

9.06.06: WATER SERVICE TERMINATION:

(A) GENERAL: When the City of Fernley encounters water users that represent a clear and immediate hazard to the water supply that cannot be immediately abated, the City of Fernley shall institute the procedure for discontinuing City of Fernley water service.

(B) BASIS FOR TERMINATION: Conditions or water uses that create a basis for water service termination include, but are not limited to, the following items:

(1) Refusal to install a required backflow prevention assembly or air-gap separation.
(2) Refusal to test a backflow prevention assembly or inspect an air-gap separation.
(3) Refusal to repair a faulty backflow prevention assembly.
(4) Refusal to replace a faulty backflow prevention assembly.
(5) Direct or indirect connection between the public water system and a sewer line.
(6) Unprotected direct or indirect connection between the public water system and a system or equipment containing contamination.
(7) Unprotected direct or indirect connection between the public water system and an auxiliary water system.
(8) A situation that presents an immediate health hazard to the public water system.

(C) WATER SERVICE TERMINATION PROCEDURES:

(1) For conditions a, b, c, or d or subsection 2, the City of Fernley will terminate service to a customer's premises after two written notices have been sent specifying the corrective action needed and the time period in which it must be done. If no action is taken within the allotted time period water service may be terminated.
(2) For conditions e, f, g, or h or subsection 2, the City of Fernley will take the following steps:
   (a) Make a reasonable effort to advise the water user of intent to terminate water service;
   (b) Terminate the water supply and lock the service valve. The water service will remain inactive until corrections of violations have been approved by the City of Fernley.

9.06.07: ENFORCEMENT-PENALTIES: The City of Fernley Public Works Director or his/her designee shall have the authority to enforce this ordinance.

It is unlawful for any person, firm, or corporation at any time to make or maintain or cause to be made or maintained, temporarily or permanently, for any period of time whatsoever, any cross-connection between plumbing pipes or water fixtures being served with water by the City of Fernley water system and any other source of water supply or to maintain any sanitary fixture or other appurtenances or fixtures which, by reason of their construction, may cause or allow backflow of water or other substances into the water supply system of the City of Fernley and/or the service of water pipes or fixtures of any customer of the City of Fernley.

Any violations of the provisions of this ordinance or rules or regulations promulgated thereof, shall be an infraction, punishable by a fine of not less than twenty-five dollars ($25.00), nor more than five thousand dollars ($5,000.00). Each day that a violation exists shall constitute a separate and distinct offense.

9.06.08: SEVERABILITY: If any section, subsection, subdivision, 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 Fernley City Council declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases is declared invalid. (ORD 2013-009)

CHAPTER 7: DEDICATION OF WATER RIGHTS AND FACILITIES FOR RESIDENTIAL SUBDIVISION AND PARCEL MAPS, CONSTRUCTION OF NEW HOMES AND COMMERCIAL AND INDUSTRIAL BUILDINGS.

9.07.01: DEDICATION:
(A) FOR MUNICIPAL WATER DELIVERY

1. An applicant shall dedicate to the City of Fernley, as a condition precedent to approval of a final subdivision map, final parcel map or issuance of a building permit, the surface or groundwater rights reasonably necessary to insure an adequate water supply to serve all parcels or lots within the project or a building. This section applies to projects that will be served by Fernley's municipal water system, or by domestic wells.

2. As a condition precedent to a final subdivision or parcel map, an applicant also must dedicate facilities for storm drainage, water treatment, supply, storage, transmission and distribution, and any facilities for sewage collection, treatment and disposal, and appurtenances (such as wells, pipelines, pumps and storage tanks) located within or outside of the property, which are reasonably necessary to insure an adequate water supply to the property, adequate sewage disposal for the property, and adequate storm collection and disposal for the property, along with any easement or legal access reasonably necessary to insure an adequate water supply to the property.

3. Except as otherwise provided in FMC 9.07.06(C), the amount of required dedicated water right pursuant to this Ordinance is 1.12 acre-feet annually (AFA) (1,000 gallons/day) for each parcel or lot. For commercial and industrial applications, an ERC is the amount of water use estimated for the purposes of the project divided by 1.12 acre feet. In the event of a parcel splitting subsequent to the initial parcel map, the applicable water right or fee in lieu of dedication of water rights shall be conveyed for each subsequently created parcel or lot. For each mobile or manufactured home on a lot or space, multi-family unit, condominium, commercial or industrial use, the developer's engineer shall calculate the amount of required water rights based on the number of fixture units as defined by the most current version of the plumbing code adopted by the City, multiplied by 25 gallons per day and 365 days, then converted to acre feet.

4. Dedication of surface or ground water rights must meet the following conditions:

   A. The applicant must submit proof of the validity of the water right and the complete chain of title establishing ownership. The water right must be in good standing and of sufficient quantity and quality to service the needs of the development. In the case of a certified right,

City of Fernley may request proof of use within the preceding five (5) years.

B. The water right must be legally available for the beneficial use of the proposed development. All costs of transfer of any points of diversion or change in manner and place of use shall be the responsibility of the applicant. All water rights transfers are subject to the State Water Engineer's approval, proof of which must be submitted before acceptance.

(B) Domestic Well Use

(1) For construction of new residences on existing parcels that were created on or after July 8, 1996, and that will be served by domestic wells, water rights shall be dedicated prior to the approval of a building permit for the residence. For vacant parcels that have existing wells, proof of water right dedication shall be submitted with the building permit. Parcels created before July 8, 1996, are exempt pursuant to NRS 534.350. Nothing in this ordinance is intended to supersede the provision of FTO 13.

(2) Prior to the approval of any new parcel map or subdivision map that creates new parcels that are five (5) acres or less gross acreage, and which will utilize a domestic well for the property's domestic water supply, rather than the City of Fernley Municipal Water System, the applicant shall dedicate to the City of Fernley, at the applicants cost, 2.02 acre feet per year of certificated groundwater rights from within the Fernley Area Hydrographic Basin.

(3) The City of Fernley, at its sole discretion, may accept, in lieu of the dedication of part or all of the 2.02 acre feet of groundwater rights, as required in subsection (1) and (2) above, up to 2.02 acre feet of surface or other water rights that the City of Fernley can utilize in its municipal water system. Supplemental irrigation water rights may not be dedicated to satisfy the requirements of this ordinance.

(4) Any water rights that are dedicated to the City of Fernley under this ordinance shall be "withdrawn" or committed to the use at the applicable parcel or lot pursuant to the policies and requirements of the City of Fernley and the State of Nevada.

(5) In the event a property for which water rights were dedicated to the City of Fernley and is subsequently connected to the City of Fernley municipal water system, (a) the water rights dedicated pursuant to this Ordinance may be credited toward the dedication requirements that exist for connecting the subject property to the municipal water system, but (b) said City of Fernley credit will only be granted if the former domestic well is abandoned and plugged pursuant to state law.

(6) If the abandonment of a domestic well under this Ordinance could qualify the City of Fernley for a domestic well credit pursuant to NRS 534.350, or any regulations adopted pursuant thereto, no City of Fernley credit towards the municipal service water dedication requirement will be allowed unless the City of Fernley receives

a domestic well credit pursuant to NRS 534.350, and regulations adopt pursuant thereto.

(7) If a domestic well credit is granted to Fernley pursuant to NRS 534.350, and the amount of that credit for a specific well is greater than the credit a property owner is allotted to from the City of Fernley pursuant to subsection 5 herein, the property owner will receive the benefit of any such excess and may apply that excess toward another utility connection in the City of Fernley service area.

9.07.02: USE OF WATER RIGHTS AND FACILITIES: City of Fernley may, by contract or written agreement, permit the use of the dedicated water rights and/or facilities by other governmental entities, public or private utilities, or any other person or entity, including those engaged in providing water, storm drainage or sewer services.

9.07.03: NATURE OF DEDICATION: The dedication of water rights and facilities required herein may be satisfied if the applicant enters into an agreement with the City secured by a performance bond or other undertaking acceptable to the City. The agreement must constitute a binding offer to dedicate, conditioned only upon failure to receive final approval of the application for water service.

9.07.04: FACILITIES STANDARDS: The facilities which are the subject of a dedication agreement must be designed and constructed in accordance with standards and other requirements established by the Public Works Design Standards manual.

9.07.05: APPROVAL OF SERVICE, CONDITIONAL: Every “Will-Serve” notification and administrative approval of applications for water service is conditioned upon the acceptance of the dedication or the execution of an agreement conforming to this Ordinance.

9.07.06: PAYMENT IN-LIEU OF DEDICATION OF WATER RIGHTS:

(A) New residences on parcels created by:

(1) Final subdivision maps,

(2) Tentative subdivision maps that have not expired, or

(3) Final parcel maps,

that were approved prior to December 14, 2004, may pay a fee in lieu of dedication of water rights pursuant to the requirements set forth in Paragraph B, below.

(B) The right to pay a fee in lieu of dedication pursuant to Paragraph A, above, shall expire on January 1, 2018 if not exercised before that date.

(C) STANDARDS FOR PAYMENT OF IN-LIEU FEE OF DEDICATION OF WATER RIGHTS:

(1) If a property, on which the project listed in Paragraph A, above, has appurtenant water rights, those water rights shall be dedicated to the City, to the extent required for water service. In the event an applicant is unable to convey sufficient water rights because there are insufficient water rights on the subject

property for the project, a fee may be paid in lieu of dedication of the unavailable water right or the applicant may acquire and dedicate an equivalent replacement water right.

(2) An applicant does not qualify for payment in lieu of dedication of water rights if the property that would otherwise qualify under Paragraph A, above, once had appurtenant water rights, and those rights were previously stripped from the property for use outside of the City of Fernley. The burden of proof is on the applicant to show the lack of sufficient appurtenant water rights and/or the history of the transfer or unavailability of any appurtenant water rights. Any costs incurred by the City in determining the applicant's eligibility to pay a fee in lieu of dedication shall be the responsibility of the applicant.

(3) In the event that a fee in lieu of dedication of water rights is allowed as herein provided, said fee shall be the market rate for water rights as set by Truckee Meadows Water Authority. Any funds that are paid to Fernley in lieu of a dedication of water rights shall only be spent on:

a. The acquisition of additional water rights:
b. Projects designed to expand the quantity of water available to the municipal water system. Such projects may include, without limitation, projects for the storage of water during normal water years for use by the municipal water system during drought years; or
c. New projects to enhance the quality of water within the municipal water system

(4) The payment of a fee in lieu of dedication of water rights pursuant to this chapter must be made:

a. For an eligible tentative subdivision map that has not expired and that was approved prior to December 14, 2004, at or before the time of approval of any final subdivision or final parcel map;
b. For an eligible final subdivision map or final parcel map approved prior to December 14, 2004, at or before the time the water service connection fee is paid. If, prior to the effective date of this ordinance, the water service connection fee was paid, but the payment of the fee in lieu of dedication of water rights was not paid at or before that time, the payment of the fee in lieu of dedication of water rights shall be paid at or before the time of the physical connection of any structure on the lot to the water service system; or
c. For all other eligible final subdivision maps or final parcel maps for which the fee was not collected at the time of submittal or recordation of such final subdivision map or final parcel map, at or before a building permit for any lot contained within the final subdivision map or final parcel map is submitted.

(5) Notwithstanding any provisions of FMC 9.07.01(A)(3) to the contrary, the required dedication rate on which the payment of a fee in lieu of dedication shall be calculated pursuant to this section for each residential lot created by a:

a. Final subdivision map; or

b. Final parcel map, approved before December 14, 2004, and for which water was allocated from the City's existing pool of ground water rights, shall be the amount of ground water actually allocated to serve such lots as evidence by the records of the Nevada State Engineer.

9.07.07: LIST OF QUALIFIED APPRAISERS:

(A) Purpose: The purpose of this provision is to meet the minimum requirements set forth by the legislative mandate of Assembly Bill No. 312, as amended by Senate Bill No. 394 of the 73rd Session of the Nevada Legislature, and as further amended by Assembly Bill No. 462 of the 74th Session of the Nevada Legislature. To comply with that legislative mandate, Council adopts an ordinance establishing the procedures for creating and amending a list of appraisers qualified to conduct appraisals of real property offered for sale or lease by the City. (ORD 2009-09)

(1) This provision applies when the City is offering real property for sale or lease except as otherwise provided by state law including but not limited to those exceptions contained NRS 268.059.

(2) This provision does not create a legal right, including but not limited to a property or other constitutional right, to be placed upon the established appraisal lists or to be awarded a contract for professional services.

(B)Procedure:

(1) The director shall obtain from the Nevada Real Estate Division a list of all general appraisers qualified to act as a general appraiser in Lyon County.

(2) The director shall send a request for qualification to each appraiser on the list to determine if the appraiser is interested in performing appraisals for the City under terms and conditions stated therein, and what types of appraisals the appraiser is qualified to perform based on training and experience. An appraiser who fails to respond to the request for qualifications to the satisfaction of the director shall not be placed on the list.

(3) From the responses to the requests for qualifications, the director shall prepare the following five lists:

(A) Residential appraisers;

(B) General Commercial and/or industrial appraisers;

(C) Ranches appraisers;

(D) Open space appraisers; and

(E) Water rights appraisers.

(4) The names on the five lists set forth in paragraph C must be organized in a random order in a fashion determined by the director.

(5) To create the five lists set forth in paragraph C, the following standards shall be used to determine minimum qualifications:

(A) The appraiser must possess all necessary licenses;

(B) The appraiser must not have violated professional appraiser standards or statutory requirements in the performance of appraisals or cannot have been

disciplined or fined by any state or federal agency for conduct that relates to the ability of the appraiser to perform the work to be required by the City;

(C) The appraiser must have the ability to obtain and maintain insurance coverage as required by the City;

(D) The appraiser must have the professional qualifications and experience for the specific appraisal required by the City;

(E) During the 5 years immediately preceding the date of the appointment by the City, the appraiser cannot have filed as a debtor in a business capacity under the provisions of the United States Bankruptcy Code or breached any contract with a public agency or person in this state or any other state;

(F) The appraiser's application must be truthful and complete; and

(G) The appraiser must execute the application form and consent to and have the ability to satisfy all terms and conditions contained in any proposed contract for appraisal services presented by the City.

(6) Appraisers on the lists shall keep the director informed of any change in the status of standards listed above in E(1) through E(7). The change in the appraiser's status or failure to maintain the minimum qualifications is cause for immediate removal from the list by the director. The director shall provide written notice to any appraiser of his or her removal.

(7) The names of appraisers who are organized in a firm of appraisers may be placed on the list independently if each is independently qualified. No two appraisers from the same firm can be selected to appraise the same real property. An appraiser who cannot be selected because of an appraisal firm relationship retains his or her place on the list for the next appraisal required by the City.

(8) From time to time the director shall obtain a new list from the State Real Estate Division and follow the procedures of this ordinance to assemble a new list. An appraiser whose name is stricken from the list as required by Sections 3(B) or 3(F) may be added to the new list if properly qualified and responsive.

(C) Appraiser Selection Process:

(1) When an appraisal is required for the sale or lease of real property owned by the City, the director shall send a request for proposal to the appraiser whose name is next on the list for the type of property appraisal required, and who has not been hired by the City for an appraisal since the last time the list was assembled or reordered.

(2) The request for proposal shall identify:

(A) The property to be appraised;

(B) The desired terms and conditions of appraisal; and

(C) The requirements for the response to the request for proposal.

(3) The response from the appraiser must include:

(A) A statement of specific qualifications to do the type of appraisal required;

(B) A proposal complying with the terms and conditions of the request;

(C) The names of other appraisers in the appraiser's firm, if any;

(D) A statement that the appraiser is not related within the first degree of consanguinity or affinity to any person who has an interest in the real property or an adjoining property; and

(E) A disclosure statement which includes, without limitation:

(1) All sources of income that may constitute a conflict of interest;

(2) Any prior appraisal by the appraiser of the subject property; and

(3) Any relationship of the appraiser with the City, the owner of the subject property or the owners of any adjoining property to the one being appraised.

(4) If an appraiser responds to the request in terms that are responsive and satisfactory to the director, the appraiser's proposal shall be presented to the Council which shall verify the qualifications of the appraiser. The determination of the Council as to qualifications is conclusive. An appraiser's name shall be stricken from the list for the type of appraisal requested if the appraiser does not satisfactorily respond to the request as determined by the director or if the Council declines to verify the appraiser's qualifications.

(5) The director shall use the list and repeat the selection procedures until the Council approves an appraiser. To expedite the selection process, the director may send a request for proposal to more than one appraiser on the list. Those appraisers who respond but are not selected shall retain their places on the list. The director may also send the names of more than one appraiser to the Council, but shall report to the Council the order of the appraisers on the list. (ORD 2015-011).

CHAPTER 8 WASTEWATER RULES AND REGULATIONS

9.08.01: GENERAL PROVISIONS:

(A) SHORT TITLE: This article shall be known and may be cited as the "City of Fernley Wastewater Rules and Regulations".

(B) AUTHORITY: The following rules and regulations apply to wastewater service supplied by the City of Fernley Public Works Department to its customers and have been approved by the City of Fernley, a political subdivision of the State of Nevada, through its governing body, the Fernley City Council. By law, the City is not permitted to supply service to any customer who does not comply with all provisions of the rules and regulations, and no officer, inspector, agent or employee of the City of Fernley has any authority to waive, alter or amend in any respect these rules and regulations, or any part thereof, unless otherwise authorized herein.

(C) WASTEWATER SYSTEM: The goal of the City of Fernley is to develop a comprehensive, integrated wastewater system to serve the residents within the City of Fernley. To this end, the Public Works Department will review every development within the City of Fernley Wastewater Boundary to evaluate, conjunctive with the developer, the feasibility of integrating the development, presently or in the future, with the system, plant, works and undertaking used in obtaining and disposing of wastewater for public and private uses, including all parts of the wastewater system, all appurtenances to it, and lands, easements, rights in land, water rights, contract rights, franchises, and other wastewater storage and collections systems and equipment. The Public Works Department has the right to accept or not accept any wastewater system. Any property with or without a septic system when within the Wastewater Boundary may be required to connect to the City's municipal wastewater system if reasonably accessible. The City has the right to refuse service to any customer in the event the Public Works Department deems that the customer or applicant would create conditions that in the opinion of the Public Works Department could affect the treatment of the collected wastewater.

(D) MAINTENANCE OF WASTEWATER FACILITIES AND INTERRUPTION OF SERVICE FOR EMERGENCY REPAIRS: The City of Fernley shall not accept any responsibility for any interruption of service to accomplish emergency repairs or should a condition within the system become evident that would prohibit safe operation of the system.

(E) TAMPERING WITH CITY PROPERTY: No one except an employee or representative of the Public Works Department shall at any time operate and/or provide maintenance to any portions of the City's wastewater system. Unless greater penalty is provided in the Nevada Revised Statutes, tampering with the City's wastewater system shall be guilty of a misdemeanor.

(F) EXCAVATIONS: Any person or entity wishing to excavate within the City of Fernley Wastewater Boundary must obtain line location information at least 48 hours before

commencing any work. The Public Works Department will only be liable for any requested line locates that are marked in the field by the Public Works Department that exceed two feet on any side of the outside diameter of a wastewater line or buried appurtenance.

Any persons or entity wishing to excavate within the City of Fernley right-of-way (ROW) must obtain a City of Fernley Encroachment/Excavation permit prior to commencement of any work.

(G) BONDING: All wastewater projects installed by developers are required to be bonded before the project begins to insure completion. The owner shall post a 110% surety bond, cash or other approved security with the City to guarantee the satisfactory completion of any improvements to the City's wastewater system.

(H) PENALTY FOR VIOLATION: In addition to any other provision of these regulations, failure of the customer to comply with any regulations of the City of Fernley will result in the customer's water and sewer service being discontinued. Water and sewer service shall not be restored to such a customer until he/she has paid the reconnection fee and has complied with these Rules and Regulations, as well as the City of Fernley Sewer Rate/Fee Schedule.

9.08.02: DEFINITIONS:
APPLICANT: The person, firm, association, corporation or government agency applying for wastewater service.

AVAILABILITY: The property abutting upon The City's sewer system and which can be directly connected for the discharge of sewage herein.

BOD (Biochemical Oxygen Demand): The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20° C, expressed in milligrams per liter.

BOUNDARIES: The City of Fernley Wastewater Boundary, defined in Fernley City Ordinance #7.

BUILDING DRAIN: That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning two (2) feet outside the inner face of the building wall.

BUILDING SEWER: The extension from the building drain to the public sewer or other place of disposal.

COMBINED SEWER: A sewer receiving both surface runoff and sewage.

CONNECTION: The pipe and appurtenant facilities, such as property line clean outs,

used to extend wastewater service from a main to premises.

CONNECTION FEE: A fee paid to receive wastewater service from the City of Fernley.

COSTS: The cost of labor, material, transportation, supervision, engineering, field-testing, administration and all other related expenses.

COUNCIL: The City of Fernley City Council, governing body of the City of Fernley, State of Nevada.

DELINQUENT ACCOUNT: Any account with a balance remaining unpaid following the due date (20th of the month).

DIRECTOR: The Director of the City of Fernley Public Works Department.

GARBAGE: Solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.

INDUSTRIAL WASTES: The liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

NATURAL OUTLET: Any outlet into a water source, pond, ditch, lake, or other body of surface or groundwater.

OWNER: The person in whose name the legal title to the property appears, by deed duly recorded in the Lyon County recorder's office, or the person in possession of the property or buildings under claim of, or exercising acts of ownership over same for himself, or as executor, guardian or trustee of the owner.

PERSON: An individual or a company, association, co-partnership or public or private corporation, governmental agency, or other organization operating as a single business entity.

PREMISES: A lot or parcel of real property under one ownership.

PROPERLY SHREDDED GARBAGE: The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particles greater than one-half (1/2) inch in any dimension.

PH: The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

PUBLIC SEWER: A sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

PUBLIC WORKS DEPARTMENT: City of Fernley Public Works Department.

RATE/FEE SCHEDULE: The rates, charges and fees for wastewater service as established by resolution(s) or ordinance(s) of the City Council.

SANITARY SEWER: A sewer, which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

SEWAGE: A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

SEWAGE TREATMENT PLANT: Any arrangement of devices and structures used for treating sewage.

SEWAGE WORKS: All facilities for collecting, pumping, treating and disposing of sewage.

SEWER: A pipe or conduit for carrying sewage.

SHALL: "Shall" is mandatory; “May" is permissive.

SLUG: Any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average 24-hour concentration or flows during normal operation.

STORM DRAIN (Storm Sewer): A sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, and other unpolluted cooling water.

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

WATERCOURSE: A channel in which a flow of water occurs, either continuously or intermittently.

9.08.03: USE OF PUBLIC SEWERS REQUIRED:

(A) CONNECTION REQUIREMENTS: The owners of inhabited property within the City of Fernley Wastewater Boundary shall connect their property with the City’s sewer system, and upon failure to connect within sixty (60) days after written notice by the City, resulting from City Council action, the City may cause such connection to be made and a lien to be filed against the property for the expense incurred in making such connection. No owner, however, shall be compelled to connect his property with such system unless a service line is brought, by the City, which passes through the property, is in physical contact with the property line, or is located adjacent to the

property in a street or right-of-way that abuts the property line.

(B) SEWAGE ALTERNATIVES PROHIBITED: Except as otherwise provided in Chapter 9.08.04, the construction or maintenance within the City of Fernley Wastewater Boundary of any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage is prohibited.

9.08.04: PRIVATE SEWAGE DISPOSAL:

(A) PRIVATE SEWER ACCEPTABILITY: Where a public sanitary sewer within the City of Fernley Wastewater Boundary is not available or for other good cause shown, the building sewer shall be connected to a private sewage disposal system in compliance with the laws of the State of Nevada and the regulations of the Nevada Division of Environmental Protection of the State of Nevada.

(B) PUBLIC SEWER AVAILABILITY: When a public sewer becomes available to a property served by a private sewage disposal system as provided in this Chapter, a direct connection shall be made to the public sewer in compliance with Chapter 9.08.03, and any septic tanks, cesspools and similar private sewage disposal facilities shall be removed and disposed of or abandoned and filled with suitable material to the satisfaction of the City of Fernley and the State of Nevada.

9.08.05: BUILDING SEWERS AND CONNECTIONS:

(A) CONNECTION APPROVAL: No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City.

(B) SEWER CONNECTION APPLICATION: An owner desiring to make a connection to a public sewer shall make a request for will-serve and wastewater connection on a form furnished by the City of Fernley. The permit application shall be supplemented by any plans, specification or other information considered pertinent in the judgment of the Public Works Department. The connection charge shall be paid by the applicant to the City prior to his obtaining a building permit and before the connection permit is issued.

(C) RESPONSIBILITY OF COSTS: All cost and expenses in relation to the installation and connection of the building sewer, including inspection and engineering costs, shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(D) SEPARATE BUILDING SEWER CONNECTIONS: Except as otherwise provided, a separate and independent building sewer connection shall be provided for every building. Where a building stands at the rear of another on an interior lot and public sewer is not available or can be constructed to the rear building through an adjoining alley, court, yard or extended to the rear building then the separate buildings sewer can be considered as one building sewer.

(E) OLD BUILDING SEWERS: Old building sewers may be used in connection with a new building only when they are found, examined and tested by the owner, to the satisfaction of the Public Works Department, and found to meet all requirements of these regulations.

(F) SEWER CONSTRUCTION CODE REQUIREMENTS: The size, slope, alignment and materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the most current edition of the applicable regulations, such as the City of Fernley Public Works Design Standards, Uniform Plumbing Code, and regulations of the State of Nevada.

(G) BUILDING CONNECTION LOCATION: Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which the building drains are too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drains shall be lifted by an approved means and discharged to the building sewer.

(H) CONNECTIONS WITH SURFACE OR GROUNDWATER: No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain, which in turn is connected directly, or indirectly, to a public sanitary sewer.

(I) SEWER CONNECTION CODE REQUIREMENTS: The connection of the building sewer into the public sewer shall conform to the requirements of the City of Fernley Public Works Design Standards, current edition of Uniform Plumbing Code and/or applicable regulations of the State of Nevada. Any deviation from the prescribed procedure and materials must be approved by the Public Works Department before installation.

(J) SEWER CONNECTION SUPERVISION: The applicant for the building sewer permit shall notify the Public Works Department when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of a Public Works Department representative.

(K) CONSTRUCTION SAFETY: All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazards. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

(L) SEWER LATERAL OWNERSHIP: The owner shall own and be responsible for the sewer lateral from the owner's building to the property line. The City shall own and be responsible for the sewer lateral within the City's Right-of-Way (ROW). There shall be a sewer clean-out installed on the sewer lateral at the property line to allow the City to properly maintain the City-owned portion of the sewer lateral.

There will be no charge for the owner to consult the City if a performance deficiency is identified in the City's portion of the lateral. If, however, the deficiency is identified within the owner's portion of the lateral, the owner will be charged for a service call pursuant to the City of Fernley Sewer Rate/Fee Schedule.

9.08.06: GENERAL USE REGULATIONS:

(A) DISCHARGING INTO SEWERS: No person shall discharge, or cause to be discharged, any stormwater, surface water, groundwater, roof runoff, subsurface drainage, contaminated cooling water, swimming pool water or polluted industrial process waters to any sanitary sewer.

(B) SEWER OBSTRUCTIONS: No person shall construct or place, or cause to be constructed or placed, any structure over any public sewer or within five (5) feet of any public sewer.

(C) STORM SEWER: Stormwater and all other non-polluted drainage shall be discharged to such sewers as are specially designated as storm sewers, or to a natural outlet.

(D) DISCHARGE CONTAMINANTS PROHIBITED: No person shall discharge or cause to be discharged the following described substances, materials, water or wastes if it appears likely in the opinion of the Public Works Department that such wastes can harm either the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream or can otherwise endanger life, limb, public property or constitute a nuisance. The substances prohibited are:

(1) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the City's system or to the operation of the City's system. At no time shall two successive readings on an explosion hazard meter at the point of discharge be more than five percent nor shall any single reading be over ten percent of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, and hydrides.

(2) Any waters or wastes containing toxic or poisonous solids, liquids or gases, either singly or by interaction with other wastes, to injure or interfere with any animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of 2 mg/l, pesticides and herbicides.

(3) Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works. Any waters or wastes having a pH in excess of 9.5.

(4) Solid or viscous substances in quantities or of such size capable of causing

obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as metal, glass, rags, feathers, tar, plastics, wood, underground garbage, whole blood, paunch manure, hair and fleshings, entrails, paper dishes, cups, milk containers, either whole or ground by garbage grinders.

(5) Any liquid or vapor having a temperature higher than 150 degrees F in the collection system or 104 degrees F at the treatment plant.

(6) Any water or waste containing fats, wax, grease or oils, whether emulsified or excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32 degrees and 150 degrees F.

(7) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower or greater shall be subject to the review and approval of the Public Works Department.

(8) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.

(9) Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances, or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the City for such materials.

(10) Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the City as necessary, after treatment of the composite sewage, to meet the requirements of the local, state, federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

(11) Any radioactive, radiological, chemical or biological warfare agent waste or material except as regulated by the State or Federal government.

(12) Materials which exert or cause:

(a) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).

(b) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

(c) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

(d) Unusual volume of flow or concentration of wastes constituting slugs.

(13) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amendable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(14) Any discharge of geothermal water, that being water heated naturally by the earth and all dissolved or entrained minerals contained therein, from any commercial, industrial, or residential source.

In forming an opinion as to the acceptability of these wastes, the Public Works Department will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment, plant, or other pertinent factors.

(E) PUBLIC WORKS DEPARTMENT REQUIREMENTS: If any water or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Chapter 9.08.06.D, and which in the judgment of the Public Works Department may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise creates a hazard to life or constitute a public nuisance, the Public Works Department may:

(1) Reject the wastes;
(2) Require pretreatment to an acceptable condition for discharge to the public sewer;
(3) Require control over the quantities and rates of discharge; or
(4) Require payment to cover the added cost of handling and treating the wastes not covered by existing sewer charges.

If the Public Works Department permits the pretreatment and/or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Public Works Department, and subject to the requirements of all applicable codes, ordinances and laws. The Public Works Director shall make all such discretionary determinations as may be required to administer this chapter, and shall recover the costs, incurred in making such a determination, from the discharger.

(F) GREASE, OIL, and SAND SEPARATORS: Grease, oil and sand separators shall be provided when they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of the type and capacity specified in the most current edition of the Uniform Plumbing Code (IPC), and shall be located so as to be readily and easily accessible for cleaning and inspection.

(G) PRELIMINARY TREATMENT: Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, the owner at his expense shall maintain them continuously in satisfactory and effective operation.

(H) METERING: When required by the Public Works Department, the owner of any property serviced by a building sewer carrying commercial/industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such a manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by

the Public Works Department. The manhole shall be installed by the owner without expense to the City, and shall be maintained by the owner in a safe and accessible condition at all times.

(I) WASTEWATER TESTING: All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in these regulations shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole. If no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property shall carry out sampling.

(J) SPECIAL CONSIDERATIONS: Nothing contained in this chapter shall be construed as preventing any special agreement or arrangement between the City and any commercial/industrial concern whereby any commercial/industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefore, by the commercial/industrial concern.

9.08.07: POWERS OF AUTHORITY: Authorized employees of the City of Fernley bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspecting, observations, measurement, sampling and testing in accordance with the provisions of these regulations.

9.08.08: DEPOSITS:

(A) CREDIT ESTABLISHMENT AND MAINTENANCE: Each applicant for service shall establish and maintain credit to the satisfaction of the City by a guarantee deposit before service will be rendered.

(B) GUARANTEE DEPOSIT: The deposit required for wastewater service pursuant to the existing Rate/Fee Schedule will be paid for with cash, check, money order or accepted credit/debit card. If a payment transaction is returned by the bank, service will be immediately terminated and, a non-sufficient funds charge shall be paid by the customer along with a mandatory cash deposit before service will be restored.

(C) DEPOSIT REESTABLISHMENT: Any amount due for wastewater service that remains unpaid for 45 days after presentation of a bill may be deducted from the guarantee deposit, and service shall be subject to discontinuance until the deposit is restored. Any customer who receives two 45-day delinquency notices in a one-year period shall be required to pay a new guarantee deposit, or update the deposit to the current rate.

(D) RETURN OF GUARANTEE DEPOSIT-PROPERTY OWNER: A guarantee deposit on an account which has not been in arrears at any time during a 12-month period

will be applied to the account. If the service is terminated, the deposit will be returned after all outstanding bills for wastewater service have been paid. Any deposit uncalled for within five years from the date when made will become the property of and be retained by the City. Interest is not credited or payable on deposits.

(E) RETURN OF GUARANTEE DEPOSIT-RENTER: Deposits made by a renter shall be refunded only on termination of service. Interest is not credited or payable on deposits.

9.08.09: BILLING:

(A) BILLING PERIOD: The regular billing period shall be monthly, in arrears, with bills generally sent between the 1st and the 5th of the month.

(B) PARTIAL BILLING PERIOD: Service for less than the normal billing period shall be billed at a prorated rate.

(C) CHARGES: All charges and fees shall be those identified in the most current version of the City of Fernley Sewer Rate/Fee Schedule.

(D) CONNECTION FEE: For every connection made within the system there shall be charged an initial payment in the form of a connection fee in accordance with the following schedule:

The Wastewater Connection Fee shall be paid according to the most current version of the Rate/Fee Schedule. The Connection Fee shall be a one time fee and shall be paid before the customer receives service. The fees are non-refundable and non-transferable.

The Wastewater Connection Fee is based on Equivalent Residential Capacity (ERC) units. One ERC is equal to one single family residential unit or 345 gallons of discharged wastewater per day. The Wastewater Connection Fee is calculated by taking the wastewater flow per day and dividing it by 345 gallons per day and multiplying by the current ERC based Connection Fee. Exception: Three hotel/motel units shall be equivalent to one ERC. The applicant must provide the City of Fernley with expected discharge volume information certified by a registered civil engineer in the State of Nevada along with an approved stamped set of drawings.

(E) PAYMENT: Sewer Charges are billed in arrears and are due and payable at the office of the City of Fernley on or before the 20th day of the month. Any account balance not paid by the 20th of the month is delinquent.

(F) PENALTY ON UNPAID BALANCE: Rates and charges, which are not paid on or before the next regular billing date are subject to a late penalty in accordance with the Rate/Fee Schedule.

(G) ADMINISTRATIVE CHARGES: The City may establish, with the City Council's approval, reasonable charges for late fees, bank charges for returned checks, service reestablishment charges and other administrative charges pursuant to the Rate/Fee Schedule.

(H) SERVICE DISCONTINUANCE: If a delinquent bill is not paid on the 20th of the month following the due date, service will be discontinued. Discontinuance and reconnection costs shall be borne by the property owner before service is resumed. The City shall send notice to customers with delinquent accounts at least 10 calendar days prior to the planned discontinuance date. Should any customer fail or refuse to make payment for properly billed service, the service shall be discontinued. Delinquent balances constitute a lien on the property.

(I) DELINQUENT ACCOUNTS: No application for sewer service shall be accepted from any former customer owing any delinquent balance until the delinquent account is paid in full together with any applicable reconnection charges. A deposit will be required to insure future payments, but the deposit shall not exceed three months' estimated billing.

(J) RENTALS: Property owners shall be responsible for sewer bills for rental properties if the renter fails to pay the bills. Sewer service is subject to discontinuance per Section 9.08.09(H) above. Delinquent balances constitute a lien on the property

9.08.10: REIMBURSEMENTS FOR MAIN EXTENSIONS AND NEW FACILITIES:

(A) AGREEMENTS: The City, developers, customers and/or other parties may enter into agreement for the reimbursement or repayment of the costs of construction of main extensions or other improvements to the City's sewer system, subject to the requirements of this chapter:

(1) To the City, if the City provides the construction of the project, from the customers along the new line.

(2) To the developer or other party who provides the construction of the project, from customers along the new line for reimbursement of the project costs. Such reimbursements shall not become general obligations of the City.

(B) REIMBURSABLE COSTS: The reimbursable costs may include the actual costs of construction of the main extension and/or other new facilities, including oversizing; related design, planning, engineering, inspection fees, and testing fees, and the City's administration and overhead costs incurred.

(C) REIMBURSEMENT AMOUNTS: To determine reimbursement amounts for new customers, the following information must first be determined: flow contribution for individual lots, total flow contribution for entire reimbursement area and total cost of construction.

(1) Flow Contribution for Individual Lots: For residential zoning districts, it is necessary to determine the maximum dwelling units for individual lots by dividing

the gross acreage by the minimum permissible lot size and rounding up to the nearest whole number (for 1 acre gross size in an NR-1 zoning district [6,000 sf minimum lot size], from the 2003 City of Fernley Development Code; 43,560 square feet divided by 6,000 square feet = 7.26 dwelling units or 8 dwelling units after rounding). The rounded maximum dwelling unit count is then multiplied by 200 gallons per day to obtain the individual lot's flow contribution (continued from above, 8 dwelling units multiplied by 200 gallons per day per dwelling unit = 1,600 gallons per day). For all non-residential zoning districts, it is necessary to only determine the gross acreage and multiply by 400 gallons per day per acre (1 acre gross size in a C-2 zoning district, from the 2003 City of Fernley Development Code = 1 acre multiplied by 400 gallons per day per acre = 400 gallons per day).

(2) Total Flow Contribution for Entire Reimbursement Area: The total flow contribution for the entire reimbursement area will be calculated by totaling the flow contributions for all individual lots that can use the extension or facility for their primary sewer source.

(3) Total Cost of Construction: The total cost of construction of the main extension or new facility will be determined by actual cost of construction plus related costs as indicated in Chapter 9.08.10.B as approved by the Public Works Director.

(4) New Customer Reimbursement: The amount to be reimbursed by each new customer who utilizes the main extension or other new facilities will be determined by dividing the flow contribution from the individual customer's lot or parcel by the total flow contribution of all the lots or parcels included in the area, then multiplying the total cost of the project by that same fraction or percentage.

(D) TIME OF PAYMENT: The reimbursement amount shall be due and payable at the time of connection of the property to the main extension or other new line or facility, or at such other times as may be approved by the City by written agreement. The reimbursement amount must be paid or the written agreement executed before water or sewer service is provided to the property.

(E) EASEMENTS AND RIGHT-OF-WAYS: The provider of the new line or facility must obtain legal easements for the City for the new line or any portion thereof which would not be located in an existing easement or right-of-way.

(F) OVER-SIZING: In the event the main extension or new line is required to be larger in diameter than the developer would need because of the number of additional customers to be served, the costs of material for over-sizing of the main extension or construction of extra facilities shall be included in the reimbursable costs. The over-sizing costs shall consist of the difference between the materials price of the larger pipe or other materials and the price of the pipe that would be sufficient if the line were only to service that property alone.

(G) TIME LIMIT FOR REIMBURSEMENT: All reimbursement agreements shall be limited to 10 years, or such a period as may be required by the City.

(H) CONSTRUCTION OF PROJECT: The City shall decide whether to construct the project or to allow the developer or other party to build the project. No construction may begin before execution of the written reimbursement agreement.

(I) BIDDING REQUIREMENTS: If the City provides construction, the bidding laws and requirements applicable to the City shall be used. A developer doing infrastructure improvements under the reimbursement agreement process must obtain a minimum of two bids, acceptable to the City, and shall utilize the lowest bid.

(J) AGREEMENT BINDING ON SUCCESSORS: Reimbursement agreements shall be binding on the heirs and successors in interest of the parties to the reimbursement agreement.

(K) MODIFICATIONS OF AGREEMENTS: Reimbursement agreements may be altered, modified or amended only in writing, with City Council approval.

9.08.11: DISCONTINUANCE OF SERVICE:

(A) VIOLATIONS: Any person found to be violating any provision of these regulations shall be notified by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(B) FAILURE TO COMPLY: Should a customer fail or refuse to comply with any of the provisions of these regulations or to pay any charges assessed pursuant to these regulations and the established schedule of rates, the City reserves the right to discontinue service.

(C) FAILURE TO DISCOVER VIOLATIONS: Failure of the City to discover violations or to take action to enforce any regulation shall not constitute a forfeiture or waiver of its right to take appropriate action at any time.

(D) LIABILITY: Failure to receive a billing statement or discontinuance of service does not relieve customer of liability. Any amount due shall be deemed a debt to the City, and any person, firm or corporation failing, neglecting or refusing to pay said indebtedness shall be liable to an action by the City in any court of competent jurisdiction for the amount thereof. Furthermore, any indebtedness incurred in relation to this title shall constitute a lien upon the property to which the service is rendered.

(E) RECONNECTION CHARGE: A reconnection charge plus penalties will be made and collected prior to renewing service following discontinuance as reflected in the Rate/Fee Schedule.

(F) UNSAFE CONDITION: If any unsafe or hazardous condition is found to exist on the customer's premises the service may be shut off without notice. The City will notify

the customer immediately of the reasons for the discontinuance and the corrective action to be taken by the customer before service can be restored.

(G) IMPROPER/ILLEGAL SERVICE: If the City identifies a customer improperly or illegally connected to or having altered a wastewater service, service to that customer may be discontinued without notice. Service will not be restored until the customer has complied with all rules and requirements of the City of Fernley and the City has been reimbursed for the full amount of the service rendered and the actual cost to the City incurred by reason of the improper or illegal use, including court costs and legal fees.

9.08.12: APPEAL:
DECISIONS OF PUBLIC WORKS DIRECTOR FINAL: All decisions of the Public Works Director shall be final unless appealed in writing to the City of Fernley City Council within ten (10) business days. In such appeals, the decision of the City Council shall be final.

CHAPTER 9: CEMETERY

9.09.01: DEFINITIONS:
As used in this Chapter, unless the context otherwise requires, the following definitions apply:

CEMETERY: a burial park for earth interments.

INTERMENT: the permanent disposition of the remains of a deceased person into the earth.

BURIAL SPACE, GRAVE SITE OR PLOT: a single space, approximately 5 x 10 feet, within the cemetery and designed for the interment of one body.

CHILDREN'S PLOT: a single space, approximately 5 feet x 5 feet, within the cemetery and designed for the interment of one body under the length of 3 feet.

CREMATION PLOT: a single space, approximately 2'6" x 2'6", within the cemetery and designed for the placement of cremated remains.

MEMORIAL OR MARKER: a monument, tablet or headstone for the family or individual use.

ADMINISTRATOR OF THE CEMETERY: The Public Works Director shall be the administrator of the cemetery and will be referred to in this document as the Administrator.

RESPONSIBLE PARTY: Individual who signs the burial agreement.

9.09.02 OWNERSHIP AND MANAGEMENT:
(A) The City of Fernley owns the Fernley Desert Garden Cemetery.

(B) The Fernley Garden Cemetery is administered by the City of Fernley City Council, with day to day operations overseen by Administrator.

(C) Within the confines of the Cemetery Grounds, the Administrator shall have complete control of all activities within the confines of the cemetery grounds.

(D) Maintenance of the cemetery is the responsibility of the City of Fernley; however maintenance of plots and grave markers are the responsibility of the parties as assigned in the burial agreement.

(E) The City Council shall fix the following by resolution:
   (1) Value (sale price) of unsold lots;
   (2) Interment Fee;
   (3) Fee for opening and closing of grave;

(4) Memorial or Marker deposit;
(5) Disinterment Fee;
(6) Other fees and charges as may be required

9.09.03 DUTIES OF ADMINISTRATOR:

(A) ADMINISTRATOR: Duties of the administrator of the municipal cemetery are as follows:
  (1) Development: The administrator is responsible for the development of the municipal cemetery expansion plans for inclusion in the annual budget of the City;
  (2) Records Maintenance: The administrator is responsible for the maintenance of the administrative records of the cemetery, to include:
    (a) Lot records of each deceased interred;
    (b) Lot records of each reserved lot;
    (c) Mailing of invoices for quarterly payment for reserved lots purchased on an installment basis;
    (d) Issue cemetery lot deeds on final payment of lots;
    (e) Update the cemetery map semiannually
  (3) Operation and maintenance: The administrator is responsible for the operation and maintenance of the cemetery.

9.09.04 INTERMENTS:

(A) All interments must be in accordance with Federal, State, and County laws and must be pre-arranged, during normal business hours, and approved by the City of Fernley.

(B) All arrangement for opening and closing of gravesites are to be made through a licensed funeral director.

(C) Request for Interments: Requests shall be made through the City of Fernley.

(D) Notice of Interment required: Forty-eight (48) hour notice must be given for any internments.

(E) Holiday Interment: No interment will be allowed on Sunday, Saturday, legal holidays, or on the day upon which any holiday is legally observed, except by the approval of the Administrator. Any and all exceptions must be approved in writing by City of Fernley.

(F) Emergency Burials: Arrangements for emergency burials must be approved by the Administrator and proof of emergency must be furnished within five (5) days.

(G) All requests must be made in writing within 5 business days of scheduled interment.

(H) Location of Interment Space: The written request for interment site may request an exact location of the lot in the cemetery for the grave to be opened. Potential

interment sites shall be limited to rows and sections currently available for interments as determined by the Administrator All graves shall be opened within the specified fixed five (5) by ten (10) foot space allotted for each single burial and shall be approximately six (6) feet deep. When the instructions regarding the location of an interment space cannot be obtained, or is indefinite, or when for any reason the burial space cannot be opened exactly where requested, the City of Fernley may, at its discretion, open it in such location as they deem best and proper, so as not to delay the funeral. The City shall not be liable for damages in any action taken.

(I) There may be one burial and one cremation, or four cremations placed in each 5'x10' plot.

9.09.05 CREMAINS:

(A) Interment of Cremains: any casket, urn, or suitable container containing the cremated remains of any person may be interred following the same general procedures as for the burial of a body.

(B) Cremains Burial Space: The minimum Cremains site shall be 2'6" x 2'6", the depth shall not be less than two (2) feet.

(C) Scattering Ashes: Ashes may be scattered once the request is approved by the City of Fernley. Scattered ashes must be less than a 1/8" in size. (NRS 451.700)

(D) Burial in Existing Grave: Burial of cremains is permitted within an existing grave upon approval of the City of Fernley.

9.09.06 GENERAL SUPERVISION OF THE CEMETERIES:

(A) Admission to the Cemetery: Entrance into the cemetery except through the main entrance is strictly forbidden. The City reserves the right to refuse admission to the cemetery to any persons who are deemed objectionable to the best interest of the cemetery.

(B) Conduct of Persons within the Cemetery: Visitors are welcome on the cemetery ground at any time. Children under fifteen (15) years of age shall not be permitted within the cemeteries unless accompanied by an adult.

(C) The City of Fernley in Charge of all Funerals: All funerals, upon reaching the cemetery, shall be under the supervision and coordination of the Funeral Director.

(D) Casket not to be disturbed: Once a casket containing a body is in the confines of the cemetery, no funeral director, or his embalmer, or assistants, employee, agent, cemetery official or any other person shall be permitted to open a casket or to touch a body without the consent of the legal representative of the deceased or without a court order.

(E) Not Responsible for Embalming or Identity: The City shall not be held responsible for the interment permit nor for the identification of any person sought to be interred, nor the burial preparation of the deceased.

(F) Above the Ground Crypts: No above ground crypts or tombs shall be permitted in the Fernley Garden Cemetery.

9.09.07 SITE PREPARATION:

(A) Approved Grave Liners: Every earth interment must be in an outside receptacle of metal, concrete, or fiberglass box. The receptacle shall be furnished and installed by the mortuary. The City shall have the right to refuse any such receptacle that is damaged or in any way inadequate.

(B) Equipment Used: Tents, artificial grass, lowering devices and other equipment used in making interments, disinterment, and removals shall be furnished by the mortuary.

(C) Funeral Director may make use of the City's lowering device and other associated equipment used in making interments and disinterments only if it is available. The Funeral Director shall be responsible for the preparation, operation and safe return of the lowering device.

9.09.08 PERMANENT MARKERS:

(A) Permanent Markers: All graves shall have a permanent memorial or marker; markers are not to be over three feet high unless prior approval is obtained from the City of Fernley. Permanent Markers shall be installed by the Responsible Party.

(B) Headstone: Within one (1) year the Responsible Party of the deceased shall have erected on the plot a marker, constructed of good quality granite, marble, or bronze, setting forth at a minimum, the name of deceased buried on the plot, birth date, and date of death.

(C) Gravesites: shall be curbed with marble or concrete, 6" wide and 6" above grade, at the Responsible Party's expense. All such installations shall meet with the approval of the City of Fernley representatives. For maintenance purposes, individual fences around burial plots are not permitted.

(D) Permanent Marker Deposit: A deposit shall be collected prior to interment for every plot. In the case of multiple interments in a single burial plot, a deposit will be collected for **each interment**.

(E) Timeline: If the Responsible Party has not erected a permanent marker, memorial, headstone, etc in accordance with Section 9.08b of the Fernley Desert Garden Rules and Regulations within one year of interment, the City shall use the deposit to purchase a permanent marker for the plot.

(F) Refund of Deposit: Permanent Marker Deposits shall be refunded once a permanent marker is placed on the burial space or cremation plot. Permanent Marker Deposits shall be refunded to the Responsible Party that supplied the deposit. If the City is required to purchase and place a permanent marker for the Responsible Party, then the unexpended portion of the deposit shall be returned to the Responsible Party after the work is complete.

(G) Waiver of Permanent Marker Deposit: If a responsible party can prove purchase of a permanent marker, memorial, headstone, etc to the satisfaction of the Administrator then the requirement for a deposit may be waived.

9.09.09 DISINTERMENT:

(A) Notice of Disinterment Required: The City reserves the right to require at least ten (10) days prior notice to any disinterment. No disinterment will be made on Saturday, Sunday, legal holiday or on the day which any holiday is legally observed. All disinterment shall be done at the convenience of the City of Fernley.

(B) Permission for Disinterment: No disinterment of a body will be made without an order of a court of competent jurisdiction. The County Coroner shall also be notified as to the disinterment.

(C) Care in Removal: The City shall not be involved in the opening of the grave for disinterment and shall assume no liability for any damage to any casket incurred during a disinterment. The actual opening of the grave and removal of the casket from the grave and the cemetery shall be done by the person or persons legally authorized to make the removal.

9.09.10 RULE GOVERNING THE MAINTENANCE OF CEMETERY:

(A) Prohibited Activities within the Cemetery: Domestic animals, including, but not limited to, dogs and horses are forbidden in the cemeteries. No driving or riding shall be allowed on graves, lawns, or walks; this applies to animals, bicycles and all motor vehicles including cars, trucks, jeeps, motor bikes, snow mobiles and machinery. All persons violating the cemetery rules shall be held responsible for any damage done by them or by any animal or vehicles in their charge.

(B) Maintaining Burial Sites: The Responsible Party of the deceased shall be responsible for the general upkeep and appearance of said plots. The City shall not be responsible for the maintenance of individual grave sites.

(C) Landscaping of plots: No planting of live plants or trees is permitted.

(D) Decorations of plots: All decorations shall be limited to the grave site. No decorations shall be hung or attached to the cemetery fences. No glass containers shall be allowed on grave sites. Only artificial or fresh cut flowers, sprays, wreaths, U.S. Flags and Christmas blankets will be allowed at any time. However, they will be

removed if the in the City's opinion they become unsightly or are blown off the graves.

(E) Liability to Decorations: The City shall not be held liable for lost, misplaced, or broken vases or for damages by the elements, theft, vandals or by causes beyond its control. The City reserves the right to regulate the method of decorating plots and the right to remove any decoration so that uniform beauty may be maintained.

(F) Firearms: No firearms shall be permitted within the cemeteries, except at a military funeral or similar occasion, by a military organization, law enforcement officer or by a special permit from the City.

(G) Preserving Landscape and Wildlife: All persons are forbidden to pick, remove, cut or damage any flowers, trees, shrubs, or plants on any grave, or to deface any monument, structure or other property, or to disturb birds and other wildlife within the City's Cemetery.

9.09.11 CEMETERY FUND:

(A) A special fund will be set up, separate from all other funds of the City, and designated as the "City of Fernley Cemetery Care Fund". This fund is to be established from revenues paid to the City for cemetery lots, grants, endowments or from other sources. This fund is to be established for funding care of the City cemetery.

9.09.12 PLOT ACQUISITIONS:

(A) All fees regarding plot acquisition will be set by a resolution of the City Council. A burial plot must be paid for, in full, before a burial or cremation can be performed.

(B) Purchased plot ownership may be transferred. The Responsible Party shall contact the City of Fernley's Cemetery Representative for procedures and payment of the appropriate transfer fee.

(C) Veteran's burials: A Veteran's burial or cremation plots will be donated to the deceased. A DD214 form is required.

(D) Children burials: Burial or cremation plots for children under three years of age will be donated to the family of the child.

(E) Indigent burials: An indigent burial plot will be donated to the deceased upon approval by Lyon County Human Services. Application for Burial of indigents must be review and approved by Lyon County Human Services.

9.09.13: SPECIFICATIONS FOR CURBING OF CEMETERY PLOTS:

(A) Head Curbing: Finished cement should measure 12" wide and 8" thick. The width is usually dictated by the size of the headstone.

(B) Side and Bottom Curbing:
(1) Finished cement should measure 6” wide and 8” thick;
(2) No less than 4” of curbing must be below ground level;
(3) All curbing shall have at least two reinforcing bars (rebar) along the full length of head curbing and one reinforcing bar on remaining edges. Rebar used in all curbing should be either 1/2” or 3/8” thick.

(C) Concrete Caps: When the entire plot is covered with cement it is called a “CAP” the dimensions are as follows:
(1) Thickness should be at least 4”;
(2) 6” x 6” / #10 - #10 WWF (wire mesh) must be used throughout the entire cap;
(3) Cap must be poured inside the curbing described in FMC 9.09.13§A-B
(ORD 2013-197)