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DESCRIPTION OF LEGAL ADVERTISING

ORD. 657

3349008

**TERMS: Please pay from this invoice. It is due upon presentation and is past due after 15 days.**

Legal Ad. Cost 12.60

Extra Proofs \_\_\_\_\_

Notary Fee 2.00

Total Amt due 14.60

WASHOE COUNTY CLERK

- P.O. BOX 11130
- RENO, NV 89520
- ATTN: CHARLOTTE JAMES

MONTH	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
JULY															X							X									

**PROOF OF PUBLICATION**

STATE OF NEVADA,  
 COUNTY OF WASHOE

ss.

Betty J. Aleck

being first duly sworn, deposes and says: That as the legal clerk of the RENO GAZETTE-JOURNAL, a daily newspaper published in Reno, Washoe County, State of Nevada, that the notice \_\_\_\_\_ of \_\_\_\_\_ County Ordinance - ORD. 657

\_\_\_\_\_ of which a copy is hereto attached, was first published in said newspaper in its issue dated the 15th day of July, 19 85 and, July 22, the full period of 2 days, the last publication thereof being in the issue of July 22 19 85.

Signed *Betty J. Aleck*

Subscribed and sworn to before me this

22nd day of July, 19 85

*Alice L. Buffalo*  
 Notary Public

**PUBLIC NOTICE**

NOTICE OF COUNTY ORDINANCE  
 NOTICE IS HEREBY GIVEN that Bill No. 830, Ordinance No. 657, entitled "An ordinance amending the Washoe County Code by defining those facilities not require to be dedicated," was adopted on July 9, 1985, by Commissioners King, Lillard, Ritter and Williams.

Typewritten copies of the Ordinance are available for inspection by all interested persons at the office of the County Clerk.

Judi Bailey  
 County Clerk

3349008-ORD. 657  
 July 15, 22-bja133

PLEASE STAMP & SIGN FOR PAYMENT



ALICE L. BUFFALO  
 Notary Public - State of Nevada  
 Appointment Recorded In Washoe County  
 MY APPOINTMENT EXPIRES JUNE 5, 1989

SUMMARY: Amends Washoe County Code by clarifying and interpreting requirements for dedication of facilities.

BILL NO. 830

ORDINANCE NO. 657

AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY DEFINING THOSE FACILITIES NOT REQUIRED TO BE DEDICATED.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE DO ORDAIN:

SECTION 1.

Purpose; findings. The board of county commissioners finds that certain exemptions previously defined in section 115.175 of the Washoe County Code, if literally applied, are not as narrow as the exemptions were intended to be as to new facilities to be constructed in connection with the development of land after the effective date of the ordinance; that new facilities were to be exempted only if they were to be owned and operated by an utility company possessing sufficient size and operational experience at that time as to have qualified it for a certificate of public convenience and necessity from the public service commission; that "regulated" as used in the exemption meant, and presupposed, possession of a valid certificate at the time the ordinance was adopted; that "at the time of dedication" as was used in the exemption was believed to be an appropriate point in time at which to determine the status of facilities since the only utilities intended to be exempted were those then operating under certificates; that the purpose of these dedication requirements was and is to prevent the creation of new small utility companies and to prevent the expansion of such companies as might exist, to the end that utility services within the county be provided to the greatest extent possible by a single governmental entity, to thereby protect the public health, safety and welfare; that protection of the public health, safety and welfare is accomplished by preventing the expansion of uncertified (unregulated) small utility companies and by preventing the creation of new small companies because of the demonstrated difficulty, and in most cases, the inability of small companies to collect sufficient rates, to maintain sufficient reserves for repair and replacement, to obtain loans and other financing for capitol improvements and operation and maintenance, to plan for future expansion or for the resolution of existing problems, to achieve economies of scale and uniformity of design, construction and inspection, to hire and retain sufficient and competent personnel, to adequately operate and maintain their systems, to pay their obligations, to conform to orders

of regulatory agencies having jurisdiction concerning, among other things, health, fire protection, and adequacy of service generally, to maintain and provide emergency response capability; and because of the demonstrated lack of interest by the owners and subsequent owners of such companies to provide utility services after completion or sale of the development project which gave rise to the small utility company in the first instance, all of which results in substandard service and, with each successive owner, results in an attempt by each successive utility owner to recover through rates his purchase price of the same facilities previously paid for by the customer as a part of the initial purchase price of the lot or building in the development. The board further finds that the matters cited above are detrimental to the public health, safety and welfare, and that by requiring the dedication of these facilities, and by strictly limiting exemptions from dedication, the resultant ownership, operation and maintenance by the county will prevent and mitigate the detriment; that any exemption from dedication, whether previously enacted or as clarified and interpreted by this ordinance, should be liberally construed to effect the purpose of confining the expansion, preventing the creation and reducing the number of, small privately owned utility systems within the county, all of which will protect the public health, safety and welfare.

SECTION 2. Section 115.175 of the Washoe County Code is hereby amended to read as follows:

115.175 Dedication of facilities and water rights.

1. In addition to any land which is required to be dedicated pursuant to this chapter, a subdivider shall dedicate, as a condition precedent to final map approval:

(a) Any water rights reasonably necessary to insure an adequate water supply to the subdivision; and

(b) Any facilities for storm water 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 subdivision which are necessary to insure an adequate water supply to the subdivision, adequate sewage disposal for the subdivision, and adequate storm water collection and disposal for the subdivision.

2. Facilities to which this section applies are facilities which will be constructed to serve the proposed subdivision, except the following:

(a) Facilities to serve a single family residence in an existing subdivision.

(b) Facilities previously constructed and serving existing users.

(c) Facilities, whether new facilities or existing facilities which are enlarged or improved in order to

serve the proposed subdivision, which will be owned and operated by a utility which at the effective date of this ordinance is operating under a certificate of public convenience and necessity issued by the public service commission.

3. The public works department shall, subject to board approval, develop written criteria and, pursuant to that criteria, shall determine the amount of water rights necessary under paragraph (a) of subsection 1 and shall determine the facilities required to be dedicated under paragraph (b) of subsection 1. Lack of criteria shall not be cause for delay of approval of projects.

4. The public works department may enter into contracts, subject to approval of the board of county commissioners, permitting the use of the water rights and facilities by other governmental entities, public and private utilities, and any other persons engaged in providing water, storm drainage and sewer service.

5. The dedication of water rights and facilities required by this section will be satisfied if the subdivider enters into an agreement with the county, secured by a performance bond or other undertaking acceptable to the county. The agreement must constitute a binding offer to dedicate, conditioned only upon failure to receive final map approval or upon expiration of the tentative map.

6. The facilities subject of a dedication agreement must be designed and constructed in accordance with standards and other requirements established by ordinance or recommended by the public works department as a condition to tentative map approval. Standards and other requirements may include plan checking, design review, inspections, system testing and other matters to be determined by the public works department.

7. The public works department will accept a dedication pursuant to this section if the facilities conform to the requirements of this section and perform as designed.

8. Except for permits issued for the construction of a facility to be dedicated, no building permit or special use permit may be issued and no other administrative approval may be granted until the dedication is accepted or an agreement conforming to this section has been executed. Unless issued for the construction of a facility to be dedicated, any permit or approval for which application has been made subsequent to adoption of this ordinance and issued prior to the dedication is void.

9. If any other section of this code makes this section applicable to a person (other than a subdivider) applying for an administrative permit or approval, the requirements of this section which are applicable to a subdivision and the subdivider also apply to the parcel and the applicant.

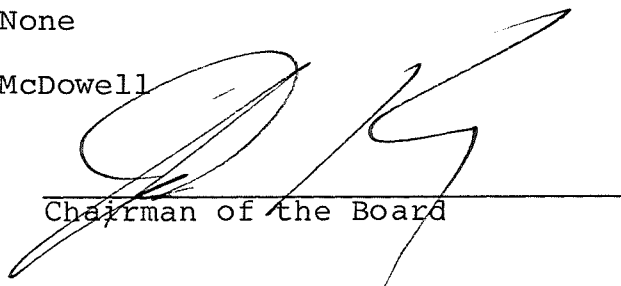
Proposed on the 11th day of June, 1985.  
Proposed by Commissioners Board.  
Passed on the 9th day of July, 1985.

Vote:

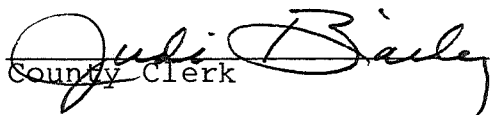
Ayes: Commissioners: Lillard, King, Williams & Ritter

Nays: Commissioners: None

Absent: Commissioners: McDowell

  
\_\_\_\_\_  
Chairman of the Board

ATTEST:

  
\_\_\_\_\_  
County Clerk

This ordinance shall be in force and effect from and after  
the 22nd day of July, 1985.