

SUMMARY: Amends sections of Washoe County's Stormwater Drainage and Flood Control Service Ordinance No. 1537 by modifying the service area as well as the amount and basis for calculating Stormwater Management Fees.

BILL NO. 1733

ORDINANCE NO. 1552

AN ORDINANCE REVISING THE WASHOE COUNTY REQUIREMENTS FOR STORMWATER DRAINAGE AND FLOOD CONTROL SERVICE WITHIN WASHOE COUNTY BY MODIFYING THE SERVICE AREA AS WELL AS THE AMOUNT AND BASIS FOR CALCULATING STORMWATER MANAGEMENT FEES; AND OTHER MATTERS PROPERLY RELATING THERETO. THIS ORDINANCE REPEALS ORDINANCE NO. 1537.

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

WASHOE COUNTY STORMWATER DRAINAGE AND FLOOD CONTROL SERVICE ORDINANCE

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

ARTICLE 1. GENERAL PROVISIONS

- 1.1 Short Title. This Ordinance shall be known and may be cited as the Washoe County Stormwater Management Ordinance.
- 1.2 Enabling Statutes. This Ordinance is adopted pursuant to NRS 244.157, NRS 318.116 and NRS 318.135.
- 1.3 Enterprise. The County will furnish, or cause to be furnished, systems used for the provision of stormwater drainage or flood control, including all parts of the enterprise, all appurtenances thereto, and land, easements, right in land, contract rights and franchises.
- 1.4 Stormwater Management Fees. The basis for calculating stormwater management fees is the average square feet of Impervious Surface per Equivalent Residential Unit that either contributes to or benefits from stormwater drainage or flood control facilities. User rates shall be set at a level to fully fund operating costs and debt service payments and may be used to pay for (1) the operation, administration, maintenance, repair, improvement, environmental restoration, and replacement of existing and future stormwater drainage or flood control systems; (2) improving the quality of stormwater runoff; (3) capital costs and related debt service for the construction, replacement or improvement of stormwater drainage or flood control facilities; and (4) complying with local, state, and federal stormwater and flood control regulations. Once bonds are fully paid, user rates will be evaluated and adjusted to reflect the reduction in debt service and to accommodate capital, maintenance and other operating needs known or expected at the time of the adjustment. Facility connection fees may be used for capital costs and related debt service for the initial construction and/or improvements of stormwater drainage or flood control facilities as allowed by law. Owners of developed parcels are responsible for the payment of stormwater management fees to support the County's stormwater drainage or flood control system. These fees shall not exceed the reasonable cost of providing the services, facilities, or regulatory activities for which the fees are charged.
- 1.5 Stormwater Management Fund. There is hereby established a special fund in the County treasury entitled the "Stormwater Management Fund", hereinafter referred to as the Fund. All revenues from stormwater management fees established pursuant to Article 4 shall be deposited into the Fund. Monies deposited into this Fund shall be expended for stormdrain, stormwater drainage or flood control related purposes as described in Section 1.4. Appropriations shall be made as provided for by the Board of County Commissioners. Monies in the Fund, which are received by the County, subject to any limitations on their use, may only be expended in accordance with those limitations.
- 1.6 Severability. If any section, subsection, sentence, clause or phrase of this Ordinance or the application thereof to any person or circumstance is for any reason held to be unconstitutional or invalid, such decision shall not affect validity of the remaining portions of this Ordinance or the application of such provision to other persons or circumstances. The Board hereby declares that it would have passed this Ordinance or any section, subsection, sentence, clause or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases may be declared to be unconstitutional.
- 1.7 Relief on Application. After consideration by the Director as provided in Section 3.7, if any person is of the opinion that any provision of this Ordinance is unjust or inequitable by reason of special circumstances as applied to his premises, he may make written application to the Board stating the special circumstances, citing the provision complained of, and requesting suspension or modification of that provision as applied to his premises.
- 1.8 Relief on Own Motion. The Board may, on its own motion, find that by reason of special circumstances any special provision of this regulation and Ordinance should be suspended or modified as applied to a particular premise and may, by resolution, order such suspension or modification for any such premises during the period of such special circumstances, or any part thereof.
- 1.9 Review by the Board. This Ordinance shall be reviewed by the Board as needed to ensure that the provisions of this Ordinance are kept up to date, and that the charges and fees set out in Articles 4 and 5 are adequate to meet the costs of operating the stormwater drainage and flood control facilities.

- 1.10 Words and Phrases. For the purposes of this Ordinance, all words used herein in the present tense shall include the future; all words in the plural number shall include the singular number; all words in the singular number shall include the plural number; and all words in the masculine form shall include the feminine.

ARTICLE 2. DEFINITIONS

- 2.1 Account Transfer shall mean any transfer made to a billing account, including but not limited to new ownership or new tenancy.
- 2.2 Billing Period shall be the period for which a billing is made. It may be for an average month and need not coincide with the calendar month (i.e. may be billed on a cycle of 28 to 31 days) and may be monthly, quarterly or annually.
- 2.3 Board shall mean the Board of County Commissioners.
- 2.4 County shall mean the County of Washoe, State of Nevada.
- 2.5 Customer shall mean a person who resides in or owns a developed parcel within a stormwater drainage or flood control Service Area.
- 2.6 Date of Presentation shall be the date upon which a bill or notice is either postmarked or hand delivered to the Customer.
- 2.7 Delinquent shall mean an account that has not been paid by the 1st day of the calendar month following the due date of payment specified on the bill.
- 2.8 Developer shall mean any person engaged in or proposing development of property.
- 2.9 Development shall mean a parcel of property being improved and requiring installation of stormwater drainage or flood control infrastructure from and possibly on the property being improved.
- 2.10 Director shall mean the Director of the Community Services Department or a duly authorized representative.
- 2.11 Easement shall mean an acquired legal right for the specific use of land owned by others.
- 2.12 Employee shall mean any individual employed by the County excluding independent contractors, consultants, and their employees.
- 2.13 Equivalent Residential Unit (ERU) shall mean a unit of measure used to equate the Impervious Surface area on a Non-Residential Parcel or Multi-Family Residential Parcel to that on a comparable number of Single-Family Residential Parcels.
- 2.14 Impervious Surface shall mean a developed surface that impedes or prevents the infiltration of stormwater into the soil as it would normally infiltrate in natural conditions prior to development.
- 2.15 Law is a statute, rule or regulation established by Federal, State, County, or Municipal authorities.
- 2.16 May is permissive (see "shall", Sec. 2.27).
- 2.17 Multi-Family Residential Parcel shall mean any residence, apartment, or other dwelling occupied for habitational purposes by more than a single person or family.
- 2.18 Non-Residential Parcel shall mean a Parcel not intended for habitation, to include without limitation, commercial, industrial, governmental or nonprofit activities. Examples include, but are not limited to, any building, structure, facility, office complex, pavement, or site improvement devoted to trade or commerce, industry, manufacturing, worship or other tax-exempt activities.

- 2.19 Owner shall mean a person who holds legal title to the property or who is under contract to purchase the property.
- 2.20 Parcel shall mean the smallest, separately segregated lot, unit or plot of land having an identified owner, boundaries, and surface area which is documented for property tax purposes and given an assessor's identification number by the Washoe County Tax Assessor.
- 2.21 Parcel Size shall mean the size of the parcel measured in acres.
- 2.22 Person shall mean any individual, firm, association, organization, partnership, trust, company, corporation or entity, and any municipal, political, or governmental corporation, district, body, or agency other than the County.
- 2.23 Service Area shall mean the place of contributing runoff to stormwater drainage or flood control facilities or the place where a developed parcel benefits from the use of stormwater drainage or flood control facilities available to serve certain areas as designated in Article 7.
- 2.24 Single-Family Residential Parcel shall mean any residence or other dwelling occupied for habitational purposes by a single person or family.
- 2.25 Specific Plan shall mean the comprehensive plan for the specific planning area as identified in the comprehensive plan and as approved and adopted by the Planning Commission and Board.
- 2.26 Stormwater or Storm Drainage shall mean the water that enters the County's storm or flood drainage systems. From the standpoint of sources, it may be a combination of the runoff from residences, commercial buildings, industrial plants or institutions, together with any groundwater and surface water that may be present.
- 2.27 Shall is mandatory (see "may", Sec. 2.16).
- 2.28 Tenant shall mean a person renting or leasing premises from the owner or the owner's selected representative.

ARTICLE 3. CONDITIONS OF SERVICE

- 3.1 Area Served. Properties within the boundaries of the service area shall be eligible to receive stormwater drainage or flood control from the County in accordance with this Ordinance.
- 3.2 Damage to Property. The County will not be liable for damage to property resulting from storm drainage or flooding.
- 3.3 Tampering With County Property. No one except an employee or representative of the County shall at any time, in any manner, operate the gates or valves of the County's system or interfere with the culverts, channels or other parts of the system. Penalty for violation of this Section shall be a fine of \$10,000.
- 3.4 Ruling Final. All rulings of the Board shall be final, subject only to judicial review as provided by law.
- 3.5 Notices to Customers. Notices from the County to a Customer will normally be given in writing, and either delivered or mailed to him at his last known address. Where conditions warrant and in emergencies, the County may resort to notification either by telephone or messenger.
- 3.6 Notices from Customers. Notice from the Customer to the County may be given by him or by his authorized representative in writing at the County's operating office. The County's operating office is:

Washoe County
 Community Services Department
 P.O. Box 11130
 Reno, Nevada 89520-0027
 Telephone: 775-328-3600
 Fax: 775-328-3699

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- 3.7 Adjustment of Complaints. The Director shall have the power of discretion in the interpretation and application of this Ordinance, including adjustment or rebate of charges due to special circumstances, if in the Director's opinion and with full documentation, the intent of this Ordinance would not be accomplished and an injustice would result by its strict application. The Director shall develop and publish policies concerning this adjustment application process and consideration of special circumstances. Any person not satisfied with a decision of the Director may appeal to the Board as provided in Section 1.7.
- 3.8 Customer's Premises. County employees or a designated representative shall have the right of access to Customer's property at all reasonable hours for any purpose related to the furnishing of service and protection of water quality.
- 3.9 Special Conditions. In the event that conditions arise which are not specifically covered by this Ordinance, the County may take whatever action, including establishing rates and charges which, in its discretion, is warranted.
- 3.10 Effective Date. This Ordinance shall become effective on the date provided at the bottom of this ordinance.
- 3.11 Continuity. Adoption of this Ordinance shall not be construed as a waiver of any right or obligation under any prior agreement, contract, or commitment.

ARTICLE 4. STORMWATER MANAGEMENT FEES

- 4.1 Stormwater Management Fees. Stormwater management fees shall be imposed as provided in the Schedules set forth below.
- 4.2 Schedule A – North Spanish Springs Flood Detention Facility (NSSDF).

Land Use	Monthly User Rates		Quarterly User Rates	Annual User Rates	Facility Connection Fees
Single-Family Residential Parcel	\$9.31		\$27.93	\$111.72	\$1,285
Multi-Family Residential Parcel	\$9.31/ERU		\$27.93/ERU	\$111.72/ERU	\$1,285/ERU
Non-Residential Parcel	\$9.31/ERU		\$27.93/ERU	\$111.72/ERU	\$1,285/ERU

- 4.3 Schedule B – (Reserved for Future Service Areas).
- 4.4 Facility Connection Fees. The above facility connection fees shall be collected either: (i) prior to final map approval; (ii) prior to issuance of the permit; or (iii) prior to issuance of the certificate of occupancy. The applicant may choose to pay the required connection charges at any one of the three options stated above. Facility connection fees shall be those in force and effect at the time of payment.

ARTICLE 5. ADDITIONAL CHARGES

- 5.1 Damage to County Property. Any person causing damage to County property or appurtenances to stormwater drainage or flood control facilities by any willful or negligent act shall be responsible for payment of all damages costs incurred by the County.

ARTICLE 6. TIME AND MANNER OF PAYMENT

- 6.1 Issuance of Bills. The charges provided for in Article 4 shall be paid to the County, as billed by the County, by the owner or tenant of each and every developed parcel in a Service Area unless otherwise agreed to in writing by the County. The stormwater management fees shall be collected with the charges and rates for sewer and/or reclaimed water services furnished by the County to such premises, and shall appear upon the same bill as prepared for sewer and/or reclaimed water service charges and shall be due and payable monthly at the same time such charges for sewer and/or reclaimed water services are due and payable. The total amount due for the charges herein fixed and for charges for sewer and/or reclaimed water shall be paid as a unit. In the event a developed parcel does not receive sewer and/or

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reclaimed water utility service, user rates in Section 4.2 may be billed separately on a monthly, quarterly or annual basis. In any event the property owner of the parcel shall be ultimately responsible to pay all unpaid or delinquent stormwater management fees.

- 6.2 Bills Due When Presented. Upon presentation, all bills shall be due and payable at the offices of Washoe County.
- 6.3 Delinquent Accounts. If payment is not received by the first day of the calendar month following the due date of payment specified on the bill, the account shall be considered delinquent and shall be charged a late payment fee of 1.5 percent per month on the outstanding account balance, plus a handling fee of \$4.00 per month for each delinquent account. The handling fee is applied in addition to any other handling fees that may be charged for other utility services.
- 6.4 Lien on Property. Until paid, all rates and charges provided in this Ordinance constitute a perpetual lien on and against the property within the Service Area and may be foreclosed upon as provided by law.
- 6.5 Failure to Receive a Bill. Failure to receive a bill does not relieve the Customer of the obligation to pay for services received. If a Customer has not been billed, for any reason whatsoever, the County shall collect all amounts unbilled up to and including six billing cycles and has the discretion to determine what to collect for unbilled amounts in excess of the six billing cycles based on the circumstances. This may include all past amounts due under this Ordinance.
- 6.6 Checks Not Honored by Bank. Checks presented in payment of bills which are returned by a bank shall be treated as though no payment had been made. A \$25.00 handling charge will be levied by the County in addition to any other charges or returned check fees charged by any bank to the County, which shall be reimbursed to the County by the customer. Redemption of returned checks may be required to be made by cash or equivalent.

ARTICLE 7. SERVICE AREAS

- 7.1 Intention. The intent of this Ordinance is to establish stormwater management fees for provision of stormwater drainage or flood control service by Washoe County to service areas in unincorporated Washoe County and further to new service areas that may be created in the future. A separate accounting of each service area's revenues and expenses need not be maintained under the stormwater management fund.
- 7.2 Services Areas
 - A. The North Spanish Springs flood detention facility Service Area shall be the area defined and set forth in Exhibit "A" (Map), attached and incorporated herein by reference.
 - B. Such other future service areas in the unincorporated area of Washoe County in which storm drainage and flood control infrastructure will be owned and operated by Washoe County.

AN ORDINANCE REVISING THE WASHOE COUNTY REQUIREMENTS FOR STORMWATER DRAINAGE AND FLOOD CONTROL SERVICE WITHIN WASHOE COUNTY BY MODIFYING THE SERVICE AREA AS WELL AS THE AMOUNT AND BASIS FOR CALCULATING STORMWATER MANAGEMENT FEES; AND OTHER MATTERS PROPERLY RELATING THERETO. THIS ORDINANCE REPEALS ORDINANCE NO. 1537.

[Business Impact Note: The Board of County Commissioners hereby finds that this ordinance does not impose a direct and significant economic burden upon a business, nor does it directly restrict the formation, operation or expansion of a business.]

Proposed on the 24th day of March, 2015

Proposed by Commissioners Hartung

Passed on the 14th day of April, 2015

Vote:

Ayes: Commissioners: Hartung, Lucey, & Herman

Nays: Commissioners: none

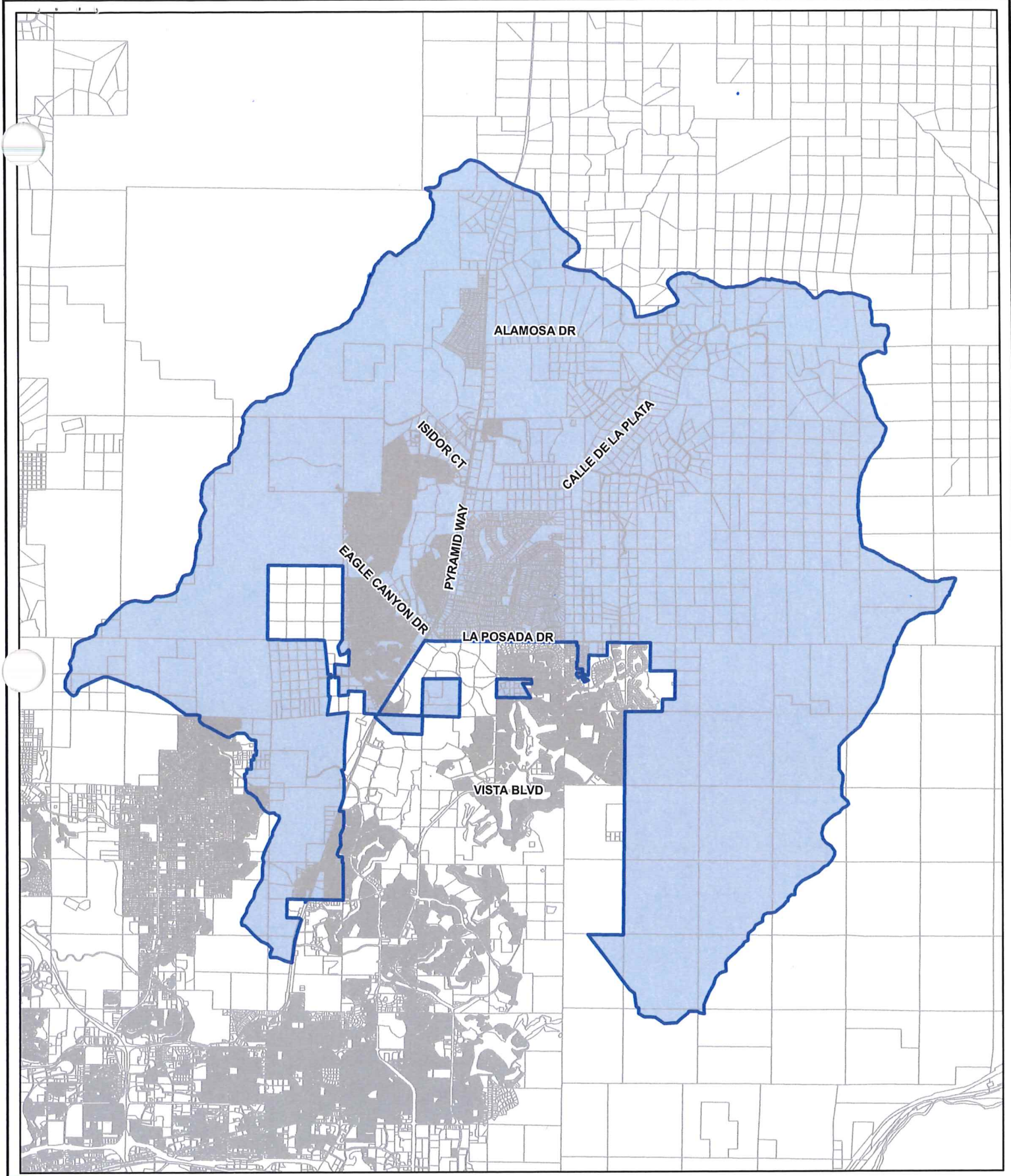
Absent: Commissioners: BERKBIGLER & JUNG

Mark Berkbigler
Chairman
Board of County Commissioners

ATTEST:

Jamie Sellers, Deputy Clerk
NANCY PARENT, Washoe County Clerk

This ordinance shall be in force and effect from and after the 24th day of April, 2015



North Spanish Springs Floodplain Detention Facility Service Area

Legend

Unincorporated County Service Area



Notes: The Scale and configuration of all Information shown hereon are approximate only and are not intended as a guide for design or survey work. Reproduction is not permitted without prior written permission from the Washoe County Community Services Department.
 March, 2015

Washoe County Community Services Department
 Engineering &
 Capital Projects Division
 Utility Division

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WASHOE COUNTY
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STATE OF NEVADA
COUNTY OF WASHOE

Being first duly sworn, deposes and says: That as the legal clerk of the Reno Gazette-Journal, a daily newspaper of general circulation published in Reno, Washoe County, State of Nevada, that the notice referenced below has published in each regular and entire issue of said newspaper between the dates: **4/17/2015 - 4/24/2015**, for exact publication dates please see last line of Proof of Publication below.

Subscribed and sworn to before me

Signed: *K Montalvo*

 AMERICA CEVEDO
NOTARY PUBLIC - STATE OF NEVADA
My Commission Expires: 06-26-2018
Certificate No: 14-14488-2

Proof of Publication

NOTICE OF ADOPTION WASHOE COUNTY ORDINANCE NO. 1552 BILL NO. 1733
NOTICE IS HEREBY GIVEN that typewritten copies of the above-numbered and entitled ordinance are available for inspection by the interested parties at the office of the County Clerk of Washoe County, Nevada, at her office in the Washoe County Complex, 1001 E. Ninth Street, Building A, Reno, Washoe County, Nevada; and that the ordinance was proposed on March 24, 2015 by Commissioner Hartung and was passed and adopted without amendment at a regular meeting held on April 14, 2015 by the following vote of the Board of County Commissioners: An Ordinance revising the Washoe County Requirements for stormwater drainage and flood control service within Washoe County by modifying the service area as well as the amount and basis for calculating stormwater management fees; and other matters properly relating thereto. This Ordinance repeals Ordinance No. 1537. (Bill No. 1733) Those Voting Aye: Vaughn Hartung, Jeanne Herman and Bob Lucey Those Absent: Marsha Berkbigler and Kitty Jung This Ordinance shall be in full force and effect from and after April 24, 2015. IN WITNESS WHEREOF, the Board of County Commissioners of Washoe County, Nevada, has caused this Ordinance to be published by title only. DATED April 15, 2015 Nancy Parent, Washoe County Clerk and Clerk of the Board of County Commissioners No. 54878 April 17, 24, 2015

Ad Number: 2000054878

Page 1 of 1

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**NOTICE OF ADOPTION
WASHOE COUNTY ORDINANCE NO. 1552
BILL NO. 1733**

NOTICE IS HEREBY GIVEN that typewritten copies of the above-numbered and entitled ordinance are available for inspection by the interested parties at the office of the County Clerk of Washoe County, Nevada, at her office in the Washoe County Complex, 1001 E. Ninth Street, Building A, Reno, Washoe County, Nevada; and that the ordinance was proposed on March 24, 2015 by Commissioner Hartung and was passed and adopted without amendment at a regular meeting held on April 14, 2015 by the following vote of the Board of County Commissioners:

An Ordinance revising the Washoe County Requirements for stormwater drainage and flood control service within Washoe County by modifying the service area as well as the amount and basis for calculating stormwater management fees; and other matters properly relating thereto. This Ordinance repeals Ordinance No. 1537. (Bill No. 1733)

Those Voting Aye: Vaughn Hartung, Jeanne Herman and Bob Lucey

Those Absent: Marsha Berkgigler and Kitty Jung

This Ordinance shall be in full force and effect from and after April 24, 2015.
IN WITNESS WHEREOF, the Board of County Commissioners of Washoe County, Nevada, has caused this Ordinance to be published by title only.

DATED April 15, 2015

Nancy Parent, Washoe County Clerk and
Clerk of the Board of County Commissioners

No. 54878

April 17, 24, 2015

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