HUMBOLDT COUNTY APN: N/A

SEND TAX STATEMENTS TO: N/A

RECORDING REQUESTED BY AND RETURN TO:

O. Kent Maher, Esq.
P.O. Box 130
Winnemucca, Nevada 89446

NAME/ADDRESS OF PREPARER OF LEGAL DESCRIPTION-LAST RECORDED INSTRUMENT:

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DEBORAH A. ENGSTROM, RECORDER

N/A
The undersigned affirm there is no Social Security number contained in this document

CITY OF WINNEMUCCA

COVER SHEET

FOR

RECORDED DOCUMENT

DOCUMENT TYPE: Ordinance No. 807

DOCUMENT DATE: January 20, 2015

Submitted by:

O. Kent Maher, Esq.
State Bar No. 316
P.O. Box 130
Winnemucca, Nevada 89446

SUMMARY: Amends sewer use fees and sewer connection fees.

BILL NUMBER 01-06-2015

ORDINANCE NUMBER 807

AN ORDINANCE AMENDING TITLE 13 OF WINNEMUCCA MUNICIPAL CODE (WMC) BY AMENDING CHAPTER 13.04; PROVIDING FOR AN INCREASE IN THE RATES ASSESSED SEWER USERS; PROVIDING FOR AN INCREASE IN THE RATES ASSESSED FOR THE SEWER SYSTEM CONNECTION FEE; AND, PROVIDING OTHER MATTERS PROPERLY RELATED THERETO.

THE CITY COUNCIL OF THE CITY OF WINNEMUCCA DO ORDAIN AS FOLLOWS:

Section 1. Enacting Provisions. The Winnemucca Municipal Code Chapter 13 including its table of contents is amended in the following manner:

1.1 **Amendment.** Winnemucca Municipal Code Chapter 13.04.150 is amended to read as follows:

13.04.150 Rates for sewer users.

The rates assessed for sewer users of the sewer system shall be as follows:

A. Basic Sewer Use Fee. The basic fee for sewer use per month per sewer unit is:

1. Commencing March 1, 2015 and continuing through December 31, 2015, thirty dollars ($30.00).

2. Commencing January 1, 2016, thirty-nine dollars and seventy cents ($39.70).

B. Fee Based on Water Use. The basic fee for sewer use based on water use per month per one thousand gallons of water used is one dollar and sixty cents ($1.60).

C. Sewer Use Fee Outside City Limits. The sewer use fee for sewer users outside the city limits and outside the former Warmouth Sewer District shall be two (2) times the fee for sewer use, times the number of sewer units determined in accordance with this chapter.

D. Sewer Use Fee Outside City Limits and Inside Warmouth Area. The sewer use fee for sewer use outside the city limits but within the former Warmouth Sewer District shall be one and twenty-five one hundredths (1.25) times the fee for sewer use, rounded to the nearest whole five cents, times the number of sewer units determined in accordance with this chapter. In no event may the sewer use fee be changed to an amount higher than 1.25 times the basic sewer use fee until January 1, 2016.

E. Sewer Use Fee/Agreement to Annex. In cases of sewer use outside the city limits when the property owner applying for sewer service has filed and recorded a nonrevocable agreement to annex at such time as the property becomes contiguous to the city, whether or not the property is then capable of being annexed, the fee for that type of sewer use outside the city limits shall be the same as the fee for that type of sewer use inside the city limits.

F. Temporary Abatement of Sewer Use Fee. In the case of rental property, or other habitable but vacant residential property, if the owner makes application under oath that during the past two months the property has been vacant, in whole or in part (specifying the percentage of vacancy), the city shall reduce the next two months' sewer use fee by the same percentage. At the end of two months of such reduced fee rate, the sewer use fee shall return to its normal rate. There is no limit to the number of times that a temporary abatement may be granted.

G. Holding Tank Waste Sewer Use Fee - The fee for acceptance of holding tank waste in any amount up to one thousand five hundred (1,500) gallons into the sewer system is one hundred fifty dollars ($150.00). In the event that the quantity of holding tank waste accepted exceeds one thousand five hundred (1,500) gallons, then the rate shall be ten cents (10¢) per gallon for each gallon accepted.

1.2 **Amendment.** Winnemucca Municipal Code Chapter 13.04.160 is amended to read as follows:

13.04.160 Rates for sewer connection.

The connection fee or hook-up fee for each new connection made to the sewer system to serve property located within or without the city limits shall be as follows:

A. Basic Fee - Residential and Commercial. The basic fee for all classes of sewer users to connect to the sewer system is the connection fee per sewer unit times the number of sewer units determined in accordance with this chapter, plus a tap charge of one hundred dollars ($100.00), together with the pro rata share (of the lot to which sewer is being connected), if any, of the cost to the city for the extension of the sewer main to the particular lot. The connection fee per sewer unit is:

1. Commencing March 1, 2015 and continuing through December 31, 2015, three thousand dollars ($3,000.00).

2. Commencing January 1, 2016, three thousand five hundred dollars ($3,500.00).

B. Connection Fee Outside City Limits. The fee for sewer hookups outside the city limits and outside the former Warmouth Sewer District shall be two (2) times the basic fee times the number of sewer units determined in accordance with this chapter, plus a tap charge of one hundred dollars ($100.00), together with the pro rata share (of the lot to which the sewer is being connected), if any, of the cost to the city for the extension of the sewer main to the particular lot.

C. Connection Fee Outside City Limits and Inside Warmouth Area. The fee for sewer hookups outside the city limits, but within the former Warmouth Sewer District, shall be one and twenty-five one hundredths (1.25) times the basic fee times the number of sewer units determined in accordance with this chapter, rounded to the nearest whole five dollars ($5.00), plus a tap charge of one hundred dollars ($100.00), together with the pro rata share (of the lot to which the sewer is being connected) of the cost to the city for the extension of the sewer main to the particular lot. In no event may the fee be changed to an amount higher than one hundred twenty-five percent (125%) of the basic fee until January 1, 2016.

D. Connection Fee/Agreement to Annex. In cases of sewer use outside the city limits when the property owner applying for sewer service has filed and recorded a nonrevocable agreement to annex at such time as his property becomes contiguous to the city, whether or not the property is then capable of being annexed, the fee for sewer hookup outside the city limits shall be the same as the fee for sewer hookup inside the city limits.

E. Connection Fee Payment - Nontransferable - Expiration. Connection fees must be paid at the time that building permits are obtained. Paid-up connection fees are not transferrable. The connection fee shall remain valid for as long as the building permit remains valid, but expires upon expiration or cancellation of the associated building permit, at which time it shall be refunded.

F. Reapplication After Expiration. In the event of a new building permit application expiration or cancellation, the connection fee required will be the fee in effect at the time of reapplication. Such reapplication shall enjoy no preference in the sewer allocation in the event of a shortage in available sewer capacity.

G. Extraordinary Charges. In the event there are any extraordinary, unanticipated or unusual costs incurred in making a connection for a user, such cost shall be the cost of the user.

H. Connection Fee Adjustment. If an existing commercial class of sewer user has previously paid a connection fee for existing improvements on the commercially or industrially used property and the user determines to improve, modify, or add to the property resulting in an increase of the sewer system use from the property, the basic fee assessed for connection may be adjusted by applying a credit for connection fees previously paid by that user for that property. For example, if an existing commercial or industrial property has ten (10) sewer units and it is improved, modified or added to such that there are fifteen (15) sewer units, the fee for sewer connection shall be based upon fifteen (15) units less credit for the connection fee previously paid by that owner for that property. There shall be no credit for the payment of charges for labor and materials for making the previous physical connection and there shall be a charge for labor and materials for making the physical connection for the improved, modified or added to use of the

property.

I. Connection Fee Credit. A credit for the connection fee will be applied for new construction on an unimproved parcel of property if the property has had city sewer service within five (5) years prior to the time a new building permit is issued. The applicant for the connection fee credit must provide verification in writing or by other acceptable means that there was sewer service to the property within the previous five (5) years. The credit will be applied at the time a building permit is issued. If the sewer service to the property occurred more than five (5) years prior to the application, then the current connection fee charge must be paid and no credit for the prior connection is applicable except by authorization of the council for good cause.

1.3 **Reenactments**. All other sections of Chapter 13 of Winnemucca Municipal Code are reenacted without change.

Section 2. Concluding Provisions.

2.1 **Effective Date.** This ordinance shall become effective twenty (20) days after it is published by title together with an adequate summary, including any amendments, once in a newspaper published in the City of Winnemucca and after it is posted in the City Hall, Winnemucca, Nevada.

2.2 **Severability.** If any provisions of this Ordinance or amendments thereto, or the application thereof to any person, thing or circumstance is held to be invalid, such invalidity shall not affect the validity of provisions or applications of the ordinance or amendments thereto which can be given effect without the invalid provision or application and to this end the provisions of this ordinance and amendments thereto are declared to be severable.

2.3 **Repealer.** All ordinances and parts of ordinances in conflict or inconsistent with this ordinance are hereby repealed, but only to the extent of such conflict or inconsistency. The repeal of prior ordinances provided in this section shall not affect any act done or any cause of action accrued or established or any plea, defense, bar or matter existing before the time when such repeal takes effect. No ordinance which heretofore has been repealed shall be revived by the repeals provided in this section.

2.4 **Table of contents, headings and bracketed material.** Any table or listing of section numbers, any headings and any bracketed material contained in this ordinance is intended as a reference aid and has no legal effect.

PROPOSED: January 6, 2015

ADOPTED: January 20, 2015

VOTE OF CITY COUNCIL:

Ayes:	Councilmen	Owens, Mavity, Tipton, Billingsley, Brooks
Nays:	Councilmen	
Absent:	Councilmen	
Not Voting:	Councilmen	

APPROVED:

Di An Putnam
Mayor

ATTEST:

Lorrie Haaglund
City Clerk