

**STAGECOACH GENERAL IMPROVEMENT DISTRICT
NITRATE REMOVAL WASTEWATER
ORDINANCE**

**ARTICLE I
GENERAL PROVISIONS**

Section 1.1 Effective Date.

This ordinance shall take effect upon adoption by the Board of Trustees of the Stagecoach General Improvement District (SGID), also known as the District.

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Section 1.2 Purpose.

This ordinance is intended to provide certain provisions and requirements for the use of nitrate removal wastewater systems to enable Stagecoach General Improvement District to carry out the powers provided to it pursuant to the Resolution adopted on the 27th day of January 2005.

Section 1.3 Short Title.

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This ordinance shall be known as the SGID Nitrate Removal Wastewater Ordinance.

Section 1.4 Unlawful Violation.

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It is unlawful for any person to turn off the power to the system in an attempt to reduce their power bills. Turning off the power constitutes a violation of this ordinance and you may be fined 6 months the monthly maintenance fee, i.e. if your maintenance fee is \$20.00 a month, the fine would be \$120.00.

Section 1.5 Rate Schedule.

Fees to support the basic operations of the District and charges for additional services shall be in accordance with the rate schedule approved by the Board of Trustees and contained in the Rate Schedule for the District.

ARTICLE II

USE OF NITRATE WASTEWATER SYSTEMS REQUIRED

Section 2.1 Disposal of Waste.

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It is unlawful to deposit within the District human excrement, or other forms of sewage wastes that create a public health hazard or water pollution.

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Section 2.2 Occupancy Prohibited.

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No new residence in this District may be occupied unless the owner has complied with the provisions of this Ordinance.

ARTICLE III

CONSTRUCTION AND REPAIR OF NITRATE REMOVAL

WASTEWATER SYSTEMS

Section 3.1 New Construction Permit.

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Construction of nitrate removal wastewater systems to serve new construction, including bedroom additions and house expansion, shall require the issuance of a permit from Lyon County. Prior to permit issuance, a copy of the approved system plans and specifications shall also be submitted to the County and copied to the District for review and record keeping.

Section 3.2 Repair Systems.

For repairs of existing systems, the County shall serve as the primary permitting authority. A repair permit must be obtained from the County before undertaking any repairs of nitrate removal wastewater systems. A copy of the system repair plans and specifications shall also be submitted to the District and to the Health Department for their review prior to issuance of the repair permit.

Section 3.3. Design and Construction Standards.

The design and construction of new and repair nitrate removal wastewater systems shall be in accordance with current standards of the Health Department and Lyon County Building Department.

Section 3.4. Design by Registered Engineers.

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A Registered Engineer shall design all new nitrate removal wastewater systems within the jurisdiction of the District.

ARTICLE IV

INSPECTIONS

Section 4.1 Site Evaluations.

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Site evaluations shall be conducted by Licensed Nevada Engineer to determine surface and subsurface information needed for the preparation of plans and specifications for new or repair systems. The engineer shall be present during soil profile examination and percolation testing phases of the site evaluation to verify site conditions.

Section 4.2 Performance Evaluations.

Performance inspections may be conducted by SGID representatives or the person or persons to whom the SGID has contracted with to check the performance of the system relative to normal operating criteria, public health and water quality standards. These inspections shall be conducted bi-annually, but may be required more often at the discretion of the SGID for marginal systems or alternative systems, as needed.

Section 4.3 Inspection Results.

Copies will be provided to the SGID (if done by a third party). Copies will be provided to the property owner upon request and may be appealed in accordance with the appeal procedures in Article V of this Ordinance.

ARTICLE V

ENFORCEMENT

Section 5.1 Investigative Powers.

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Per NRS 318.165 representatives of the SGID, upon exhibiting proper credentials and identification, shall be permitted to enter private property to inspect, investigate and take samples related to the performance of the nitrate removal wastewater systems as required by the provisions of this Ordinance.

Section 5.2 Violation Notification and Appeal.

Owners of properties found to have failed wastewater disposal systems will be provided written notice stating the nature of the violation(s) and will be provided the opportunity to respond or appeal in accordance with the following procedures:

- (1) The violation notice will be mailed to the owner by certified mail return receipt requested.
- (2) The owner must file an appeal or submit a repair schedule to the District within thirty (30) days of receipt of the violation notice.
- (3) The District Board will hold an appeal hearing within thirty (30) days of the filing of an appeal. If the appeal is successful, abatement action will cease; however, the District may place the system into a special monitoring category.
- (4) If the owner does not respond to the violation notice, or does not attend the appeal hearing, or refuses to repair the failure, or fails to follow the repair schedule negotiated with the District, the District will proceed to perform the repairs and place a lien on the violating property.

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Section 5.3 Public Nuisance.

Continued habitation of buildings served by failed wastewater disposal systems is a public nuisance, and the SGID may bring legal action to force residents to vacate the premises.

ARTICLE VI

PENALTIES

Section 6.1 Violations.

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Any violations of this Ordinance or other rules of the District are a misdemeanor, punishable by a fine of not to exceed fifty dollars (\$50.00). Each day of violation will be treated as a separate offense. Violations may also result in a civil suit.

ARTICLE VII

MISCELLANEOUS PROVISIONS

Section 7.1 Separability.

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If any portion of this ordinance is found to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 7.2 Relief On Own Motion.

The Board of Trustees may, on its own motion, find that by reason of special circumstances any 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 such premises during the period of such special circumstances, or any part thereof.

Section 7.3 Amendment of Ordinance.

The Board of Trustees has the authority to amend this Ordinance if additional requirements are deemed necessary.

At a regular meeting of the Board of Trustees of Stagecoach General Improvement District the foregoing ordinance was introduced on September 14, 2006, and adopted on October 19, 2006, by the following vote.

Trustees:

Lawson aye, McIntyre aye, Crockett aye, Dillon aye, Earls aye

Ayes 5 Nays 0 Abstain 0 Absent 0

BY: Charles E. Lawson

Chairman

ATTEST:

BY: Mel Earls

Secretary