

SECTION 7 – CHARGES, FEES, AND DEPOSITS

Deposits and charges set forth in these Service Rules shall be at the rates established in the rate schedule contained in the Big Bend Water District rate resolution as adopted by the Big Bend Water District Board of Trustees. All bills, charges, fees, and deposits must be paid to the BBWD prior to approval of water plans for construction, or prior to commencement of any scheduling of construction activity for services to be installed by the BBWD.

7.1 Abandonment of Service

In the event that a service connection is permanently deactivated, the meter and other salvageable materials will be removed by the BBWD without credit to the property owner.

7.2 Addition of Service

System development approval charges are payable in advance of the installation of additional services. Payments for additional services shall be the responsibility of the legal owner of the property. If services are added without prior notification and payment to the BBWD, the owner will be subject to penalty in accordance with the BBWD rate schedule, up to disconnection of service.

7.3 Backflow Prevention Assembly Service Charge

All customers having backflow prevention assemblies dedicated to the BBWD shall be required to pay service charges for each backflow prevention assembly required by the BBWD. This charge shall be in addition to other service charges. (See Appendix I A.1)

7.4 Combined Service

The combined service charge will be determined by applying the domestic daily service charge to the smaller meter and the private fire protection daily service charge to the larger meter. The consumption through both meters will be added together and billed at the appropriate domestic service rate (Appendix I A.10) based on thresholds for the smaller meter. Charges for combined services include, but are not limited to, those on the combined service table. (See Appendix I A.2)

7.5 Connection Charges

A connection is defined as a service connection or main extension connected to an existing main. A connection shall not include an emergency service connection, interim/construction water service or temporary service connection. Any connection charges based on a meter size will be based on the smaller (domestic) meter for combined services. When required, installation charges shall be in accordance with the approved rate schedule in effect at time of application and payable in advance. (See Appendix I A.3)

Whenever a parcel of property within the boundaries of an Assessment District is excluded from participation by reason of ownership by a public tax-exempt agency, or other cause, such property, should it later require a connection, shall not be permitted to obtain service from a main constructed as part of the Assessment District until the amount of the assessment is paid and a water commitment obtained in accordance with Section 1 of these Service Rules.

a. “Application Fee” All applicants for water service will be required to pay in full a non-refundable fee(s), at the time water plans are submitted for review, or at the time application for service is made if water plans are not required. (See Appendix I A.3.a)

An “Application Fee” is charged for Fireline(s) without domestic meter installation. (See Appendix I A.3.a)

An “Application Fee” is charged for a water plan with public fire hydrant(s), which include a temporary fire hydrant or temporary riser, without domestic meter installation. (See Appendix I A.3.a)

Staff review fee. There will be a charge for of each revision to applications and plans that constitute a change to documents, fees, or services. (See Appendix I A.3.a)

b. “Frontage Connection Charges” shall apply to all connections through which water will be delivered from an existing main to particular parcels of property that are adjacent to the right-of-way or easement wherein that main is located. If additional connections will not be required for subsequent phases, the frontage connection charge for projects with multiple phases is due for all remaining phases at the time the initial connection is approved. The applicable frontage connection charges shall be the amount specified in the rate schedule. (See Appendix I A.3.b)

Frontage connection charges shall not apply to the connection of a parcel to a particular main if that main was installed as a main extension to serve that parcel. Frontage connection charges shall apply to parcels within Assessment District when the connection is made to a main that was not installed as a part of an Assessment District for which the parcel was assessed.

Upon application for a connection to a parcel not presently having a connection, frontage connection charges shall apply to the side of the parcel where the connection is to be made. Upon application for an additional connection to a parcel where the connection is to be made to a side of the parcel not presently having a connection, frontage connection charges shall apply to that side of the parcel. Upon applications for connections to more than one side of a parcel presently not having a connection, frontage connection charges shall apply to each side of that parcel where a connection is to be made. Relocation of, or additional connections on, the same side of the parcel shall be exempt from frontage connection charges. Non-standard service connections shall be assessed the minimum frontage connection charge when the main providing water is not directly adjacent to the property.

If more than one main is available with sufficient pressure and capacity to which a connection may be made, and the Applicant requests a connection to a specific main, but the BBWD elects to require the connection be made to another main, the frontage connection charge shall be the lesser of the charge for the main preferred by the Applicant or the main to which the connection was actually made.

c. “Inspection Fee” All inspection fees are due and payable prior to plan approval.

Services with required backflow will pay an additional fee per service. After- hours inspection fee shall be the overtime cost of the inspection. All other inspections occurring after the time limitation established in 9.1.d and not related to above services description shall be the straight time cost of the inspection plus a roundtrip fee. (See Appendix I A.3.c)

A fee minimum will be charged for accumulated site inspections for any project that is cancelled in accordance with Section 8 of these Service Rules. The balance of Inspection fees will be refunded as part of the cancellation process. (See Appendix I A.3.c)

d. “Oversizing Charge” The oversizing charge is paid in full as part of the plan application and approval process and is applicable for all new service connections within the BBWD Service Area. (See Appendix I A.3.d)

e. Service Connection – Installation. When required, installation charges shall be in accordance with the approved rate schedule in effect at time of application and payable in advance. All appropriate service connection installation charges shall be paid in full by water plan approval. (See Appendix I A.3.e)

If unusual installation conditions exist, the applicant will be advised of the terms and conditions that must be met before an application for service will be accepted. In circumstances under which the BBWD anticipates unusual installation conditions, the applicant shall pay a deposit established by the BBWD. A refund or billing will be made when the job is completed and actual cost determined by the BBWD. Unusual installation conditions shall exist when, in the opinion of the BBWD, the installation is to be made under conditions that would result in unusual or significant departure from the basic installation charges set forth in the rate schedule.

f. Service Connection – Re-Activation. Upon receipt of application, a deserted or inactive service may be activated provided the Applicant pays any costs required to locate the service and upgrade it to current BBWD standards. If the service cannot be located, it will be classified as abandoned or removed. If a service is located but found to be non-functional, the service may be classified as abandoned or removed. Also see Section 5. (See Appendix I A.3.f)

g. Service Connection – Relocation. An existing service connection may be relocated on the same parcel, with the approval of the BBWD, however, it may not be moved to a new parcel. A relocated service connection shall be installed pursuant to the same Service Rules and applicable rate schedules as a new service connection, except that no application fee or System Development Charge shall be applied. Frontage Connection Charges will not apply if the connection is to the same side of the parcel. The new service connection will be installed under the same conditions as a normal installation as specified by the UDACS. Meter installation charges may also apply. (See Appendix I A.3.e)

h. Service Connection – Removal. In the event that a service connection is to be permanently deactivated, the owner of the parcel must sign a removal order form provided by the BBWD. The meter and other salvageable materials may be removed by the BBWD on an actual cost basis, without credit to the property owner, or by a private contractor in accordance with the requirements of Section 9. Any water

commitment associated with a removed service shall terminate, except as provided in Section 1. In the event a service will be relocated or the size of service changed, the service removal may be done either by the BBWD on an actual cost basis, or by a private contractor in accordance with the requirements of Section 10.

i. Service Connection – Size Increase. An existing service connection may be enlarged with the approval of the BBWD, provided a water commitment is obtained in accordance with Section 1 of these Service Rules for the additional capacity requested. An enlarged service connection shall be installed pursuant to the current Service Rules and applicable rate schedules. If the new service connection is not on the same side of the property as the abandoned or removed service, frontage connection charges will apply. (See Appendix I A.3.b) System Development Charges shall apply to increases in meter sizes. The amount of the charge will be the difference between the System Development Charge for the new service connection and the System Development Charge applicable to the existing service connection. (See Appendix I A.11)

7.6 Construction Water and Other Approved Uses.

a. Metered Construction Water and Other Approved Uses. Water taken through public fire hydrants except for firefighting purposes will be metered. The following fees and charges shall apply to water delivered through a metered fire hydrant for construction or other approved uses. Connection to or use of public fire hydrants is prohibited unless a special permit is issued by the BBWD. A BBWD-owned hydrant valve and meter must be used. The applicant shall pay a use permit fee prior to issuance. The BBWD will require installation of a hydrant meter, and the applicant will be required to pay appropriate deposits. The hydrant meter will be subject to a daily service charge. Upon discontinuance of service, a refund may be made of the difference between the damage deposit amount and charges, after allowance for salvaged materials. The full deposit amount may be retained towards a future hydrant meter deposit. Applicants for connections to or use of fire hydrants shall designate the period of time and purposes for which water is to be used. The BBWD may discontinue the supply and remove its equipment at the expiration of the period so designated or if the supply is used for any purpose other than designated by applicant. The supply is subject to limitations as to rate of flow and time of use. (See Appendix I A.4)

One (1) working day notice is required to set fire hydrant meters and requests must be received before 4:00 p.m. Requests received after 4:00 p.m. for next day service and requests for same day meter installation before 4:00 p.m. that day may be accommodated with payment of an additional fee.

The Applicant is responsible for providing any required backflow protection required by BBWD. The BBWD requires hydrant valves and meters when using hydrants that have not been accepted for public use and maintenance.

The BBWD may install all equipment necessary, but in no instance will water be used until an installation is approved. In the event that a connection is made to a fire hydrant without authority to do so, the user shall be required to pay appropriate charges for unauthorized use of service for each day of use prior to issuance of the permit in accordance with the current Big Bend Water District rate schedule. In lieu of a fire hydrant meter for taking construction water, the construction water may be taken through the service connection which is intended to serve the parcel, or it may be taken through any other metered method

approved by the BBWD which assures that all water utilized during the construction period is metered. The construction period shall be considered to have ended when the BBWD is notified by the applicant and the BBWD has made a final meter reading for billing purposes. The BBWD will then discontinue (shut off) the service, unless it has received an application for service to that location.

Except for emergency service connections that may be established by the BBWD for a limited time as described in Section 6, water service from a fire hydrant for domestic purposes is prohibited.

b. Non-Metered Construction Water. Water used in the disinfection of newly constructed public water mains does not have to be metered. Flushing of the mains shall only be done in the presence of a BBWD representative.

c. Raw, untreated water for Construction or Any Other Purpose. Raw, untreated water delivered for use during construction or any other purpose will be charged at the following rates:

- a) Monthly Service Charge equals 100 percent of the potable rate.
- b) Water Usage Rates equals 50 percent of the potable rate.
- c) Delivery Charge equals 100 percent of cost to deliver raw water and maintain any equipment or assets required to deliver raw water.

7.7 Daily Service Charge

Domestic service customers will be billed a daily service charge based on meter size multiplied by the number of days in the billing period.

A Service Charge shall be billed to all active water service accounts regardless of the amount of water usage. (See Appendix I A.5)

7.8 Damage to or Tampering with BBWD Property

Persons causing damage to, or tampering with, BBWD property, including but not limited to, service connections shut-off valves, hydrants, meters, and mains by any willful or negligent act shall be responsible for payment of costs incurred and any and all penalties prescribed by the Service Rules, or law. (See Appendix A.6)

7.9 Deposits

a. Assure Payment of Bills – Security Deposits The BBWD, may require security deposits from new customers who have not established credit with the BBWD, or from customers whose accounts are consistently delinquent, or in any situation where the BBWD has cause to believe that a deposit is required to assure payment. The base deposit will be in an amount set in the Deposits and Charges. Security deposits will not be required from customers who have established credit by paying bills on time for twelve consecutive months at another location serviced by the BBWD. When a previous customer applies for service and a deposit is required, the BBWD will review the customer's water usage on their previous account and calculate the highest three months' usage during the most recent twelve-month period. The customer will be charged the base deposit amount or the total

billing for their highest three months' usage, whichever is greater. The BBWD may establish standard deposits for various service sizes and types. (See Appendix I A.8)

b. Construction Deposits – Estimated Costs. When the BBWD is requested to perform work and there is no fixed charge, the applicant shall deposit an amount established by the BBWD, in addition to system development connection charges and other applicable fees and charges prior to commencement of work on the installation. A refund or billing will be made when the job is completed and actual cost determined. (See Appendix I A.8)

c. Interest on Deposits. Except as provided to assure payment of bills, any cash deposit(s) or other payment(s) paid to the BBWD will not accrue interest.

d. Public Agency Deposit Requirements. In lieu of cash deposits, or sureties, purchase orders may be accepted from public agencies.

7.10 Delinquencies & Deficiencies

a. Deficiency Fee - The BBWD will assess a fee per service, per day, for each inspected deficiency not corrected by the developer, until the deficiency is corrected. This charge shall be assessed against parcels where a tenant has occupied the premise without the service being inspected, approved and accepted by the BBWD or without a Certificate of Occupancy issued by Clark County. (See Appendix I A.7)

b. Late Fees – Delinquent Accounts. If payment of a water bill is not received by the BBWD prior to the due date as stated on the bill there shall be added to the next succeeding bill a charge in accordance with the Big Bend Water District Deposits and Charges.

If payment of a water bill is not received by the BBWD prior to the due date as stated on the bill, the account shall be charged, on the next succeeding bill, four percent (4%) of all amounts in arrears. Governmental agencies shall be exempt. (See Appendix I A.7)

c. Liens. The BBWD may cause a Notice of Lien to be recorded at any time after a bill has become delinquent, pursuant to NRS 318. The BBWD shall cause a Release of Lien to be recorded after it has received payment of the amount for which the lien was claimed, which shall include the cost of recording the Notice of Lien and Release of Lien plus a service charge as set in the Deposits and Charges.

The BBWD may file a lien against a parcel when reasonable collection efforts have proven unsuccessful. If a lien is filed against a parcel, the lien balance will include a per parcel lien processing fee. Liens will be released promptly after notification and verification of payment in cash for the lien balance in full. Payments by cashier's check or personal check may result in a delay of filing the release of lien for up to thirty days for verification from the issuing bank. Credit card payments will not be accepted. Subsequent water service to the parcel will only be activated or restored in the name of the property owner and service fees and/or deposit requirements will apply. (See Appendix I A.7)

d. Processing Charge. A delinquent processing charge of 4% of arrears, not subject to compounding. (See Appendix I A.7)

e. Re-connection Charge for Delinquent Accounts. If a service is processed for shut-off for non-payment of bills, payment arrangements, deposits, or other violation of these Service Rules, the customer shall pay a delinquent processing charge plus the rate specified in

Appendix I A.7 of these Service Rules for any actual or potential water use each month that water service would have been available since the delinquency occurred. Before the service will be reactivated, the customer must pay the total amount due including any assessed security deposits, and related delinquent processing and restoration fees. The BBWD may, at its sole and exclusive discretion, make arrangements for other than a single full payment. Should the customer reactivate the service or tamper without consent of the BBWD, an additional charge will be made for each such occurrence. Service shall be considered processed for shut-off as of the date immediately following the due date of the bill or payment arrangement. In addition to the fee, the BBWD may determine that a shut-off valve is to be installed at the expense of the property owner in accordance with these Service Rules. (See Appendix I A.7)

f. Re-establish Service Fee. Upon receipt of application, a deserted or inactive service may be activated provided the Applicant pays any costs required to locate the service and upgrade it to current BBWD standards. If the service cannot be located, it will be classified as abandoned or removed. If a service is located but found to be non-functional, the service may be classified as abandoned or removed. Also see Section 5.

7.11 Emergency Service

Emergency service may be provided by a connection to a fire hydrant or to an existing main. All emergency services which are connected to fire hydrants shall conform to requirements of these Rules and shall be limited to a maximum 30 days. In the event that the emergency service will provide water to multiple users, a deposit shall be submitted that shall include, in addition to the quantity charge, an amount for the estimated 30 days of consumption including service charges for each unit of property to be served. A single monthly bill shall be issued to the applicant who will be responsible for payment. Metered water service shall be in accordance with the rate schedule.

7.12 Illegal Service Connection

A service connection that is located in the field, but whose existence is not documented in BBWD records will be considered as a new service. All fees, charges, and deposits required by the BBWD must be paid before the account is established in the BBWD's system. In the event an illegal service is discovered and a water commitment is required by the BBWD and is not obtained, or the fees, charges, and deposits are not paid, the BBWD may physically remove the service connection at the parcel owner's expense. Any service connection that is in violation of these Service Rules will be considered an illegal service connection and be subject to all of the conditions and restrictions as listed above.

7.13 Illegal Use of Water

Prosecution for Illegal Use of Water; Interference with BBWD. Any person who shall wrongfully and maliciously appropriate or use any BBWD water, damages or interferes with BBWD property, or wrongfully and maliciously interferes with any officer, agent, or employee of the BBWD in the proper discharge of their duties shall be guilty of a misdemeanor and shall be fined in any sum not exceeding \$1,000 or imprisonment not to exceed six months in the county jail or by both such fine and imprisonment; provided further, that the BBWD damaged by any such act may also bring a civil action for damages sustained by any such act, and in such proceeding the prevailing party shall also be entitled to attorney's fees and costs of court.

7.14 Locked Service

If a lock installed on a service connection to restrict use of water is removed by anyone other than an authorized BBWD employee, the customer or developer shall be charged padlock replacement costs for the damaged standard lock, or the damaged specialty lock, in addition to any other charges and fees. (See Appendix I A.6)

7.15 Meters (See Appendix I A.9)

a. Automated Metering Infrastructures (AMI) Equipment. The customer or owner of record may be charged for replacement of a damaged AMI device.

b. Meter Credits. If meters obtained from the BBWD for the purpose of being installed by a private contractor during construction of a development are returned before the project has received final acceptance from the BBWD, the following credit will be made:

Unused meters – 100% of original developer cost

c. Meter Installation. When it is discovered that water is being taken through an unmetered service, or the meter is damaged, or the meter is not operating properly, or the wrong size meter was installed, and the water plan approval required that the meter be set by the developer, the BBWD will install the meter and charge an installation charge. The cost of the original meter issued to the developer will be refunded if that meter has not been used or damaged and is returned to the BBWD. If the development is under warranty for its water facilities, the Developer can replace the meter at his expense.

d. Meter Size Change. Existing meters which are of a size less than the diameter of the service lateral may be replaced with a larger size not to exceed the size of the service lateral. Applicants for replacement meters shall pay the application fee for the new meter, the meter charge, and other charges as established by the rate schedule. There will be a meter charge for the increase in meter size. System Development Charges shall apply to increases in meter sizes. A water commitment in accordance with Section 1 of these Service Rules must be obtained before a meter may be increased in size.

Meters sized two (2) inches and less may be replaced with a smaller size meter upon request of the property owner and with BBWD approval. The cost to reduce the meter size shall be the application fee for the new meter, the cost of the new meter, plus all other applicable fees and charges. Applicants for replacement of meters greater than two (2) inches with a smaller size shall pay all costs incurred.

e. Meter Testing Fee. A customer who is serviced by a meter 2” and smaller and who has requested that the meter be removed for accuracy testing and replaced with another, shall be assessed a fee. The fee will be waived if the overall accuracy of the meter as tested is outside the defined acceptable parameters as established by the AWWA.

7.16 Private Fire Service

Applicable to all services through which water is to be used solely for extinguishing fires. Private fire service shall be assessed a daily service charge for the equivalent meter size. (See Appendix I A.10)

The fireline consumption charge will be the Tier Two rate for all usage including

unauthorized usage and mandatory testing. Water is to be used solely for extinguishing fires. The BBWD reserves the right to estimate and bill all fireline consumption.

When it is found that a private fire service is being used for unauthorized purposes other than standby fire protection or mandatory testing, the BBWD reserves the right to calculate and bill the customer for all private fire protection water consumption based on the service size and duration of consumption. For such unauthorized use, consumption shall be billed at the Tier Two rate and a multiplier may be applied as follows:

| <u>Fire Line Size</u> | <u>Multiple</u> |
|-----------------------|-----------------|
| ≤ 2" | 1 |
| 3" | 12 |
| 4" | 21 |
| 6" | 47 |
| 8" | 80 |
| 10" | 127 |
| 12" | 167 |

Failure to discontinue the unauthorized use will be cause for shut-off, and/or prosecution as prescribed by law.

7.17 Public Fire Hydrants

Credit Privilege for Hydrant Permits. The privilege of credit for hydrant permits may be granted to contractors licensed in Nevada and requests for same may be made by phone, provided that:

- a. The privilege is not abused.
- b. Payment for each hydrant permit is received by BBWD as part of the payment for the first water bill issued for such permit.

7.18 Supplemental Commodity Charge

A supplemental commodity charge will be computed and assessed for all non-residential customers having a supplemental service connection.

The BBWD will annually, based on the prior calendar year, determine the customer's peak month (June through September) and compute the ratio of peak month over average monthly usage (i.e., peak month usage divided by average monthly usage = peaking ratio). This ratio will be divided by the BBWD's peak month ratio (peak month usage divided by average monthly usage = system peaking ratio) and if the resulting factor is greater than one (1), the factor will be multiplied by the commodity rate in effect for the upcoming months of June through September (See Appendix I A.12). If the supplemental customer's peak to average usage is less than the BBWD's peak to average usage, the average of the previous three (3) years peak to average usage shall be used as the factor.

The resulting rate will be the commodity charge for water usage for the subsequent months of June through September. This rate will be applicable to all successors or assigns of the

customer for the calendar year.

7.19 System Development Approval Charges (SDA) (See Appendix I A.11)

A System Development Approval Charge(s) (SDA) will be collected in full, in addition to all other fees, charges and payments due as part of the water plan application and review process, prior to plan approval for all new, added or enlarged service(s) connections to a parcel(s). An exception has been granted for single family detached unit subdivisions approved after the effective date of these Rules. For those developers who wish to utilize this exception, these parcels will be added to Appendix III at the time of approval and treated in the same manner. For all single family detached residential unit subdivision developments, the SDA will be required to be paid prior to obtaining a building permit for each parcel. This incremental SDA payment applies to no other plan approval type.

In the event a credit occurs for the amount due as a result of an application for service replacement(s), a credit will be calculated at the time of application based on the existing SDA for that affected service. In the event a credit exceeds the existing SDA, no refund will be made. No refund(s) will be made, nor will a credit be provided to future development on the subject parcel. Credits for services are not transferable to another parcel.

Notwithstanding the foregoing, the Board of Trustees recognizes that the SDA for designated parcels has been deferred and not been paid. There are designated lots that also contain construction defects. These designated developments are listed in Appendix III of these Rules. This designated development list establishes a record of and acknowledges the current unpaid SDA status and/or construction defects for these parcels.

To the extent that new single family detached residential unit subdivision, parcel maps, or land divisions are developed by developers who pay all other applicable fees but do not desire a water commitment as described in Section 1.2 of these Rules and desire to defer payment of SDA charges, these developments will be added to Appendix III and are treated in the same manner. These developments will be required to pay the outstanding nonrefundable SDA charge, prior to obtaining a building permit for a parcel. The BBWD will record a Notice with the Clark County Recorder's Office that shows a chain of title based on Assessor's Parcel Number that the charge has not been paid on the parcel. All fees connected with the Notice will be due to the BBWD in the amounts in effect at the time of payment.

7.20 Tier Consumption Rate Charges (See Appendix I A.12)

Consumption will be rounded to the appropriate whole consumption (1,000 gallons) to determine the billing period's rate blocks. Consumption within the billing period will be billed at the appropriate rate block as shown in Appendix I A.12.

7.21 Turn-On/Shut Off Fees (see Appendix I A.13)

a. Turn on. An existing water service will be turned on without charge, provided that the requested effective date for service activation or restoration is at least one business day after an application is accepted or, in the case of service interrupted for delinquency, sufficient payment has been received as required by the BBWD.

Same Day Service Activation Charge. Same-day service turn-on or restoration may be provided for a fee. Requests received after normal business hours, or on weekends, or during a holiday for same day service turn on or restoration will be assessed a fee, provided that the

BBWD can respond to the customer's request.

b. Shutoff. An existing water service will be shut off without charge, provided that the requested effective date for service shut off is at least one business day after the request for discontinuance of service is received.

Same Day Service Shut Off Charge. Same day shut off service may be provided for a fee, for requests received prior to the close of the business day. Requests for same day or future shut off will not be accepted if received after normal business hours, on weekends, or on holidays.

Service Shut Off for non-payment or other violation. If service is shut off for non-payment or other violation of these Rules, before service will be reactivated, the customer must pay all past due charges and the appropriate Activation Charge at the office of the Big Bend Water District. The BBWD may accept arrangements for partial payments totaling the full amount. Should the customer reactivate or tamper with the service, without consent of the BBWD, an additional charge will be made for each occurrence in accordance with the rate schedule.

c. Turn-Off at Main Charge. Should it become necessary to enforce discontinuance of service by shutoff at the main, a charge will be made based on actual cost to discontinue that service.