

TOWN OF MARLINTON, WEST VIRGINIA

ORDINANCE PROVIDING FOR INCREASED RATES, CHARGES AND FEES FOR SEWER SERVICES FOR ALL CUSTOMERS OF THE MUNICIPALLY OWNED AND OPERATED SEWER UTILITY OF THE TOWN OF MARLINTON, POCAHONTAS COUNTY, WEST VIRGINIA.

WHEREAS, the Town of Marlinton (the "Town"), pursuant to the provisions of §8-20-1 et seq., and other provisions of the West Virginia Code, is authorized to own and operate a sewer treatment and collection system serving sewer customers within and without the boundaries of the Town;

WHEREAS, in order to protect the public health, safety and welfare, the Council of the Town of Marlinton ("Town Council") believes it critical that the Town's sewer treatment and collection system (the "System") be maintained and operated to insure that continuous, safe and adequate sewer service is provided to its customers;

WHEREAS, the Town Council of the Town has, upon review of financial statements based on the Fiscal Year Ended June 30, 2019, prepared by Lowe & Associates, PLLC, and current planning information of the Town related to the needs of the System, determined that the current rates, charges and fees for sewer services provided to all domestic, commercial, industrial, and public authority users and customers of the Town's System are not adequate to meet the cost of operation and maintenance expenses, debt service, and bond coverage requirements of the System;

WHEREAS, the Town Council of the Town deems it advisable and necessary that the existing sewer rates, charges and fees for service provided to the customers of the Town's System be increased in order for the Town to meet its going-level expenses, debt service, and bond coverage requirements;

WHEREAS, the Town Council of the Town finds that the following rates, charges, and fees are just and equitable for the services provided to its users and customers through the use of the System, and that such rates, charges, and fees will be sufficient to meet its going-level expenses associated with the maintenance and operation of the System and the payment of the debt service of the System, and such rates, charges, and fees should supersede the existing rates, charges, and fees;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Town Council of the Town of Marlinton, Pocahontas County, West Virginia:

SECTION 1. That the following rates, charges and fees to be charged for providing sewer services to customers of the municipally operated sewer public utility of the Town of Marlinton, Pocahontas County, West Virginia be and hereby are adopted to become effective for all service rendered on and after 45 days from the date of adoption of this ordinance:

APPLICABILITY

Applicable within entire territory served.

AVAILABILITY

Available for general domestic, commercial, industrial and public authority service.

METERED RATES (Based on Water Usage)

First	4,000 gallons per month	\$10.82 per 1,000 gallons
All Over	4,000 gallons per month	\$10.82 per 1,000 gallons

MINIMUM CHARGE - 2 MONTHS (Based on 4,000 gallons)

No bill will be rendered for less than the following amounts.

\$43.28 per two months

UNMETERED CHARGE (Based on 4,500 Gallons Per Month)

No bill will be rendered for less than the following amounts.

\$97.38 per two months

CONNECTION CHARGE

A fee of three hundred and fifty dollars (\$350.00) will be charged for each new connection to the system.

DELAYED PAYMENT PENALTY

The above tariff is net. On all current usage billings not paid within twenty (20) days, ten percent (10%) will be added to the net amount unpaid. This delayed penalty is not interest and is only to be collected once for each bill where it is appropriate.

DISCONNECT FOR NON-PAYMENT

If any bill is not paid within 60 days from the date of the bill, water service to the customer will be disconnected and will not be restored until all past due bills have been paid in full together with all penalty charges, subject to applicable rules of the Public Service Commission of West Virginia.

LEAK ADJUSTMENT INCREMENT

\$4.71 per 1,000 gallons. To be used when the bill reflects unusual consumption which can be attributed to eligible leakage on the customer's side of the meter. This rate shall be applied to all such unusual consumption above the customer's historical average usage.

SECURITY DEPOSIT

Not to exceed one-twelfth (1/12) of the annual estimated charge for residential service, or one-sixth (1/6) of the annual estimated charge for commercial service. This fee may be changed by applicable statutory provisions.

RETURNED CHECK CHARGE

A service charge equal to the actual bank fee assessed to the Town of Marlinton or a maximum of twenty-five dollars (\$25.00) will be imposed upon any customer whose check for payment of charges is returned by their bank due to insufficient funds.

PAYMENT COLLECTION FEE

In the event that an employee of the Town of Marlinton collects a payment from the customer at the customer's residence to avoid termination of water service, the customer shall be charged a fee of twenty dollars (\$20.00), in addition to the amount of any unpaid bill.

EFT PAYMENTS

A service charge will be imposed on EFT payments. Payments shall consist of the actual charges from the financial institution for processing payment.

BILL REPRINT FEE

A charge of \$1.00 will be assessed to customers who do not present the bar coded section of the bill provided by the Town of Marlinton with payment.

SECTION 2. That in accordance with the provisions of Chapter 24, Article 2, Section 4b of the Code of West Virginia, 1931, as amended, the rules and regulations and the rates, charges and fees provided for herein shall be effective no sooner than 45 days from the date of adoption.

SECTION 3. That, in accordance with the requirements of Chapter 8, Article 11, Section 4 of the Code of West Virginia, 1931, as amended, the Town shall cause the proposed Ordinance to be read by title (or in full, if so demanded by a member of the governing body) at not less than two meetings of the governing body with at least one week intervening between each meeting. The Town shall cause notice of the proposed adoption of this Ordinance to be published as a Class I-0 legal advertisement, with the publication being made at least five days before the meeting at which this Ordinance is to be finally adopted, and with said notice meeting the other requirements set forth in Code §§ 59-3-1 et seq.

SECTION 4. That, in accordance with the Public Service Commission of West Virginia's *Rules for the Construction and Filing of Tariffs*, 150 CSR 2, notice of this Ordinance shall be provided by (a) causing to be published the Commission's Tariff Form No. 12 as a Class II legal advertisement, in a qualified newspaper of general circulation in the area of the Town, with the first publication occurring within five days, or, if the notice is to be published in a newspaper that issues on a weekly basis, by the first possible publication date, after the adoption of this Ordinance, (b) posting a notice that conforms with Tariff Form No. 12 in a conspicuous place at the Town's business premises beginning the day after the Town Council Meeting at which this Ordinance is adopted and continuing for 30 days, and (c) filing with the Commission, within 5 days after the adoption of this Ordinance, a copy of this Ordinance along with other information as required by Section 23.1.7 of the *Tariff Rules*.

SECTION 5. All prior ordinances or parts of ordinances, inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 6. This Ordinance shall be effective immediately upon adoption.

Date of first reading: November 2, 2020

Passed _____ Failed _____ by Vote of Yes _____ No _____

Abstain _____ Absent _____

Date of Public Hearing and second reading: _____

Passed _____ Failed _____ by Vote of Yes _____ No _____

Abstain _____ Absent _____

Date of third reading and adoption: _____

Passed _____ Failed _____ by Vote of Yes _____ No _____

Abstain _____ Absent _____

_Mayor

ATTEST:

City Recorder