

AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF A TWO DOLLAR (\$2.00) MONTHLY SURCHARGE FOR ALL WATER CUSTOMERS SERVICED BY THE TOWN OF LUMBERPORT AND THE PROMULATION OF SUCH OTHER REGULATIONS AS ARE APPROPRIATELY A PART OF THE TARIFF OF THE TOWN OF LUMBERPORT, IN ACCORDANCE WITH CHAPTER 24, ARTICLE 2, AND OTHER PERTINENT SECTIONS OF THE CODE OF THE STATE OF WEST VIRGINIA.

WHEREAS, the Town of Lumberport is a municipal corporation which owns and operates the water system supplying water for the Town of Lumberport and to various outlying areas around the said Town for public, domestic and commercial property:

WHEREAS, the Town of Lumberport and various outlying areas have been in the past and are presently discharging raw sewage into the waterways and streams of the area:

WHEREAS, the Town of Lumberport does not have a sufficient amount of financial resources with which to fund a sewer study in order to develop a Municipal Compliance Plan as mandated by the Water Resources Division of the West Virginia Department of Natural Resources:

WHEREAS, the Municipal Compliance Plan is necessary to bring the Town of Lumberport into compliance with the Federal Clean Water Act; and

WHEREAS, the Town of Lumberport has determined that a temporary surcharge of Two Dollars (\$2.00), per month, for a period of two (2) years be placed upon each and every customer both residential and commercial, in order to have financial resources to fund the aforesaid sewer study.

NOW, THEREFORE, BE IT ORDAINED:

That the following surcharge shall be in effect for a period of two (2) years to fund a sewer study in order for the Town to develop a Municipal Compliance Plan as mandated by the Water Resources Division of the West Virginia Department of Natural Resources:

69

SECTION 1. SPECIAL SURCHARGE: The Town of Lumberport does hereby impose, levy and assess against all customers of its water system a Two Dollar (2.00) monthly surcharge for a period of two (2) years from the effective date of this Ordinance for the sole purpose of providing the Town with revenues to pay for a sewer study in order to develop a municipal Compliance Plan.

SECTION 2. DELAYED PAYMENT PENALTY: The above surcharge is net. On all accounts not paid in full within twenty (20) day of date of bill, ten percent (10%) will be added to the net amount shown.

SECTION 3. SURCHARGE TO BE ADDED TO WATER BILL: The surcharge provided for in this Ordinance will be added to the normal monthly water service charge.

SECTION 4. BILLING, COLLECTION AND DISPOSITION: The surcharge shall be billed and collected by the Town of Lumberport. All money so collected shall be used by the Town for the sole purpose of paying for the aforesaid sewer study.

SECTION 5. DEBT DUE TOWN: PENALTIES FOR NONPAYMENT: The surcharge levied pursuant to this article shall be a debt due the Town and shall be a lien upon the property and if the same is not paid within thirty (30) days after it shall be due and payable, it shall be deemed delinquent and may be recovered by civil action in the name of the Town against the property owner and or the user of such service. In event of failure to pay the surcharge after it becomes delinquent, the Town shall be authorized to remove or close the water connection and shall have the right to enter upon the property for such purpose and to take such steps as may be necessary to accomplish such removal or closing. The expense of such removal or closing as well as the expense of restoring any such service, shall likewise be a debt due the Town and a lien upon the property and may be recovered by civil

action in the name of the Town against the property owner and or the user of the service, or such water service shall not again be turned on, nor the water connection restored until all service charges, including the expense of removal, closing and restoration shall have been paid. Change of ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating these penalties.

SECTION 6. NOTICE: The Town shall give to all customers notice of the intent to impose the surcharge on the monthly billing statement of the customers of the utility for the month next preceding the month in which the surcharge is to become effective.

SECTION 7. EFFECTIVE DATE: The above surcharge shall take effect for all water customers of the Town of Lumberport forty-five (45) days after the final adoption of this Ordinance, unless said surcharge shall otherwise be suspended by actions of the Public Service Commission or the Courts of the State of West Virginia.

SECTION 8. SEVERABILITY: The provisions of this Ordinance are severable and if any provision or part thereof shall be protested, declared invalid, or unconstitutional, or inapplicable to any customer, such invalidity, unconstitutionality, or inapplicability shall not affect or impair the remaining provisions of this Ordinance.

PASSED by the Council of the Town of Lumberport, West Virginia, on FIRST READING this 6th day of January, 1986.

PASSED by the Council of the Town of Lumberport, West Virginia, on SECOND and FINAL READING this 23rd day of January, 1986

ATTEST:
Gary Lindsey
Recorder

Madge L. Kellison, Mayor