

AN ORDINANCE PROVIDING FOR THE IMPOSITION AND COLLECTION OF RATES, FEES AND CHARGES FOR THE USE AND AVAILABILITY OF THE SERVICES AND FACILITIES OF THE WATERWORKS OF THE TOWN OF LUMBERPORT; PRESCRIBING RULES AND REGULATIONS GOVERNING THE FURNISHING AND USE OF ALL SUCH SERVICES AND FACILITIES; AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

Adopted \_\_\_\_\_, 1964.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LUMBERPORT, WEST VIRGINIA:

Section 1. Recitals. The Town Council of the Town of Lumberport has heretofore adopted an Ordinance providing for the issuance of \$230,000 Waterworks Revenue Bonds to finance in part the costs of construction or acquisition of additions, extensions and improvements to its existing waterworks. By this Ordinance, the Town Council prescribes rates and charges for the services and facilities of the waterworks of the Town and rules and regulations governing the furnishing and use of the services and facilities thereof. The Town Council deems it essential in the best interests of the Town and of the inhabitants thereof to make the provisions contained in this Ordinance.

Section 2. Definitions. The following terms shall have the following meanings in this Ordinance unless the text otherwise expressly requires:

A. "Person" means and includes individual, firm, partnership, corporation, association and public body.

B. "Waterworks" means all facilities of the existing waterworks of the Town and all facilities of any kind or nature at any time hereafter constructed or acquired by the Town and used for impoundment, storage, purification, settling, transmission or distribution of water or any other purpose in connection with furnishing water to the customers of the Town, such term including, among other things, mains, hydrants, meters, valves, standpipes, storage tanks, pump tanks, intakes, wells, impounding reservoirs, pumps, machinery, purification plants, softening apparatus and all other elements, items and property, real or personal, useful in connection with a public water supply or service.

Section 3. Application for Service Required. It shall be unlawful for any person hereafter to commence use of any of the facilities of the Waterworks without first

making written application therefor to the Town and paying all costs, charges, fees and deposits incident thereto, such application to be made on forms furnished by the Town. Such application, or use of any of the facilities of the Waterworks by present customers, shall constitute an agreement by the applicant or customer with the Town to abide by all provisions of this Ordinance and such applicable rules of the Town as to use of such facilities as may from time to time be placed in effect. Applications for service by firms, partnerships, corporations and associations shall be tendered only by their duly authorized agents or representatives and the official title of such agent or representative shall be shown on the application.

Section 4. Rates and Charges. The following schedules of rates, fees and charges shall be charged against and paid by the user, tenant, owner or occupant of each habitable building or structure and of each building used for commercial or industrial purposes and connected with any of the facilities of the Waterworks, except as hereinafter provided:

RATES

INSIDE CORPORATE LIMITS

First	5,000 gals. per month	\$1.90 per thousand gals.
Next	5,000 gals. per month	1.80 per thousand gals.
Next	5,000 gals. per month	1.70 per thousand gals.
All over	15,000 gals. per month	1.40 per thousand gals.

OUTSIDE CORPORATE LIMITS

First	2,000 gals. per month	\$2.30 per thousand gals.
Next	8,000 gals. per month	2.10 per thousand gals.
Next	25,000 gals. per month	2.00 per thousand gals.
Next	25,000 gals. per month	1.80 per thousand gals.
All over	60,000 gals. per month	1.70 per thousand gals.

MINIMUM CHARGES PER MONTH

<u>Meter Size (Inches)</u>	<u>Inside Corporate Limits</u>	<u>Outside Corporate Limits</u>
5/8 x 3/4	\$ 3.80	\$ 4.60
3/4	5.05	6.12
1	9.50	11.50
1 1/2	19.00	23.00
2	30.40	36.80
3	66.50	80.50
4	114.00	138.00
6	266.00	322.00

PENALTY

10% penalty will be added to all bills not paid within 15 days of date of bill.

TAPPING FEE

There shall not be any Tapping Fee for present customers within the corporate limits or for customers now connected with

the Waterworks. A tapping fee of \$35 shall be charged new customers within the Town prior to completion of construction of the additions, extensions and improvements of the existing Waterworks financed in part by the Town's \$230,000 Waterworks Revenue Bonds, dated January 1, 1964. After completion of such construction, a Tapping Fee of \$75 shall be charged each new customer within the corporate limits.

A Tapping Fee of \$85 shall be charged to all customers outside the corporate limits not now connected with the Waterworks of the Town.

#### Billing

Bills for water services shall be rendered monthly, provided, however, that the Town may cause water meters to be read monthly or once each two or three months and render monthly billings based upon the last meter readings. If any bill shall not be paid in full within thirty days of billing date, services shall be disconnected by the Town and shall not be restored until all delinquent bills, plus a reconnection charge equal to one month's minimum charge, have been paid.

Section 5. Vacancy of Premises Served. In the event that any building, structure or premises served by any facilities of the Waterworks is to be vacated for a period of not less than thirty days, the person responsible for paying the rates, fees and charges for such services for such building, structure or premises may apply in writing to the Town to have the water service temporarily disconnected from such facilities. The Town shall, upon such application, temporarily disconnect such building, structure or premises from the Waterworks, beginning on the first day of such vacancy. At the end of such vacancy, upon application or notification in writing contained in the application for disconnection or a separate paper, such building, structure or premises shall be reconnected upon payment of a reconnection charge of \$4.00.

Section 6. No Free Services. The Town will not render or cause to be rendered any free services of any nature by the Waterworks, nor will any preferential rates be established for users of the same class; and in the event the Town or any department, agency, instrumentality, officer or employee thereof shall avail itself or themselves of the facilities or services provided by the Waterworks, or any part thereof, the same rates, fees or charges applicable to other customers receiving like services under similar circumstances shall be charged the Town, and any such department, agency, instrumentality, officer or employee thereof. Such charges shall be paid as they accrue, and the Town shall transfer from its general funds sufficient sums to pay such charges incurred by it. The revenues so received shall be deemed to be revenues derived from the operation of the Waterworks, and shall be deposited and accounted for in the same manner as other revenues derived from such operation.

The Town covenants and agrees that it will, prior to the end of each fiscal year, transfer from its general funds and pay into the Revenue Fund provided for in the aforesaid Bond Authorizing Ordinance the sum of \$5.00 as a fire hydrant rental for each fire hydrant in the Town connected with the Waterworks. Such payments shall constitute revenues of the Waterworks and shall be treated and applied as all other revenues thereof.

Section 7. Deposits for Services. The Town may require any applicant for any of the services of the Waterworks to deposit with the Town a reasonable and equitable amount to be prescribed to insure payment of all charges for such services, which deposit shall be handled and disposed of under the applicable rules and regulations of the Public Service Commission.

Section 8. No Allowance for Leaks. No allowance or adjustment in any bill for use of the facilities of the Waterworks shall be made for any leakage occurring on the customer's side of any water meter.

Section 9. Right of Access. The Town shall have all rights, easements, permits and privileges which are necessary for the rendering of adequate water services. Duly authorized employees of the Town shall have access at reasonable hours to the premises of any user of the facilities of the Waterworks for the purposes of installing or removing any property of the Town necessary for such services or for examining pipes, meters, lines or fixtures or for any purpose incidental to the rendering of proper service.

Section 10. Taps; Tampering with Facilities. No person other than duly authorized employees of the Town shall tap the water mains, nor connect with, turn on, tamper with, interconnect, alter or damage in any way any part of the Waterworks.

Section 11. No Liability of Town; Right to Restrict Services. The Town shall not be liable for any damage resulting from bursting or breakage of any water main, pipe, valve, equipment or part, or from discontinuance of the operation of any part of the Waterworks, or from failure of any part thereof for any cause whatsoever. In case of emergency, the Town shall have the right to restrict the use of any part of the Waterworks in any reasonable manner for the protection of the Town, the inhabitants thereof and the Waterworks.

Section 12. Penalty. Any person who shall violate any provision of Section 10 of this Ordinance shall, upon conviction thereof, be punished by a fine not to exceed \$500 or by imprisonment not to exceed thirty days or both such fine and imprisonment.

Section 13. Severability. If any provision, clause, section or part of this Ordinance is held to be invalid by any court of competent jurisdiction, then such invalid part shall be null and void and shall be deemed separable from the remaining parts hereof and shall in no way affect the validity of all other provisions and parts of this Ordinance.

Section 14. Conflicting Provisions Repealed. All ordinances, resolutions and orders or parts thereof in conflict with the provisions of this Ordinance, except the aforesaid Bond Authorizing Ordinance, are, to the extent of such conflict, hereby repealed.

Section 15. Headings. The headings of the Sections and parts hereof are for convenience only and shall neither control nor affect in any way the meaning or construction of any of the provisions hereof.

Section 16. Effective Time. This Ordinance shall take effect and become operative from passage.

Adopted \_\_\_\_\_, 1964.

\_\_\_\_\_  
Mayor

ATTEST:

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Recorder