

2011

TOWN OF LUMBERPORT

AN ORDINANCE ENACTING RATES, FEES AND CHARGES FOR SERVICE TO CUSTOMERS OF THE SEWER SYSTEM OF THE TOWN OF LUMBERPORT TO TAKE EFFECT UPON TRANSFER OF THE SEWER SYSTEM OF THE LUMBERPORT AREA PUBLIC SERVICE DISTRICT

WHEREAS, the Town of lumberport is in the process of acquiring from the Lumberport Area Public Service District all of the District's wastewater customers, together with the associated revenues and debt service and all of its operating wastewater collection and treatment facilities, as is where is, and all obligations associated with the Lumberport Area Public Sewer Service District collection and treatment system, and the ownership or operation thereof; and

WHEREAS, it is necessary to have a rate ordinance in effect upon the date of said transfer of the sewer system; and

WHEREAS, it is not necessary to raise the current rates of the Lumberport Area Public Service District.

THEREFORE, the Council of the Town of Lumberport hereby enacts and ordains the following rules, rates and charges for municipal sewer services provided to all customers of the Town of Lumberport's Municipal Sewer System, commencing upon the effective date of the transfer to the Town of the sewer system of the Lumberport Area Public Service District, as hereinafter provided, and in accordance with the following Rates and Schedules:

RULES AND REGULATIONS

- I. Rules and Regulations for the Government of Sewerage Utilities, adopted by the Public Service Commission of West Virginia, and now in effect, and all amendments thereto and modifications thereof hereafter made by said Commission.

SCHEDULE I

APPLICABILITY

Applicable within the entire territory served.

AVAILABILITY

Available for general domestic, commercial and industrial and sale for resale sewer service.

RATES (customers with metered water supply)

\$8.45 per 1,000 gallons used per month.

MINIMUM CHARGE

No bill will be rendered for less than \$25.36 per month, which is the equivalent of 3,000 gallons.

FLAT RATE CHARGE (customers with non-metered water supply)

Equivalent of 4,000 gallons of water usage - \$33.81 per month.

RETURNED CHECK CHARGE

A service charge equal to the actual bank fee assessed to the District or a maximum of \$25.00 will be imposed upon any customer whose check for payment of charges is returned by the bank due to insufficient funds.

DELAYED PAYMENT PENALTY

The above schedule is net. On all accounts not paid in full when due, ten percent (10%) will be added to the net current amount unpaid. This delayed payment penalty is not interest and is to be collected only once for each bill where it is appropriate.

TAP FEE

The following charges are to be made whenever the utility installs a new tap to serve an applicant.

A tap fee of \$50.00 will be charged to customers applying for service before construction is completed adjacent to the customer's premises in connection with a certificate proceeding before the Commission. This pre-construction tap fee will be invalid after the completion of construction adjacent to the applicant's premises that is associated with a certificate proceeding.

A tap fee of \$300.00 will be charged to customers applying for service outside of a certificate proceeding before the Commission for each new tap to the system.

LEAK ADJUSTMENT

\$2.27 per M gal is 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 consumption above the customer's historical average usage.

SECURITY DEPOSIT

A deposit of \$50.00 or 2/12ths of the average annual usage of the applicant's specific customer class.

SCHEDULE II

SURFACE OR GROUND WATER SURCHARGE

An additional amount shall be charged where surface or ground water is introduced into the sanitary system where evidence of a violation exists.

Surcharge formula to be applied in cases where surface drainage is connected to the utility's sewer system.

APPLICABILITY

Whenever the utility has discovered that a customer's roof drain, downspout, storm sewer or similar facilities conducting surface water have been connected to the utility's sewer system and such customer has failed to take appropriate action, within thirty (30) days of a demand by the utility in accordance with the Rules of the Public Service Commission, to eliminate such connection, a surcharge will be imposed upon the customer calculated on the basis of the following formula:

$$S = A \times R \times 0.0006233 \times C$$

- S = The surcharge in dollars
A = The area under roof and/or the area of any other water collection surface connected to the sanitary sewer, in square feet
R = The measured monthly rainfall, in inches
0.0006233 = A conversion factor to change inches of rain x square feet of surface to thousands of gallons of water
C = The utility's approved rate per thousand gallons of metered water usage.

The utility shall not impose the surcharge unless and until the customer has been notified by certified mail, return receipt requested, or by hand delivery, that it has been established by smoke testing, dye testing or on-site inspection that rain or surface water is being introduced into the sanitary sewer system at the customer's location, and that the customer has not acted within thirty (30) days from receipt of such notice to divert the water from the sanitary sewer system.

Said surcharge shall be calculated and imposed for each month that said condition continues to exist. Failure to pay the surcharge and/or correct the situation shall give rise to the possible termination of water in accordance with the Rules of the Public Service Commission of West Virginia.

This ordinance takes effect 45 days after passage, or upon the effective date of the transfer to the Town of the sewer system of the Lumberport Area Public Service District if said transfer occurs more than 45 days after passage.

Passed on 1st Reading on the 4th day of April, 2011.

Public Hearing on the 2nd day of May, 2011.

Passed on 2nd Reading on the 2nd day of May, 2011.

BY: James [Signature]
Mayor

ATTEST: Virginia [Signature]
Recorder