

**AN ORDINANCE OF THE TOWN OF LUMBERPORT, WEST VIRGINIA,
AMENDING THE ORDINANCE OR RATE SCHEDULE FOR FIRE SERVICE
FEES AND ESTABLISHING A REVISED SCHEDULE OF JUST AND
EQUITABLE RATES, FOR FIRE SERVICE AND FACILITIES FURNISHED
THE RESIDENTS OF THE TOWN OF LUMBERPORT, WEST VIRGINIA.**

WHEREAS, the Town of Lumberport collects a fire service fee from its residents and pays that fee to the Lumberport Volunteer Fire Department; and

WHEREAS, the Lumberport Volunteer Fire Department has requested that the fire service fee be increased to \$4 per month for residential customers of the Lumberport water system, and to \$8 per month for commercial and industrial customers; and

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~~WHEREAS, the Town Council finds that these amounts reasonably reflect the cost of protecting the municipality from fire.~~

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE TOWN OF LUMBERPORT:

SECTION 1 SCHEDULE OF CHARGES AND FEES

I. DEFINITIONS

1. For the purposes of this ordinance, the following terms shall have the meanings respectively designated unless it is clear from the context that a different meaning is intended.
2. "Residential unit structure" means any structure or unit, which is used or intended by the nature of its construction to be used as a single family dwelling.
3. "Nonresidential Unit Structure" means all other buildings not included within the definitions of "residential unit structure" shall be deemed to be within the classification of nonresidential unit structure for the purposes of this ordinance. Such structures shall include but not be limited to all commercial and industrial establishments, churches, schools, government buildings, etc.
4. "Owner" means the owner of record of any tract or parcel of real estate within the Town of Lumberport, as reflected by the records maintained in the office of the Clerk of the County Commission of Harrison County, West Virginia.
5. "Fire Department" shall mean the Lumberport Volunteer Fire Department, including all the personnel, buildings, machinery, and equipment used in the operation thereof.

duly verified with the Circuit Court of Harrison County, requesting review by certiorari; otherwise, such decision becomes final and conclusive.

V. SEVERABILITY

1. That it is hereby declared to be the intention of the Town Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared void, ineffective or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such voidness, ineffectiveness or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council, without the incorporation herein of any such void, ineffective or unconstitutional phrase, clause, sentence, paragraph or section.

VI. REPEAL OF CONFLICTING ORDINANCES

1. Upon the effective date hereof, all ordinances, resolutions, orders or parts thereof in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed, and to the extent that the provisions of this Ordinance do not touch upon the provisions of prior ordinances, resolutions, orders or parts thereof, the same shall remain in full force and effect.

VII. STATUTORY NOTICE AND PUBLIC HEARING

1. Upon introduction hereof, the Clerk shall cause to be published a copy of this Ordinance as a Class II legal advertisement (published twice), with the first publication being at least ten days before the hearing, in The Clarksburg Exponent Telegram, being a qualified newspaper of general circulation in the Town of Lumberport, and said notice shall state that this Ordinance has been introduced, and that any person interested may appear before the Council of the Town of Lumberport on _____, 2013, at _____ P.M., and be heard on the subject, following which hearing, the Council of the Town of Lumberport shall take such action as it shall deem proper. Copies of this Ordinance shall be available to the public for inspection at the office of the Clerk of the Town of Lumberport, 230 Main Street, Lumberport, West Virginia.

119 George St.

Public hearing
April 1st - 6:30pm