

Ordinance No. 16-04

AN ORDINANCE OF THE TOWN OF LUMBERPORT, WEST VIRGINIA
AMENDING THE ORDINANCE OR RATE SCHEDULE AND ESTABLISHING A
REVISED SCHEDULE OF JUST AND EQUITABLE RATES FOR THE SERVICE
AND FACILITIES FURNISHED TO THE CUSTOMERS OF THE SEWER
COLLECTION SYSTEM OF THE TOWN OF LUMBERPORT

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN
OF LUMBERPORT, WEST VIRGINIA that the Sewer rate schedule established for the
customers of the Sewer system of the Town of Lumberport be amended to reflect the
following new rates, being a percentage increase of approximately 15% for all roughly
seven hundred fifty (750) customers, effective 45 days from adoption, as follows:

THERE IS HEREBY CREATED AND ORDAINED ORDINANCE 16
WHICH SHALL BE AS FOLLOWS:

SECTION 1. APPLICABILITY SCHEDULE AND ENFORCEMENT

a. APPLICABILITY

This ordinance shall be applicable in the entire territory served, for all general,
commercial, domestic and industrial sewer service(s).

b. RATES (customers with metered water supply)

\$9.72 per 1,000 gallons used per month.

c. MINIMUM CHARGE

No minimum bill will be rendered for less than \$29.79 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 - \$38.89 per month

d. RETURNED CHECKS

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

e. DELAYED PAYMENT PENALTY

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.

f. RECONNECTION CHARGE

The reconnection charge is \$25.00. This charge shall arise and accrue whenever water and/or sewer service has been disconnected for non-payment of sewer bills or violations of applicable rules.

g. TAP FEE

A tap fee of \$350.00 shall be charged whenever the utility installs a new tap to serve an applicant for sewer service.

h. SECURITY DEPOSIT

All new applicants for residential or other sewer service from the Town shall make a deposit of (i) fifty dollars (\$50), or (ii) two-twelfths (2/12) of the average annual usage for the applicant's specific customer class for sewer service, whichever is greater, with the Town to secure the payment of sewer service rates and charges. For combined water and sewer public service districts such deposit shall not be more than either one hundred dollars (\$ 100) or two twelfths (2/12) of the average annual usage of water service and wastewater service for the applicant's specific customer class, whichever is greater. The Town shall not be bound to supply sewer service until this condition is fulfilled. In any case where a deposit is forfeited to pay service rates and charges which were delinquent at the time of disconnection or termination of service, no reconnection or reinstatement of service may be made by the Town until another deposit, as described above, has been remitted to the Town. This provision must be included in the utility's tariff filed with the Commission.

4.2.a.2. Security deposits for public service districts. -- All new applicants for residential or other sewer service from a public service district shall make a deposit of (i) fifty dollars (\$50), or (ii) two twelfths (2/12) of the average annual usage for the applicant's specific customer class for sewer service, whichever is greater, with the district to secure the payment of sewer service rates and charges. For combined water and sewer public service districts such deposit shall not be more than either one hundred dollars (\$100) or two-twelfths (2/12) of the average annual usage of water service and wastewater service for the applicant's specific customer class, whichever is greater. The district shall not be bound to supply sewer service until this condition is fulfilled. In any case where a deposit is forfeited to pay service rates and charges which were delinquent at the time of disconnection or termination of service, no reconnection or reinstatement of service may be made by the district until another deposit, as described above, has been remitted to the district. This provision must be included in the utility's tariff filed with the Commission.

4.2.a.3. Return of deposit to customers. -- Except as otherwise provided in 4.2.a.4., after a customer has paid bills for service for twelve (12) consecutive months without a delinquency, the utility shall promptly and automatically refund the deposit plus accrued interest. Calculation of the above twelve (12) month period shall commence from the first regular payment or following the payment of a delinquent bill or bills.

4.2.a.4. Return of deposit by public service districts and municipal systems only for a customer who is a tenant. -- By statute public service districts and municipal systems are not required to return a deposit to a customer who is a tenant until the time the tenant discontinues

service with the district or municipal system. After a customer who is a tenant discontinues service with the district or municipal system, the utility shall promptly and automatically refund the deposit plus accrued interest. The public service district or municipal system shall have a reasonable time, not to exceed thirty (30) days, to read and remove meters and to ascertain that the obligations of the customer have been fully performed before being required to return any deposit in the case where there has not been an automatic refund.

4.2.a.5. Unless otherwise ordered by the Commission by general order, simple interest of 1% per year shall be paid from the date of deposit until the date of refund of the security deposit. All customer security deposits shall be placed in an interest bearing account at a local federally insured financial institution.

4.2.a.6. Public service districts and municipal systems must segregate security deposits in interest bearing accounts at federally insured institutions. Upon proper showing by complaint or otherwise, the Commission may require any other utility to likewise segregate customer deposits.

i. LEAK ADJUSTMENT

\$2.61 per 1 ,000 gallons is to be used when the bill reflects unusual consumption or usage which can be attributed to eligible leakage and/or non-customary usage on the customer's side of the meter. This rate shall be applied to all such consumption above customer's historical average usage.

SECTION 2. EFFECTIVE DATE

The rate and charges provided herein shall become effective 45 days after adoption.

SECTION 3. SEPARABILITY: REPEAL OF CONFLICTING ORDINANCES

The provisions of this ordinance are separable and if any clause, provision or section hereof shall be held void or unenforceable by the West Virginia Public Service Commission or any court of competent jurisdiction, such holding shall not affect the remainder of this

Ordinance. 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 address certain provisions or prior ordinances, resolutions orders or parts thereof, the same shall remain in full force and effect.

ii. SECTION 4. STATUTORY NOTICE AND PUBLIC HEARING

Upon introduction hereof, the Recorder/Clerk shall cause to be published a notice of the proposed rates as a Class II legal advertisement (published twice), with the first publication being at least ten (10) 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 August 1, 2016 at 6:30 p.m., and be heard on the subject, following which hearing the Council for 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 Recorder/Clerk, Town of Lumberport, West Virginia.

As stated above, this ordinance shall take effect 45 days after adoption.

Passed by Council of the Town of Lumberport on FIRST READING on this 18TH day
Of JULY 2016.

Public Hearing held on this 1 day of AUGUST 2016 at 6: 30 p.m.

Passed by Council of the Town of Lumberport on SECOND AND FINAL READING on
this day of _____, 2016.

SHERRY EXLINE, MAYOR

ATTEST:

TOWN RECORDER