

**AMENDMENT TO THE CODIFIED ORDINANCES OF
THE CITY OF CHARLES TOWN, WEST VIRGINIA WITH
REGARD TO PART NINE, STREETS, UTILITIES &
PUBLIC SERVICES, ARTICLE 921 SEWERS**

BE IT ORDAINED by the City Council of the City of Charles Town as follows:

That Article 921.18, Sewer Service Rates be AMENDED as follows:

- a) Establishment. For the payment of the proper and reasonable expense of operation, repair, replacement, improvements, additions, betterments, extensions, and maintenance of the sewer system and for the payment of the sums required to pay the principal and interest of all sewer revenue bonds as the same become due, there is hereby established a schedule of just and equitable rates or charges for the use of and services rendered by the sanitary sewer system and works of the Charles Town Utility Board, a West Virginia public utility and a municipal corporation of the City of Charles Town, West Virginia, which schedule of rates or charges, based upon the metered amount of water supplied the premises, where possible, but providing for a flat rate when no meter is available, shall be as follows.
- (b) Rules and Regulations. 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 the Commission are hereby adopted by reference.

Article 921.18 SCHEDULE OF RATES

SCHEDULE I

APPLICABILITY

Applicable within the entire territory formally served by the Charles Town Utility Board or the City of Ranson, including the municipalities of Charles Town and Ranson. Effective for service rendered on or after the date of enactment.

AVAILABILITY

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

RATES (Customers with a metered water supply)

First	2,000 gallons used per month	\$14.79 per 1,000 gallons
Next	8,000 gallons used per month	\$10.64 per 1,000 gallons
All over	10,000 gallons used per month	\$ 9.67 per 1,000 gallons

MINIMUM CHARGE

No bill shall be rendered for less than \$29.58 per month, which is the equivalent of 2,000 gallons. Where sewer service is available by gravity flow and the customer has not connected to public sewer, the customer shall pay this minimum charge.

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

Equivalent of 3,500 gallons of water usage, \$45.54 per month.

MULTIPLE OCCUPANCY

In apartment buildings, trailer parks, shopping centers or other multiple occupancy buildings or properties served by a master water meter, each discrete dwelling or business unit shall be required to pay not less than the minimum monthly charge provided herein.

DELAYED PAYMENT PENALTY

The above scheduled 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

A tap fee of \$400.00 will be charged to customers applying for service outside of a sewerage system improvement project for each new tap to the system.

RETURNED CHECK CHARGE

A service charge equal to the actual bank fee assessed to the sewer utility up to 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.

LEAK ADJUSTMENT

Upon proof that metered water did not enter the Utility's sewer system, customer will be given credit at the full tariff rate for all water gallons billed for sewer service that did not enter the Utility's system.

SECURITY DEPOSIT

Each new customer shall make a security deposit of \$75.00 which shall be refunded per West Virginia regulation.

EXCESS POLLUTION SURCHARGE

A surcharge to recover extraordinary costs is levied upon customer discharges placing extraordinary demand upon treatment facilities, as measured by waste stream parameters of biochemical oxygen demand (BOD) and/or suspended solids in the wastewater. Users discharging any water or wastes with a zero day average BOD in excess of 300 milligrams per liter or a 30-day average suspended solids content in excess of 300 milligrams per liter or containing suspended solids with a character or quantity of pollutant requiring unusual attention or expense to handle or treat, shall pay, in addition to the base monthly sewer user charges, an additional surcharge (Cs) as determined by the following formula:

$$Cs = Bc (B) + Sc (S) + Pc (P)Vu$$

B = Concentration of B.O.D. from a user above a base level (300 mg/l)

Bc = 0 & M cost of treatment of unit of biochemical oxygen demand (B.O.D.)

S = Concentration of suspended solids from a user above a base level (300mg/l)

Sc = 0 & M costs for treatment of a unit of suspended solids

Pc = 0 & M cost for treatment of a unit of any pollutant

P = Concentration of any pollutant from a user above a base level

Vu = Volume contribution from a user per unit of time.

SCHEDULE II

APPLICABILITY

Applicable within the territory formerly served by Jefferson County Public Service District. Effective for service rendered on or after the date of enactment.

AVAILABILITY

Available for general domestic, commercial, and industrial service.

RATES (customers with a metered water supply)

First	2,000 gallons used per month	\$15.36	per 1,000 gallons
Next	8,000 gallons used per month	\$14.29	per 1,000 gallons
Over	10,000 gallons used per month	\$13.98	per 1,000 gallons

MINIMUM CHARGE

No bill will be rendered for less than \$30.72 per month which is equivalent to 2,000 gallons per month. Where sewer service is available by gravity flow and the customer has not connected to public sewer, the customer shall pay this minimum charge.

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

Equivalent of 3,500 gallons of water usage, \$52.16 per month

MULTIPLE OCCUPANCY

In apartment buildings, trailer parks, shopping centers or other multiple occupancy buildings or properties served by a master water meter, each discrete dwelling or business unit shall be required to pay not less than the minimum monthly charge provided herein.

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

A tap fee of \$400.00 will be charged to customers applying for service outside of a sewerage system improvement project for each new tap to the system.

RETURNED CHECK CHARGE

A service charge equal to the actual bank fee assessed to the sewer utility up to 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.

LEAK ADJUSTMENT

Upon proof that metered water did not enter the Utility's sewer system, customer will be given credit at the full tariff rate for all water gallons billed for sewer service that did not enter the Utility's system.

SECURITY DEPOSIT

Each new customer shall make a security deposit of \$75.00 which shall be refunded per West Virginia regulation.

EXCESS POLLUTION SURCHARGE

A surcharge to recover extraordinary costs is levied upon customer discharges placing extraordinary demand upon treatment facilities, as measured by waste stream parameters of biochemical oxygen demand (BOD) and/or suspended solids in the wastewater. Users discharging any water or wastes with a zero day average B.O.D. in excess of 300 milligrams per liter or a 30-day average suspended solids content in excess of 300 milligrams per liter or containing suspended solids with a character or quantity of pollutant requiring unusual attention or expense to handle or treat, shall pay, in addition to the base monthly sewer user charges, an additional surcharge (Cs) as determined by the following formula:

$$Cs = Bc (B) + Sc (S) + Pc (P)Vu$$

B = Concentration of B.O.D. from a user above a base level (300 mg/l)

Bc = 0 & M cost of treatment of unit of biochemical oxygen demand (B.O.D.)

S = Concentration of suspended solids from a user above a base level (300mg/l)

Sc = 0 & M costs for treatment of a unit of suspended solids

Pc = 0 & M cost for treatment of a unit of any pollutant

P = Concentration of any pollutant from a user above a base level

Vu = Volume contribution from a user per unit of time.

SCHEDULE III
CAPACITY IMPACT FEES

APPLICABILITY

Applicable to the entire service area and due and payable for each customer connection adding new flows into the sewer collection system and treatment facility. Effective for service connections proposed on or after the date of enactment.

CAPACITY IMPACT FEE

For all new service proposed to be connected to the Utility at a point of the system formerly operated by either the Utility Board or the City of Ranson, there shall be paid to the Utility Board at the time of issuance by the Utility Board of a final sewer availability letter for the property to be served a capacity impact fee of \$1,127 for each residential connection adding new flows into the sewer collection system and treatment facility. Connections for non-residential use shall be paid in accordance with the usage equivalent schedule set forth below.

For all new service proposed to be connected to the Utility at a point of the system formerly operated by Jefferson County Public Service District, there shall be paid to the Utility Board at the time of issuance by the Utility Board of a final sewer availability letter for the property to be served a capacity impact fee of \$3,207 for each residential connection adding new flows into the sewer collection system and treatment facility. Connections for non-residential use shall be paid in accordance with the usage equivalent schedule set forth below.

ADDITIONAL CAPACITY IMPACT FEE - HUNTFIELD PUMP STATION

In addition to the Capacity Impact Fee, there shall be paid to the Utility Board at the time of issuance by the Utility Board of a final sewer availability letter for any new connection using the Huntfield pump station an additional capital capacity improvement fee of \$2,875 for each equivalent dwelling unit. The funds collected from the capacity improvement fee shall be maintained in a separate fund administered by the Utility Board and shall be used only for the purpose of expanding the Huntfield pump station. All properties within the originally annexed acreage of the Huntfield subdivision, as described by the annexation of additional territory of the City of Charles Town pursuant to West Virginia Code 8-6-4 Order by the County Commission of Jefferson County dated January 10, 2002, shall be exempt from this fee.

ADDITIONAL CAPACITY IMPACT FEE – FLOWING SPRINGS PUMP STATION

In addition to the Capacity Impact Fee, there shall be paid to the Utility Board at the time of issuance by the Utility Board of a final sewer availability letter for any new connection using the Flowing Springs pump station an additional capital capacity improvement fee of \$1,625 for each equivalent dwelling unit. The funds collected from the capacity improvement fee shall be maintained in a separate fund administered by the Utility Board and shall be used only for the purpose of expanding the Flowing springs pump station.

USAGE EQUIVALENTS FOR MULTIPLE RESIDENTIAL OR NON-RESIDENTIAL
CAPACITY IMPACT FEES

Capacity impact fees for multi-residential and non-residential structures adding new flows to the sewer collection system and treatment facility shall be based upon the following:

<u>UNIT</u>	<u>WATER GALLONS/DAY</u>	<u>RESIDENTIAL USAGE EQUIVALENT</u>
Apartments	150/unit	1.0/unit
Bowling Alleys	200/alley	1.33/alley
Churches with kitchen	8/member	0.05/member
Churches w/o kitchen	2/member	0.013/member
Food Service	32/seat	0.213/seat
Fast Food Restaurant	35/seat	0.23/seat
Bar & Cocktail Lounge (additive)	2/patron	0.013/patron
Tavern-Little or no food	20/seat	0.132/per seat
Hotel	120/room	0.8/per room
Industry, sanitary	15/person/shift	0.1/person per shift
<u>Institutions:</u>		
Hospital	250/bed	1.67/bed
Nursing Homes	150/bed	1.0/bed
Others	75/person	0.5/person
Office Buildings	15/person	0.1/person
Laundry Self Service	250/washer	1.67/washer
Motels	120/room	0.8/room
Retail Stores	400/toilet room	2.67/toilet room
Residence	150/residence	1.0/residence
<u>School:</u>		
Day, no cafeteria/showers	15/pupil	0.1/pupil
Day with cafeteria	18/pupil	0.12/pupil
Day with cafeteria/showers	20/pupil	0.133/pupil
Boarding	75/pupil	0.5/pupil
Service Station	500/set of pumps	3.33/set of pumps
Shopping Centers	16/100 ft. of sales area	0.12/100 ft. of sales area
Swimming Pools	10/swimmer design capacity	0.067/swimmer design capacity
Capacity Theaters	3/seat	0.02/seat
Warehouse	15/employee	0.1/employee

If a unit does not appear on this schedule the sewer department shall determine its Residential Usage Equivalent in consultation with its consulting engineer.

EFFECTIVE DATE

The rates, charges and penalties provided herein shall become effective immediately after enactment.

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 conflicts, 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.

STATUTORY NOTICE AND PUBLIC HEARING

Upon introduction hereof, the City Clerk shall cause to be published a copy of this Ordinance once a week for two (2) successive weeks within a period of fourteen (14) consecutive days, with at least six (6) days between each publication, in the *Spirit of Jefferson and Farmer's Advocate* and *The Shepherdstown Chronicle*, being two qualified newspapers of general circulation in the City of Charles Town, and said notice shall state that this Ordinance has been introduced, and that any person interested may appear before Council Chambers, Charles Town, West Virginia, on _____, at ____ p.m., which date is not less than 10 days after the date of the first publication of the Ordinance and notice, and present any comment or protest thereto, following which hearing, Council 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 City Clerk, Charles Town, West Virginia.

Passed on First Reading: _____

Passed on Second Reading
(following Public Hearing): _____

BY: _____
MAYOR

CERTIFICATION AND NOTICE

I hereby certify that the foregoing is a true and accurate copy of an Ordinance which has been introduced and adopted on first reading at a meeting of the City Council of the City of Charles Town held on _____, pursuant to proper notice, at which meeting a quorum was present and acting throughout. Any person interested may appear before the City Council of the City of Charles Town at the City Hall, 101 E. Washington Street, Charles Town, West Virginia, on _____ at ____ p.m., being the date, time and place of the proposed final adoption of this Ordinance, and be heard. The Council will then take such action as it shall deem proper in the premises. The proposed ordinance may be inspected by the public at the Office of the Clerk in the City Hall, Charles Town, West Virginia during regular office hours.

BY: _____
CITY CLERK