

## ORDINANCE NUMBER 302

### AN ORDINANCE TO AMEND AND REENACT THE RATES, RULES AND REGULATIONS FOR FURNISHING WATER SERVICE AT ELKINS AND VICINITY, RANDOLPH COUNTY, WEST VIRGINIA BY INCREASING THE RATES CHARGED THEREFORE

**WHEREAS**, Chapter 24, Article 2, Section 4b of the *West Virginia Code*, effective July 1, 1981, as amended, gives to municipally operated public utilities the approval authority to set their own rates and charges; and,

**WHEREAS**, the current rates and charges for water service provided by the City of Elkins are based upon a test year ended June 30, 2014; and,

**WHEREAS**, the 2015 Legislature amended Chapter 24 of the *West Virginia Code* to require all municipalities to maintain a cash working capital reserve; and,

**WHEREAS**, the Public Service Commission of West Virginia, in 2021 issued a General Order which revised the method of calculation of the cash working capital reserve fund which requires adjustment of the frequency of the funding of such cash working capital reserve fund requiring the City to increase its rates; and

**WHEREAS**, the City Water Board is experiencing difficulty in meeting its current obligations; and

**WHEREAS**, in order to provide revenues sufficient to pay the expenses of current and future operations, to provide working capital reserves and to provide sufficient funding for its ongoing debt service obligations, the Common Council of the City of Elkins deems it necessary to increase, in two steps, the rates and charges for the furnishing of water services.

**THEREFORE, THE COMMON COUNCIL OF THE CITY OF ELKINS, WEST VIRGINIA HEREBY ORDAINS:**

#### **SECTION ONE – RATES, RULES AND REGULATIONS**

The following rates, fees and charges for water service provided by it to customers throughout its territory served, are hereby fixed and determined as rates, fees and charges to be charged in lieu of those rates, fees and charges contained in its water tariff, P.S.C. W. Va. No. 18, currently on file with the Public Service Commission of West Virginia.

#### **STEP 1**

**[EFFECTIVE IMMEDIATELY UPON PASSAGE OF ORDINANCE OR AS OTHERWISE ORDERED BY THE PUBLIC SERVICE COMMISSION OF WEST VIRGINIA]**

#### **APPLICABILITY**

Applicable within the entire territory served

#### **AVAILABILITY OF SERVICE**

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

#### **METERED RATES** (Customers with metered water supply)

First	2,000 gallons used per month	\$20.15 per 1,000 gallons
Next	3,000 gallons used per month	\$11.25 per 1,000 gallons

Next 5,000 gallons used per month	\$ 9.35 per 1,000 gallons
All Over 10,000 gallons used per month	\$ 6.90 per 1,000 gallons

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

Equivalent to 4,500 gallons of water used per month \$68.43

**MINIMUM CHARGE**

No bill shall be rendered for less than the following amounts according to the size of the meter installed:

5/8 inch meter	\$ 40.30	per month
3/4 inch meter	\$ 60.45	per month
1 inch meter	\$ 100.75	per month
1 1/4 inch meter	\$ 141.05	per month
1 1/2 inch meter	\$ 201.50	per month
2 inch meter	\$ 322.40	per month
3 inch meter	\$ 604.50	per month
4 inch meter	\$ 1,007.50	per month
6 inch meter	\$ 2,015.00	per month
8 inch meter	\$ 3,224.00	per month

**SALE FOR RESALE**

All water for resale will be billed in accordance to the approved rate of \$ 6.450 per 1,000 gallons used per month.

**RETURNED CHECK CHARGE**

A service charge equal to the actual bank fee assessed to the water utility or a maximum of \$25.00 will be imposed upon any customer whose check for payment 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.

**DISCONNECT CHARGE/ RECONNECTION CHARGE**

Water service will not be restored until all past due water bills have been paid in full and all accrued penalties plus a disconnection charge of \$25.00 have been paid.

There shall be a \$25.00 reconnection charge paid prior to restoration of water service which has been previously disconnected for any reason.

**SHUTOFF FEE - \$25.00**

To be charged whenever the water utility is requested by the customer to turn off water at the meter outside of normal business hours, as defined by the Public Service Commission of West Virginia.

**AFTER HOURS SERVICE FEE**

A service fee of \$25.00 will be charged for each separate service call after regular working hours and holidays.

**TAP FEE**

The charge for an approved service connection to the water system will be seven hundred and fifty dollars (\$750.00) or the actual cost of connection (solely determined by the Water Board), whichever is greater, for all new taps to the system.

**LEAK ADJUSTMENT**

\$0.58 per 1,000 gallons is to be used when a 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 usage.

**SECURITY DEPOSIT**

Not to exceed two-twelfths (2/12) of the average estimated charge for residential service or one-sixth (1/6) of the annual estimated charge for commercial service, or fifty dollars, whichever is greater.

**STEP 2**  
**[EFFECTIVE June 1, 2023]**

**APPLICABILITY**

Applicable within the entire territory served

**AVAILABILITY OF SERVICE**

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

**METERED RATES** (Customers with metered water supply)

First	2,000 gallons used per month	\$20.75 per 1,000 gallons
Next	3,000 gallons used per month	\$11.50 per 1,000 gallons
Next	5,000 gallons used per month	\$ 9.60 per 1,000 gallons
All Over	10,000 gallons used per month	\$ 7.10 per 1,000 gallons

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

Equivalent to 4,500 gallons of water used per month \$70.25

**MINIMUM CHARGE**

No bill shall be rendered for less than the following amounts according to the size of the meter installed:

5/8 inch meter	\$ 41.50	per month
3/4 inch meter	\$ 62.25	per month
1 inch meter	\$ 103.75	per month
1 1/4 inch meter	\$ 145.25	per month
1 1/2 inch meter	\$ 207.50	per month
2 inch meter	\$ 332.00	per month
3 inch meter	\$ 622.50	per month
4 inch meter	\$ 1,037.50	per month
6 inch meter	\$ 2,075.00	per month
8 inch meter	\$ 3,320.00	per month

**SALE FOR RESALE**

All water for resale will be billed in accordance to the approved rate of \$ 6.51 per 1,000 gallons used per month.

**RETURNED CHECK CHARGE**

A service charge equal to the actual bank fee assessed to the water utility or a maximum of \$25.00 will be imposed upon any customer whose check for payment 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.

**DISCONNECT CHARGE/ RECONNECTION CHARGE**

Water service will not be restored until all past due water bills have been paid in full and all accrued penalties plus a disconnection charge of \$25.00 have been paid.

There shall be a \$25.00 reconnection charge paid prior to restoration of water service which has been previously disconnected for any reason.

**SHUTOFF FEE** - \$25.00

To be charged whenever the water utility is requested by the customer to turn off water at the meter outside of normal business hours, as defined by the Public Service Commission of West Virginia.

#### **AFTER HOURS SERVICE FEE**

A service fee of \$25.00 will be charged for each separate service call after regular working hours and holidays.

#### **TAP FEE**

The charge for an approved service connection to the water system will be seven hundred and fifty dollars (\$750.00) or the actual cost of connection (solely determined by the Water Board), whichever is greater, for all new taps to the system.

#### **LEAK ADJUSTMENT**

\$0.58 per 1,000 gallons is to be used when a 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 usage.

#### **SECURITY DEPOSIT**

Not to exceed two-twelfths (2/12) of the average estimated charge for residential service or one-sixth (1/6) of the annual estimated charge for commercial service, or fifty dollars, whichever is greater.

### **SECTION TWO – EFFECTIVE DATE**

The Town Council finds that the Town is in financial distress and that a 45-day waiting period would be detrimental to the ability of the Town to deliver continued and compliant public sewer services. Therefore, the Step 1 increased water rates and charges provided herein shall become effective as of September 16, 2022.

The Step 2 rates, fees, and charges provided herein shall become effective as of June 1, 2023.

### **SECTION THREE – SEPARABILITY; REPEAL OF CONFLICTING ORDINANCES**

The provisions of this Ordinance are separable, and if any clause, provision or section hereof be held void or unenforceable by any court of competent jurisdiction, such holding shall not affect the remainder of this Ordinance. Upon the effective date of the charges herein set forth, all ordinances, resolutions, orders or parts thereof in conflict with the provisions of this Ordinance are, 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.

### **SECTION FOUR – STATUTORY NOTICE AND PUBLIC HEARING**

Upon introduction hereof, the City Clerk shall publish Notice of this Ordinance in *The Inter-Mountain*, being a newspaper published and of general circulation in Randolph County, West Virginia, as a Class I publication. The publication shall be made at least five (5) days before the meeting of the City Council at which a final reading and vote on the ordinance will be held. Said notice shall state that this Ordinance has been introduced, and that any person interested may appear before Council on the **15th day of September, 2022, at 7:00 p.m.** and present protests, if any. At such hearing all objections and suggestions shall be heard and the Council shall take such action as it shall deem proper on the premises.

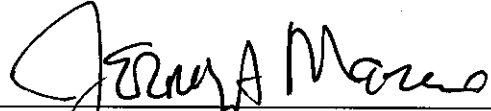
Further, said Notice shall advise the public that a copy of this ordinance is available for public inspection.

Passed on First Reading

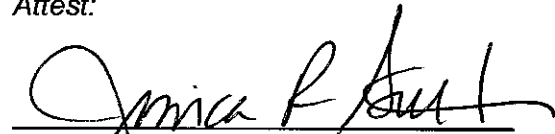
September 1, 2022

Passed on Second Reading  
Following Public Hearing

September 15, 2022

  
\_\_\_\_\_  
Jerry A. Marco, Mayor

Attest:

  
\_\_\_\_\_  
Jessica R. Sutton, City Clerk