

ORDINANCE 2020- 02

CITY OF MARTINSBURG

AN ORDINANCE SETTING FORTH SEWER RATES, MINIMUM CHARGE, DISCONNECT/RECONNECT/ADMINISTRATIVE CHARGES, SERVICE CONNECTION CHARGE DELAYED PAYMENT PENALTY AND CAPITAL IMPROVEMENT FEES FOR THE CITY OF MARTINSBURG, WEST VIRGINIA

THE COUNCIL OF THE CITY OF MARTINSBURG HEREBY ORDAINS:
The following schedule of sewer rates, minimum charge, disconnect/reconnect/administrative charges, service connection charge and delayed payment penalty are hereby fixed and determined as the sewer rates, minimum charge, disconnect/reconnect/administrative charges, service connection charge, delayed payment penalty and capital improvement fees to be charged to customers of the sewer system of the City of Martinsburg, WV throughout the territory served:

SECTION 1. SCHEDULE OF RATES

APPLICABILITY

Applicable to entire area served.

AVAILABILITY OF SERVICE

Available for general domestic, commercial and industrial service.

RATES – ALL METERED CUSTOMERS

	<u>Rate per 1,000 gallons</u>
First 2,000 gallons used per month Or 4000 gallons used bi-monthly	\$10.78
Next 31,333 gallons used per month Or 62,666 gallons used per bi-monthly	\$9.47
Over 33,333 gallons used per month Or 66,666 gallons used per bi-monthly	\$7.36

MINIMUM CHARGE

No bill will be rendered for less than the following amounts:

Per Month	\$ 21.56
Per Bi-monthly	\$ 43.12

RATES - UNMETERED CUSTOMERS (Flat Rate)

Monthly	\$45.24
Bi-Monthly	\$90.48

DISCONNECT/RECONNECTION/ADMINISTRATIVE CHARGE

Whenever water service has been disconnected for non-payment of sewer bills in conjunction with a water service termination agreement with the Berkeley County Public Service Water District, a disconnection fee of \$10.00 shall be charged; or in the event the delinquent sewer bill is collected by the water district, an administrative fee of \$10.00 shall be charged.

Whenever water service, which has been previously disconnected or otherwise withheld for non-payment of a sewer bill in conjunction with a water service termination agreement with the Berkeley County Public Service Water District, is reconnected, a reconnection fee of \$10.00 shall be charged.

SERVICE CONNECTION CHARGE

The service connection charge for each new connection to the sewer system shall be \$500.00.

DELAYED PAYMENT PENALTY

The above tariff is net. On all current usage billings not paid in full within twenty (20) days of the date of bill, 10% will be added to the net current amount unpaid. This delayed payment penalty is not interest and is only to be collected once for each bill where it is appropriate.

CAPITAL IMPROVEMENT FEE

Capital Improvement Fees are fees collected to fund future sewer capital improvement projects.

On or after March 13, 2006, a capital improvement fee shall be applicable to each residential and commercial connection made to the City's sewer system of an unserved structure or facility upon the request for City service. The Capital Improvement Fees are due as of the date of the issuance of a building permit by the City of Martinsburg and the issuance of a final sewer availability letter issued by the City. Any building permit applications which have been submitted for an unserved structure or facility and are awaiting review and final approval or are in the process of review and final approval but which have not resulted in the issuance of a permit as of the date this Ordinance becomes effective are subject to the terms of this Ordinance.

The Capital Improvement Fee shall be paid in accordance with the following Sewer System Capital Improvement Fee Schedule by Meter Size:

<u>Meter Size</u>		<u>Factor ADF @</u> <u>293 gpd</u>	\$ per gal. 9.04	<u>CIF</u>
5/8-inch		1	250	\$2,260
3/4-inch		1.1	275	\$2,486
1-inch		1.4	350	\$3,164
1-1/2-inch		1.8	450	\$4,068
2-inch	Standard	2.9	725	\$6,554
	Compound	2.5	625	\$5,650
3-inch	Standard	11	2750	\$24,860
	Compound	16	4000	\$36,160
4-inch	Standard	14	3500	\$31,640
	Compound	25	6250	\$56,500
6-inch	Standard	21	5250	\$ 47,460
	Compound	50	12500	\$113,000
8-inch	Standard	29	7250	\$ 65,540
	Compound	80	20000	\$180,800

Meters in excess of 8-inches will be individually evaluated by the City.

SECTION 2. EFFECTIVE DATE

The sewer rates, minimum charge, disconnect/reconnect/administrative charges, service connection charge and delayed payment penalty provided herein shall be effective on June 1, 2020 unless otherwise ordered by the Public Service Commission.

SECTION 3. SEPARABILITY: REPEAL OF CONFLICTING ORDINANCES

The provisions of this Ordinance are separable, and if any clause, provision or section thereof shall 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 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.

SECTION 4. STATUTORY NOTICE AND PUBLIC HEARING

Upon introduction hereof, the City Recorder shall publish a copy of this Ordinance five (5) days prior in The Journal, a qualified newspaper of general circulation in the City of Martinsburg, post a copy of the ordinance in a conspicuous place for public

review and provide a pre-adoption bill notice in accordance with WV Code 24-5-4b, and said notice shall state that this Ordinance has been introduced, and that any person interested may appear before Council at the J. Oakley Seibert Council Chambers located in City Hall, Martinsburg, West Virginia, on Thursday, April 9, 2020 at 6:30 p.m., which date is not less than 5 days subsequent to the date of the first publication of the Ordinance and notice, and present protests. At such hearing all objections and suggestions shall be heard and the Council shall take such action, as it shall deem proper in the premises. Copies of this Ordinance shall be available to the public for inspection at the office of the City Recorder in the City Hall, Martinsburg, West Virginia.

Introduced First and Second Reading: March 12, 2020

Adopted on Third Reading
following Public Hearing: April 9, 2020

George Karos, Mayor

Attest:

Gena Long, City Recorder

CERTIFICATION AND NOTICE

The foregoing Ordinance has been introduced and adopted on first and second reading at a meeting of the Council held on March 12, 2020. Any person interested may appear before the Council of the City of Martinsburg at City Hall, Martinsburg, West Virginia, on the 9th day of April, 2020 at 6:30 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 City Recorder in the City Hall, Martinsburg, West Virginia.

Gena Long, City Recorder

CERTIFICATION

Certified a true copy of an Ordinance duly enacted by the Council of the CITY OF MARTINSBURG on the 9th day of April, 2020.

Date: _____

(Seal)

Gena Long, City Recorder