

ORDINANCE NO. _____

AN ORDINANCE AMENDING AND SUPPLEMENTING ORDINANCE NO. 1814, ADOPTED MAY 14, 2019, WHICH IS CODIFIED AS PART 9 STREETS, UTILITIES AND PUBLIC SERVICES CODE, ARTICLE 929 WATER REGULATIONS AND CHARGES OF THE CITY CODE, AND PARTICULARLY, SECTION 929.01 WATER SYSTEM CHARGES AND FEES, TO PROVIDE FOR INCREASED CHARGES AND FEES TO BE INITIALLY EFFECTIVE 45 DAYS AFTER PASSAGE

WHEREAS, the rates, fees and charges for water service provided by the City of Fairmont Water Board were issued by authority of an order of the Public Service Commission of West Virginia in Case No. 19-0937-W-PC final March 6, 2020 and have been effective for service rendered on or after July 6, 2020, as set out in PSC W.Va. Tariff No. 21 and as established by Ordinance No. 1814, adopted May 14, 2019;

WHEREAS, except for the rates, fees and charges for the former customers of the Montana Water Association, the rates, fees and charges for water service provided by the City of Fairmont Water Board, "the Board" are no longer sufficient to permit the Board to meet current operating and maintenance expenses, satisfy debt service, and provide for meaningful capital improvements, among others.

WHEREAS, the Board has determined that the rates, fees and charges must be increased, and that the increased rates are the minimum rates necessary to permit the Board to meet current operating and maintenance expenses, satisfy debt service, and provide for meaningful capital improvements, among others.

WHEREAS, in order to lessen the impact on its customers, the Board has recommended implementing the rate increase over a three (3) year period.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF FAIRMONT HEREBY ORDAINS THAT: Ordinance No. 1814 codified as City of Fairmont Code Part 9 Streets, Utilities, and Public Services Code, Article 929 Water Regulations and Charges of the City Code, and particularly, Section 929.01 Water System Charges and Fees thereof, be and is hereby amended and supplemented, and the following rules, rates and charges are hereby fixed, determined and established for municipal water service provided to the customers of the water works system of the City of Fairmont commencing upon the effective date as hereinafter

provided, and in accordance with the following Rates and Schedules: (Matter to be deleted bracketed; new matter double underlined)

RULES AND REGULATIONS

- I. *Rules and Regulations for the Government of Water Utilities*, adopted by the Public Service Commission of West Virginia, and now in effect, and all amendments thereto and modifications thereof hereafter made by said Commission.

SECTION 1 – TARIFF

WATER SCHEDULE 1

SCHEDULE 1–A: TO BE EFFECTIVE FORTY-FIVE DAYS AFTER PASSAGE

APPLICABILITY

Applicable within the entire territory served.

AVAILABILITY OF SERVICE

Available for general domestic, commercial, industrial water service.

RATES (Customers with metered water supply)

First	25,000	gallons used per month	[\$8.87] <u>\$9.48</u>	per 1,000 gallons
Next	25,000	gallons used per month	[\$4.68] <u>\$5.00</u>	per 1,000 gallons
Next	25,000	gallons used per month	[\$3.82] <u>\$4.08</u>	per 1,000 gallons
All Over	75,000	gallons used per month	[\$3.77] <u>\$4.03</u>	per 1,000 gallons

MINIMUM CHARGE

No bill will be rendered for less than the following amounts based on meter size:

5/8	inch meter	[\$22.18] <u>\$23.71</u>	per month
3/4	inch meter	[\$33.27] <u>\$35.57</u>	per month
1	inch meter	[\$55.45] <u>\$59.28</u>	per month
1 1/4	inch meter	[\$80.90] <u>\$86.54</u>	per month
1 1/2	inch meter	[\$110.89] <u>\$118.55</u>	per month
2	inch meter	[\$177.43] <u>\$189.68</u>	per month
3	inch meter	[\$354.86] <u>\$379.36</u>	per month
4	inch meter	[\$554.46] <u>\$592.75</u>	per month
6	inch meter	[\$1,108.93] <u>\$1,185.50</u>	per month
8	inch meter	[\$1,774.29] <u>\$1,896.80</u>	per month

SCHEDULE 1-B: TO BE EFFECTIVE JULY 1, 2023

APPLICABILITY

Applicable within the entire territory served.

AVAILABILITY OF SERVICE

Available for general domestic, commercial, industrial water service.

RATES (Customers with metered water supply)

First	25,000	gallons used per month	\$10.14 per 1,000 gallons
Next	25,000	gallons used per month	\$5.35 per 1,000 gallons
Next	25,000	gallons used per month	\$4.36 per 1,000 gallons
All Over	75,000	gallons used per month	\$4.31 per 1,000 gallons

MINIMUM CHARGE

No bill will be rendered for less than the following amounts based on meter size:

5/8	inch meter	\$25.36	per month
3/4	inch meter	\$38.04	per month
1	inch meter	\$63.40	per month
1 1/4	inch meter	\$92.56	per month
1 1/2	inch meter	\$126.80	per month
2	inch meter	\$202.88	per month
3	inch meter	\$405.76	per month
4	inch meter	\$634.00	per month
6	inch meter	\$1,268.00	per month
8	inch meter	\$2,028.80	per month

SCHEDULE 1-C: TO BE EFFECTIVE JULY 1, 2024

APPLICABILITY

Applicable within the entire territory served.

AVAILABILITY OF SERVICE

Available for general domestic, commercial, industrial water service.

RATES (Customers with metered water supply)

First	25,000	gallons used per month	\$11.91 per 1,000 gallons
Next	25,000	gallons used per month	\$6.28 per 1,000 gallons
Next	25,000	gallons used per month	\$5.12 per 1,000 gallons

All Over 75,000 gallons used per month \$5.06 per 1,000 gallons

MINIMUM CHARGE

No bill will be rendered for less than the following amounts based on meter size:

<u>5/8</u>	<u>inch meter</u>	<u>\$29.79</u>	<u>per month</u>
<u>3/4</u>	<u>inch meter</u>	<u>\$44.69</u>	<u>per month</u>
<u>1</u>	<u>inch meter</u>	<u>\$74.48</u>	<u>per month</u>
<u>1 1/4</u>	<u>inch meter</u>	<u>\$108.73</u>	<u>per month</u>
<u>1 1/2</u>	<u>inch meter</u>	<u>\$148.95</u>	<u>per month</u>
<u>2</u>	<u>inch meter</u>	<u>\$238.32</u>	<u>per month</u>
<u>3</u>	<u>inch meter</u>	<u>\$476.64</u>	<u>per month</u>
<u>4</u>	<u>inch meter</u>	<u>\$744.75</u>	<u>per month</u>
<u>6</u>	<u>inch meter</u>	<u>\$1,489.50</u>	<u>per month</u>
<u>8</u>	<u>inch meter</u>	<u>\$2,383.20</u>	<u>per month</u>

TAP FEE

The following charges are to be made whenever the utility installs a new tap to serve an applicant:

A tap fee of \$300.00 will be charged to all customers who apply for service outside of a certificate proceeding before the Public Service Commission of West Virginia for each new tap to the system.

RECONNECTION SERVICE CHARGE

\$25.00 to be charged whenever the supply of water is turned off for violations of rules, non-payment of bills, or fraudulent use of water.

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.

LEAK ADJUSTMENT

[\$0.42] ~~\$0.53~~ per 1,000 gallons is to be used when the 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 customer's historical average usage.

RETURNED CHECK CHARGE

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

WATER SCHEDULE NO. 2

SCHEDULE 2-A: TO BE EFFECTIVE FORTY-FIVE DAYS AFTER PASSAGE

APPLICABILITY

Applicable within the entire territory served.

AVAILABILITY OF SERVICE

Available for sale for resale water service.

RATE

The rate under this schedule is [~~\$2.70~~] \$2.89 per thousand gallons per month. The tap fee, connection and reconnection charges, dishonored check charge, and delayed payment penalty set forth in Schedule No. 1 are applicable to Schedule No. 2.

SCHEDULE 2-B: TO BE EFFECTIVE JULY 1, 2023

APPLICABILITY

Applicable within the entire territory served.

AVAILABILITY OF SERVICE

Available for sale for resale water service.

RATE

The rate under this schedule is \$3.09 per thousand gallons per month. The tap fee, connection and reconnection charges, dishonored check charge, and delayed payment penalty set forth in Schedule No. 1 are applicable to Schedule No. 2.

SCHEDULE 2-C: TO BE EFFECTIVE JULY 1, 2024

APPLICABILITY

Applicable within the entire territory served.

AVAILABILITY OF SERVICE

Available for sale for resale water service.

RATE

The rate under this schedule is \$3.63 per thousand gallons per month. The tap fee, connection and reconnection charges, dishonored check charge, and delayed payment penalty set forth in Schedule No. 1 are applicable to Schedule No. 2.

WATER SCHEDULE NO. 3

APPLICABILITY

Applicable within the entire territory served.

AVAILABILITY OF SERVICE

Available for public fire protection.

RATE

The monthly rate public fire protection will be Seventeen Dollars and Five Cents (\$17.05) per hydrant or connection. The tap fee, connection and reconnection charges, dishonored check charge, and delayed payment penalty set forth in Schedule No. 1 are applicable to Schedule No. 3.

WATER SCHEDULE NO. 4

APPLICABILITY

Applicable within the entire territory served.

AVAILABILITY OF SERVICE

Available for private fire protection service.

MINIMUM RATES

No bill will be rendered for less than the following amounts, according to size of line installed:

Size of line (inches)	Rate
2-inch or less	\$39.65 per month
3-inch	\$59.48 per month
4-inch	\$79.30 per month
6-inch	\$99.14 per month
8-inch	\$148.71 per month
<u>10-inch</u>	<u>\$180.93 per month</u>
<u>12-inch</u>	<u>\$213.15 per month</u>

HYDRANT FEE

In addition to the minimum rates established above, the monthly rate per hydrant connection will be Seventeen Dollars and Five Cents (\$17.05).

The tap fee, connection and reconnection charges, dishonored check charge, and delayed payment penalty set forth in Schedule No. 1 are applicable to Schedule No. 4.

WATER SCHEDULE 5

APPLICABILITY

Applicable to the customers formerly served by Montana Water Association Inc.

AVAILABILITY OF SERVICE

Available for general domestic, commercial, industrial water service.

RATES (Customers with metered water supply)

First	2,000	gallons used per month	\$15.01 per 1,000 gallons
Next	2,000	gallons used per month	\$10.31 per 1,000 gallons
Next	2,000	gallons used per month	\$8.60 per 1,000 gallons
All Over	6,000	gallons used per month	\$7.03 per 1,000 gallons

MINIMUM CHARGE

No bill will be rendered for less than the following amounts, according to meter installed, to wit:

5/8	inch meter	\$30.02	per month
3/4	inch meter	\$45.03	per month
1	inch meter	\$75.05	per month
1 1/2	inch meter	\$150.10	per month
2	inch meter	\$240.16	per month
3	inch meter	\$480.32	per month
4	inch meter	\$750.50	per month

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

The following charges are to be made whenever the utility installs a new tap to serve an applicant:

A tap fee of \$300.00 will be charged to all customers who apply for service outside of a certificate proceeding before the Public Service Commission of West Virginia for each new tap to the system.

RECONNECTION FEE - \$25.00

To be charged whenever the supply of water is turned off for violations of rules, non-payment of bills, or fraudulent use of water.

RETURNED CHECK CHARGE

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

LEAK ADJUSTMENT

\$3.80 per 1,000 gallons is to be used when the 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 customer’s historical average usage.

SECTION 2 – SEVERABILITY; REPEAL OF CONFLICTING ORDINANCES

The provisions of this Ordinance are severable, and if any clause, provision or section hereof shall be held void or unenforceable by the Public Service Commission of West Virginia 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.

SECTION 3 – STATUTORY NOTICE AND PUBLIC HEARING

Upon introduction hereof, the City shall cause to be published notice of this Ordinance in the *Times West Virginian*, a qualified newspaper of general circulation in the City of Fairmont, and said notice shall state that this Ordinance has been introduced, and that any person interested may appear before the City Council on June 14, 2022, at 7:00 p.m., which date is not less than five (5) days after the date of the publication, 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, City of Fairmont, Fairmont, West Virginia.

SECTION 4 EFFECTIVE DATE OF RATES

Notwithstanding the effective date of this ordinance as set forth below, the initial rates, fees, charges and penalties herein established shall be for service rendered on or after forty-five days from the adoption of this ordinance.

This Ordinance shall become effective thirty (30) days after adoption.

Adopted this _____ day of _____, 2022.

MAYOR

ATTEST:

CITY CLERK

ORDINANCE NO. _____

AN ORDINANCE AMENDING AND SUPPLEMENTING ORDINANCE NO. 1814, ADOPTED MAY 14, 2019, WHICH IS CODIFIED AS PART 9 STREETS, UTILITIES AND PUBLIC SERVICES CODE, ARTICLE 929 WATER REGULATIONS AND CHARGES OF THE CITY CODE, AND PARTICULARLY, SECTION 929.01 WATER SYSTEM CHARGES AND FEES, TO PROVIDE FOR INCREASED CHARGES AND FEES TO BE INITIALLY EFFECTIVE 45 DAYS AFTER PASSAGE

SYNOPSIS

By this proposed ordinance, the Council for the City of Fairmont establishes, determines and fixes increased rates, fees and charges for municipal water service provided to customers of the water works system of the City of Fairmont.

The rates, fees and charges established by this ordinance are the minimum rates, fees and charges necessary to permit the Board to meet current operating and maintenance expenses, satisfy debt service, and provide for meaningful capital improvements, among others.

In order to lessen the impact on its customers, the Board has recommended implementing the rate increase over a three (3) year period.

Notwithstanding the effective date of this ordinance, if adopted on June 14, 2022, the initial rates, fees and charges established by this ordinance will be effective for water service rendered on or after forty-five (45) days after passage.