

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF FAIRMONT TO PROVIDE FOR INCREASED RATES, FEES AND CHARGES FOR THE USE OF THE CITY OF FAIRMONT'S SEWAGE SYSTEM FOR ALL CLASSES OF CUSTOMERS, TO BE CODIFIED AS FAIRMONT CITY CODE ARTICLE 925 "SEWER CHARGES", AND MORE PARTICULARLY SECTION 925.02 "RATES, FEES AND CHARGES" THEREOF, WHICH RATES, FEES AND CHARGES ARE TO BE INITIALLY EFFECTIVE 60 DAYS AFTER PASSAGE**

**WHEREAS**, the rates, fees and charges for sanitary service provided by the Sanitary Board for the City of Fairmont were issued by authority of an order of the Public Service Commission of West Virginia in Case No. 06-0417-S-MA and 06-0348-CN August 31, 2006, and have been effective for service rendered on or after December 2, 2008, as set out in PSC W.Va. Tariff No. 14;

**WHEREAS**, the rates, fees and charges for sanitary provided by the Sanitary Board for City of Fairmont, "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 CITY OF FAIRMONT HEREBY ORDAINS THAT:**

The rates, fees and charges for sanitary service provided by the Sanitary Board for the City of Fairmont issued by authority of an order of the Public Service Commission of West Virginia in Case No. 06-0417-S-MA and 06-0348-CN August 31, 2006, and effective for service rendered on or after December 2, 2008, as set out in PSC W.Va. Tariff No. 14 be and are hereby changed and increased as follows: (Matter to be deleted bracketed; new matter double underlined):

**RULES AND REGULATIONS**

1. Rules and Regulation 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 said Commission.

**SECTION I TARIFF:**

**SANITARY SEWER SCHEDULE 1 – RESIDENTIAL, COMMERCIAL AND INDUSTRIAL RATES**

**SCHEDULE 1-A: TO BE EFFECTIVE SIXTY (60) DAYS AFTER PASSAGE:**

APPLICABILITY: Applicable in the entire territory or area served.

AVAILABILITY: Available for general domestic, commercial and industrial sewer service.

RATES: (residential customers) Rates are based upon the metered amount of water supplied. After the first 2,500 gallons, rates shown are per 1,000 gallons used per month.

<u>Gallons</u>	<u>Rate</u>
<u>First 50,000</u>	<u>\$7.26</u>
<u>Next 25,000</u>	<u>6.97</u>
<u>Next 25,000</u>	<u>6.58</u>
<u>Next 25,000</u>	<u>6.19</u>
<u>All Over 125,000</u>	<u>5.83</u>

RATES: (commercial and industrial customers) Rates are based upon the metered

amount of water supplied. After the first 2,500 gallons, rates shown are per 1,000 gallons used per month.

<u>Gallons</u>	<u>Rate</u>
<u>First 50,000</u>	<u>\$6.63</u>
<u>Next 25,000</u>	<u>6.37</u>
<u>Next 25,000</u>	<u>6.01</u>
<u>Next 25,000</u>	<u>5.66</u>
<u>All Over 125,000</u>	<u>5.32</u>

(4) MINIMUM CHARGE: (residential customers)

No bill will be rendered for less than \$36.30 bi-monthly, which is the equivalent of 5,000 gallons of usage with a 5/8" meter.

(5) MINIMUM CHARGE (commercial and industrial customers)

No bill will be rendered for less than \$16.58 per month, which is the equivalent of 2,500 gallons of usage with a 5/8" meter.

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

APPLICABILITY: Applicable in the entire territory or area served.

AVAILABILITY: Available for general domestic, commercial and industrial sewer service.

RATES: (residential customers) Rates are based upon the metered amount of water supplied. After the first 2,500 gallons, rates shown are per 1,000 gallons used per month.

<u>Gallons</u>	<u>Rate</u>
<u>First 50,000</u>	<u>\$7.94</u>
<u>Next 25,000</u>	<u>7.62</u>
<u>Next 25,000</u>	<u>7.20</u>
<u>Next 25,000</u>	<u>6.77</u>
<u>All Over 125,000</u>	<u>6.38</u>

RATES: (commercial and industrial customers) Rates are based upon the metered amount of water supplied. After the first 2,500 gallons, rates shown are per 1,000 gallons used per month.

<u>Gallons</u>	<u>Rate</u>
<u>First 50,000</u>	<u>\$7.25</u>
<u>Next 25,000</u>	<u>6.97</u>
<u>Next 25,000</u>	<u>6.57</u>
<u>Next 25,000</u>	<u>6.19</u>
<u>All Over 125,000</u>	<u>5.82</u>

MINIMUM CHARGE: (residential customers)

No bill will be rendered for less than \$39.70 bi-monthly, which is the equivalent of 5,000 gallons of usage with a 5/8" meter.

MINIMUM CHARGE (commercial and industrial customers)

No bill will be rendered for less than \$18.13 per month, which is the equivalent of 2,500 gallons of usage with a 5/8" meter.

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

APPLICABILITY: Applicable in the entire territory or area served.

AVAILABILITY: Available for general domestic, commercial and industrial sewer service.

RATES: (residential customers) Rates are based upon the metered amount of water supplied. After the first 2,500 gallons, rates shown are per 1,000 gallons used per month.

<u>Gallons</u>	<u>Rate</u>
<u>First 50,000</u>	<u>\$8.23</u>
<u>Next 25,000</u>	<u>7.90</u>
<u>Next 25,000</u>	<u>7.47</u>
<u>Next 25,000</u>	<u>7.02</u>
<u>All Over 125,000</u>	<u>6.62</u>

RATES: (commercial and industrial customers) Rates are based upon the metered amount of water supplied. After the first 2,500 gallons, rates shown are per 1,000 gallons used per month.

<u>Gallons</u>	<u>Rate</u>
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First 50,000	\$7.52
Next 25,000	7.23
Next 25,000	6.81
Next 25,000	6.42
All Over 125,000	6.04

MINIMUM CHARGE: (residential customers)

No bill will be rendered for less than \$41.15 bi-monthly, which is the equivalent of 5,000 gallons of usage with a 5/8" meter.

MINIMUM CHARGE (commercial and industrial customers)

No bill will be rendered for less than \$18.80 per month, which is the equivalent of 2,500 gallons of usage with a 5/8" meter.

DELAYED PAYMENT PENALTY

The above schedule is net. On all accounts not paid in full when due, ten per cent (10%) will be added to the net current amount unpaid. This delayed penalty payment 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 \$250.00 will be charged to customers applying for service outside a certificate proceeding before the commission for each new tap to the system.

DISCONNECT/RECONNECT/ADMINISTRATIVE FEES:

Whenever water service has been disconnected for nonpayment of a sanitary sewer bills in conjunction with a water service termination agreement, a disconnection fee of twenty-five dollars (\$25.00) shall be charged; or, in the event the delinquent sewer bill is collected by the water company, an administrative fee of twenty-five dollars shall be charged.

Whenever water service has been previously disconnected or otherwise withheld for non-payment of a sewer bill in conjunction with a water service termination agreement, is reconnected, a re-connection fee of twenty-five dollars (\$25.00) shall be charged.

RETURN CHECK CHARGE:

A service charge equal to the actual bank fee assessed to the sewer utility up to a maximum of twenty-five dollars (\$25.00) will be imposed upon any customer whose check for payment of charges is returned by the bank due to insufficient funds.

BIMONTHLY OR QUARTERLY BILLING:

The above rates and charges may be adjusted to a bimonthly or quarterly basis, providing no lower charges.

ALTERNATIVE MEASUREMENT OF SEWAGE:

Customers having water use which results in a substantial portion of the water purchased not being discharged into the sanitary sewer system shall be entitled, at the option and sole cost of the customer, to request the Sanitary Sewer Board to purchase and install special meters to measure the volume of waste water discharged into the sanitary sewer system. The customer shall advance to the Sanitary Sewer Board on demand, the Sanitary Sewer Board's estimated cost of purchasing and installing the meter and upon installation of such waste discharge meter the rates of such customer shall be based upon the volume of waste discharged into the system rather than upon the volume of water purchased by the customer.

**SANITARY SEWER SCHEDULE 2 - BULK SERVICE**

**SCHEDULE 2-A: TO BE EFFECTIVE SIXTY (60) DAYS AFTER PASSAGE:**

APPLICABILITY: Applicable in the entire territory or area served.

AVAILABILITY: Available for bulk rate, resale, public authority or satellite customers.

RATE: (resale customers)

All wastewater will be treated at the approved rate of \$1.1905 per 1,000 gallons.

RATE: (public authority)

All wastewater will be treated at the approved rate of \$2.1975 per 1,000 gallons of metered water wastewater treated.

LEAK ADJUSTMENT

\$0.41 Per 1,000 gallons of water is to be used when a bill reflects unusual consumption which can be attributed to the 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.

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

APPLICABILITY: Applicable in the entire territory or area served.

AVAILABILITY: Available for bulk rate, resale, public authority or satellite customers.

RATE: (resale customers)

All wastewater will be treated at the approved rate of \$1.3022 per 1,000 gallons.

RATE: (public authority)

All wastewater will be treated at the approved rate of \$2.4036 per 1,000 gallons of metered water wastewater treated.

**LEAK ADJUSTMENT**

\$0.41 Per 1,000 gallons of water is to be used when a bill reflects unusual consumption which can be attributed to the 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.

**SCHEDULE 2-B: TO BE EFFECTIVE JULY 1, 2024:**

APPLICABILITY: Applicable in the entire territory or area served.

AVAILABILITY: Available for bulk rate, resale, public authority or satellite customers.

RATE: (resale customers)

All wastewater will be treated at the approved rate of \$1.3504 per 1,000 gallons.

RATE: (public authority)

All wastewater will be treated at the approved rate of \$2.4925 per 1,000 gallons of metered water wastewater treated.

**LEAK ADJUSTMENT**

\$0.41 Per 1,000 gallons of water is to be used when a bill reflects unusual consumption which can be attributed to the 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.

**SANITARY SEWER SCHEDULE 3 - CHARGE  
FOR NON-CONNECTED INDUSTRIAL SERVICE**

(1) APPLICABILITY: Applicable in the entire territory or area served.

(2) AVAILABILITY: Available for non-connected industrial service.

(3) RATE: The charge for the treatment of industrial waste shall be calculated on the basis of the following formula:

$$C_i = V_o V_i + B_o B_i + S_o S_i$$

C<sub>i</sub> = charge to industrial users per year.

V<sub>o</sub> = average unit cost of transport and treatment chargeable to volume, in dollars per gallon.

V<sub>i</sub> = volume of waste water from industrial users, in gallons per year.

B<sub>o</sub> = average unit cost of treatment, chargeable to Biochemical Oxygen Demand (BOD), in dollars per ground.

B<sub>i</sub> = weight of BOD from industrial users, in pounds per year.

S<sub>o</sub> = average unit cost of treatment (including sludge treatment) chargeable to total solids, in dollars per pound.

S<sub>i</sub> = weight of total solids from industrial users, in pounds per year.

When an industrial user is to be served, a preliminary study of its waste, and the cost of transport and treatment thereof, will be made. Waste containing materials, which in the judgment of the Sanitary Sewer Board, should not be introduced into the sewer system need not be handled by it. The results of this preliminary study shall be used to determine the feasibility of the proposed sewer service and the charge therefor, based upon the formula set out above. Thereafter, industrial sewage shall be monitored on a regular basis and at the conclusion of each fiscal year, based on the aforesaid investigation and audit of the Sanitary Sewer Board records, new cost figures shall be calculated for use in the above formula. The cost of establishing the monitoring facilities shall be paid by the industrial user. Based on these audited figures, additional billings covering the past fiscal year shall be made for payment by each industrial user, or refund given by the Sanitary Sewer Board, as the case may be. Such audited figures shall then be used for the preliminary billing for the next fiscal year, at the end of which an adjustment shall be made as aforesaid.

**SECTION 2: EFFECTIVE DATE:** The rates, fees and charges herein established shall become effective 60 days from the date of the adoption of this Ordinance and shall continue until changed by subsequent ordinance.

**SECTION 3: SEVERABILITY:** The provisions of this Ordinance are severable, and if



any provisions or part thereof shall be deemed invalid or unconstitutional or inapplicable to any person or circumstances, such invalidity, unconstitutionality or inapplicability shall not affect or impair the remaining provisions of this Ordinance.

Passed this the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

**ORDINANCE NO. \_\_\_\_\_**

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#### **SYNOPSIS**

By this proposed ordinance, the Council for the City of Fairmont establishes, determines and fixes increased rates, fees and charges for the use of the City of Fairmont's sewage system for all classes of customers.

The rates, fees and charges established by this ordinance are the minimum rates, fees and charges necessary to permit the Sanitary 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 service rendered on or after sixty (60) days after passage.