

AN ORDINANCE OF THE TOWN OF NUTTER FORT, WEST VIRGINIA, AMENDING THE SCHEDULE OF RATES AND CHARGES FOR THE SERVICES AND FACILITIES FURNISHED FOR THE CUSTOMERS OF THE WATER DISTRIBUTION SYSTEM OF THE TOWN OF NUTTER FORT BY INCREASING THE RATES AND CHARGES BY THE ESTABLISHMENT OF NEW RATES AND CHARGES

NOW, THEREFORE, BE IT HEREBY ENACTED BY THE TOWN COUNCIL OF NUTTER FORT, WEST VIRGINIA, AS FOLLOWS:

WHEREAS, Chapter 24, Article 2, Section 4b of the West Virginia State Code 1931, as amended, authorizes the fixing of all rates and charges of municipally operated utilities by the adoption of appropriate ordinances; and

WHEREAS, the Town of Nutter Fort provides potable water to its customers in the Town of Nutter Fort and to Greater Harrison Public Service District; and

WHEREAS, the present water rates or tariffs of the Town of Nutter Fort were established by that certain order of the Public Service Commission of West Virginia in P.S.C. W.VA. Tariff No. 28, issued by the Public Service Commission of West Virginia Tariff Office on September 28, 2021, for service rendered by the Town of Nutter Fort on or after September 24, 2021; and

WHEREAS, the Town of Nutter Fort has one source for the purchase of its water, that being the City of Clarksburg; and

WHEREAS, on November 29, 2022, the City of Clarksburg adopted an ordinance increasing the rate at which Nutter Fort purchases its water; and

WHEREAS, the Town of Nutter Fort is adopting the proposed rates due to the City of Clarksburg increasing the rate by which Nutter Fort purchases water annually; and

WHEREAS, the Town of Nutter Fort cannot absorb the increase in purchased water costs; and

WHEREAS, the Town of Nutter Fort finds it necessary to increase its rates due to the increase in purchased water costs from the City of Clarksburg and due a minimal increase in the operation and maintenance expenses of the water system.

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE TOWN OF NUTTER FORT:

That the water rate schedules for customers of the water distribution system of the Town of Nutter Fort be amended to reflect the following new rates, which will go into effect for all bills rendered on or after the effective date:

SCHEDULE I

APPLICABILITY

Applicable within the entire territory served.

AVAILABILITY

Available for general domestic, commercial and industrial service

(I) RATES

(I) First 2,000 gallons used per month	\$ 14.32 per 1,000 gallons
(I) Next 3,000 gallons used per month	\$ 13.38 per 1,000 gallons
(I) Next 15,000 gallons used per month	\$ 9.80 per 1,000 gallons
(I) All over 20,000 gallons used per month	\$ 8.60 per 1,000 gallons

(I) MINIMUM CHARGE

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

5/8 x 3/4 inch meter	\$ 28.64 per month
3/4 inch meter	\$ 42.96 per month
1 inch meter	\$ 71.60 per month
1- 1/2 inch meter	\$ 143.20 per month
2 inch meter	\$ 229.12 per month
3 inch meter	\$ 458.24 per month
4 inch meter	\$ 716.00 per month
6 inch meter	\$ 1,432.00 per month

(I) Indicates increase in rates

SCHEDULE II

APPLICABILITY

Applicable within the entire territory served.

AVAILABILITY

Available for resale customers.

(I) RATES

\$6.21 per 1,000 gallons used per month

(I) Indicates increase in rates

SECTION TWO: EFFECTIVE DATE

This Ordinance shall be effective forty five (45) days after final passage and the new rates will be effective for all bills rendered on or after the effective date.

SECTION THREE: 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 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 conflict, 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 FOUR: STATUTORY NOTICE AND PUBLIC HEARING

Following the first passage of this Ordinance, the Town Clerk shall cause to be published, as a Class I legal advertisement, a Notice of Proposed Ordinance and Public Hearing in *The Exponent Telegram*, a qualified newspaper of general circulation in Harrison County, West Virginia, and said notice shall state that this Ordinance has been introduced, and that any person interested may appear before the Town Council on Tuesday, January 24, 2023, at 6:30 p.m., which date is not less than one week after the date of the 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 Town Clerk, Nutter Fort, West Virginia.

Passed by Council of the Town of Nutter Fort on FIRST READING on the 10th day of January, 2023.

Passed by Council of the Town of Nutter Fort on SECOND and FINAL READING on this 24th day of January, 2023.

MAYOR

ATTEST:

TOWN RECORDER