

**ORDINANCE AMENDING SECTION 905.04 "SEWER RATE SCHEDULES" OF THE
CODIFIED ORDINANCES OF THE CITY OF KENOVA, WEST VIRGINIA**

PURSUANT TO THE LAWFUL AUTHORITY VESTED IN THE MUNICIPALITY KNOWN AS "THE CITY OF KENOVA," THE FOLLOWING IS ORDAINED AND ENACTED BY THE KENOVA CITY COUNCIL:

905.04 SEWER RATE SCHEDULE

PHASE 1

EFFECTIVE 45 DAYS AFTER PASSAGE (FOR SERVICE RENDERED ON OR AFTER EFFECTIVE DATE)

SCHEDULE I

APPLICABILITY

Applicable within the entire territory served.

AVAILABILITY

Available for general domestic, commercial, and industrial service.

RATES (Customers with metered water supply)

First	2,000 gallons used per month	\$19.14 per 1,000 gallons
All over	2,000 gallons used per month	\$15.77 per 1,000 gallons

MINIMUM CHARGE

No bill will be rendered for less than \$38.28 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 charge is to be made whenever the City installs a new tap to serve an applicant.

A tap fee of \$500.00 will be charged to all customers who apply for service outside of a certificate proceeding before the Commission for each new tap to the system.

SECURITY DEPOSIT

The City may require any applicant for any service by the system to deposit a reasonable and equitable amount to insure payment of all charges for the services rendered by the system. Such deposit shall not be more than one-twelfth (1/12) of the annual estimated charge for residential service and one-sixth (1/6) for all other services.

LEAK ADJUSTMENT

When the bill reflects unusual consumption which can be attributed to leakage on the customer's side of the water meter, the bill shall be recalculated at the rate of \$5.18 per thousand gallons. Any amount that the customer can prove did not enter the sanitary sewer systems shall be credited at the full tariff rates. Leaking commodes, dripping faucets, malfunctioning appliances and similar situations shall not constitute leaks which entitle the customer to a recalculated bill.

RETURNED CHECK CHARGE

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

EMERGENCY RESTRICTION OF USE

In case of emergency, the City shall have the right to restrict the use of any part of the system in any reasonable manner for the protection of the system and the inhabitants of the City.

SEPARATE PAYMENTS NOT PERMITTED

The City shall not accept payment of a water or sewer bill separately, when the customer concerned owes for both water and sewer services. For non-payment of the charges for water and sewer services, or both, the City, after notice of discontinuance in accordance with the applicable Public Service Commission rules and regulations, shall shut off water services and lock the meter, and shall restore service only upon payment of all water and sewer charges and accrued penalties.

SCHEDULE II

SURFACE OR GROUND WATER SURCHARGE

On or after July 1, 2010, whenever the utility has discovered that a customer's roof drain, downspout, storm sewer or similar facilities conducting surface water have been connected to the utilities sewer system, and such customer has failed to take appropriate action within thirty (30) days of receipt of a demand by the utility, in accordance with the Rules of Public Service Commission, to eliminate such connection, a surcharge will be imposed upon the customer calculated on the basis of the following formula:

$$S = A \times R \times .0006233 \times C$$

- S = the surcharge in dollars
- A = the area under roof and/or the area of any other water collecting surface connected to the sanitary sewer, in square feet
- R = the measured monthly rainfall, in inches
- C = the City's approved rate per thousand gallons of metered water usage
- 0.0006233 = a conversion factor to change inches of rain x square feet of surface to thousands of gallons of water

The utility shall not impose the surcharge unless and until the customer has been notified by certified mail, return receipt requested, or by hand delivery, that it has been established by smoke testing, dye testing, or on-site inspection that rain or surface water is being introduced into the sanitary sewer system at the customer's location, and that the customer has not acted within thirty (30) days from receipt of such notice to divert the water from the sanitary sewer system.

Said surcharge shall be calculated and imposed for each month that said condition continues to exist. Failure to pay the surcharge and/or correct the situation shall give rise to the possible termination of water service in accordance with the Rules of the Public Service Commission of West Virginia.

PHASE 2

EFFECTIVE JANUARY 1, 2024

SCHEDULE I

APPLICABILITY

Applicable within the entire territory served.

AVAILABILITY

Available for general domestic, commercial, and industrial service.

RATES (Customers with metered water supply)

First	2,000 gallons used per month	\$20.33 per 1,000 gallons
All over	2,000 gallons used per month	\$16.96 per 1,000 gallons

MINIMUM CHARGE

No bill will be rendered for less than \$40.66 per month.

A tap fee of \$500.00 will be charged to all customers who apply for service outside of a certificate proceeding before the Commission for each new tap to the system.

SECURITY DEPOSIT

The City may require any applicant for any service by the system to deposit a reasonable and equitable amount to insure payment of all charges for the services rendered by the system. Such deposit shall not be more than one-twelfth (1/12) of the annual estimated charge for residential service and one-sixth (1/6) for all other services.

LEAK ADJUSTMENT

When the bill reflects unusual consumption which can be attributed to leakage on the customer's side of the water meter, the bill shall be recalculated at the rate of \$5.18 per thousand gallons. Any amount that the customer can prove did not enter the sanitary sewer systems shall be credited at the full tariff rates. Leaking commodes, dripping faucets, malfunctioning appliances and similar situations shall not constitute leaks which entitle the customer to a recalculated bill.

RETURNED CHECK CHARGE

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

EMERGENCY RESTRICTION OF USE

In case of emergency, the City shall have the right to restrict the use of any part of the system in any reasonable manner for the protection of the system and the inhabitants of the City.

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SCHEDULE II

SURFACE OR GROUND WATER SURCHARGE

On or after July 1, 2010, whenever the utility has discovered that a customer's roof drain, downspout, storm sewer or similar facilities conducting surface water have been

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PHASE 4

EFFECTIVE JANUARY 1, 2026

SCHEDULE I

APPLICABILITY

Applicable within the entire territory served.

AVAILABILITY

Available for general domestic, commercial, and industrial service.

RATES (Customers with metered water supply)

First	2,000 gallons used per month	\$22.71 per 1,000 gallons
All over	2,000 gallons used per month	\$19.34 per 1,000 gallons

MINIMUM CHARGE

No bill will be rendered for less than \$45.42 per month.

DELAYED PAYMENT PENALTY

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TAP FEE

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SCHEDULE II

SURFACE OR GROUND WATER SURCHARGE

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$$S = A \times R \times .0006233 \times C$$

- S = the surcharge in dollars
- A = the area under roof and/or the area of any other water collecting surface connected to the sanitary sewer, in square feet
- R = the measured monthly rainfall, in inches
- C = the City's approved rate per thousand gallons of metered water usage

PHASE 3

EFFECTIVE JANUARY 1, 2025

SCHEDULE I

APPLICABILITY

Applicable within the entire territory served.

AVAILABILITY

Available for general domestic, commercial and industrial service.

RATES (Customers with metered water supply)

First	2,000 gallons used per month	\$21.52 per 1,000 gallons
All over	2,000 gallons used per month	\$18.15 per 1,000 gallons

MINIMUM CHARGE

No bill will be rendered for less than \$43.04 per month.

DELAYED PAYMENT PENALTY

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LEAK ADJUSTMENT

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Said surcharge shall be calculated and imposed for each month that said condition continues to exist. Failure to pay the surcharge and/or correct the situation shall give rise to the possible termination of water service in accordance with the Rules of the Public Service Commission of West Virginia.

First Reading: December 29, 2022

Final Passage: January 19, 2023

TIM BIAS, MAYOR

ATTEST:

Lisa Palmer, City Clerk