

Ordinance No. 25-03

**AN ORDINANCE OF THE TOWN OF LUMBERPORT, WEST VIRGINIA
AMENDING THE ORDINANCE OR RATE SCHEDULE AND ESTABLISHING A
REVISED SCHEDULE OF JUST AND EQUITABLE RATES FOR THE SERVICE AND
FACILITIES FURNISHED TO THE CUSTOMERS OF THE SEWER COLLECTION
SYSTEM OF THE TOWN OF LUMBERPORT, WEST VIRGINIA**

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF LUMBERPORT, WEST VIRGINIA that the Sewer rate schedule established for the customers of the Sewer system of the Town of Lumberport, West Virginia, be amended to reflect the following new rates, being a percentage increase of approximately sixteen percent (16%) for all customers, effective 45 days from adoption, as follows:

SECTION 1. APPLICABILITY, SCHEDULE, AND ENFORCEMENT

APPLICABILITY

Applicable within the entire territory served.

AVAILABILITY

Available for general domestic, commercial, and industrial service.

RATES (customers with metered water supply)

First 3,000 gallons used per month \$ 13.53 per 1,000 gallons.

Next 8,000 gallons used per month, \$ 13.04 per 1,000 gallons.

Next 25,000 gallons used per month \$ 12.12 per 1,000 gallons.

Next 24,000 gallons used per month \$ 11.21 per 1,000 gallons.

All over 60,000 gallons used per month \$ 10.67 per 1,000 gallons.

MINIMUM CHARGE

No minimum bill will be rendered for less than \$ 40.59 per month, which is the equivalent of 3,000 gallons.

FLAT RATE CHARGE (customers with non-metered water supply)

Equivalent of 4,000 gallons of water usage - \$ 53.63 per month

RETURNED CHECKS

A service charge equal to the actual bank fee assessed to the Town of Lumberport or a minimum charge of \$35.00 will be imposed upon any customer whose check for payment of charges is returned by their bank due to insufficient funds.

DELAYED PAYMENT PENALTY

On all accounts not paid in full when due, ten percent (10%) will be added to the current net amount unpaid. This delayed payment penalty is not interest and is to be collected only once for each bill where it is appropriate.

RECONNECTION CHARGE

The reconnection charge is \$25.00. This charge shall arise and accrue whenever water and/or sewer service has been disconnected for non-payment of sewer bills or violations of applicable rules.

TAP FEE

A tap fee of \$350.00 shall be charged whenever the utility installs a new tap to serve an applicant for sewer service.

LEAK ADJUSTMENT

\$3.13 per 1,000 gallons is to be used when the bill reflects unusual consumption or usage which can be attributed to eligible leakage and/or non-customary usage on the customer's side of the meter. This rate shall be applied to all such consumption above the customer's historical average usage.

SECURITY DEPOSIT

All new applicants for residential or other sewer service from the Town shall make a deposit of (i) fifty dollars (\$50), or (ii) two-twelfths (2/12) of the average annual usage for the applicants specific customer class for sewer service, whichever is greater, with the Town to secure the payment of sewer service rates and charges.

For combined water and sewer public service districts such deposit shall not be more than either one hundred (\$100) or two-twelfths (2/12) of the average annual usage of water service and wastewater service for the applicant's specific customer class, whichever is greater.

The Town shall not be bound to supply sewer services until this condition is fulfilled. In any case where a deposit is forfeited to pay service rates and charges which were delinquent at the time of

disconnection or termination of service, no reconnection or reinstatement of service may be made by the Town until another deposit, as described above, has been remitted to the Town.

SURFACE OR GROUND WATER SURCHARGE

An additional amount shall be charged where surface or ground water is introduced into the sanitary system where evidence of a violation exists.

Surcharge formula to be applied in cases where surface drainage is connected to the utility's sewer system.

APPLICABILITY REGARDING SURFACE OR GROUND WATER SURCHARGE

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 utility's sewer system and such customer has failed to take appropriate action, within thirty (30) days of a demand by the utility in accordance with the Rules of the Public Service Commission, to eliminate such connection, a surcharge will be imposed upon the customer calculated on the basis of the following formula:

$$S = A \times R \times 0.0006233 \times C$$

S = The surcharge in dollars

A = The area under roof and/or the area of any other water collection surface connected to the sanitary sewer, in square feet.

R = The monthly rainfall measured in inches

0.0006233 = A conversion factor to change inches of rain x square feet of surface to thousands of gallons of water

C = The utility's approved rate per thousand gallons of metered water usage.

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 in accordance with the Rules of the Public Service Commission of West Virginia.

SECTION 2. EFFECTIVE DATE

The rate and charges provided herein shall become effective 45 days after adoption.

SECTION 3. 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 West Virginia Public Service Commission 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 address certain provisions or 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 Recorder/Clerk shall cause to be published a notice of the proposed rates as a Class II legal advertisement (published twice), with the first publication being at least ten (10) days before the hearing, in the Clarksburg Exponent Telegram, being a qualified newspaper of general circulation in the Town of Lumberport, West Virginia, and said notice shall state that this Ordinance has been introduced, and that any person interested may appear before the Council of the Town of Lumberport, West Virginia, on October 6th, 2025 at 6:00 p.m., and be heard on the subject, following which hearing the Council for the Town of Lumberport, West Virginia 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 Recorder/Clerk, Town of Lumberport, West Virginia.

Passed by Council on 1st Reading on this 1st day of December 2025.

Public Hearing held on this 8th day of December 2025.

Passed by Council on 2nd Reading on this 8th day of December 2025.

By: Linda E. Mayfield
Mayor

ATTEST: Linda Eline
Town Recorder