

Ordinance 2021-06

**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. 27, issued by the Public Service Commission of West Virginia Tariff Office on August 18, 2014, for service rendered by the Town of Nutter Fort on or after July 31, 2014; and

WHEREAS, the Town of Nutter Fort deems the present customer rates and charges for the furnishing of water service throughout the entire territory served by the Town of Nutter Fort to be inadequate to provide sufficient revenue to the Town of Nutter Fort to maintain and operate the water distribution system and to maintain required debt service coverage, and;

WHEREAS, the Town of Nutter Fort deems that an increase in rates and charges is necessary to provide sufficient revenues to the Town of Nutter Fort to maintain and operate the water distribution system and to maintain required debt service coverage.

**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:

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	\$ 12.61 per 1,000 gallons
(I)	Next 3,000 gallons used per month	\$ 11.78 per 1,000 gallons
(I)	Next 15,000 gallons used per month	\$ 8.63 per 1,000 gallons
(I)	All over 20,000 gallons used per month	\$ 7.57 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	\$ 25.22 per month
3/4 inch meter	\$ 37.83 per month
1 inch meter	\$ 63.05 per month
1- 1/2 inch meter	\$ 126.10 per month
2 inch meter	\$ 201.76 per month
3 inch meter	\$ 403.52 per month
4 inch meter	\$ 630.50 per month
6 inch meter	\$ 1261.00 per month

LEAK ADJUSTMENT

\$3.13 per 1,000 gallons is to be used where a 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 the customer's historical average usage.

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.

(I) RECONNECTION

\$75.00

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

TAP FEE

The following charges are to be made whenever the utility installs a new tap to serve an applicant. A tap fee of \$500 or the actual cost of the tap (solely determined by the Town of Nutter Fort), whichever is greater, will be charged to all customers who apply for service outside a certificate proceeding before the Commission for each new tap to the system.

RETURNED CHECK CHARGE

A service charge equal to the actual bank assessed to the Utility 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.

SECURITY DEPOSITS

Customer deposits for municipalities are now \$50.00 or two months of average annual usage of applicant's specific customer class, whichever is greater. This deposit is returned after twelve (12) consecutive timely payments, provided that where the customer is a tenant, the municipality or governing body is not required to return the deposit until the time the tenant discontinues service with the municipality.

RESIDENT'S RESPONSIBILITY

A fee of \$50.00 will be charged to customers for call outs after working hours or on holidays for problems other than the Town's responsibility. This charge will be assessed, if the problem is the residents and is so determined at the time of the call out by the Utility.

CONVENIENCE FEE

A fee of \$3.00 will be charged to customers that use a credit/debit card (Mastercard or Visa) and online check for payment of a bill.

(I) Indicates increase in rates

SCHEDULE II

APPLICABILITY

Applicable within the entire territory served.

AVAILABILITY

Available for resale customers.

(I) **RATES**

\$5.47 per 1,000 gallons used per month
(includes \$0.465 per 1,000 gallons transportation charge)

(I) Indicates increase in rates

SECTION TWO: EFFECTIVE DATE

This Ordinance shall be effective forty-five (45) days after final passage.

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, August 10, 2021, 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 13th day of July, 2021.

Passed by Council of the Town of Nutter Fort on SECOND and FINAL READING on this 10th day of August, 2021.

MAYOR

ATTEST:

TOWN RECORDER