**TOWN OF BATH (BERKELEY SPRINGS WATER WORKS)**

**ORDINANCE SETTING FORTH THE RATES, FEES**

**AND CHARGES FOR SERVICE TO CUSTOMERS OF THE**

**WATER SYSTEM OF THE TOWN OF BATH (BERKELEY SPRINGS)**

WHEREAS, Chapter 24, Article 2, Section 4b of the West Virginia Code, effective July 1, 1981, as amended, provides that municipally operated public utilities have approval authority to set their own rates and charges; and,

WHEREAS, the current rates and charges for water utility service provided by the Town of Bath are insufficient to fund its current operating costs including the maintenance of the water system; and,

WHEREAS, the 2015 Legislature amended Chapter 24 of the West Virginia Code to require all municipalities to maintain a working capital reserve; and,

WHEREAS, in order to provide revenues sufficient to pay the expenses of operations and to provide working capital reserves and capacity capital cost reserves, the Town Council of the Town of Bath deems it necessary to increase the rates and charges for furnishing water utility services and to establish capacity capital cost fees.

THE COUNCIL OF THE TOWN OF BATH (BERKELEY SPRINGS) HEREBY ORDAINS: The following rules, rates, charges and fees are hereby fixed, determined and established for municipal water service provided to all general domestic, commercial and industrial users of the Town of Bath’s Municipal Water System, commencing upon the effective date as hereinafter provided, and in lieu of those rates, fees and charges currently contained in the Town’s Water Tariff P.S.C. W. Va. No. 14 currently on file with the Public Service Commission of West Virginia:

SECTION 1 - TARIFF

RULES AND REGULATIONS

1. Rules and Regulations for the Government of Water Utilities, adopted by the Public Service Commission of West Virginia, now in effect, and all amendments there to and modifications thereof hereafter made by said Commission.
2. Residences which have been converted into two or more separate living quarters will be supplied with service through separate meters; provided, however, that in instances where this is impracticable such residences may be supplied with service through a single meter and the owner or lessor of the residence will be billed under the applicable residential service schedule, with billing blocks increase in proportion to the number of living quarters served.
3. The plumbing on the premises of all new customers be equipped with a shut off valve. In the event the Town is required to tum off the water to a customer not having a shut-off valve, service will not be resumed until the customer has installed a shut-off valve.

(O) DISCONNECT FOR NON-PAYMENT

## MULTIPLE OCCUPANCY

On apartment buildings, or other multiple occupancy buildings, each family or business unit shall be required to pay not less than the minimum monthly charge herein established for a five-eighths inch meter. Motels and hotels shall pay according to the size of meter installed.

## TRAILER COURTS

House trailer courts shall be provided with a master meter. No bill shall be rendered for less than the minimum bill herein established for a five-eighths inch meter, multiplied by the number of units situated on the court site at the time the meter is read or the actual charge for the size meter installed, whichever is greater. House trailer (as used hereinabove) shall include both mobile and immobile units.

House trailers, either mobile or immobile, located on sites other than a park or court, shall be billed in the same manner as any other family or business unit.

TOWN OF BATH (Berkeley Springs) (Water) P.S.C. W.VA. No. 15

Original Sheet No. 2

(O) SECURITY DEPOSIT FEE

APPLICABILITY

Applicable within the entire territory served.

AVAILABILITY

Available for general domestic, commercial, industrial and sale for resale service.

RATES

1. First 2,000 gallons used per month $19.36 per 1,000 gallons
2. Next 3,000 gallons used per month $13.99 per 1,000 gallons

(I,C) Next 50,000 gallons used per month $11.20 per 1,000 gallons

(I,C) All Over 150,000 gallons used per month $5.66 per 1,000 gallons

MINIMUM CHARGE

No bill will be rendered for less than the following amounts per month, according to the size of the meter installed: Equivalent Gallons

(I) 5/8 inch meter $38.72 per month 2,000

(I) ¾ inch meter $60.53 per month 3,385

(I) 1 inch meter $100.90 per month 6,439

(I) 1 1/2 inch meter $201.75 per month 15,070

(I) 2 inch meter $322.80 per month 25,448

(I) 3 inch meter $605.25 per month 49,640

(I) 4 inch meter $1,008.75 per month 117,677

(I) 6 inch meter $2,017.50 per month 344,790

(I) 8 inch meter $3,228.00 per month 679,877

PRIVATE FIRE PROTECTION SERVICE

Where connections, hydrants, sprinklers, etc. on property are maintained by customer:

1. 1-inch Service Line with hydrants, sprinklers, $15.63 per month

and/or hose connections

1. 2-inch Service Line with hydrants, sprinklers, $20.83 per month

and/or hose connections

1. 3-inch Service Line with hydrants, sprinklers, $32.29 per month

and/or hose connections

1. 4-inch Service Line with hydrants, sprinklers, $43.75 per month

and/or hose connections

1. 6-inch Service Line with hydrants, sprinklers, $56.25 per month

and/or hose connections

1. 8-inch Service Line with hydrants, sprinklers, $68.75 per month

and/or hose connections

(O) PUBLIC FIRE PROTECTION SERVICE

DELAYED PAYMENT PENALTY

The above tariff is net. On all accounts not paid in full when due, a penalty in the amount of 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.

(C) WATER DISCONNECT-RECONNECT-ADMINISTRATIVE FEES

(N,C,I) Whenever water service has been disconnected for any reason, a disconnection fee of $35.00 shall be charged. Whenever water service which has been previously disconnected for any reason is reconnected, a reconnection fee of $35.00 shall be charged. A $35.00 reconnection fee will be assessed for each occurrence where water service is restored after being terminated for nonpayment.

(N) EQUIPMENT TAMPERING

The property owner will be held responsible for any damage to, or otherwise tampering with the Berkeley Springs Water Works system, which includes, but is not limited to, all piping and meters used and useful in providing water service and all appurtenances thereof, is prohibited under the West Virginia Code §61-3-45. Violators shall be subject to potential termination of service, fines and penalties not to exceed $2,000.00, in addition to the replacement cost, inclusive of material and labor, for damaged equipment.

(N) RETURNED CHECK CHARGE

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

TAP FEE

The following charge of $850.00 is to be made whenever the utility installs a 5/8” or ¾” new tap to serve an applicant. Time and material for any tap of 1” or greater will be charged to serve an applicant.

A tap fee of $850.00 will be charged to customers who apply for service outside of a certificate proceeding before the Commission for each new tap to the system.

(N) METER TESTING FEE

A charge of $35.00 will be applied for any meter test requested by the customer.

1. LEAK ADJUSTMENT

A leak adjustment rate of $2.34 per 1,000 gallons is to be used when the bill reflects unusual consumption in excess of 200% of the customer’s historical usage that can be attributed to leakage on the customer’s side of the meter.

SECURITY DEPOSITS

$75.00 or two-twelfths (2/12) of the average annual usage of the applicant’s specific customer class. Whichever is greater.

MUNICIPAL EXCISE TAX SURCHARGE

The municipality listed below having imposed a public utility tax computed on the basis of two percent of the revenues from water sales by the Berkeley Springs Water Works within the corporate limits of such municipality, said tax be billed as a “surcharge” to the customers receiving service within said corporate limits.

The water utility is required to collect the utility tax pursuant to West Virginia Code 8-13-5a.

Customers receiving water service within the corporate limits of the specified municipality shall pay a surcharge based on the following surcharge rates:

**UTILITY EXCISE TAX**

**Municipality Local Tax Rate Surcharge Rate**

Town of Bath 2%

(N) CAPACITY CAPITAL COST FEE

Residential Cost/Usage

Equivalent Usage Equivalent

Unit Gallons/Day Equivalent 1 EDU =’s $1,500

Industry

General Industry 15/person/shift 0.1/person/shift $ 150

Warehouse 15/employee 0.1/employee $ 150

Institution

Hospital 250/bed 1.67/bed $2,505

Nursing Homes 150/bed 1/bed $1,500

Others 75/person 0.5/person $ 750

Churches with

kitchen 8/member 0.05/member $ 75

Churches without

kitchen 2/member 0.013/member $ 20

Residence

Single family

detached 150/unit 1.0/unit $1,500

Single family

attached 150/unit 1.0/unit $1,500

Apartments 150/unit 1.0/unit $1,500

Mobile Homes 150/unit 1.0/unit $1,500

Condominium 150/unit 1.0/unit $1,500

Bed and Breakfast 150/unit 1.0/unit $1,500

School

Day, no cafeteria 15/pupil 0.1/pupil $ 150

Day with cafeteria 18/pupil 0.12/pupil $ 180

Day with cafeteria

showers 20/pupil 0.133/pupil $ 200

Boarding 75/pupil 0.5/pupil $ 750

Dormitory 75/student space 0.5/pupil $ 750

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(N) CAPACITY CAPITAL COST FEE

Residential Cost/Usage

Equivalent Usage Equivalent

Unit Gallons/Day Equivalent 1 EDU =’s $1,500

Commercial

Service Station 500/set of pumps 3.33/set of pumps $4,995

Shopping Center 16/100 sf of sales 0.12/100 sf of sales $ 180

Swimming Pool 10/swimmer 0.067/swimmer design $ 100

Theatre 3/seat 0.02/seat $ 30

Fast Food Restaurant 35/seat 0.23/seat $ 345

Bowling Alley 200/alley 1.33/alley $1,995

Food Service 32/seat 0.213/seat $ 320

Laundry Self Service 250/washer 1.67/washer $2,505

Bar & Cocktail Lounge 2/seat 0.013/seat $ 195

Tavern – little or no food 2/seat 0.013/seat $ 195

Retail Stores 400/restroom 2.67/restroom $4,005

Hotel/Motel 120/room 0.8/room $1,200

SECTION 2 - EFFECTIVE DATE

The effective date of the tariff set forth herein shall be forty-five (45) days from passage of this ordinance.

SECTION 3 - SEVERABILITY; REPEAL OF CONFLICTING ORDINANCES

The provisions of this Ordinance are severable, and if any clause, provision or section hereof be held void or unenforceable by the 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 conflicts, 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 4 - STATUTORY NOTICE AND PUBLIC HEARING

Upon introduction hereof, the Recorder shall cause to be published notice of this Ordinance in the Morgan Messenger, a qualified newspaper of general circulation in the Town of Bath (Berkeley Springs), as a Class I publication at least five (5) days before the meeting of the Town Council at which a final reading and vote on the ordinance will be held. Said notice shall state that this Ordinance has been introduced, and that any person interested may appear before Council on the 4th day of June 2024, at 5:30 p.m., and present comments or protests, if any. At such hearing, all objections and suggestions shall be heard and thereafter the Counsil shall take such action as it shall deem proper. Further, said Notice shall advise the public that a copy of this ordinance is available for public inspection at the Office of the Recorder, Town of Bath, Bath (Berkeley Springs), West Virginia.

First Reading: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Final Reading and Public Hearing: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

TOWN OF BATH (BERKELEY SPRINGS),

a municipal corporation

Mayor: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Recorder: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_