

ORDINANCE 2013-03

CITY OF MARTINSBURG

An Ordinance Setting Forth Sewer Rates, Minimum Charge, Disconnect/Reconnect/Administrative Charges, Service Connection Charge Delayed Payment Penalty And Capital Improvement Fees For The City Of Martinsburg, West Virginia

THE COUNCIL OF THE CITY OF MARTINSBURG HEREBY ORDAINS:
The following schedule of sewer rates, minimum charge, disconnect/reconnect/administrative charges, service connection charge and delayed payment penalty are hereby fixed and determined as the sewer rates, minimum charge, disconnect/reconnect/administrative charges, service connection charge, delayed payment penalty and capital improvement fees to be charged to customers of the sewer system of the City of Martinsburg, WV throughout the territory served:

SECTION 1. SCHEDULE OF RATES

APPLICABILITY

Applicable to entire area served.

AVAILABILITY OF SERVICE

Available for general domestic, commercial and industrial service.

RATES – ALL METERED CUSTOMERS

		<u>Rate per 1,000 gallons</u>
First	2,000 gallons used per month	\$10.47
Or	4000 gallons used bi-monthly	
Next	31,333 gallons used per month	\$9.19
Or	62,666 gallons used per bi-monthly	
Over	33,333 gallons used per month	\$7.15
Or	66,666 gallons used per bi-monthly	

MINIMUM CHARGE

No bill will be rendered for less than the following amounts:

Per Month	\$ 20.94
Per Bi-monthly	\$ 41.88

RATES - UNMETERED CUSTOMERS (Flat Rate)

Monthly	\$43.92
Bi-Monthly	\$87.84

DISCONNECT/RECONNECTION/ADMINISTRATIVE CHARGE

Whenever water service has been disconnected for non-payment of sewer bills in conjunction with a water service termination agreement with the Berkeley County Public Service Water District, a disconnection fee of \$10.00 shall be charged; or in the event the delinquent sewer bill is collected by the water district, an administrative fee of \$10.00 shall be charged.

Whenever water service, which has been previously disconnected or otherwise withheld for non-payment of a sewer bill in conjunction with a water service termination agreement with the Berkeley County Public Service Water District, is reconnected, a reconnection fee of \$10.00 shall be charged.

SERVICE CONNECTION CHARGE

The service connection charge for each new connection to the sewer system shall be \$500.00.

DELAYED PAYMENT PENALTY

The above tariff is net. On all current usage billings not paid in full within twenty (20) days of the date of bill, 10% will be added to the net current amount unpaid. This delayed payment penalty is not interest and is only to be collected once for each bill where it is appropriate.

CAPITAL IMPROVEMENT FEE

Capital Improvement Fees are fees collected to fund future sewer capital improvement projects.

On or after March 13, 2006, a capital improvement fee shall be applicable to each residential and commercial connection made to the City's sewer system of an unserved structure or facility upon the request for City service. The Capital Improvement Fees are due as of the date of the issuance of a building permit by the City of Martinsburg and the issuance of a final sewer availability letter issued by the City. Any building permit applications which have been submitted for an unserved structure or facility and are awaiting review and final approval or are in the process of review and final approval but which have not resulted in the issuance of a permit as of the date this Ordinance becomes effective are subject to the terms of this Ordinance.

The Capital Improvement Fee shall be paid in accordance with the following Sewer System Capital Improvement Fee Schedule by Meter Size:

<u>Meter Size</u>		<u>Factor ADF @ 293 gpd</u>	\$ per gal. 9.04	<u>CIF</u>
5/8-inch		1	250	\$2,260
3/4-inch		1.1	275	\$2,486
1-inch		1.4	350	\$3,164
1-1/2-inch		1.8	450	\$4,068
2-inch	Standard	2.9	725	\$6,554
	Compound	2.5	625	\$5,650
3-inch	Standard	11	2750	\$24,860
	Compound	16	4000	\$36,160
4-inch	Standard	14	3500	\$31,640
	Compound	25	6250	\$56,500
6-inch	Standard	21	5250	\$ 47,460
	Compound	50	12500	\$113,000
8-inch	Standard	29	7250	\$ 65,540
	Compound	80	20000	\$180,800

Meters in excess of 8-inches will be individually evaluated by the City.

SECTION 2. EFFECTIVE DATE

The sewer rates, minimum charge, disconnect/reconnect/administrative charges, service connection charge and delayed payment penalty provided herein shall be effective on July 1, 2015 unless otherwise ordered by the Public Service Commission.

SECTION 3. SEPARABILITY: REPEAL OF CONFLICTING ORDINANCES

The provisions of this Ordinance are separable, and if any clause, provision or section thereof shall be held void or unenforceable by 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.

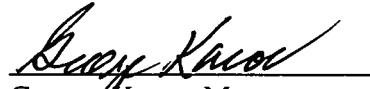
SECTION 4. STATUTORY NOTICE AND PUBLIC HEARING

Upon introduction hereof, the City Recorder shall publish a copy of this Ordinance once a week for 2 successive weeks within a period of 14 consecutive days,

with a least 6 full days intervening between each publication, in The Journal, a qualified newspaper of general circulation in the City of Martinsburg, and said notice shall state that this Ordinance has been introduced, and that any person interested may appear before Council at the City Hall, Martinsburg, West Virginia, on the 23rd day of May, 2013 at 6:30 p.m., which date is not less than 10 days subsequent to the date of the first publication of the Ordinance and notice, and present protests. At such hearing all objections and suggestions shall be heard and the Council shall take such action, as it shall deem proper in the premises. Copies of this Ordinance shall be available to the public for inspection at the office of the City Recorder in the City Hall, Martinsburg, West Virginia.

Introduced First and Second Reading: May 9, 2013

Adopted on Third Reading
following Public Hearing: May 23, 2013


George Karos, Mayor

Attest:


Gená Long, City Recorder

CERTIFICATION AND NOTICE

The foregoing Ordinance has been introduced and adopted on first and second reading at a meeting of the Council held on May 9, 2013. Any person interested may appear before the Council of the City of Martinsburg at City Hall, Martinsburg, West Virginia, on the 23rd day of May, 2013 at 6:30 p.m., being the date, time and place of the proposed final adoption of this Ordinance, and be heard. The Council will then take such action as it shall deem proper in the premises. The proposed Ordinance may be inspected by the public at the Office of the City Recorder in the City Hall, Martinsburg, West Virginia.


Gena Long, City Recorder

LEGAL NOTICE

Municipal Rate Change Form No. 12 (Tariff Rule 44)

PUBLIC NOTICE OF CHANGE IN RATES BY MUNICIPALITIES

NOTICE is hereby given that the City of Martinsburg, WV, a public utility, has adopted by ordinance on May 23, 2013, a tariff containing increased rates, tolls and charges for furnishing sewer service to 6,006 customers at City of Martinsburg in the County of Berkeley, West Virginia.

The proposed increased rates and charges will become effective July 1, 2015 unless otherwise ordered by the Public Service Commission and will project approximately \$2,835,000 annually in additional revenue, an increase of 160%. The average monthly bill for the various classes of customers will be changed as follows:

<i>All Metered Customers</i> <i>(Excluding Wheatland Area)</i>	(\$) <u>INCREASE</u>	<u>INCREASE (%)</u>
<u>Residential</u> - 4,000 Gal. Monthly	<u>\$ 14.46 to \$ 39.32</u>	<u>171.9%</u>
<u>Commercial</u> - 4,000 Gal. Monthly	<u>\$ 14.46 to \$ 39.32</u>	<u>171.9%</u>
- 12,000 Gal. Monthly	<u>\$ 41.50 to \$112.84</u>	<u>171.9%</u>
<u>Industrial</u> - 4,000 Gal. Monthly	<u>\$ 14.46 to \$ 39.32</u>	<u>171.9%</u>
- 12,000 Gal. Monthly	<u>\$ 41.50 to \$112.84</u>	<u>171.9%</u>
<u>Resale</u> - 4,000 Gal. Monthly	<u>\$ 14.46 to \$ 39.32</u>	<u>171.9%</u>
- 12,000 Gal. Monthly	<u>\$ 41.50 to \$112.84</u>	<u>171.9%</u>
<u>Other</u> - 4,000 Gal. Monthly	<u>\$ 14.46 to \$ 39.32</u>	<u>171.9%</u>
- 12,000 Gal. Monthly	<u>\$ 41.50 to \$112.84</u>	<u>171.9%</u>

**Wheatland Service Area
(Metered/Unmetered)**

	<u>(\$ INCREASE</u>	<u>INCREASE (%)</u>
<u>Residential</u> - 4,000 Gal. Monthly	<u>\$ 24.20 to \$ 39.32</u>	<u>62.5%</u>
<u>Commercial</u> - 4,000 Gal. Monthly	<u>\$ 24.20 to \$ 39.32</u>	<u>62.5%</u>
- 12,000 Gal. Monthly	<u>\$ 71.20 to \$112.84</u>	<u>58.5%</u>
<u>Industrial</u> - 4,000 Gal. Monthly	<u>\$ 24.20 to \$ 39.32</u>	<u>62.5%</u>
- 12,000 Gal. Monthly	<u>\$ 71.20 to \$112.84</u>	<u>58.5%</u>
<u>Resale</u> - 4,000 Gal. Monthly	<u>\$ 24.20 to \$ 39.32</u>	<u>62.5%</u>
- 12,000 Gal. Monthly	<u>\$ 71.20 to \$112.84</u>	<u>58.5%</u>
<u>Other</u> - 4,000 Gal. Monthly	<u>\$ 24.20 to \$ 39.32</u>	<u>62.5%</u>
- 12,000 Gal. Monthly	<u>\$ 71.20 to \$112.84</u>	<u>58.5%</u>
<u>Unmetered</u> - 4,500 Gal. Monthly	<u>\$ 27.22 to \$ 43.92</u>	<u>61.4%</u>

The increases shown are based on averages of all customers in the indicated class. Individual customers may receive an increases that are greater or less than average. Furthermore, the requested rates and charges are only a proposal and are subject to change (increases or decreases) by the Public Service Commission in its review of this filing. The Commission shall review and approve or modify the increased rates only upon the filing of a petition within thirty (30) days of the adoption of the ordinance changing said rates or charges, by:

- (1) Any customer aggrieved by the changed rates or charges who presents to the Commission a petition signed by not less than twenty-five percent of the customers served by such municipally operated public utility; or
- (2) Any customer who is served by a municipally operated public utility and who resides outside the corporate limits and who is affected by the change in said rates or charges and who presents to the Commission a petition alleging discrimination between customers within and without the municipal boundaries. Said petition shall be accompanied by evidence of discrimination; or
- (3) Any customer or group of customers who are affected by said change in rates who reside within the municipal boundaries and who present a petition to the commission alleging discrimination between said customer or group of customers and other customers of the municipal utility. Said petition shall be accompanied by evidence of discrimination.

All petitions should be addressed to the Executive Secretary, Public Service Commission West Virginia, 201 Brooks Street, P.O. Box 812, Charleston, WV 25323.

A complete copy of the proposed minimum charge rates is available to all customers, prospective customers or their agents at:

City of Martinsburg
City Hall
232 North Queen Street
Martinsburg, WV 25401

A copy of the proposed minimum charge rates is available for public inspection at the Office of the Secretary of the PUBLIC SERVICE COMMISSION at 201 Brooks Street, P.O. Box 812, Charleston, WV 25323.

TO: The Journal: To Be Published on Saturday, May 25, 2013

And Saturday, June 1, 2013