

**ORDINANCE 2013-05**

**CITY OF MARTINSBURG**

AN ORDINANCE SETTING FORTH WATER RATES, MINIMUM CHARGE, RECONNECTION CHARGE, 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 water rates, minimum charge, reconnection charge, service connection charge, delayed payment penalty, and capital improvement fees are hereby fixed and determined as the water rates, minimum charge, reconnection charge, service connection charge, delayed payment penalty, and capital improvement fees to be charged to customers of the water 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**                      **Rates per 1,000 gallons**  
**AND BULK SALES**

First	2,000 gallons used monthly	
Or	4,000 gallons used bi-monthly	\$8.10
Next	31,333 gallons used monthly	
Or	62,666 gallons used bi-monthly	\$7.12
Over	33,333 gallons used monthly	
Or	66,666 gallons used bi-monthly	\$5.54

**RATES FOR RESALE TO OTHER SYSTEMS**

First	6,800,000 gallons used monthly	\$3.79
Over	6,800,000 gallons used monthly	\$3.16

**MINIMUM CHARGE**

No bill will be rendered for less than the following amounts, according to the size of meter installed, to-wit:

<u>Meter Size</u>	<u>Monthly</u>	<u>Bi-Monthly</u>
5/8-inch meter	\$ 16.20	\$ 32.40
3/4-inch meter	\$ 24.30	\$ 48.60
1-inch meter	\$ 40.50	\$ 81.00
1-1/4-inch meter	\$ 59.14	\$ 118.28
1-1/2-inch meter	\$ 81.00	\$ 162.00
2-inch meter	\$ 129.60	\$ 259.20
3-inch meter	\$ 243.00	\$ 486.00
4-inch meter	\$ 405.00	\$ 810.00
6-inch meter	\$ 810.00	\$ 1,620.00
8-inch meter	\$ 1,296.00	\$ 2,592.00

### RECONNECTION CHARGE

Whenever the supply of water is turned off for violations of rules, non-payment of bills or fraudulent use of water; the reconnection charge shall be \$25.00 per occurrence.

### SERVICE CONNECTION CHARGE

The service connection charge for each new service connection to the water 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.

### DISCONNECT FOR NON-PAYMENT

If any bill is not paid within 30 days from the date of the bill, the customer will be discontinued and will not be restored until all past due bills have been paid in full, together with all penalty charges, subject to applicable rules of the Public Service Commission of West Virginia.

### CAPITAL IMPROVEMENT FEE

Capital Improvement Fees are fees collected to fund future water 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 water 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 water 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 Water System Capital Improvement Fee Schedule by Meter Size:

<u>Meter Size</u>		<u>Factor ADF@ 293 gpd</u>	<u>\$ per gal. 4.44</u>	<u>CIF</u>
5/8-inch		1	293	\$ 1,301
3/4-inch		1.1	322	\$ 1,431
1-inch		1.4	350	\$ 1,554
1-1/2-inch		1.8	450	\$ 1,998
2-inch	Standard	2.9	725	\$ 3,219
	Compound	2.5	625	\$ 2,775
3-inch	Standard	11	2,750	\$ 12,210
	Compound	16	4,000	\$ 17,760
4-inch	Standard	14	3,500	\$ 15,540
	Compound	25	6,250	\$ 27,750
6-inch	Standard	21	5,250	\$ 23,310
	Compound	50	12,500	\$ 55,500
8-inch	Standard	29	7,250	\$ 32,190
	Compound	80	20,000	\$ 88,800

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

### **SECTION 2. EFFECTIVE DATE**

The water rates, minimum charge, reconnection charge, service connection charge and delayed payment penalty provided herein shall be effective on October 1, 2013 unless otherwise ordered by the Public Service Commission.

### **SECTION 3. SEPARABILITY: REPEAL OF CONFLICTING ORDINANCES**

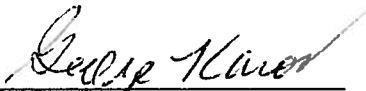
The provisions of this Ordinance are separable, and if any clause, provision or section thereof shall be held void or unenforceable by any court of competent jurisdiction, such holding shall not affect the remainder of this Ordinance. Upon the effective date hereof, all ordinances, resolutions, orders 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**

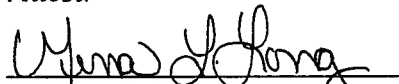
Upon introduction hereof, the City Recorder shall publish a copy of this Ordinance once a week for 2 successive weeks within a period of 14 consecutive days, with at least 6 full days intervening between each publication, in The Journal, a qualified newspaper of general circulation in the City of Martinsburg, and said notice shall state that this Ordinance has been introduced, and that any person interested may appear before Council at the J. Oakley Seibert Council Chambers located in City Hall, Martinsburg, West Virginia, on Thursday, June 13, 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 23, 2013

Adopted on Third Reading  
Following Public Hearing    June 13, 2013

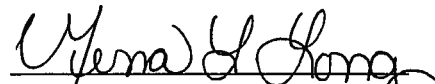
  
\_\_\_\_\_  
George Karos, Mayor

Attest:

  
\_\_\_\_\_  
Gena L. Long, City Recorder

## CERTIFICATION AND NOTICE

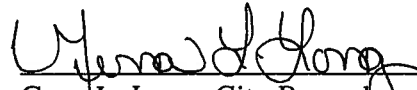
The foregoing Ordinance has been introduced and adopted on first and second reading at a meeting of the Council held on May 23, 2013. Any person interested may appear before the Council of the City of Martinsburg at the J. Oakley Seibert Council Chambers located in City Hall, Martinsburg, West Virginia, on the Thursday, June 13, 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.

  
Gen L. Long, City Recorder

**CERTIFICATION**

Certified a true copy of an Ordinance duly enacted by the Council of the CITY OF MARTINSBURG on the 13<sup>th</sup> day of June 2013.

Date: 6/13/13

  
Genal L. Long, City Recorder