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## PART NINE — STREETS, UTILITIES AND PUBLIC SERVICES CODE

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### ARTICLE 905 Water

- 905.01 Purpose.**  
**905.02 Establishment of a schedule of just and equitable rates or charges for water services; use of water meters; provision for flat rates.**  
**905.03 Rules and regulations.**  
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**905.05 Separability; repeal of conflicting schedules.**

#### CROSS REFERENCES

Power to regulate—see WV Code 8-12-5(32)  
Discontinuance for nonpayment—see WV Code 8-19-13  
Review of rates by Public Service Commission—see WV Code 24-2-4(b)  
Deposit limitations—see WV Code 24-3-8

**905.01 Purpose.**

To amend and re-enact an existing ordinance to establish a schedule of just and equitable rates or charges for the use of and services rendered by the water system and works of the Corporation of Harpers Ferry, the purpose and effect of this ordinance being to provide a new increased schedule of rates as herein-after stated. (Ord. 2014-01, passed 03-10-2014.)

**905.02 Establishment of a schedule of just and equitable rates or charges for water services; use of water meters; provision for flat rates.**

For the payment of the proper and reasonable expense of operation, repair, replacement, improvements, additions, betterments, extension, and maintenance of the water system and for the payment of the sums required to pay the principal and interest of all water revenue bonds as the same becomes due, and to establish funds to satisfy conditions and requirements attaching to said bonds, there is hereby established a schedule of just and equitable rates or charges for the use of and services rendered by the municipal water system and works of the Corporation of Harpers Ferry, West Virginia, which schedule of rates or charges, based upon the metered amount of water supplied the premises, where possible, but providing for a flat rate when no meter is available. (Ord. 2014-01, passed 03-10-2014.)

**905.03 Rules and regulations.**

Rules and Regulations for the Government of Water Utilities adopted by the Public Service Commission of West Virginia, and now in effect, and all amendments thereto and modifications thereof hereafter made by said Commission. (Ord. 2014-01, passed 03-10-2014.)

**905.04 Schedule of rates.**

#### RATE SCHEDULE NO. 1

**APPLICABILITY:**

Applicable in the entire area served by the Harpers Ferry Water System.

**AVAILABILITY OF SERVICE:**

Available for general domestic, commercial, and industrial service.

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### RATES:

FIRST 30,000 gallons used per month      \$19.25 per 1,000 gallons  
ALL OVER 30,000 gallons used per month      \$13.84 per 1,000 gallons

### MINIMUM CHARGE:

No bill shall be rendered for less than the following amounts according to the size of meter installed.

<u>Meter</u>	<u>Per month</u>
5/8"	\$38.50
3/4"	\$57.75
1"	\$96.25
1 1/4"	\$140.53
1 1/2"	\$192.50
2"	\$308.00
3"	\$577.50
4"	962.50
6"	\$1925.00

### DELAYED PAYMENT PENALTY:

The above tariff is net. On all accounts not paid in full when due, 10% will be added to 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.

### SECURITY DEPOSIT:

A deposit not to exceed one-twelfth (1/12) of the annual estimated charge for residential service or one-sixth (1/6) of the annual estimated charge for commercial service, or \$50.00, whichever is greater, shall be paid at the time of initial connection.

### FORM OF PAYMENT; RETURNED CHECK FEE:

Payment may be made with cash, check, money order, or credit card. A service charge equal to the actual bank fees assessed to the water utility, not to exceed \$25.00, will be imposed upon any customer whose check for payment of charges is returned due to insufficient funds. If more than two checks within a three-year period are returned, payment must be made by cash or money order.

### RECONNECTION CHARGE:

\$20.00 will be charged whenever the supply of water is turned off for violation of rules, nonpayment 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 \$750.00 will be charged to customers who apply for service outside of a certificate proceeding before the Commission for each new tap to the system.

A tap fee of \$375.00 will be charged to customers applying for service before construction is completed adjacent to the customer's premises in connection with a certificate proceeding

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before the Commission. This pre-construction tap fee will be invalid after the completion of construction adjacent to an applicant's premises that is associated with a certificate proceeding.

### INCREMENTAL LEAK ADJUSTMENT:

\$0.84 per 1,000 gallons of water is to be used when the bill reflects unusual consumption which can be attributed to eligible water leakage on customer's side of the meter. This rate will be applied to all such consumption above the customer's historical average usage.

### RATE SCHEDULE NO. 2

#### APPLICABILITY:

Applicable in entire territory served.

#### AVAILABILITY OF SERVICE:

Available for private fire protection service.

#### RATE:

	<u>Type</u>	<u>Per annum</u>
(1) Annual minimum charges	2" service line	\$150.00
	4" service line	\$375.00
	6" service line	\$683.03
	8" service line	\$1,137.50
(2) Unit charges	Standard fire hydrant	\$227.14
	Hose connection	
	2 1/2" or less	\$75.00
	Sprinkler head	\$0.32

#### (3) Rules relative to private fire protection:

The annual minimum charge entitles the customer to any combination of unit charges up to the amount of annual minimum charge. Additional units will be charged at the rates stated. Where private fire service is metered, the charge will be based on metered and minimum charges stated under Schedule No. 1. Installation cost of private fire service facilities will be borne by the customer.

#### DELAYED PAYMENT PENALTY:

The above schedule is net. On all accounts not paid in full when due, 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.

### RATE SCHEDULE NO. 3

#### APPLICABILITY:

Applicable in entire territory served.

#### AVAILABILITY OF SERVICE:

Available for public fire protection.

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**RATE:**

\$12.00 per month per hydrant.

**DELAYED PAYMENT PENALTY:**

The above schedule is net. On all accounts not paid in full when due, 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.

### CAPITAL CAPACITY IMPROVEMENT FEE

In addition to all the fees provided above, there shall be paid to the Corporation of Harpers Ferry at the time of issuance by the Corporation of a final water availability letter for the property to be served a capital capacity improvement fee of \$2,925.00 for each residential connection. Connections for non-residential use is to be paid in accordance with a residential usage equivalent schedule set forth below. The funds collected from the capital capacity improvement fee will be maintained in a separate fund by the Water Department's financial officer and are to be used only for the purpose of improving the Corporation's water system treatment, storage, and transmission facilities. The usage equivalent for other than single family residential units for the capital capacity improvement fee is based upon the following:

### RESIDENTIAL USAGE EQUIVALENTS FOR CAPACITY IMPROVEMENT CAPITAL COST FEE

UNIT	<u>WATER GALLONS / DAY</u>	<u>RESIDENTIAL USAGE EQUIVALENT</u>
Apartments	150/unit	1.0/unit
Bowling Alleys	200/alley	1.33/alley
Churches with Kitchens	8/member	0.05/member
Churches without Kitchens	2/member	0.013/member
Food Service	32/seat	0.213/seat
Fast Food Restaurant	35/seat	0.23/seat
Bar & Cocktail Lounge (additive)	2/patron	0.013/patron
Tavern-Little or no food	20/seat	0.132/per seat
Hotel	120/room	0.8/room

If a unit does not appear on this schedule, the sewer department will determine its residential usage equivalent in consultation with its consulting engineer. <sup>[905.04]</sup>

**905.05 Separability; repeal of conflicting schedules.**

The provisions of this Ordinance are separable, and if any clause, provisions or section hereof be held void or unenforceable by any court of competent jurisdiction, such holding shall not affect the remainder of this ordinance. All resolutions, orders, ordinances, or parts thereof in conflict with the provisions of this ordinance. All resolutions, orders, ordinances, or parts therefore in conflict with the provisions of this Ordinance are, to the extent of such conflicts, hereby. Repealed insofar as they may be deemed to conflict with this Ordinance;

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**FOOTNOTE:**

905.04 Ord. 2017-09 implemented a two-step rate increase. Step 1 rates became effective immediately upon adoption of the ordinance. Step 2 rates, now in effect and shown above, became effective 60 days prior to commencement of project debt service for the comprehensive water system improvement project. Ord. 2017-09 superseded Ord. 2015-08. Ord. 2021-09 (passed 11-08-2021) increased the incremental leak adjustment rate.

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and to the extent that the provisions of this Ordinance do not touch upon the provisions of prior resolutions, orders, ordinances, or parts, thereof, the same shall remain in full force and effect. (Ord. 2014-01, passed 03-10-2014.)