

TOWN OF FRANKLIN

AN ORDINANCE SETTING FORTH THE RATES, FEES AND CHARGES FOR SERVICE TO CUSTOMERS OF THE WATER SYSTEM OF THE TOWN OF FRANKLIN.

THE COUNCIL OF THE TOWN OF FRANKLIN HEREBY ORDAINS: The following rules, rates and charges are hereby fixed, determined and established for municipal water service provided to all users of the Town of Franklin's Municipal Waterworks System, commencing upon the effective date as hereinafter provided, and in accordance with the following Rates and Schedules:

RULES AND REGULATIONS

I. 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.

SECTION 1 - TARIFF

STEP 1 (Effective 45 days after enactment)

SCHEDULE I

APPLICABILITY

Applicable within the entire territory served

AVAILABILITY OF SERVICE

Available for residential, commercial, governmental, industrial and resale water service.

RATES (Customers with metered water supply)

Table with 3 columns: Quantity, Unit, Rate. Rows include First 1,000 gallons, Next 3,000 gallons, Next 16,000 gallons, and All over 20,000 gallons.

MINIMUM CHARGE

Each customer shall pay a minimum charge of \$23.45 per month. (Equivalent to 1,000 gallons of water usage)

Table with 2 columns: Meter Size, Rate. Rows include 5/8 inch, 1 inch, 1-1/4 inch, 1-1/2 inch, 2 inch, 3 inch, 4 inch, 6 inch, and 8 inch meters.

FLAT-RATE CHARGE (Customers with non-metered water supply)

Each customer shall pay a minimum charge of \$74.75 per month. (Equivalent to 4,000 gallons of water usage)

RESALE RATE

All usage per month \$6.04 per 1,000 gallons

PRIVATE FIRE PROTECTION SERVICE

Where connections, hydrants, sprinklers, etc. on private property are maintained by consumer: \$35.00 per month.

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.

RETURNED CHECK CHARGE

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

WATER DISCONNECT/RECONNECT/ADMINISTRATIVE FEES

Water service will not be restored until all past due water bills have been paid in full and all accrued penalties plus a disconnection charge of \$50.00 have been paid.

There shall be a \$50.00 reconnection charge paid prior to restoration of water service which has been previously disconnected for any reason.

In the event that Town staff or agents collect money at the customer's residence in order to stop disconnection, and administrative fee of \$50.00 shall be paid in addition to other charges to prevent disconnection.

TAP FEE

The following charges are to be made whenever the utility installs a new tap to serve an applicant.

A tap fee (shown below) will be charged to all customers who apply for service outside of a certificate proceeding before the Commission for each new tap to the system.

Table with 2 columns: Meter Size, Rate. Rows include 5/8 inch, 1 inch, 1-1/2 inch, 2 inch, 3 inch, and 4 inch meters.

SECURITY DEPOSITS

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 fifty dollars, whichever is greater.

CALL OUT CHARGES

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 originates in an area beyond the Utility's point of service is so determined at the time of the call out by the Town.

LEAK ADJUSTMENT

\$0.71 per 1,000 gallons is to be used when 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.

EFT, ACH, CREDIT CARD AND DROP BOX PAYMENTS

A service charge will be imposed on EFT, ACH, Credit Card or Drop Box payments. The amount shall be equal to the actual charges to the Utility from the financial institution for processing payment.

MUNICIPAL EXCISE TAX SURCHARGE

The Municipality listed below, having imposed a public utility tax computed on the basis of 2.00 percent of the revenues from water sales by Franklin Municipal Water Department within the corporate limits of such municipality, said tax shall be billed as a "Utility Tax" 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 rate:

Table with 2 columns: Municipality, Local Tax Rate. Row includes Town of Franklin with a 2.00% rate.

STEP 2

(Effective upon substantial completion of a waterworks system project or three months prior to initiation of the debt service associated with the waterworks system project, whichever occurs first)

SCHEDULE I

APPLICABILITY

Applicable within the entire territory served

AVAILABILITY OF SERVICE

Available for residential, commercial, governmental, industrial and resale water service.

RATES (Customers with metered water supply)

Table with 3 columns: Quantity, Unit, Rate. Rows include First 1,000 gallons, Next 3,000 gallons, Next 16,000 gallons, and All over 20,000 gallons.

MINIMUM CHARGE

Each customer shall pay a minimum charge of \$28.35 per month. (Equivalent to 1,000 gallons of water usage)

Table with 2 columns: Meter Size, Rate. Rows include 5/8 inch, 1 inch, 1-1/4 inch, 1-1/2 inch, 2 inch, 3 inch, 4 inch, 6 inch, and 8 inch meters.

FLAT-RATE CHARGE (Customers with non-metered water supply)

Each customer shall pay a minimum charge of \$90.33 per month. (Equivalent to 4,000 gallons of water usage)

RESALE RATE

All usage per month \$6.04 per 1,000 gallons

PRIVATE FIRE PROTECTION SERVICE

Where connections, hydrants, sprinklers, etc. on private property are maintained by consumer: \$35.00 per month.

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RETURNED CHECK CHARGE

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

WATER DISCONNECT/RECONNECT/ADMINISTRATIVE FEES

Water service will not be restored until all past due water bills have been paid in full and all accrued penalties plus a disconnection charge of \$50.00 have been paid.

There shall be a \$50.00 reconnection charge paid prior to restoration of water service which has been previously disconnected for any reason.

In the event that Town staff or agents collect money at the customer's residence in order to stop disconnection, and administrative fee of \$50.00 shall be paid in addition to other charges to prevent disconnection.

TAP FEE

The following charges are to be made whenever the utility installs a new tap to serve an applicant.

A tap fee (shown below) will be charged to all customers who apply for service outside of a certificate proceeding before the Commission for each new tap to the system.

5/8 inch meter	\$450.00
1 inch meter	\$550.00
1-1/2 inch meter	\$650.00
2 inch meter	\$750.00
3 inch meter	\$850.00
4 inch meter	\$950.00

SECURITY DEPOSITS

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 fifty dollars, whichever is greater.

CALL OUT CHARGES

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 originates in an area beyond the Utility's point of service is so determined at the time of the call out by the Town.

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\$0.71 per 1,000 gallons is to be used when 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.

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The Municipality listed below, having imposed a public utility tax computed on the basis of 2.00 percent of the revenues from water sales by Franklin Municipal Water Department within the corporate limits of such municipality, said tax shall be billed as a "Utility Tax" 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 rate:

Municipality	Utility Tax Rate	Local Tax Rate
Town of Franklin		2.00%

SECTION 2 – EFFECTIVE DATE

The rates, charges and penalties provided herein shall become effective as provided herein, or as soon thereafter as the same may be approved by the Public Service Commission of West Virginia.

SECTION 3 – SEVERABILITY; REPEAL OF CONFLICTING ORDINANCES

The provisions of this Ordinance are severable, 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 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 Town shall cause to be published notice of this Ordinance in *The Pendleton Times*, qualified newspaper of general circulation in the Town, and said notice shall state that this Ordinance has been introduced, and that any person interested may appear at the public hearing on October 13, 2020 at 6:00 p.m., which date is not less than five (5) days after the date of the publication of the Ordinance and notice, and present any comment or protest thereto, following which public 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 Recorder, Town of Franklin, Franklin, West Virginia.

First Reading: September 8, 2020

Public Hearing and
Second Reading: October 13, 2020

TOWN OF FRANKLIN, a municipal corporation

Mayor: _____

Recorder: _____

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