

ORDINANCE NO. 449 OF THE CITY OF BUCKHANNON, AN ORDINANCE:
(1) AMENDING, MODIFYING AND RE-ENACTING ORDINANCES NO. 233, 291, 295, 307, 333, 352, 403, AND NO. 419 OF THE CITY OF BUCKHANNON; AND
(2) SPECIFICALLY ESTABLISHING NEW SEWER SURCHARGES FOR SANITARY SEWAGE COLLECTION AND DISPOSAL SERVICES PROVIDED BY THE SANITARY BOARD OF THE CITY OF BUCKHANNON AS PART OF ITS SERVICE EXTENSION ALONG OLD WESTON ROAD, WEST OF THE CORPORATE LIMITS OF THE CITY

WHEREAS, the current rates and charges of the Sanitary Board of the City of Buckhannon for providing sanitary sewage collection and disposal services were previously adopted by City Ordinances No. 233, 291, 295, 307, 333, 352, 403, and 419; and,

WHEREAS, the Board has exercised its authority to extend its service along Old Weston Road, to the west of the corporate limits of the City of Buckhannon, beginning with the western terminus of its existing line at Red Rock Road; and,

WHEREAS, pursuant to regulation of the Public Service Commission of West Virginia it has assumed an appropriate portion of the expenses of constructing said service extension; and,

WHEREAS, customers along the service extension bear responsibility to assume the balance of costs incurred by the Board in extending service; and,

WHEREAS, the Council of the City of Buckhannon desires in all respects to comply with the statutes of the State of West Virginia and further with the administrative rules and regulations of the PSC insofar as the establishment of sanitary sewage service surcharges are concerned.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE COUNCIL OF THE CITY OF BUCKHANNON, AS FOLLOWS:

SECTION I – FINDINGS OF COUNCIL:

The Council of the City of Buckhannon hereby makes the following findings:

(1) The statutory provisions of Chapter 8, Article 11, Section 3, Subsection (1), and Chapter 8, Article 13, Section 13 of the West Virginia Code, as amended, specifically provide that the collection of fees of any kind by a municipality shall be established by ordinance; and,

(2) The Council of the City of Buckhannon desires in all respects to comply with the statutes of the State of West Virginia and the rules and regulations of the PSC insofar as the establishment of new sanitary sewage rates and charges is concerned.

SECTION II – NEW SURCHARGE SCHEDULE:

The following project surcharge fee, in addition to the regular rates charged to customers, shall be paid for sanitary sewage collection and disposal services offered by the Sanitary Board of the City of Buckhannon along its Old Weston Road project extension, west of Red Rock Road, upon this Ordinance's effectuation:

PROJECT SURCHARGE FEES:

(1) Old Weston Road extension surcharge fee
\$3.00 per 1,000 gallons of water usage

(2) Old Weston Road flat rate surcharge fee (see note)
\$25.00 per month for residential customers
\$50.00 per month for commercial customers

(Note): The flat rate portion of the surcharge fees for any affected customer may be satisfied and removed from payment by the customer, or their successor(s)-in-interest as to the real property to be served by the project extension, of the sum of \$16,222.00 less the total of the applicable flat-rate project surcharge fee paid to the utility.

SECTION III – AUTHORITY OF MAYOR TO PREPARE AND FILE ANY AND ALL REASONABLE OR NECESSARY APPLICATIONS, TARIFF MODIFICATIONS, AND/OR OTHER DOCUMENTS WITH THE WEST VIRGINIA PUBLIC SERVICE COMMISSION:

The Mayor of the City of Buckhannon, or his designee, is hereby expressly authorized to prepare and file, and/or cause to be prepared and filed, any and all reasonable and necessary applications, tariff modifications and/or other documents with the West Virginia Public Service Commission, and generally to assure the City of Buckhannon's compliance with the West Virginia Public Service Commission's rules and regulations respecting sanitary sewer operations by a municipality.

SECTION IV – PREVIOUS SANITARY SEWER SERVICE ORDINANCES:

Any and all other provisions of Ordinances No. 233, 291, 295, 307, 333, 352, and 403, and any other ordinance provisions of the City of Buckhannon addressing sanitary sewer services as provided by the City of Buckhannon or the Sanitary Board of the City of Buckhannon, and not expressly amended pursuant to this Ordinance No. 419, shall be deemed to remain in full force and legal effect, except for those provisions which are expressly amended hereby.

SECTION V – PUBLIC SERVICE COMMISSION AND SANITARY BOARD RULES AND REGULATIONS:

This Ordinance is adopted by the City of Buckhannon with the express intention of complying with the rules and regulations of the West Virginia Public Service Commission. Notwithstanding the immediately aforesaid intention, this Ordinance shall not prohibit the Sanitary Board of the City of Buckhannon from establishing, applying, and/or amending from time to time, the Board's own rules and regulations which are not inconsistent with PSC rules and regulations, which Board-established rules and regulations are promulgated to facilitate the administration and operation of the City's sanitary sewage system.

SECTION VI – SEVERABILITY:

In the event that any provision(s) of this Ordinance is determined to be unconstitutional or invalid by a court exercising competent jurisdiction, such determination shall not affect the validity of this Ordinance as a whole or the provisions thereof which are not specifically held to be unconstitutional or invalid other than that provision(s) which is specifically determined to be unconstitutional or invalid.

SECTION VII – EFFECTIVE DATE:

Pursuant to Chapter 24, Article 2, Section 4b, Paragraph (b) of the West Virginia Code, as amended, this Ordinance shall be deemed effective immediately following forty-five (45) days from the third (3rd) reading, passage and adoption by the Council of the City of Buckhannon, i.e., the 21st day of March, 2021.

FIRST READING: January 7, 2021

SECOND READING: January 21, 2021



Robert N. Skinner, III, Mayor

CERTIFICATE OF ENACTMENT

I, Randall Sanders, City Recorder, do hereby certify that the foregoing Ordinance No. 449 was lawfully ordained and enacted by the Council of the City of Buckhannon at a regular session of the said Council assembled on February 4, 2021.



Randall Sanders, City Recorder