

ORDINANCE NO. 476 OF THE CITY OF BUCKHANNON, AN ORDINANCE:
(1) AMENDING ORDINANCES NOS. 207, 228, 342, 369, 392, and 451 OF THE CITY
OF BUCKHANNON, AND (2) SPECIFICALLY ESTABLISHING NEW WATER RATES
FOR WATER DISTRIBUTION SERVICES PROVIDED BY THE
WATER BOARD OF THE CITY OF BUCKHANNON

WHEREAS, the current rates and charges of the Water Board of the City of Buckhannon for providing water distribution services as were previously adopted by City Ordinances No. 207, 228, 342, 369, 392, and 451 are presently insufficient to maintain the high quality of water distribution services offered by the Board and City to the residents of Buckhannon and surrounding Upshur County; and,

WHEREAS, the Board and City have not increased water rates since 2021; and,

WHEREAS, the Board and City's cost of providing water distribution services has increased substantially since 2021, including the future costs of designing and constructing a new water treatment facility which are now deemed crucial; and,

WHEREAS, the City's ability to improve and maintain its water distribution operations, including through the necessary construction of a new water treatment plant, are substantially impeded given current revenues realized from the collection of current rates and charges; and,

WHEREAS, state or federal funding sources require a certain financial contribution – supported by ratepayers – to be contributed to the project by the system; and,

WHEREAS, the Buckhannon municipal water system's rates are currently within the top ten percent of the most affordable water rates in the State of West Virginia, with a ranking of 29th out of the 327 water systems in West Virginia for affordability; and,

WHEREAS, the Board and the City recently requested Todd Dingess, CPA of the Accounting Firm Smith Cochran & Hicks PLLC of Charleston, West Virginia, to perform an independent rate study, which study was undertaken with recommendations being submitted to the Board and City, all as is evidenced by that certain written report dated September 9, 2025, tendered to both the Board and City; and,

WHEREAS, the rate study report was presented by Todd Dingess, CPA of the Accounting Firm Smith Cochran & Hicks PLLC, and discussed by the Water Board during a regularly convened, public meeting of the Board on September 11, 2025, the report urging the Board and City to adopt the rates recommended therein; and,

WHEREAS, the Water Board formally resolved during its regularly convened meeting of September 11, 2025 to immediately recommend to the City Council that the City increase Buckhannon's rates and charges for water distribution services pursuant to the aforesaid rate study, said proposed rate and charge schedule being hereinafter described and set forth pursuant to Article II hereof; and,

WHEREAS, the Council of the City of Buckhannon is authorized pursuant to the statutory provisions of Chapter 8, Article 13, Section 13, and Chapter 24, Article 2, Section 4b of the West Virginia Code, as amended, to impose by ordinance upon the users of water distribution services, such reasonable rates, fees and charges as shall be collected in the manner specified by ordinance; and,

WHEREAS, the Council of the City of Buckhannon deems the rates and charges proposed by the Water Board of the City of Buckhannon, and as are set out in the aforesaid September 9, 2025 rate study report, and further which rates and charges are described and set forth pursuant to Article II hereof, to be just and reasonable; and,

WHEREAS, in addition to the newly proposed rates and charges included in the aforesaid rate study report, the Water Board further moved to recommend the establishment of or increases in various administrative fees; and,

WHEREAS, the statutory provisions of Chapter 8, Article 11, Section 3, Paragraph (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 by ordinance; 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 rules of the Public Service Commission of West Virginia, hereinafter referred to as "PSC," insofar as the establishment of new water distribution rates and charges is concerned.

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

ARTICLE I - FINDINGS OF COUNCIL: The Council of the City of Buckhannon hereby makes the following findings:

(1) The current rates and charges of the Water Board of the City of Buckhannon for providing water distribution services as were previously adopted by City Ordinances

No. 207, 228, 342, 369, 392, and 451 are now, based upon the increased costs of providing services, as well as the need to construct a new water treatment facility, insufficient to maintain the high quality of water distribution services offered by the Board and City to the residents of Buckhannon and surrounding Upshur County;

(2) The Board and City have not sought a water rate increase since 2021, although the Board and City's cost of providing water distribution services has increased substantially since 2021;

(3) The Board and City's opportunities to improve and maintain the City's water distribution operations, including its ability to finance the construction of a new water treatment facility, are substantially impeded given current revenues realized from the collection of current rates and charges;

(4) Following the Board and City's request, Todd Dingess, CPA of the Accounting Firm Smith Cochran & Hicks PLLC conducted an independent rate study respecting Buckhannon's water distribution operations, with findings and recommendations being set forth in a written report dated September 9, 2025;

(5) The rate study report was presented by Mr. Dingess during a regularly convened, public meeting of the Water Board also conducted on September 11, 2025;

(6) The rate study, together with the financing and other funding requirements of the water treatment plant construction project, call for the increase of rates over time, in three steps as outlined below; and,

(7) The Board formally moved and resolved during its September 11, 2025 meeting to recommend to the City Council that the City accept the rate recommendations contained in the required rate study, and that the City increase its rates and charges for water distribution services pursuant to the proposed rate and charge schedule described and set forth pursuant to Article II hereof;

(8) The Council considered the Board's recommendation together with the rate study report during its regularly convened public meeting on September 18, 2025, and directed the drafting of the necessary authorizing Ordinance;

(9) The Council of the City of Buckhannon is authorized pursuant to the statutory provisions of Chapter 8, Article 13, Section 13, and Chapter 24, Article 2, Section 4b of the West Virginia Code, as amended, to impose by ordinance upon the users of water distribution services such reasonable rates, fees, and charges as shall be collected in the manner specified in the ordinance;

(10) The Council of the City of Buckhannon deems all rates and charges proposed by the Water Board of the City of Buckhannon to be just and reasonable, and necessary to secure financing for the construction of a new water treatment plant;

(11) 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 by ordinance; and,

(12) The Council of the City of Buckhannon desires in all respects to comply with all applicable statutes of the State of West Virginia and the rules of the PSC insofar as the establishment of new water distribution rates and charges is concerned.

ARTICLE II - RATE AND CHARGE SCHEDULE: The following rates and charges shall be paid for water distribution services offered by the Water Board of the City of Buckhannon, upon this Ordinance's effectuation, to be charged on and after the dates noted above. (Note: all rates are expressed as monthly charges):

Step 1: Rates to be charged on and after January 1, 2026, until December 31, 2026

TYPE OF CUSTOMER/SERVICE

(1) Users of 0 – 2,000 gallons of water:	\$9.82 / 1,000 gallons
(2) Users of 2,000 – 14,000 gallons of water:	\$9.46 / 1,000 gallons
(3) Users of 14,000 – 50,000 gallons of water:	\$8.49 / 1,000 gallons
(4) Users of more than 50,000 gallons of water:	\$3.91 / 1,000 gallons
(5) Minimum Monthly bill according to size of meter installed:	
(a) 5/8" meter or less	\$19.64
(b) 3/4" meter	\$29.46
(c) 1" meter	\$49.10
(d) 1&1/2" meter	\$98.20
(e) 2" meter	\$157.12
(f) 3" meter	\$294.60
(g) 4" meter	\$491.00
(h) 6" meter	\$982.00

NOTE: No minimum bill will be rendered for less than \$19.64 which is equivalent to 2,000 gallons of water used.

(6) Resale Customer(s):

Resale customers shall pay a rate of \$3.01/1,000 gallons regardless as to quantity of gallons of consumed and regardless as to number of meters.

Step 2: Rates to be charged on and after January 1, 2027, until December 31, 2027

TYPE OF CUSTOMER/SERVICE

(1) Users of 0 – 2,000 gallons of water:	\$11.50 / 1,000 gallons
(2) Users of 2,000 – 14,000 gallons of water:	\$11.08 / 1,000 gallons
(3) Users of 14,000 – 50,000 gallons of water:	\$9.94 / 1,000 gallons
(4) Users of more than 50,000 gallons of water:	\$4.58 / 1,000 gallons
(5) Minimum Monthly bill according to size of meter installed:	
(a) 5/8" meter or less	\$23.00
(b) 3/4" meter	\$34.50
(c) 1" meter	\$57.50
(d) 1&1/2" meter	\$115.00
(e) 2" meter	\$184.00
(f) 3" meter	\$345.00
(g) 4" meter	\$575.00
(h) 6" meter	\$1,150.00

NOTE: No minimum bill will be rendered for less than \$23.00 which is equivalent to 2,000 gallons of water used.

(6) Resale Customer(s):

Resale customers shall pay a rate of \$3.53/1,000 gallons regardless as to quantity of gallons of consumed and regardless as to number of meters.

Step 3: Rates to be charged on and after January 1, 2028

TYPE OF CUSTOMER/SERVICE

(1) Users of 0 – 2,000 gallons of water:	\$13.18 / 1,000 gallons
(2) Users of 2,000 – 14,000 gallons of water:	\$12.70 / 1,000 gallons
(3) Users of 14,000 – 50,000 gallons of water:	\$11.39 / 1,000 gallons
(4) Users of more than 50,000 gallons of water:	\$5.25 / 1,000 gallons

(5) Minimum Monthly bill according to size of meter installed:

(a) 5/8" meter or less	\$26.36
(b) 3/4" meter	\$39.54
(c) 1" meter	\$65.90
(d) 1&1/2" meter	\$131.80
(e) 2" meter	\$210.88
(f) 3" meter	\$395.40
(g) 4" meter	\$659.00
(h) 6" meter	\$1,318.00

NOTE: No minimum bill will be rendered for less than \$13.02 which is equivalent to 2,000 gallons of water used.

(6) Resale Customer(s):	Resale customers shall pay a rate of \$4.05/1,000 gallons regardless as to quantity of gallons of consumed and regardless as to number of meters.
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The following charges remain unchanged from enactment of Ordinance No. 451

(7) Bulk Water Customer(s):	Bulk water customers shall pay the greater of the rate appearing above per thousand gallons purchased, or \$25.00. (new)
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(8) Delayed Payment Penalty*:	See note below.
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(9) Tap/service connection fee**:	3/4" = \$750.00 (unchanged) 1" = \$1,000.00 (unchanged) Larger than 1" = at actual installation cost. Tap fees for fire service protection shall be the Board's actual cost of materials and labor to bring the connection to the customer's property line as set forth in the WV PSC's rules and regs. (unchanged)
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(10) Disconnection/Reconnection service charge:	\$50.00 per occurrence will be charged whenever the water is turned off for violations of rules, non-payment of bills or at the request of the customer for maintenance on the customer's side of the meter. (unchanged)
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- (11) Returned Payment Charge***: See note below.
- (12) Leak adjustment****: \$0.50/1,000 gallons (increase)
- (13) Security Deposit: Not to exceed two-twelfths (2/12) of the annual estimated charge for residential service, or one-sixth (1/6) of annual estimated charge for commercial service, or \$50.00 whichever is greater. (unchanged)
- (14) Private hydrant/fire protection fee: \$10.00 per month per hydrant and \$10.00 per fire service connection 4" or less. The monthly rate for each fire service connection greater than 4" is \$20.00. (unchanged)
- (15) Meter & associated components damaged by customer (includes radio read components): At actual repair & installation cost. (unchanged)
- (16) Re-reading of meter at customer request: \$25.00 (unchanged)

Note: Any customer may request the Water Board to re-read the customer's water meter if the customer believes the meter reading was inaccurate. Any customer may request a meter re-reading once every 12 months at no charge to the customer. If any customer requests additional re-readings within any 12-month period, and the re-reading or re-readings substantiate that the initial reading was accurate, the customer then shall be charged \$25.00 for each additional re-reading. The customer shall not be charged if the initial reading is determined to have been inaccurate by more than five percent (5%).

- (17) Meter test \$75.00 (unchanged)

Note: Any customer may request the Water Board to test the customer's water meter to determine the meter's accuracy. The customer shall pay \$75.00 for the meter test in advance of the test. In accordance with Rule 6.5 of the PSC's Water Rules, if upon testing, the meter is determined to be more than two percent (2%) average in error, the meter test fee shall be promptly refunded to the customer. If the meter is not found to be more than two percent (2%) in error, the City shall retain the meter test fee advanced by the customer for the test.

- (18) Meter reinstallation \$100.00 (unchanged)

Note: In any event when a water meter is removed by the Water Board to prevent a customer from unlawfully obtaining water following a customer's service being disconnected by the Water Board for customer non-payment, the customer shall pay a water reinstallation fee of \$100.00 before the meter is reinstalled and water service is reinstated. This fee shall be in addition to any other reconnection fees.

*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.

**Tap/service connection fee - This tap fee will be charged to all customers who apply for service outside of a certificate proceeding before the PSC for each new tap to the service.

***Returned payment charge - A service charge equal to \$25.00 will be imposed upon any customer whose check, EFT, ACH, or credit card payment of charges is returned by the financial institution processing payment.

****Leak adjustment - This amount shall 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 usage.

ARTICLE III - AUTHORITY OF MAYOR TO FILE ANY APPLICATIONS, TARIFF MODIFICATIONS AND/OR OTHER DOCUMENTS WITH THE WEST VIRGINIA PUBLIC SERVICE COMMISSION: The Mayor of the City of Buckhannon is authorized to prepare and file, and/or cause to be prepared and filed, any necessary applications, tariff modifications 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 water distribution operations by a municipality. The provisions of Ordinances No. 207, 228, 342, 369, 392, 451, or any other ordinances of the City of Buckhannon addressing water distribution services are hereby amended pursuant to the provisions hereof.

ARTICLE IV - PREVIOUS WATER DISTRIBUTION ORDINANCES: Any other provisions of Ordinances No. 207, 228, 342, 369, 392, 451, or any other ordinance of the City of Buckhannon addressing water distribution services and not expressly amended pursuant to this Ordinance No. 476, remain in full force and legal effect, except for those rates, charges, and ordinance provisions which are expressly amended hereby.

ARTICLE V - PUBLIC SERVICE COMMISSION AND WATER BOARD RULES AND REGULATIONS: This Ordinance is adopted by the City of Buckhannon to comply with all rules of the West Virginia Public Service Commission. Notwithstanding this intention, this Ordinance shall not prohibit the Water 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, and which Board-established rules and regulations are promulgated to facilitate the administration and operation of the City's water distribution system.

ARTICLE 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.

ARTICLE 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., December 21, 2025.

FIRST READING:	October 2, 2025
SECOND READING:	October 16, 2025
THIRD READING, PASSAGE AND ADOPTION:	November 6, 2025

Robert N. Skinner, III, Mayor

CERTIFICATE OF ENACTMENT

I, Randall H. Sanders, City Recorder, do hereby certify that the foregoing Ordinance No. 476 was lawfully ordained and enacted by the Council of the City of Buckhannon at a regular session of the said Council assembled on November 6, 2025.

Randall H. Sanders, City Recorder