

## CHAPTER FOURTEEN

### ARTICLE I - Surface Drainage

14.1.1 Surface Drainage Defined – The term, “surface drainage”, as used in this ordinance, shall mean water and other liquid substances (i) existing or accumulated on, or passing over, the roofs or other exterior portions of buildings or other structures; (ii) existing or accumulated on, or passing over, the surface of the ground; or (iii) existing or accumulated in, or passing through, areas lying beneath the surface of the ground or beneath structures thereon or therein, regardless of the depth thereof, and whether such underground water or other liquid substances exist or are accumulated in, or pass through, natural soil or natural or artificial structures or substances.

14.1.2 Discharge of Surface Drainage into Sanitary Sewer System of the Town Prohibited – From and after the 1<sup>st</sup> day of September, 1971, it shall be unlawful for any person, firm, or corporation to cause any surface drainage, as defined in Section 14.1.1 aforesaid, to be carried or discharged into the sanitary sewer system of the Town of Glasgow.

14.1.3 Connections or Surface Drainage Lines with Sanitary Sewer System of Town Prohibited – From and after the 1<sup>st</sup> day of September, 1971, it shall be unlawful for any person, firm or corporation to connect, or to cause to be connected, to the sanitary sewer system of the Town of Glasgow, any pipe, conduit, or other line for the transmission or passage of surface drainage, as defined in Section 14.1.1 aforesaid.

14.1.4 Disconnection of Existing Surface Drainage Lines from Sanitary Sewer System of Town. – On or before the 1<sup>st</sup> day of January, 1990, the owner or

owners of every parcel of real property from which, or for the serving of which, a pipe, conduit, or other line for the transmission or passage of surface drainage, as defined in Section 14.1.1 aforesaid, is connected with the sanitary sewer system of the Town of Glasgow, shall cause such connection permanently to be removed and discontinued.

14.1.5 Penalties for Violation – Any person who, and a member of any firm and an officer of any corporation which, shall violate the provisions of Section 14.1.2, Section 14.1.3, or Section 14.1.4 of this ordinance shall be guilty of a misdemeanor, and, upon conviction thereof, may be fined in an amount of not less than \$ 10.00 nor more than \$ 50.00 for each such violation. Each day during which, or during a portion of which, such violation shall continue shall constitute a separate offense under the provisions of this ordinance. Jurisdiction to try offenders under this ordinance shall exist concurrently in the Municipal Court of the Town of Glasgow and in any Magistrate of Kanawha County, West Virginia.

14.1.6 Authority of Town to Rectify Violation; Injunctive Relief. – In the event of a violation of Section 14.1.2, Section 14.1.3 or Section 14.1.4 of this ordinance the Council of the Town may order the person, firm, or corporation so in violation to rectify such violation, and if, within the time prescribed by the Council (which time shall not be less than ten (10) days, from the date of service of such order upon the violator), such violation shall not have been rectified, the Council may take such action as shall be suitable to rectify such violation, and in performing such rectification, the Council, acting through its agents, representatives, servants, and contractors, may enter upon the premises owned or occupied by the violator and into and upon any building or other structure located thereon or therein for the purposes of carrying into effect the

provisions of this section. As an alternate or addition to the remedy authorized in the next preceding sentence and in Section 14.1.5 of this ordinance, the Council, acting in the name of the Town, may seek and obtain appropriate injunctive relief in the Circuit Court of Kanawha County, West Virginia for the enforcement of the provisions of this ordinance (Chapter Fourteen of the Code of General Ordinances of the Town of Glasgow) or the rectification of any violation of any of the provisions of Sections 14.1.2, 14.1.3, and 14.1.4 aforesaid. The costs of removing any connection maintained in violation of the provisions of this ordinance and remedying any damage caused by such removal, and the cost of any judicial or other action taken under the provisions of this section, including reasonable attorneys' fees for the attorneys for the Council and the Town, may be charged to, and collected by the Town from, the person, firm, or corporation so in violation.

14.1.7 Effective Date – This ordinance, as amended, shall become effective from passage.

IN THE COMMON COUNCIL OF THE TOWN OF GLASGOW, WEST VIRGINIA

AN ORDINANCE TO ESTABLISH A MUNICIPAL INFRASTRUCTURE FEE FOR THE PURPOSE OF MAINTAINING PARKS AND RECREATIONAL FACILITIES, STREET CLEANING AND STREET LIGHTING, STREET MAINTENANCE AND STREET IMPROVEMENTS, OR EMERGENCY SERVICES WITHIN THE TOWN OF GLASGOW, WEST VIRGINIA; PROVIDING FOR RULES AND REGULATIONS FOR THE ADMINISTRATION THEREOF; PROVIDING FOR THE IMPOSITION AND RATE OF THE SERVICE FEE; AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

**WHEREAS** the Town of Glasgow has the plenary power and authority to provide by ordinance for the installation, continuance, maintenance or improvement of the aforesaid services, to make reasonable regulations with respect thereto, and to impose by ordinance upon the users of such services reasonable rates, fees and charges to be collected in the manner specified in said ordinance pursuant to Chapter 8, Article 13, Section 13 of the West Virginia Code of 1931, as amended.

**WHEREAS** the Town of Glasgow has the plenary power and authority to provide by ordinance, penalties for the violation of such an ordinance pursuant to Chapter 8, Article 13, Section 14 of the West Virginia Code of 1931, as amended.

**WHEREAS** it is deemed necessary by the Common Council of the Town of Glasgow, West Virginia, to provide reasonable fees to be collected from the citizens who will benefit from said services of the Town for the reasons that the public safety of the citizens and residents of the Town require the installation, continuance, maintenance or improvements of said services and the revenues of the Town are not sufficient, giving due regard to other necessary costs and expenses of the Town government, to pay the expenses thereof.

**(A) Town Infrastructure Fee Established** There is hereby established a Town of Glasgow Infrastructure Fee to be collected by the Town Recorder or other person designated by the Town Council and charged to, and collect from any person, owner, occupant, tenant, domestic or business establishment located at any residence or business address in the Town of Glasgow to which or for which, said services are provided by the Town for its citizens, according to the rate schedule set forth in Section (C), and as Town Council may determine, or modify, from time to time, to meet and provide for the continuation of said services.

The charge shall be levied and collected, jointly and severally, from any person, owner, occupant, tenant, domestic or business establishment located at any residence or business address in the Town to which, or for which said services are provided by the Town, with the right of contribution being preserved to the person or entity from whom the charge is collected together with interest at the legal rate of interest as established by the Supreme Court of Appeals of the State of West Virginia on any outstanding accrued charge or fee remaining unpaid twenty days after due, and any costs, expenses and fees, including reasonable attorney fees incurred by the Town in collecting, instituting suit, executing upon judgements rendered, and for recording abstracts of judgement in collection of the same.

Payment of Town Infrastructure Fee shall be made within twenty (20) days after the mailing of the billing statement by the Town Recorder or other designated person, and if made within said twenty day period, no interest, or penalty shall accrue. Upon all charges not paid within twenty (20) days of the date of the bill, ten percent (10%) shall be added to the charge.

It shall be the duty of every person, owner, occupant, tenant, domestic or business establishment located at any residence or business address in the Town to which, or for which said services are provided by the Town to notify the Town Recorder or Municipal Clerk, in writing, of any change or correction of address.

Failure to notify the Town Recorder or Municipal Clerk of change or correction of address shall result in liability for the Town Infrastructure Fee, for the time period charged until the Town Recorder or other designated person is notified of said change or correction of address in writing via US. Mail - Registered - Return Receipt.

## **(B) DEFINITIONS**

(1) "Domestic establishment" means a one family unit or household whether maintained in a dwelling, a building or portion of a building in which not more than one room is rented or occupied by a person or persons unrelated to the other family unit in such dwelling, building or portion of a building.

(2) "Business establishment" means any location where a commercial enterprise of any kind or nature is carried on, on a regular day-to-day basis whether for the sale of tangible or intangible property or where personal services are rendered within the limits of the Town of Glasgow.

**(C) GLASGOW INFRASTRUCTURE FEE RATE SCHEDULE**

There is hereby levied against any person, owner, occupant, tenant, domestic or business establishment located at any residence or business address in the Town of Glasgow an Infrastructure fee of fifteen (15) dollars and no cents per month.

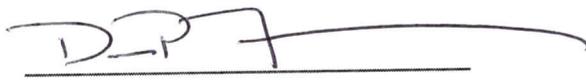
**Collection Costs** It is hereby required that the Town establishes a separate and distinct Infrastructure Fee Account for all monies received from the collection of the charges and penalties associated with this Ordinance. All monies received from the collection of the charges and penalties herein shall be deposited directly into an account designated specifically, and only for the Infrastructure Fee.

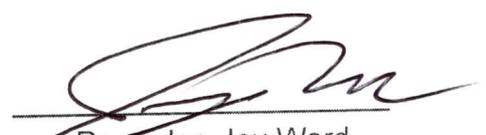
**Use of Collected Fees and Penalties** All monies received from the collection of the charges and penalties herein shall be used for the operation and maintenance of the Town of Glasgow, and no part of said money shall be used for any other municipal purpose.

**Collection of Past Due Accounts** The Infrastructure Fee under this Ordinance, once ninety (90) days in arrears, shall be a debt due the Town of Glasgow. The Town of Glasgow may collect the fee and all approved penalties by action against any person, owner, occupant, tenant, domestic or business establishment located at any residence or business address in the Town, against whom the fee has been levied, by action brought before any of the magistrate Courts of Kanawha County, West Virginia, or other appropriate proceedings in the Circuit Court of Kanawha County, West Virginia.

**Ordinance Provisions Separable** The provisions of this Ordinance shall be separable, and if any part thereof shall be adjudged invalid by a Court of competent jurisdiction, the remaining and valid portion of this Ordinance shall remain in full force and effect.

FIRST READING - 09/05/2019    SECOND READING - 09/16/2019  
PUBLICATION DATES - 10/04/2019 and 10/11/2019

  
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Mayor, Donald Fannin

  
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Recorder, Jay Ward