

CHAPTER TWENTY-ONE
MUNICIPAL PUBLIC SERVICES

ARTICLE I - Rates and Changes for Municipally Furnished Water Service

21.1.1 Findings of Fact – The Council of the Town of Glasgow, West Virginia, after thorough consideration of all factors relevant thereto, does hereby make the following findings of fact:

(a) The Town, in recent years, in the operation of its municipal water system, has been operating at a financial loss due to the fact that the cost of water and of the administration of the water system greatly exceeds the income produced from rates and charges made to the customers of the system.

(b) The Town of Cedar Grove, from whom the Town of Glasgow purchases its water on a wholesale basis, has increased its rate for water sold to this Town from \$1.00 to \$1.05 per 1,000 gallons, which increase was effectuated on July 1, 1989, and is reflected on the billing received by this Town dated August 1, 1989.

(c) In order to operate its municipal water system efficiently and without a financial loss, it is necessary that the rates and charges hereinafter in this ordinance specified be imposed and made effective at the earliest date permissible by law.

(d) The Council of the Town of Glasgow, West Virginia, by action taken at its regular meeting held on August 7, 1989, expressed formally its determination that the rates and charges for water service hereinafter set forth accept

the rate hereinafter adopted with reference to water provided to the Riverside Public Service District, be adopted.

(e) With reference to water sold to the Riverside Public Service District, the Town of Glasgow has assumed, and should reasonably pass onto the said Public Service District, a transportation charge approximating (5) five cents per 1,000 gallons of water delivered, which transportation charge should, together with the (5) five cents per 1,000 gallons of water purchased increase has been imposed by the Town of Cedar Grove, be borne by the said Public Service District.

(f) The rates and charges hereinafter contained are just and reasonable; are applied without unjust discrimination or preference; and are based primarily on the costs of providing the services to which such rates and charges shall apply.

21.1.2 Rates and Changes Imposed On Customers Other Than The Riverside Public Service District.

(a) Findings of Fact – The Glasgow Town Council after having fully considered all relevant and pertinent financial data, hereby finds and declares that the proper and efficient operation of the WATER system involves expenditures that exceeds the amount of revenue now being received by the water system through collections from its customers. Additional funds are needed for the maintenance of the water lines and to pay the Town of Cedar Grove for the water purchased. The rates and charges imposed by this ordinance are necessary and adequate for the purpose of assuring continued water service for the customers of the Town of Glasgow Sewage

System. The Town Council further finds that the rates and charges imposed by this ordinance are fair, reasonable and are not discriminatory.

(b) Imposition of Rate for Water Service – There is hereby imposed upon each user of the water system of the Town a monthly charge for such service which shall be based upon the quantity of water consumed by such user and shall be at the attached rates and charges approved by Town Council pursuant to this ordinance. (See Attachment A).

(c) Basis of Measurement of Water Consumption – In cases where the user’s water consumption is measured by meters, whether the supplier of water be the Town of Glasgow or another utility, the consumption of water shall be measured by such metering.

(d) Definition of “User” – The term “user” as herein employed, shall mean each residential, commercial or industrial unit which is connected to the water system of the Town which is separately metered for water consumption.

(e) Compliance with Regulations – The provisions of this ordinance, together with all rates and charges imposed hereby and all actions taken hereunder, shall be subject to the rules and regulations for the government of water utilities promulgated by the Public Service Commission of West Virginia.

(f) Effective date – The rates and charges prescribed in this ordinance shall become effective forty-five (45) days from the date of the adoption hereof.

(g) Repeal of Inconsistent Ordinance; Rate and Charges Schedule – There are hereby expressly repealed all ordinances, or parts of ordinances, of the Town

of Glasgow which are inconsistent with the provisions hereof, and there is hereby expressly withdrawn and nullified any schedule of rates and charges for water service in the Town inconsistent with the rates herein prescribed by attachment of this ordinance.

(h) Applicability – Applicable within the entire territory served.

(i) Availability – Available for general domestic, commercial and industrial service.

(j) (I), (C) Rate (Customers with Metered Water Supply).

First	2,000 gallons of water used per month	5.00 per 1,000 gallons
	All Over 2,000 gallons of water used per month	4.23 per 1,000 gallons

(k) (N), (C) Minimum Charge – No bill will be rendered for less than \$10.00 per month which is equivalent of 2,000 gallons of water.

		Equivalent Gallons
5/8 inch meter	\$ 10.00 per month	2,000
3/4 inch meter	\$ 15.00 per month	3,182
1 inch meter	\$ 25.00 per month	4,384
1.5 inch meter	\$ 50.00 per month	11,456
2 inch meter	\$ 80.00 per month	18,549
3 inch meter	\$ 150.00 per month	35,097
4 inch meter	\$ 250.00 per month	58,738
6 inch meter	\$ 500.00 per month	117,839
8 inch meter	\$ 800.00 per month	188,761

Note: Sales for Resale is to be used when one water utility is selling water to another water utility for resale.

All water for resale to West Virginia American Water Company will be billed in accordance to the approved rate of \$1.76 per 1,000 gallons used per month.

(l) (N) Return Check Charge – A service charge equal to the actual bank fee assessed to the Town of Glasgow up to 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.

(m) (C) Delayed Payment Penalty – The above schedule is net. On all accounts not paid in full when due, ten percent 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.

(n) (C) Reconnection Charge \$25.00 – To be charged whenever the supply of water is turned off for violations of rules, non-payment of bills, or fraudulent use of water.

(o) (C) Tap Fee – The following charges are to be made whenever the utility installs a new tap to service an applicant. A tap fee of \$300.00 will be charged to customers applying for service outside of a certificate proceeding before the Commission for each new tap to the system.

(p) (N) Leak Adjustment -- \$2.77 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 usage.

(q) (N) Security 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.

(I) Increase in rates.

(N) Indicates new.

(C) Change in text.

21.1.3 Rates and Changes Imposed On The Riverside Public Service District

(a) Findings of Fact – The Council of the Town of Glasgow, West Virginia, after thorough consideration of all factors relevant thereto, does hereby make the following findings of fact:

1. The Town of Glasgow purchases water from the Municipality of Cedar Grove and resells this water to the Riverside Public Service District.
2. The Town of Cedar Grove has been granted a rate increase, therefore, requiring the Town of Glasgow to sell water cheaper than what it purchases it for.
3. The Town of Glasgow purchases water for \$1.34 per 1,000 gallons from the Municipality of Cedar Grove.
4. The Town of Glasgow currently sells water to the Riverside Public Service District at a cost of \$1.10 per 1,000 gallons.
5. The Town of Glasgow, therefore, is operating at a loss of \$0.24 cents per 1,000 gallons of water sold. Therefore, the Town of Glasgow will raise the

price of its water that is sold to Riverside Public Service District to \$1.39 per 1,000 gallons.

6. The \$0.05 differential between the purchase price and the selling price will cover extra expenses in which the Town incurs due to carrying the water from the Town of Cedar Grove to the Riverside Public District.

7. The rates hereinafter contained are just and reasonable; are applied without unjust discrimination or preference; and are based primarily on the costs of providing services to the Riverside Public Service District.

(b) Rates and Changes Imposed – The Town of Glasgow hereby imposes upon the Riverside Public Service District a rate increase of \$.029 cents per 1,000 gallons as a result of the \$0.29 cents per 1,000 gallon increase in the cost of water purchased from the Town of Cedar Grove. The new rate will be computed at \$1.39 per 1,000 gallons of water so furnished.

21.1.4 Time for Billing; Penalty -- For water consumed in a consumption period approximating one month (which need not be a calendar month), the user shall be billed by the Town on or about the first day of the following calendar month. Any account for water service not paid within twenty (20) days from the billing date shall be subject to a penalty of 10%, which penalty shall be billed on the next succeeding billing.

21.1.5 Effective Date – The rates and charges adopted by this ordinance shall become effective on, or as soon as billing practices permit, following the period of forty-five (45) days from the date of the adoption hereof and shall, subject to contrary

action by the West Virginia Public Service Commission, continue in full force and effect until modified by the Council of the Town of Glasgow, West Virginia.

21.1.6 Establishing A Municipal Water Board Cross-Connection Control and Backflow Prevention Program.

WHEREAS, the Town Code for the Town of Glasgow provides for supervision, control, administration, operation and maintenance for a potable water system for the residents of Glasgow; and,

WHEREAS, by the Federal Safe Drinking Water Act of 1974 and the Code of West Virginia Chapter 16 Article I and Public Health Laws, WV Bureau for Public Health Chapter 1, Article 5B require each public water purveyor to develop and maintain a Cross-Connection Control and Backflow Prevention Program to prevent water from unapproved sources, or any other substances, from entering the public potable water supply; and,

WHEREAS, at the present, the Town of Glasgow does not have a Cross-Connection Control and Backflow Prevention Program; and,

WHEREAS, the Common Council of the Town of Glasgow has determined that the adoption of a Cross-Connection Control and Backflow Prevention Program will protect the public potable water supply serving the Town of Glasgow from the possibility of contamination or pollution by isolating within its customer's internal distribution system such contaminants or pollutants, which could backflow or back-siphon into the public water system; and,

WHEREAS, the Common Council of the Town of Glasgow has determined that the adoption of a Cross-Connection Control and Backflow Prevention

Program will promote the control and elimination of existing cross-connections, actual or potential, between customer's potable and non-potable water systems.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the Town of Glasgow West Virginia that Code of the Town of Glasgow is established which provides as follows:

PURPOSES:

The Common Council of the Town of Glasgow has determined that it is the responsibility of the Town of Glasgow to establish policy and regulations to implement a Cross-Connection Control and Backflow Prevention Program to prevent the public potable water supply from possible contamination by isolating, within its customer's internal distribution systems, such contaminants or pollutants, which could backflow or back-siphon into the potable water supply system.

PROCEDURE

The Cross-Connection Control and Backflow Prevention Program shall be set forth in regulations entitled the "Cross-Connection and Backflow Prevention Program", a copy of which regulations shall be on file at the Municipal Building and the Water Plant location.

IMPLEMENTATION

The "Cross-Connection Control and Backflow Prevention Program" shall be implemented by the Water Maintenance Supervisor and the Water Plant Chief Operator, who shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow or back-siphon of contaminants or pollutants through the water service connection.

PENALTY

All users of municipal water shall be responsible for complying with the provisions of the “Cross-Control Connection and Backflow Prevention Program”, Failure to comply with this Town Code of the Town of Glasgow and the “Cross-Connection Control and Backflow Prevention Program” shall result in a fine of not less than one- hundred (\$100) nor more than two-hundred fifty dollars (\$250) or imprisoned not more than thirty days, or both. Each day that any person continues the violation of any of the rules and regulations made and promulgated by the Town Council shall constitute a separate offense.

A. Definitions

1. Approved – Accepted by the “Board” as meeting an applicable specification stated or cited in this regulation, or as suitable for the proposed purpose.
2. Auxiliary Water Supply – Any water supply on or available to the premises other than the purveyor’s approved public potable water supply.
3. Backflow – The flow of water or other liquids, mixtures or substances, under positive or reduced pressure in the distribution pipes of a potable water supply from any source other than its intended source.
4. Backflow Preventer – A device or means designed to prevent backflow or back-siphonage. Most commonly categorized as air gap, reduced pressure principle device, double check valve assembly, pressure vacuum breaker, atmospheric vacuum breaker, hose bibb vacuum breaker, residential dual check, double check with intermediate atmospheric vent, and barometric loop.

5. Air Gap – A physical separation sufficient to prevent backflow between the free-flowing discharge end of the potable water system and any other physically defined as a distance equal to twice the diameter of the supply side pipe diameter but never less than one (1) inch.

6. Atmospheric Vacuum Breaker – A device which prevents back-siphonage by creating an atmospheric vent when there is either a negative pressure or sub-atmospheric pressure in a water system.

7. Barometric Loop – A fabricated piping arrangement rising at least thirty-five (35) feet at its topmost point above the highest fixture it supplies. It is utilized in water supply systems to protect against back-siphonage.

8. Double Check Valve Assembly – An assembly of two (2) independently operating spring loaded check valves with tightly closing shutoff valves on each side of the check valves, and properly located test cocks for the testing of each check valve.

9. Double Check Valve with Intermediate Atmospheric Vent – A device having two (2) spring loaded check valves separated by an atmospheric vent chamber.

10. Hose Bibb Vacuum Breaker – A device which is permanently attached to a hose bibb and which acts as an atmospheric vacuum breaker.

11. Pressure Vacuum Breaker – A device containing one or two independently operated spring loaded check valves and an independently operated spring loaded air inlet valve located on the *discharge side* of the check or checks. The device includes tightly closing shut-off valves on each side of the check valves and properly located test cocks for the testing of the check valve(s).

12. Reduced Pressure Principle Backflow Preventer – an assembly consisting of two (2) independently operating approved check valves with an automatically operating differential relief valve located between the two (2) check valves, tightly closing shut-off valves on each side of the check valves plus properly located test cocks for the testing of the check valves and the relief valve.

13. Residential Dual Check – An assembly of two (2) spring loaded, independently operating check valves without tightly closing shut-off valves and test cocks. Generally employed immediately downstream of the water meter to act as a containment device.

14. Backpressure – A condition in which the owner's system pressure is greater than the supplier's system pressure.

15. Back-Siphonage – The flow of water or other liquids, mixtures or substances into the distribution pipes of a potable water supply system from any source other than its intended source caused by the sudden reduction of pressure in the potable water system.

16. Containment – A method of backflow prevention, which required a backflow prevention device at the water service entrance.

17. Contaminant – A substance that will impair the quality of the water to a degree that it creates a serious health hazard to the public leading to poisoning or the spread of disease.

18. Cross-connection – Any actual or potential connection between the public water supply and a source of contamination or pollution.

19. Designated Agent – Water Maintenance Supervisor and/or Chief Water Plant Operator.

20. Fixture Isolation – A method of backflow prevention in which a backflow preventer is located to correct a cross connection at an in-plant location rather than at a water service entrance.

21. Owner – Any person who has legal title to, or license to operate or reside in, a property upon which a cross-connection inspection is to be made or upon which a cross-connection is present.

22. Person – Any individual, partnership, company, public or private corporation, political subdivision or agency of the State Department, agency or instrumentality or the United States or any other legal entity.

23. Pollutant – A foreign substance, which if permitted to get into the public water system, will degrade its quality so as to constitute a moderate hazard, or impair the usefulness or quality of the water to a degree which does not create an actual hazard to the public health, but which does adversely and unreasonably affect such water for domestic use.

24. Water Purveyor – Glasgow Town Council, also known as the “Board”.

25. Water Service Entrance – That point in the owner’s water system beyond the sanitary control of the Water Purveyor, generally considered to be the outlet end of the water meter and always before any unprotected branch.

26. West Virginia Bureau for Public Health (WVBPH) – State of West Virginia Bureau for Public Health.

B. Administration

1. The Glasgow Town Council shall operate a cross-connection control program to include the keeping of necessary records, which fulfills the requirements of the WVPBH Cross-Connection and Backflow Prevention Regulations. The "Board" shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow or back-siphonage of contaminants or pollutants through the water service connection. If in the judgment of the "Board" an approved backflow device is required at the water service connection to any customer's premises, the "Board", or the delegated agent, shall give notice in writing to said customer to install an approved backflow prevention device at each service connection to his premises. The customer, shall within 90 days, install such approved device, or devices, at his own expense, and failure or refusal or inability on the part of the customer to install said device or devices with ninety (90) days, shall constitute a ground for discontinuing water service to the premises until such device or devices have been properly installed.

2. It shall be the responsibility of the Water Maintenance Supervisor and/or the Chief Water Plant Operator to inspect, install, test and maintain backflow devices, maintain records and report to the Glasgow Town Council any deficiencies or violations of the Cross-Connection Control and Backflow Program.

3. The Owner shall allow his property to be inspected for possible cross-connections and shall follow the provisions of the "Board's" program and the WVBPH Regulations if a cross-connection is permitted.

4. The Owner shall be responsible for water quality beyond the outlet end of the containment device and should utilize fixture outlet protection for that purpose. The Owner may utilize public health officials or personnel from the "Board", or designated representative, to assist him in the survey of his facilities and to assist him in the selection of proper fixture outlet devices and the proper installation of these devices.

C. Requirements

Water Purveyor

1. The "Board" will initiate an awareness education program to initially determine potential cross-connection and backflow locations. An Owner of a designated cross-connection or backflow location will be notified by letter of a scheduled inspection and evaluation. Said Owner will be notified by letter of any corrective action deemed necessary, the method of achieving the correction, and the time allowed for the correction to be made. A ninety (90) day period will be allowed if there is no degree of hazard involved. The "Board" will not allow any cross-connection to remain unless it is protected by an approved backflow preventer, which will be regularly tested to insure satisfactory operation.

2. The "Board" shall inform the Owner by letter, of any failure to comply by the time of the first re-inspection. The "Board" or authorized representative will allow an additional fifteen (15) days for correction. In the event, the Owner fails to comply with the necessary correction by the time of the second re-inspection, the "Board" will inform the Owner, by letter, that the water service to the Owner's premises will be

terminated within a period not to exceed five (5) days. In the event, that the Owner informs the "Board" of extenuating circumstances as to why the correction has not been made, a time extension may be granted not to exceed thirty (30) days.

3. If the "Board" determines at any time that a serious threat to the public health exists, the water service will be terminated immediately.

4. On new installations, the "Board" or authorized representative shall provide on-site evaluation and/or inspection of plans to determine the type of backflow preventer, if any, that will be required and will perform inspection and testing.

D. Owner

1. The Owner shall be responsible for the elimination or protection of all cross-connections on his property.

2. The Owner, after having been informed by letter from the "Board" shall at his expense, install, maintain, and test, or have tested, any and all backflow preventers on his premises.

3. The Owner shall correct any malfunction of the backflow preventer which is revealed by periodic testing.

4. The Owner shall inform the "Board" of any proposed or modified cross-connections and also any existing cross-connections of which the Owner is aware, but have not been found by the "Board" or designated representative.

5. The Owner shall not install a bypass around any backflow preventer unless there is a backflow preventer of the same type on the bypass. Owners who cannot shut down operation for testing of the device(s) must supply additional device(s) necessary to allow testing to take place.

6. The Owner shall install backflow preventers in a manner approved by the “Board”.

7. The Owner shall install only backflow preventers approved by the “Board” or the WVBPH.

8. Any Owner having a private well or other private water source must have the approval of the “Board” and the WVBPH if the well or source is cross-connected to the “Board’s” system. Permission to cross-connect may be denied. The Owner may be required to install a backflow preventer at the service entrance if a private water source is maintained, even if it is not cross-connected to the “Board’s” system.

9. In the event the Owner installs plumbing to provide potable water for domestic purposes which is on the “Board’s” side of the backflow preventer, such plumbing must have its own backflow preventer installed.

10. The Owner shall be responsible for the payment of all fees for permits, annual or semi-annual device testing, retesting in the case that the device fails to operate correctly, and second re-inspections for non-compliance with the “Board” or WVBPH requirements.

E. Existing In-Use Backflow Prevention Devices

1. Any existing backflow preventer shall be allowed by the “Board” to continue in service unless the degree of hazard is such as to supersede the effectiveness of the present backflow preventer, or result in an unreasonable risk to the public health.

F. Periodic Testing

1. Backflow prevention devices shall be tested and inspected annually.
2. Periodic testing, at the owner's expense, shall be performed by a

WVBPH certified tester.

3. Any backflow preventer which, fails during periodic test will be repaired or replaced. When repairs are necessary, upon completion of the repair the device will be retested at owner's expense to insure correct operation. High hazard situations will not be allowed to continue unprotected if the backflow preventer fails the test and cannot be repaired immediately. In other situations, a compliance date of not more than thirty (30) days after the test date will be established. The owner is responsible for spare parts, repair tools, or a replacement device. Parallel installation of two (2) devices is an effective means of the owner insuring that uninterrupted water service during testing or repair of devices and is strongly recommended when the owner desires such continuity.

4. Backflow prevention devices will be tested more frequently than specified in (1) above, in cases where there is a history of test failures and the "Board" feels that due to the degree of hazard involved, additional testing is warranted. Cost of the additional tests will be borne by the Owner.

G. Records

1. The "Board" will initiate and maintain the following:
 - a. Master files on customer cross-connections.

b. Master files on customer cross-connection tests and/or inspections.

c. Copies of lists and summaries supplied to the WVBPH.

All records will be available for inspection by the WVBPH.

ARTICLE II Water Meter Deposits; Collection Procedure For Past Due Accounts; Discontinuance of Service Procedures; And Reconnection Fee

21.2.1 Findings Of Fact – The Council of the Town of Glasgow, West Virginia, after thorough consideration of all factors relevant thereto, does hereby make the following findings of fact:

(a) The Town, in recent years, in the operation of its municipal water system, has been operating at a financial disadvantage due to the fact that no water meter security deposit was being charged, no effort was made to collect delinquent water accounts, and no fees were charged for the reconnection of discontinued service.

(b) In order to operate its municipal water system efficiently and without a financial loss, it is necessary that a water meter deposit, collection procedures for delinquent accounts, discontinuance of service procedures and reconnection fee, hereinafter in this ordinance specified, be imposed and made effective at the earliest date permissible by law.

(c) The rates and procedures hereinafter contained are just and reasonable; are applied without unjust discrimination or preference; and are based primarily on the costs of providing the services to which such charges shall apply.

21.2.2 Meter Security Deposit – There is hereby imposed upon all users of the water service (individual, commercial, and industrial) furnished by the water system of the Town of Glasgow, West Virginia, except the Riverside Public Service, a security deposit of Twenty-Five Dollars (\$25.00) on all accounts opened, or reconnected after service has been disconnected, after the approval of this ordinance amendment.

This security deposit shall be paid prior to the commencement of water service. This security deposit shall be refunded with interest at a rate to be determined by the Public Service Commission after twelve (12) months of continuous payment without a delinquency. A delinquent account is any account which has not been paid within twenty (20) days of the billing date defined in Chapter 21, Article I, Section 4, Time for Billing; Penalty.

A record of each deposit shall be maintained by the water office showing: (1) the name and current address of each depositor; (2) the amount and date of each deposit, and (3) each transaction concerning the deposit.

21.2.3 Collection Procedures for Delinquent Accounts; Discontinuance of Service.

(a) All accounts are to be paid in full within twenty (20) days of the billing date, or a ten percent (10%) penalty will be invoked after twenty (20) days.

(b) Any disputed account will be fully investigated and no penalty will be charged while the investigation is taking place.

(c) Every customer who is about to vacate their premises, or wishes to have service disconnected for some other reason, shall give twenty-four (24) hours notice to the water system, specifying the date of discontinuance.

(d) Service shall be disconnected for accounts delinquent more than forty-five (45) days.

(e) The Town Recorder will mail a Notice of Delinquency to the delinquent account user, notifying them of such delinquency, when the account is ten (10) days past due. After forty (40) days delinquency, the Town Recorder shall mail a notice of disconnection by certified mail, return receipt requested. The water service shall be disconnected if such delinquency is not cured within five (5) days of receiving the notice.

(f) After the 45th day of delinquency, water service shall be disconnected. In no case shall this disconnection of service be made on a Friday, Saturday, Sunday, or a day prior to a holiday, or if an emergency exists. All disconnections shall be performed between the hours of eight o'clock (8:00) a.m. and four o'clock (4:00) p.m.

(g) After sixty (60) days, the Town shall commence legal action against the user if the delinquency has not been cured.

21.2.4 Reconnection Fee – Whenever the supply of water to a customer is turned off for non-payment of bills, a Twenty-Five Dollar (\$25.00) reconnection fee shall be paid prior to reconnection of the water service.

ARTICLE III -.Fee For Customers Requesting a TAP Connection into the Town of Glasgow Water System.

21.3.1 Tap Fee

WHEREAS, the Town of Glasgow has not established a tap fee for connection to the water system causing excess expenses to the general operation of the water system to be incurred.

WHEREAS ,the Town Council has decided to place a tap fee on all customers, new and old, requesting that they be allowed to tap into the water system or for the Town to move an existing tap location to a different location.

WHEREAS, the effective date of said ordinance being instituted by the Town of Glasgow shall be August 15, 2003.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF GLASGOW:

This Ordinance is applicable to all owners of property served by the Town of Glasgow Water System.

When a request is made to either move an existing tap or to create a new tap into the Town of Glasgow Water System, said request must be made in writing to the Town Clerk located at 129 Fourth Avenue, Box 130, Glasgow, W. Va. 25086.

The tap fee established by this Ordinance shall be \$300.00 per request. This fee is required to be paid prior to the Town allowing a tap to be made into the Town's Water System.

THE FOREGOING TAP FEE CHARGE HAS BEEN INTRODUCED AT A MEETING OF COUNCIL HELD ON MAY 19, 2003. THE SECOND READING WILL BE JUNE 16, 2003 AT 7:00 P. M.

ARTICLE IV Fee for Customers Requesting a TAP Connection Into the
Town of Glasgow Sanitary Sewage System.

21.4.1 Tap Fee

WHEREAS, the Town of Glasgow has not established a tap fee for connection to the sewage system causing excess expenses to the general operation of the sewage system.

WHEREAS, the Town Council has decided to place a tap fee for all customers, new and old, requesting that they be allowed to tap into the sewage system or for the Town to move an existing tap location to a different location.

WHEREAS, the effective date of said ordinance being instituted by the Town of Glasgow shall be August 15, 2003.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF
THE TOWN OF GLASGOW:

This Ordinance is applicable to all owners of property served by the Town of Glasgow Sewer System.

When a request is made to either move an existing tap or to create a new tap into the Town of Glasgow Sewage System, said request must be made in writing to the Town Clerk located at 129 Fourth Avenue, Box 130, Glasgow, W. Va. 25086.

The tap fee established by this Ordinance shall be \$350.00 per request. This fee is required to be paid prior to the Town allowing a tap be made into the Town's Sewage System.

THE FOREGOING TAP FEE CHARGE HAS BEEN INTRODUCED AT A MEETING OF COUNCIL HELD ON MAY 19, 2003. THE SECOND READING WILL BE JUNE 16, 2003 AT 7:00 P.M.

ARTICLE V - The Imposition On All Users Of The Town of Glasgow Sewage Service Of A Monthly User Charge

21.5.1 Findings of Fact – The Glasgow Town Council after having fully considered all relevant and pertinent financial data, hereby finds and declares that the proper and efficient operation of the sewer system involves expenditures that exceeds the amount of revenue now being received by the sewer system through collections from its customers. Additional funds are needed for the maintenance of the sewer lines and for maintenance of the sewage plant. The rates and charges imposed by this ordinance are necessary and adequate for the purpose of assuring continued sewer service for the customers of the Town of Glasgow Sewage System. The Town Council further finds that the rates and charges imposed by this ordinance are fair, reasonable and are not discriminatory.

21.5.2 Imposition of Rate for Sewer Service – There is hereby imposed upon each user of the sewer system of the Town a monthly charge for such service which shall be based upon the quantity of water consumed by such user and shall be at

the attached rates and charges approved by Town Council pursuant to this ordinance.
(See Attachment A).

21.5.3 Basis of Measurement of Water Consumption – In cases where the user’s water consumption is measured by meters, whether the supplier of water be the Town of Glasgow or another utility, the consumption of water shall be measured by such metering.

21.5.4 Definition of “User” – The term “user” as herein employed, shall mean each residential, commercial or industrial unit which is connected to the sewer system of the Town which is separately metered for water consumption, or, if not separately metered for water, is separately connected to the sewer system.

21.5.5 Penalty for Late Payment – Any charge for sewer service, if not paid within thirty (30) days from the date of its billing to the customer, may bear, and there may be collected by the Town thereon, a penalty, added to such charge, in an amount equal to ten (10) percent thereof.

21.5.6 Compliance with Regulations – The provisions of this ordinance, together with all rates and charges imposed hereby and all actions taken hereunder, shall be subject to the rules and regulations for the government of sewer utilities promulgated by the Public Service Commission of West Virginia.

21.5.7 Effective Date – The rates and charges prescribed in this ordinance shall become effective forty-five (45) days from the date of the adoption hereof.

21.5.8 Publication of Ordinance – This Ordinance, together with a notice of its adoption shall be published in the Charleston Daily Mail, a newspaper published in the City of Charleston, Kanawha County, West Virginia, once a week for two

successive weeks which publication shall be made as soon as feasible following the adoption hereof, but in no event shall the first such publication be made more than ten (10) days following the date of the adoption hereof.

21.5.9 Compliance with Law – The Mayor and other proper officials of the Town are hereby authorized and directed to take all such action as shall be appropriate in compliance with all statutes of West Virginia and all proper rules and regulations of appropriate governmental agencies in order to carry into effect the provisions of this ordinance.

21.5.10 Notice to Users – Within ten (10) days following the adoption of this ordinance, written notice of the rates prescribed herein, together with the proposed effective date thereof, shall be sent by United States Mail to each of the users of the sewer service of the Town as reflected on the books and records of the Town relating thereto.

21.5.11 Repeal of Inconsistent Ordinance, Rates and Charges Schedules
There are hereby expressly repealed all ordinances, or parts of ordinances, of the Town of Glasgow which are inconsistent with the provisions hereof, and there is hereby expressly withdrawn and nullified any schedule of rates and charges for sewer service in the Town inconsistent with the rates herein prescribed by attachment to this ordinance.

ATTACHMENT A

TOWN OF GLASGOW – SEWER RATES, FEES AND CHARGES.

APPLICABILITY

Applicable within the entire territory served.

AVAILABILITY

Available for general domestic, commercial and industrial service.

(I)(C) Minimum Charges (customers with metered water supply)

First	2,000 gallons of water used per month	3.30 per 1,000 gallons
Next	3,000 gallons of water used per month	3.05 per 1,000 gallons
Next	10,000 gallons of water used per month	2.80 per 1,000 gallons
Next	85,000 gallons of water used per month	2.60 per 1,000 gallons
Over	100,000 gallons of water used per month	2.20 per 1,000 gallons

(I)(C) Minimum Charge

No bill will be rendered for less than \$6.60 per month which is equivalent to 2,000 gallons us usage with a 5/8” meter.

(N) Return Check Charge

A service charge equal to the actual bank fee assessed to the Town of Glasgow up to 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.

ATTACHMENT A (CONTINUED)

(N) Security 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.

(C) 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.

(C) Tap Fee

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

A tap fee of \$350.00 will be charged to customers applying for service outside of a certificate proceeding before the Commission for each new tap to the system.

21.5.12 Abandon 14 Sewer Customers Residing East of Kellys Creek

WHEREAS, the Town of Glasgow, West Virginia, hereinafter sometimes referred to as "Glasgow," under the authority of the Public Service Commission of West Virginia, has, since in or about the year 1984, operated a sewer system by means of which it has provided sewer collection and treatment services to its residents and certain nonresidents of Glasgow; and

WHEREAS, the Town of Cedar Grove, West Virginia, hereinafter sometimes referred to as “Cedar Grove,” under the authority of the Public Service Commission of West Virginia, has, since in or about the year 1995, operated a sewer system by means of which it has provided sewage collection services and, through a contractual arrangement with the Chelyan Public Service District approved by said Commission, sewage treatment services to its residents; and

WHEREAS, Glasgow has, throughout the period of its aforesaid operations, provided sewage collection and treatment service to 14 residents of Cedar Grove residing East of Kellys Creek, hereinafter referred to as “the 14 customers”; and

WHEREAS, in or about the year 1995, the Department of Highways of the State of West Virginia constructed a sewer line which connected the respective sewer facilities of each of the 14 customers, residents of Cedar Grove, with the sewer main of Cedar Grove. Since completion of construction of said line by the Department of Highways, Cedar Grove, in pursuance of the provisions of an order of the Public Service Commission of West Virginia effective on the 2nd day of December, 1997, has been providing sewage collection and treatment services for the 14 customers; and

WHEREAS, by order entered by said Commission in Case No.95-0978-S-C on the complaint of Thomas R. Myers and effective on the 2nd day of December, 1997, the following action was ordered by the Commission:

1. The 14 customers shall remain customers of Glasgow irrespective of the route or destination of the sewer line serving their respective properties.
2. Glasgow shall serve the 14 customers in the same manner and at the same rate it serves its other sewer customers in accordance with the provisions of its

approved tariff until such time as it adopts a sewer rate ordinance establishing new rates with respect to the 14 customers which rates incorporate the added expense of sewage treatment by Cedar Grove.

3. Glasgow shall operate and maintain the sewer line serving the 14 customers to the point at which such line connects with the existing sewer main of Cedar Grove.

4. Cedar Grove shall accept the sewage generated by the 14 customers.

5. Cedar Grove shall charge Glasgow for the acceptance and treatment of such sewage at the rates prescribed in the existing sewer tariff of Cedar Grove using the aggregate water usage of the 14 customers as the basis for the charge; and

WHEREAS, Glasgow and Cedar Grove have entered into an agreement whereby the provisions of the last-mentioned Order are modified in the respects set forth in this ordinance;

THEREFORE, BE IT ORDAINED by the Common Council of the Town of Glasgow, West Virginia, as follows:

1. Approval of Agreement – An agreement entered into between Glasgow and Cedar Grove and effectuating a modification of the hereinabove set forth provisions of the Order of the Public Service Commission of West Virginia effective on the 2nd day of December, 1997, in Case No. 95-0978-S-C as such modifications are set forth in this Ordinance is hereby ratified and confirmed.

2. Abandonment of Customers – That, upon the said Commission permitting Glasgow so to do, and upon Cedar Grove accepting the said customers as its sewer customers, Glasgow abandon, and discontinue sewer service to, the said 14 customers.

3. Maintenance of Sewer Line – That the servicing and maintenance of the sewer line serving the respective properties of the 14 abandoned customers and connecting with the sewer main of Cedar Grove be the responsibility of Cedar Grove.

4. Charge for Service – The 14 customers so accepted by Cedar Grove be charged for sewer service by Cedar Grove at the rates prescribed by the present sewer tariff of Cedar Grove.

5. Benefit to Town – The changes effectuated by the above-mentioned agreement will benefit the Town of Glasgow by way of permitting the Town to be relieved of the responsibility of charging the 14 customers at Glasgow's tariff rates and paying Cedar Grove therefore at Cedar Grove's higher rates.

6. Filing of Petition – That Glasgow join with Cedar Grove in the filing of a Petition with the Public Service Commission of West Virginia to obtain permission to effectuate the changes proposed in the above-mentioned agreement and approved in this ordinance, and that the Mayor of Glasgow be authorized to execute such a Petition on behalf of the Town.