

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 9-5-19

SECOND READING 9-16-19

DATE OF PUBLICATION _____