

An Ordinance to ~~Strike~~, amend, and insert different sections of Chapter 18 of the Ordinances of the Town of Chapmanville, WV. Be it ordained by the Town of Chapmanville, that upon passage/ effective date this will be considered the entirety of Chapter 18 of the ordinances of the Town of Chapmanville.

CHAPTER 18

WATERWORKS AND SEWER SYSTEMS

Article 1. In General

1. Lien for charges for water and sewer services and facilities; discontinuance of services for delinquent charges.

The Town shall have a lien on all lands, buildings and premises served by the waterworks and sewer systems for all charges for water and sewer services and facilities. The town shall diligently enforce such liens against all lands, buildings and premises where charges are delinquent for such water and sewer services or facilities, in addition to discontinuing the supply of water to such lands, buildings or premises for such delinquent charges.

Article 2. Water and Sewer Board

1. Composition; appointment, term and removal of members, and purpose of creation.

- a) Composition: There is hereby created a water and sewer board to manage, operate, maintain and control the waterworks and sewage systems. The Town Council shall appoint five (5) persons as members of the water and sewer board.
- b) Appointment: No member of the water and sewer board may be an officer of the town, excepting the chairman of the water and sewer board shall be the mayor of the Town of Chapmanville during his/her term of office. All Board Member Appointees shall live within the Chapmanville Water and Sewer Board service area. The chairman's membership shall coincide with the mayor's term of office, whether he/she was appointed or elected. ~~Not more than three (3) members of the water and sewer board shall be of the same political party; though the Mayor of the Town of Chapmanville is non-partisan, the mayor's political affiliation shall be considered when appointing additional members to the water and sewer board.~~
- c) Term: The members that are first appointed shall be designated to serve for terms of one, two, three, four, and five years, respectively, from the date of their appointment, but thereafter members shall be appointed as aforesaid for a term of office of five (5) years except that all vacancies shall be filled for the unexpired term.
- d) Removal: ~~Members may be removed only from cause in the same manner as an elected official: by a vote in the 2/3 majority of all voting members of the Town Council to remove the member.~~

2. Compensation of members.

The compensation of members shall be set within this ordinance. Each member of the Water and Sewer Board shall be compensated at the rate of \$50.00 \$125 for each meeting attended, but in no event shall the total compensation received by any member exceed \$50.00 \$125 for services rendered in any calendar month. This ordinance shall be effective as of the day of passage.

3. Period of control of management, operation and maintenance.

The water and sewer board shall have complete control of the management, operation and maintenance of the waterworks and sewer systems so long as any of the bonds, issued or to be issued pursuant to the ordinance adopted and any to be adopted to finance the cost of updating the local waterworks and installing a sewer system shall remain outstanding and unpaid.

4. Contracts

The water and sewer board may from time to time enter into contracts with the town council which

will effect economies in the operation of the waterworks and sewer systems by reason of a joint occupancy of office quarters, joint employment of personnel and other methods, so long as always the waters and sewer board does not pay a disproportionate share of any cost and the financial records and affairs of the water and sewer board are always kept separately in accordance with accepted accounting standards. And water and sewer financial records and affairs shall have a separate accounting division.

5. **Powers of Board**

The powers of the water and sewer board shall be vested in the members thereof in office from time to time, three members shall constitute a quorum for the purpose of conducting its business and exercising its powers and for all other purposes. Action may be taken by the water and sewer board upon a vote of a majority of the members present, unless in any case the water board has other bylaws.

6. **Chairperson**

The duly elected or appointed mayor of the Town of Chapmanville shall serve as the chairman of the Water Board. The Mayor will not collect compensation as laid out in Article 2 Section 2, making the Mayor an unpaid chairperson. The Water Board may employ a secretary, technical experts and such other agents and employees, permanent and temporary, as needed to fulfill the mission of the Water Board. The Chairman and the Water Board members shall determine the qualifications, duties and compensation of each person so employed or contracted with by the Water Board.

- a. The Mayor, with approval of Council, may appoint a Chairperson to the Water Board in his stead. An appointed Chairperson will have the same term as the Mayor of the Town of Chapmanville. This appointee may not serve as Council, Recorder, or Mayor at the same time of their service on the Water Board. An Appointed Chairperson will receive compensation as set forth in Article 2 Section 2.

7. **Legal assistance**

For such legal services as it may require, the water and sewer board may employ its own counsel, who may be the town attorney.

8. **Authority to delegate powers and duties.**

The water and sewer board may delegate to one more of its agents or employees such powers or duties as it may deem proper.

Article 3. Operations and Rates

1. **Sewer Tap Boundaries.**

~~Effective upon the passage of this ordinance~~ No person shall connect to or in any manner use the sewage system including all collection lines, nor the sewage treatment plant of the Town of Chapmanville except for property situated within the boundaries of the said Town of Chapmanville. All officials of the Town of Chapmanville are prohibited from allowing any connection to be made to the said sewage system from any property outside the boundaries of the Town of Chapmanville. This ordinance shall not apply to any connection to the sewage system which was already in existence upon the passage of this ordinance. This ordinance shall be effective from the date of its adoption. (7/9/92)

2. **New Customers**

Prior any new customer's water or sewer connection becoming active, within the municipal limits of the Town of Chapmanville, the Water Department shall verify that the property is enrolled in the Town of Chapmanville Garbage and Refuse Collection Program. Such verification shall be provided through a written certification, letter, or form issued by the Town Clerk.

Article 4. Cross Connection Control Program

1. Purpose

- a. To protect the public potable water supply served by Chapmanville Water Department from the possibility of contamination or pollution by isolating, within its customers internal distribution system, such contaminants or pollutants which could backflow or back-siphon into the public water system.
- b. To promote the elimination or control of existing cross- connections, actual or potential, between its customers in-plant potable water system, and non-potable systems.
- c. To provide for the maintenance of a continuing program of cross-connection control which will effectively prevent the contamination or pollution of all potable water systems by cross-connection.

2. Authority

- a. By the Federal Safe Drinking Water Act of 1974, and the Code of West Virginia Chapter 16, Article 1 and Public Health Laws, West Virginia Bureau for Public Health Chapter 1, Article 5B, the water purveyor has the primary responsibility for preventing water from unapproved sources, or any other substances, from entering the public potable water system.
- b. Chapmanville Water Department, Rules and Regulations, adopted.

3. Responsibility

- a. The Water Purveyor 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 Water Purveyor, an approved backflow device is required at the water service connection to any customer's premises, the Water Purveyor, or his 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 within ninety (90) days, shall constitute a ground for discontinuing water service to the premises until such device or devices have been properly installed.

4. Definitions

- a. Approved : Accepted by the Water Purveyor as meeting an applicable specification stated or cited in this regulation, or as suitable for the proposed purpose.

- b. **Auxiliary Water Supply** : Any water supply, on or available, to the premises other than the purveyor's approved public potable water supply.
- c. **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.
- d. **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.
 - i. **Air Gap** : A physical separation sufficient to prevent backflow between the free-flowing discharge end of the potable water system and any other system. Physically defined as a distance equal to twice the diameter of the supply side pipe diameter but never less than one (1) inch.
 - ii. **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.
 - iii. **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.
 - iv. **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.
 - v. **Double Check Valve with Intermediate Atmospheric Vent** : An assembly of two (2) spring loaded check valves separated by an atmospheric vent chamber.
 - vi. **Hose Bibb Vacuum Breaker** : A device which is permanently attached to a hose bibb and which acts as an atmospheric vacuum breaker.
 - vii. **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).
 - viii. **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.
 - ix. **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.

- x. Backpressure : A condition in which the owner's system pressure is greater system pressure than the suppliers .
- xi. 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 supply system.
- xii. Containment : A method of backflow prevention which requires a backflow prevention device at the water service entrance.
- xiii. 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.
- xiv. Cross-connection : Any actual or potential connection between the public water supply and a source of contamination or pollution.
- xv. 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.
- xvi. 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.
- xvii. 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.
- xviii. 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.
- xix. Water Purveyor : The Municipal Water Department, Water Board, or other administrative authority invested with the authority and responsibility for the implementation of a cross-connection control program and for the enforcement of the provisions of the Ordinance.
- xx. 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.
- xxi. West Virginia Bureau for Public Health (WVBPH) : The State of West Virginia Bureau for Public Health

5. Administration

- a. The Water Purveyor will operate a cross-connection control program, to include the keeping of necessary records, which fulfills the requirements of the WVBPH Cross-Connections and Backflow Prevention Regulations.

- b. The Owner shall allow his property to be inspected for possible cross-connections and shall follow the provisions of the Water Purveyor's program and the WVBPH Regulations if a cross-connection is permitted.
- c. If the Water Purveyor requires that the public supply be protected by containment, 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. He may utilize local public health officials, or personnel from the Water Purveyor, or their designated representatives, 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.

6. Requirements

a. Water Purveyor

- i. On new installations, the Water Purveyor will provide on- site evaluation and/or inspection of plans in order to determine the type of backflow preventer, if any, that will be required and will perform inspection. In any case, a minimum of a dual check valve will be required in any new construction.
- ii. For premises existing prior to the start of this program, the Water Purveyor will perform evaluations and inspections of plans and/or premises and inform the owner by letter of any corrective action deemed necessary, the method of achieving the correction, and the time allowed for the correction to be made. Ordinarily, ninety (90) days will be allowed. However, this time period may be shortened depending upon the degree of hazard involved and the history of the device(s) in questions.
- iii. The Water Purveyor 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.
- iv. The Water Purveyor shall inform the Owner by letter, of any failure to comply, by the time of the first re-inspection. The Purveyor will allow an additional fifteen (15) days for the correction. In the event the Owner fails to comply with the necessary correction by the time of the second re-inspection, the Water Purveyor 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 Water Purveyor of extenuating circumstances as to why the correction has not been made, a time extension may be granted by the Water Purveyor, but in no case will exceed an additional thirty (30) days.
- v. If the Water Purveyor determines at any time that a serious threat to the public health exists, the water service will be terminated immediately.
- vi. The Purveyor will begin initial premise inspections to determine the nature of existing or potential hazards, following the approval of this program by the WVBPH. Initial focus will be on high hazard industries and commercial premises.

b. Owner

- i. The Owner shall be responsible for the elimination or protection of all cross-connections on his premises.
- ii. The Owner, after having been informed by a letter from the Water Purveyor, shall at his expense, install, maintain, and test, or have tested, any and all backflow preventers on his premises.
- iii. The Owner shall correct any malfunction of the backflow preventer which is revealed by periodic testing.
- iv. The Owner shall inform the Purveyor 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 Water Purveyor.
- v. The Owner shall not install a by-pass 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 devices necessary to allow testing to take place.
- vi. The Owner shall install backflow preventers in a manner approved by the Water Purveyor.
- vii. The Owner shall install only backflow preventers approved by the Water Purveyor or the WVBPH.
- viii. Any Owner having a private well or other private water source must have the approval of the Water Purveyor and the WVBPH if the well or source is cross-connected to the Water Purveyor'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 Water Purveyor's system.
- ix. In the event the Owner installs plumbing to provide potable water for domestic purposes which is on the Water Purveyor's side of the backflow preventer, such plumbing must have its own backflow preventer installed.
- x. 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 Water Purveyor or WVBPH requirements.

7. Existing In-Use Backflow Prevention Devices

Any existing backflow preventer shall be allowed by the Water Purveyor 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. Where the degree of hazard has increased, as in the case of a residential installation converting to a business establishment, any existing backflow preventer must be upgraded to a reduced pressure principle device, or a reduced pressure principle device must be installed in the event that no backflow device is present.

8. Degree of Hazard

The Water Purveyor recognizes the threat to the public water system arising from cross-connections. All threats will be classified by degree of hazard and will require the installation of approved reduced pressure principle backflow prevention devices or double check valve assemblies.

9. Periodic Testing

- a. Backflow prevention devices shall be tested and inspected at least annually.
- b. This testing will be done at the owner's expense.
- c. The testing shall be conducted during the Water Purveyor's regular business hours so Water Purveyor can witness the testing.
- d. Any backflow preventer which fails during a 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 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.
- e. Backflow prevention devices will be tested more frequently than specified in A. above, in cases where there is a history of test failures and the Water Purveyor feels that due to the degree of hazard involved, additional testing is warranted. Cost of the additional tests will be born by the Owner.

10. Records

The Water Purveyor 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.

Upon request, the Water Purveyor will submit records of inspection, surveys, tests or corrective actions to the West Virginia Bureau for Public Health.

11. Facilities Inspections and Plumbing Hazards

- a. Types of Facilities Requiring Inspections

The following is a partial list of facilities that may require inspection for the existence of cross-connections and appropriate backflow prevention devices.

These types of facilities have historically posed a threat to the public water supply due to the presence of cross-connections.

Industries

Automotive manufacturing plants, Chemical, plating, processing plants, chemical tank car cleaning facilities, Breweries, bottling plants, Canneries, packing houses, meat processing operations, Dairy processing operations, Photographic developing laboratories, Research laboratories, Oil and gas production, storage or transmission operations, Power plants

Commercial Establishments

Hospitals, medical buildings, sanitariums, nursing homes, convalescent homes, clinics, dentist offices, Mortuaries, morgues, funeral homes, Refrigeration or cold storage plants, Laundries, dry cleaning operations, Car washes, Grain elevators, Restaurants, taverns, Beauty salons, barber shops, Greenhouses, Marinas

Other

Schools, churches, Parks, Golf courses (lawn sprinkling systems), Cemeteries (lawn sprinkling systems), Sewage treatment plants, sewage lift stations, Water treatment plants
Private homes with wells, swimming pools, lawn sprinkling systems, Apartment complexes

b. PARTIAL LIST OF PLUMBING HAZARDS

The following is a partial list of hazards that should be looked for and that may be encountered during inspections and surveys of facilities. The presence of any of these and other fixtures should be used to determine the degree of hazard present at a facility and the type of backflow prevention device required.

Fixtures with Direct Connections

Air Conditioning, air washer
Air Conditioning, chilled water
Air Conditioning, condenser water Air line
Aspirator, laboratory Aspirator, medical
Aspirator, weedicide and fertilizer sprayer
Autoclave and sterilizer
Auxiliary system, industrial
Auxiliary system, surface water
Auxiliary system, unapproved well supply
Boiler system
Chemical feeder, pot-type
Chlorinator
Coffee urn

Cooling system Dishwasher
Fire standpipe or sprinkler system Fountain,
ornamental
Hydraulic Equipment
Laboratory Equipment Lubrication, pump
bearings Photostat equipment Plumber's
friend, pneumatic Pump, pneumatic ejector
Pump, prime line
Pump, water operated ejector Sewer,
sanitary
Sewer, storm
Swimming pool

Fixture with Submerged Inlets

Baptismal fountain
Bathtub
Bedpan, washer, flushing rim Bidet
Brine tank
Cooling tower
Cuspidor
Cooling system Dishwasher
Fire standpipe or sprinkler system Fountain,
ornamental
Hydraulic Equipment
Laboratory Equipment Lubrication, pump
bearings Photostat equipment Plumber's
friend, pneumatic Pump, pneumatic ejector
Pump, prime line
Pump, water operated ejector Sewer,
sanitary

Sewer, storm
Swimming pool
Laundry machine Lavatory
Lawn sprinkler system Photo laboratory sink
Sewer flushing manhole
Slop sink, flushing rim Slop sink, threaded
supply
Drinking fountain
Flood drain, flushing rim Garbage can
washer
Ice maker
Laboratory sink, serrate nozzle
Steam table
Urinal, siphon jet blowout Vegetable peeler
Water closet, flush tank, ball cock Water
closet, flush valve, siphon jet

Article 5. Sewer and Water Rates

1. Water Rates

~~WHEREAS, The Council of the Town of Chapmanville deems the present rates and charges for the furnishing of potable water service throughout the entire territory served by the Town of Chapmanville to be unable to provide sufficient revenue to the Town of Chapmanville to maintain and operate the water system and pay sinking fund requirements on any outstanding revenue bonds.~~

~~NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Town Council of the Town of Chapmanville, Logan County, West Virginia:~~

APPLICABILITY

SCHEDULE 1

Applicable within the entire area served.

a. AVAILABILITY

- i. Available for residential, commercial, governmental, industrial and sale for resale water service.

b. RATES (Customers with metered water supply)

i.

First 2,000 gallons used per month	\$17.58 per 1,000
Next 25,000 gallons used per month	\$11.76 per 1,000
Next 75,000 gallons used per month	\$8.82 per 1,000
All Over 102,000 gallons used per month	\$6.18 per 1,000
Resale	\$3.18 per 1,000

c. MINIMUM CHARGE

- i. Each customer shall pay a minimum charge of \$35.16 per month (Equivalent to 2,000 gallons of water usage)

5/8 inch meter	\$35.16 per month
3/4 inch meter	\$52.76 per month
1 inch meter	\$99.70 per month
1 ¼ inch meter	\$128.40 per month
1 ½ inch meter	\$175.88 per month

2 inch meter	\$ 281.41 per month
3 inch meter	\$527.65 per month
4 inch meter	\$ 879.41 per month
6 inch meter	\$1760.00 per month
8 inch meter	\$3870.00 per month

The above rates are subject to a \$0.25 per thousand gallons sold for the purpose of funding an Operation and Maintenance Savings Account as mandated by Senate Bill 234-WV State Code 24-1-1(k). The surcharge shall be implemented as soon as possible after approval by the Public Service Commission of West Virginia. The minimum monthly charge as previously outlined will also include the surcharge of \$0.50 or actual gallons billed, whichever is greater.

- d. FLAT-RATE CHARGE (Customers with non-metered water supply)
 - i. Equivalent to 4,500 gallons of water usage \$64.56 per month
- e. DELAYED PAYMENT PENALTY
 - i. 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.
- f. SERVICE CONNECTION CHARGES and ADMINISTRATION
 - i. The following charges are to be made whenever the Utility installs a new tap to serve an applicant:
 - 1. A tap fee of \$100.00 will be charged to customers applying for service before construction is completed adjacent to the customer's premises in connection with a certificate proceeding before the Public Service Commission of West Virginia. This pre-construction tap fee will be invalid after the completion of construction adjacent to an applicant's premises that is associated with a certificate proceeding.
 - 2. A tap fee of \$350.00, or the actual cost of the connection (solely determined by the Utility), whichever is greater, will be charged to all customers who apply for service outside of a certificate proceeding before the Public Service Commission of West Virginia for each new tap to the system.
 - ii. Prior to the installation or activation of any new water or sewer connection within the municipal limits of the Town of Chapmanville, the Water Department shall verify that the property is enrolled in the Town of Chapmanville Garbage and Refuse Collection Program. Such verification

shall be provided through a written certification, letter, or form issued by the Town Clerk.

g. FIRE FEE SERVICE CHARGE

- i. Available for public fire protection.
- ii. The Town of Chapmanville shall pay a public service charge of \$12,000.00 per annum, payable in twelve (12) equal monthly payments.
- iii. Beginning July 1 of 2026, the Water and Sewer Board will supply the Town of Chapmanville with a monthly report of which hydrants were serviced for that month, along with any other services covered under the Fire Fee Service Charge.

h. RETURNED CHECK CHARGE

- i. A service charge of \$25.00 will be imposed upon any customer whose check for payment of charges is returned by the bank for any reason.

i. EFT, ACH, CREDIT CARD AND DROP BOX PAYMENTS

- i. A service charge will be imposed on EFT, ACH, Credit card or Drop Box payments. The amount shall be equal to the actual charges to the Utility from the financial institution for processing payment.

j. WATER DISCONNECT/RECONNECT FEES/ADMINISTRATIVE FEES

- i. Water service will not be restored until all past due water and sewer bills have been paid in full and all accrued penalties plus a disconnection charge of \$25.00 have been paid.
- ii. There shall be a \$25.00 reconnection charge paid prior to restoration of water service which has been previously disconnected for any reason.
- iii. In the event that the Utility staff or agents of the Utility collect money at the customer's residence in order to stop disconnection, an administrative fee of \$25.00 shall be paid in addition to other charges to prevent disconnection.
- iv. Service calls after regular hours (Monday-Friday after 4PM and anytime on holidays and weekends) will be \$25.00, plus an employee's hourly overtime rates shall apply if it is determined that the problem is on the customer's side of the meter.

k. INCREMENTAL COSTS

- i. \$3.87 per 1,000 gallons
An amount not to exceed \$3.87 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 average usage. The Utility shall establish a non-discriminatory policy regarding this provision for leak adjustments.

l. SECURITY DEPOSIT

- i. As of the date of the enactment of this Ordinance, the applicable provision of WV Code 8-9-12a(a) is as follows:
"The municipality or governing body, but only one of them, may collect from all new applicants for service a deposit of \$50 or two-twelfths of the

average annual usage of the applicant's specific customer class, whichever is greater, to secure the payment of water service rates, fees and charges, in the event they become delinquent as provided in this section. In any case where a deposit is forfeited to pay service rates, fees and charges which were delinquent at the time of disconnection or termination of service, service may not be reconnected or reinstated by the governing body until another deposit equal to \$50 or a sum equal to two twelfths of the average usage for the applicant's specific customer class, whichever is greater, is remitted to the governing body. After twelve months of prompt payment history, the governing body shall return the deposit to the customer or credit the customer's account with interest at a rate as the Public Service Commission may prescribe: Provided, That where the customer is a tenant, the governing body is not required to return the deposit until the time the tenant discontinues service with the governing body. Whenever any rates, rentals or charges for services or facilities furnished remain unpaid for a period of twenty days after the same become due, the user of the services and facilities provided is delinquent. The user is liable until all rates, fees and charges are fully paid. The governing body may, under reasonable rules promulgated by the Public Service Commission, shut off and discontinue water services to a delinquent user of sewer facilities ten days after the sewer services become delinquent regardless of whether the governing body utilizes the security deposit to satisfy any delinquent payments: Provided however, That nothing contained within the rules of the Public Service Commission shall be deemed to require any agents or employees of the governing body to accept payment at the customer's premises in lieu of discontinuing service for a delinquent bill."

- ii. As of the date of the enactment of this Ordinance, the applicable provision of the PSC's Rules and Regulations for the Government of Water Utilities, specifically, Rule 4.2a.1 is as follows:
".....for a municipal water system only, the deposit shall not be more than either fifty dollars (\$50) or two-twelfths of the average annual usage of the applicant's specific customer class, whichever is greater...."
- iii. This Ordinance in accordance with the above cited statutory language and the PSC's Water Rule produces a security deposit of \$117.40 (based on 4,000 gpm x 2 months) for residential customers. All other classes of customers will have their required deposit calculated in accordance with the above language in regards to average usage.

iv.

SCHEDULE 2

m. AVAILABILITY

- i. The Town's water service under Schedule 2 shall be available for private fire protection.

n. RATE

While connections, hydrants, sprinklers, etc., on private property are maintained by the customer

- i.

2 inch service line with hydrants, sprinklers, and/or hose connections	\$ 10.00 per month
3 inch service line with hydrants, sprinklers, and/or hose connections	\$ 12.00 per month
4 inch service line with hydrants, sprinklers, and/or hose connections	\$14.00 per month
6 inch service line with hydrants, sprinklers, and/or hose connections	\$24.00 per month
8 inch service line with hydrants, sprinklers, and/or hose connections	\$40.00 per month
10 inch service line with hydrants, sprinklers, and/or hose connections	\$64.00 per month
12 inch service line with hydrants, sprinklers, and/or hose connections	\$94.00 per month
Where connections and hydrants on private property are maintained by the Town: Each fire hydrant	\$30.00 per month

- o. The schedule of rates, charges and delayed payment charges herein established and fixed shall be effective as to all bills rendered on and after forty five (45) days after passage, or as soon thereafter as legally permissible.
- p. All ordinances, resolutions and orders or parts thereof in conflict with the provisions of this ordinance are, to the extent of such conflict, hereby repealed.
- q. During Rate increases. The Mayor of the Town of Chapmanville and the Recorder are hereby authorized and directed to have prepared and filed with the Public Service Commission of West Virginia, new tariffs or tariff sheets reflecting the water rates and charges as herein ordained and to perform all other acts required by the statutes and laws of this State and valid applicable rules and

regulations promulgated by the Public Service Commission of West Virginia, to fully effectuate the provisions of this ordinance.

- r. During Rate increases. The Recorder is hereby authorized and directed to publish, and post as required by law, a notice of the proposed adoption of this ordinance as a Class II-O legal advertisement in compliance with the applicable requirements in a newspaper of general circulation in Logan County, West Virginia, with such notice stating the subject matter and title of the ordinance, the date, time and place of the council meeting which will consider the adoption of the ordinance, and such other information as may be required by law, and that any person interested may appear before the council on such date, at which time and place all parties and interests may be heard with respect to the adoption of this ordinance, and said notice shall be on file in the Office of the Recorder, shall be posted at the Logan County Courthouse, Town of Chapmanville's Office Building, and at the business office of the Town of Chapmanville's Water and Sewer Department for review by interested persons during the regular office hours of such offices, and with such other information as the Recorder may determine to be necessary.

- s. This Ordinance will be effective upon ~~second reading and adoption~~ passage.

2. Sewer Rates

APPLICABILITY

SCHEDULE 1

Applicable within the entire area served.

a. AVAILABILITY

- i. Available for residential, commercial, governmental, industrial (except for unusual industrial Waste) and sale for resale water service.

b. RATES

- i.

First 2,000 gallons used per month	\$18.00 per 1,000
Next 25,000 gallons used per month	\$16.00 per 1,000
Next 75,000 gallons used per month	\$13.00 per 1,000
All Over 102,000 gallons used per month	\$13.00 per 1,000
Resale	\$13.00 per 1,000

c. MINIMUM CHARGE

- i. Each customer shall pay a minimum charge of \$36.00 per month (Equivalent to 2,000 gallons of water usage)

d. FLAT-RATE CHARGE (Customers with non-metered water supply)

- i. Each customer shall pay a minimum of charge of \$68.00 per month (equivalent to 4,000 gallons of water usage)

e. DELAYED PAYMENT PENALTY

- i. 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.
- f. SERVICE CONNECTION CHARGES and ADMINISTRATION
 - i. The following charges are to be made whenever the Utility installs a new tap to serve an applicant:
 - Sewer Service Connection Charge
 - 1. A tap fee of \$100.00 will be charged to customers applying for service before construction is completed adjacent to the customer's premises in connection with a certificate proceeding before the Public Service Commission of West Virginia. This pre-construction tap fee will be invalid after the completion of construction adjacent to an applicant's premises that is associated with a certificate proceeding.
 - 2. A tap fee of \$350.00, or the actual cost of the connection (solely determined by the Utility), whichever is greater, will be charged to all customers who apply for service outside of a certificate proceeding before the Public Service Commission of West Virginia for each new tap to the system.
 - ii. Prior to the installation or activation of any new water or sewer connection within Town of Chapmanville Municipal limits, the Water Department shall verify that the property is enrolled in the Town of Chapmanville Garbage and Refuse Collection Program. Such verification shall be provided through a written certification, letter, or form issued by the Town Clerk.
- g. RETURNED CHECK CHARGE
 - i. A service charge of \$25.00 will be imposed upon any customer whose check for payment of charges is returned by the bank for any reason.
- h. EFT, ACH, CREDIT CARD AND DROP BOX PAYMENTS
 - i. A service charge will be imposed on EFT, ACH, Credit card or Drop Box payments. The amount shall be equal to the actual charges to the Utility from the financial institution for processing payment.
- i. WATER DISCONNECT/RECONNECT FEES/ADMINISTRATIVE FEES
 - i. Water service will not be restored until all past due water and sewer bills have been paid in full and all accrued penalties plus a disconnection charge of \$25.00 have been paid.
 - ii. There shall be a \$25.00 reconnection charge paid prior to restoration of water service which has been previously disconnected for any reason.
 - iii. In the event that the Utility staff or agents of the Utility collect money at the customer's residence in order to stop disconnection, an administrative fee of \$25.00 shall be paid in addition to other charges to prevent disconnection.
- j. INCREMENTAL COSTS

- i. \$5.00 per 1,000 gallons

An amount not to exceed \$5.00 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 average usage. The Utility shall establish a non-discriminatory policy regarding this provision for leak adjustments.

k. SECURITY DEPOSIT

- i. As of the date of the enactment of this Ordinance, the applicable provision of WV Code 8-9-12a(a) is as follows:

"The municipality or governing body, but only one of them, may collect from all new applicants for service a deposit of \$50 or two-twelfths of the average annual usage of the applicant's specific customer class, whichever is greater, to secure the payment of water service rates, fees and charges, in the event they become delinquent as provided in this section. In any case where a deposit is forfeited to pay service rates, fees and charges which were delinquent at the time of disconnection or termination of service, service may not be reconnected or reinstated by the governing body until another deposit equal to \$50 or a sum equal to two twelfths of the average usage for the applicant's specific customer class, whichever is greater, is remitted to the governing body. After twelve months of prompt payment history, the governing body shall return the deposit to the customer or credit the customer's account with interest at a rate as the Public Service Commission may prescribe: Provided, That where the customer is a tenant, the governing body is not required to return the deposit until the time the tenant discontinues service with the governing body. Whenever any rates, rentals or charges for services or facilities furnished remain unpaid for a period of twenty days after the same become due, the user of the services and facilities provided is delinquent. The user is liable until all rates, fees and charges are fully paid. The governing body may, under reasonable rules promulgated by the Public Service Commission, shut off and discontinue water services to a delinquent user of sewer facilities ten days after the sewer services become delinquent regardless of whether the governing body utilizes the security deposit to satisfy any delinquent payments: Provided however, That nothing contained within the rules of the Public Service Commission shall be deemed to require any agents or employees of the governing body to accept payment at the customer's premises in lieu of discontinuing service for a delinquent bill."

- ii. As of the date of the enactment of this Ordinance, the applicable provision of the PSC's Rules and Regulations for the Government of Water Utilities, specifically, Rule 4.2a.1 is as follows:

".....for a municipal water system only, the deposit shall not be more than

either fifty dollars (\$50) or two-twelfths of the average annual usage of the applicant's specific customer class, whichever is greater...."

- I. This Ordinance in accordance with the above cited statutory language and the PSC's Water Rule produces a security deposit of \$136.00 (based on 4,000 gpm x 2 months) for residential customers. All other classes of customers will have their required deposit calculated in accordance with the above language in regards to average usage.

SCHEDULE II

- m. SURCHARGE FORMULA TO BE APPLIED WHERE SURFACE DRAINAGE IS CONNECTED TO THE UTILITY'S SANITARY SEWER SYSTEM

- i. Where the Utility has discovered that a customer's roof drain, downspouts, storm sewer, or other similar facilities conducting surface water have been connected to the Utility's sewer system, and such customer has failed to take appropriate action, within thirty (30) days of receipt of a demand by the Utility in accordance with the Rules and Regulations of the Public Service Commission of West Virginia, to eliminate such connection, a surcharge will be imposed upon the customer calculated on the basis of the following formula:

$$S = A \times R \times .0006233 \times C$$

S = The surcharge in dollars

A = The area under roof and/or the area of any other water collection surface connected to the sanitary sewer, in square feet

R = The measured monthly rainfall, in inches .0006233 = A conversion factor to change inches of rain x square feet of surface to thousands of gallons of water

C = The utility's approved rate per thousand gallons of metered water usage.

- ii. The Utility shall not impose the surcharge unless and until the customer has been notified by certified mail, return receipt requested, or by hand delivery, that it has been established by smoke testing, dye testing, or on-site inspection that rain or other surface water is being introduced into the sanitary sewer system at the customer's location, and that the customer has not acted within thirty (30) days from receipt of such notice to divert the water from the sanitary sewer system.
- iii. Said surcharge shall be calculated and imposed for each month that said condition continues to exist. Failure to pay the surcharge and/or correct the situation shall give rise to the possible termination of water service in accordance with the Rules and Regulations of the Public Service Commission of West Virginia.

SCHEDULE IV

- n. APPLICABLE INSIDE AND OUTSIDE OF THE LIMITS OF THE UTILITY

- i. Where the amount of sanitary sewage discharged into the Utility's wastewater collection and/or transmission and/or treatment system by certain industrial plant or plants cannot be accurately determined by the

use of the plant's water meter or meters, and said plant cannot install a flow meter to measure such waste, a special formula will be used whereby such plant or plants will pay to the Utility a sewer charge calculated at fifty (50) gallons of water per each employee at the plant each working day.

SCHEDULE V

o. **APPLICABILITY**

Applicable within the entire territory served.

p. **AVAILABILITY**

Available for wastewater and leachate haulers.

q. **RATES**

Commodity Charge - Each customer shall pay a commodity charge of \$50.00 per 1,000 gallons per load. Load will be the actual capacity of the truck or other transport method delivering wastewater and leachate. Actual capacity shall be determined, or verified solely, by the Utility.

r. **DELAYED PAYMENT PENALTY**

The above schedule is net. On all current usage billings 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.

s. **RETURNED CHECK CHARGE**

A service charge of \$25.00 will be imposed upon any customer whose check for payment of charges is returned by the bank for any reason.

Article 7. Procedures during Incorporation into City Limits

1. **Mandatory Extension of Utility Services.**

The Water Department shall plan, design, and implement the extension of municipal water and sewer service to all areas newly incorporated into the Town of Chapmanville. Such extensions shall begin construction **within ten (10) years** from the official date of incorporation of the affected area.

2. **Service Extension Plan.**

Within twelve (12) months of incorporation, the Water Department shall prepare and submit to the Town Council a Water and Sewer Extension Plan outlining the schedule, scope of work, estimated costs, and milestones necessary to meet the ten-year requirement.

3. **Failure to Provide Service Within Required Timeframe.**

If the Town of Chapmanville does not begin the installation of municipal water and sewer service to a property within ten (10) years from the date of incorporation of the area in which the property is located, the Town shall permit the individual property owner to petition for removal of that property from the municipal limits.

4. **Petition for Removal from Municipal Limits.**

A property owner seeking removal under this section must submit a written petition to the

Town Council. Upon verification by the Water Department that physical construction did not begin on the project within the required ten-year period, the Town Council shall approve the petition and adopt an ordinance adjusting the municipal boundary accordingly.

5. **No Waiver of Other Obligations.**

Removal of a property from the municipal limits pursuant to this section shall not relieve the owner of any fees, charges, assessments, or obligations accrued prior to the effective date of removal.

Article 8. Supplemental resolutions

1. Supplemental Resolutions, such as authorization for large scale water and sewage projects, shall be placed at the end of this chapter and maintained at Town Hall. In the event of digitization of the Town ordinances, any Supplemental Resolution that pertains to any active pursuits of the town shall be uploaded at the end of Chapter 18.

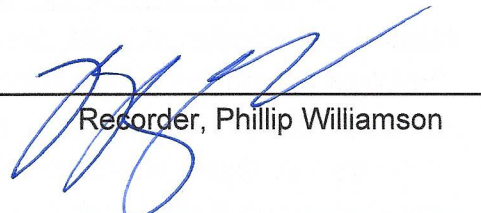
1st Reading: 11/13/25

2nd Reading: 2/20/26

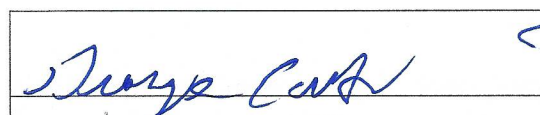
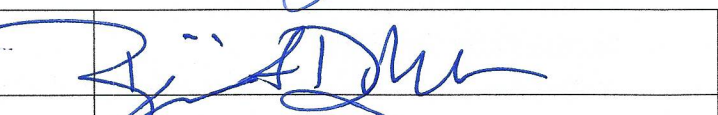
3rd Reading and Passage: 03/10/26



Mayor, Joel McNeely



Recorder, Phillip Williamson

Council