

CHAPTER 3 - Water and Sewage Works

Section 11-301 Authorization of water and sewage works

This municipality shall have the responsibility for the planning and implementation of a water and sewage system for the citizens of the municipality and those other area residents whom the council deems it feasible to serve. This is to be accomplished in keeping with existing State Statutes and with regard to the health, safety, and public interest of the citizens.

The council, in keeping with the statutes of the State of West Virginia, may engage in contracts for the provision of planning, engineering and construction, services with the purposes of providing water service for the residents of this municipality and those other populations to be considered.

Section 11-302 Connection to sewers; Board of Health

The owner of any property wherein people live, are employed or congregate must be equipped with sanitary facilities for sewage disposal that are approved by the board of health. Any person owning abutting land on a public sewer or where such a sewer might be placed may be compelled by the board of health to hook to the public sewer, and a notice to do so will be given to the owner by the board of health. Failing to comply with this order after ten days have gone by shall be a misdemeanor beginning on the eleventh day and every day afterwards shall be a separate offense. The fine shall not be less than five or more than twenty-five dollars.

Section 11-303 Rates for service

This municipality has the power to charge and maintain just and equitable rates to every person using the system and to charge these rates from time to time. The revenue gained from such charges shall be used to upkeep the works and pay off debt service requirements. All rates, if not paid when -charged, may constitute a lien, and if not paid in thirty days after the same is due, the amount thereof plus ten percent and the attorneys fee can be gained by the municipality in a civil suit. If this course of action does not work, the municipality may make application to the public service commission for relief.

Whenever a rate hike is to be put into effect, a public hearing shall be held not less than ten days after the proposal after which the hearing shall be held and the rates shall be decided. A copy of the rates shall be kept with the recorder and open to the public at all times. The aggregate of the rates must be sufficient to maintain the care of the works.

Section 11-304 System of accounts; audits

This municipality shall establish an accounting system based on the system of accounts as provided by the West Virginia Public Service Commission for the Water and Sewage Works. These accounts shall be audited annually and the audit should be made open to the public.

Section 11-305 Preparation and publication of financial statement

The clerk of the municipality in charge of the accounting for the water and sewage works shall prepare a monthly income statement to be presented to the mayor and council showing the cash collected and disbursed for the period.

The municipality shall prepare an annual report including a balance sheet, income statement, and list of assets of the water and sewerage works. Such a report shall be prepared in accordance with the format and system of accounts provided by the West Virginia Public Service Commission.

The municipality shall publish a financial statement of water and sewerage works every year as a Class 1 legal advertisement.

RESOLUTION PROVIDING FOR THE
MEANS OF APPOINTMENT OF THE
SHEPHERDSTOWN'S WATER BOARD
AND DEFINING THE WATER
BOARD'S POWERS AND DUTIES

WHEREAS, the Corporation of Shepherdstown owns and operates the municipal water works located in Shepherdstown, West Virginia, and environs; and

WHEREAS, the Town Council of the Corporation deems it in the best interest of the water works to supervise and control the operation of said plant with the advice of and upon the recommendations of a "Water Board"; and

WHEREAS, the Town Council wishes to provide for the means of appointment, the term of office and the duties and responsibilities of said Water Board

Now, Therefore, Be It Resolved By The Common Council of the Corporation of Shepherdstown, Jefferson County, West Virginia, As Follows :

1. That the Town Council will supervise and control the operation of the municipally owned water works with the advice and recommendations of a "Water Board"

2. That the Water Board shall consist of seven members

appointed by the Mayor with the advice and consent of the Common Council. Board members shall be over the age of 21 years; competent to render the services required; live within the Corporation of Shepherdstown, or within the service area served by the water plant; be customers of the water plant and two members, to-wit: the Mayor and one other member of Council, shall be members of the Common Council. The term of Office of the Mayor and the other Council member shall be the term of their elected position in the Corporation government, and the term of the remaining five members shall be for a period of three (3) years. In order to ensure continuity of operation of the Water Board, the following persons are appointed as members of the Board for the noted term:

| Appointment Date | End of Term |
|--|----------------|
| 1. July 1, 1971 Mayor (Term of Office) | June 30 19,72 |
| 2. July 1, 1971 Recorder (" " ") | June 30, 1972 |
| 3. January 12, 1971 James Hafer | June 30, 1974 |
| 4. January 12, 1971 Kenneth | June 30, 1974 |
| Rentch | June 30, 1974 |
| 5. January 12, 1971 Gary | June 30, 1974 |
| Moreland | June 30, 1974 |
| 6. January 12, 1971 John Rachella | June 30, 1974 |
| 7. January 12, 1971 James Muncy | |

3 The Water Board shall meet not less than one time per month; shall elect from their midst their own chairman and secretary; shall keep written minutes and records of their proceedings and shall exercise the following powers, duties and responsibilities:

- a. Prepares and implements annual budget for water facility.
- b. Establishes and approves operating and maintenance procedures for the water facility.
- c. Recommends revisions in rate schedule, billing procedure, delinquency accounts.
- d. Prepares and recommends short, medium and long, range maintenance program.
- e. Recommends employment, discharge, advancement and addition of employees.
- f. Monitors operating and maintenance practice of water facility.
- g. Acts liason between Council and citizens on all matters dealing with water facilities.
- h. Recommends additions or expansions to the facilities.
- i. Approves scheduled work involving shut down of service.