

CITY OF WHEELING, WEST VIRGINIA

ORDINANCE NO. _____

**AN ORDINANCE ESTABLISHING AND FIXING
SEWER RATES, FEES AND CHARGES OF THE CITY OF WHEELING,
WEST VIRGINIA AND APPROVING THE CONSTRUCTION OF SEWER
IMPROVEMENTS FOR THE WATER POLLUTION CONTROL DIVISION**

WHEREAS, the City of Wheeling intends to pursue the construction of capital improvements to address the needs of its wastewater treatment, collection and transmission portion (the "Sewer System") of the City's Combined Waterworks and Sewerage System (the "Combined System"). The proposed six projects, which are not in the ordinary course of business as referred to in *West Virginia Code* §24-2-11(l), are (1) Wastewater Treatment Facility (\$30,600,000) – the headworks, secondary treatment, disinfection, solids treatment, and electrical components of the wastewater plant will be replaced or upgraded; (2) Mt. DeChantal Road/Dorman Road Area Sewer and Drainage improvements (\$1,700,000) – installation of a new storm sewer system with upland drainage controls, including ditches, curbs and roadside inlets along Mt. DeChantal Road, Dana Lane, Dorman Road and Pallister Road as well as a replacement of a downstream pipe causing a flow restriction; (3) Warwood Area Infiltration/Inflow Reduction (\$6,500,000) – necessary enhancements to mitigate inflow and infiltration within the Warwood Area; (4) GC&P Phase 2 Sewer Improvements (\$1,000,000) – extension of sewer replacement to reduce inflow and infiltration and replacement of existing sewer pipe in poor condition; (5) Civic Center Siphon Replacement (\$3,800,000) – replacement of existing 27" siphon across Wheeling Creek to increase capacity, improve maintenance of the system and provide redundancy; and (6) Dimmeydale-Oakmont Area Sewer Improvements (\$2,300,000) – address infiltration and inflow to reduce overflows (collectively, the "Projects") and will allow the City to meet customer expectations for reliable service and enable future City growth; and

WHEREAS, the total cost of the six proposed projects is projected to be \$46,000,000 and is to be funded through the issuance of Combined Waterworks and Sewerage System Revenue Bonds; and

WHEREAS, the City Council of the City of Wheeling has determined that its current sewer rates, fees and charges are not adequate to (i) cover the on-going costs of the daily operations of the Sewer System including the budgeted expenditures; (2) provide a cash working capital reserve as required by §24-1-1(k) of the *West Virginia Code*; and (3) permit the City to issue bonds to cover the costs of the proposed capital improvements; and

WHEREAS, the City Council finds that the rates, fees and charges set forth below are just and equitable and that such rates will be sufficient to (1) cover the on-going costs of the daily operations of the Sewer System including the budgeted expenditures; (2) provide a cash working capital reserve as required by §24-1-1(k) of the *West Virginia Code*; and (3) produce revenues to provide funding of debt service on the bonds to cover the costs of the proposed capital improvements; and

WHEREAS, the City Council of the City of Wheeling deems it necessary to increase the current rates and charges for furnishing of sewage collection and sewage disposal services by 38% which will result in a \$15.88 per month increase to the average residential user, a \$66.02 monthly increase to the average commercial user, and an \$8,817.20 monthly increase to the resale users.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHEELING as follows:

The following schedule of rates, fees and charges are hereby fixed and determined as the rates, fees and charges to be charged to customers of the sewerage system of the City of Wheeling throughout the entire territory served and that such rates, fees and charges shall be adopted and placed into effect in lieu of the City's Sewer Tariff No. 24 currently on file with the Public Service Commission of West Virginia:

SECTION 1. SCHEDULE OF RATES

RATE SCHEDULE I

APPLICABILITY

Applicable within the entire territory served

AVAILABILITY OF SERVICE

Available for residential, commercial, industrial sewer service and sewer service with flow meter.

RATES (Customers with metered water supply)

First	10,000	gallons used per month	\$14.41 per 1,000 gallons
Next	90,000	gallons used per month	\$11.95 per 1,000 gallons
Next	100,000	gallons used per month	\$ 8.50 per 1,000 gallons
Over	200,000	gallons used per month	\$ 5.77 per 1,000 gallons

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

Equivalent of 4,500 gallons of water usage \$64.82 per month

MINIMUM CHARGE

No bill will be rendered for less than \$22.87 per month.

TAP INSPECTION FEE

A tap inspection fee of \$25.00 will be charged.

DISCONNECT/RECONNECT/ADMINISTRATIVE FEES

Whenever water service has been disconnected for non-payment of a customer's sewer bill, by the sewer customer's water provider at the request of the City's Water Pollution Control Division for non-payment of a sewer bill, a disconnection fee of Sixty Dollars (\$60.00) shall be charged. In the event that delinquent charges for sewer services have been collected by the delinquent customer's water provider after notice of termination to avoid termination of water service at the premises served, the delinquent sewer service customer shall be charged an administrative fee of Sixty Dollars (\$60.00).

Whenever water service, which has been previously disconnected or otherwise withheld for non-payment of a sewer bill at the request of the City's Water Pollution Control Division or in conjunction with an inter-utility water service agreement with the customer's water utility, is recovered, a reconnection fee of Sixty Dollars (\$60.00) shall be charged.

CREDIT CARD AND OTHER ELECTRONIC PAYMENTS

A service charge will be imposed on credit card or other electronic payments. The amount shall be equal to the actual charges to the utility from the financial institution for processing payment. If Wheeling determines to accept other forms of payment, Wheeling will charge customers who elect to use other forms of payment an amount equal to the actual charge that Wheeling incurs to process the customer payment.

SECURITY DEPOSIT

A deposit of \$100.00 or 2/12 of the average annual usage of the applicant's specific customer class, whichever is greater, shall be required from all new customers and from all existing customers that are disconnected for nonpayment. In the event that a customer is disconnected for non-payment, this deposit shall be applied to the account, and must be repaid by the customer prior to restoration of service.

DELAYED PAYMENT PENALTY

The above tariff 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.

LEAK ADJUSTMENT

\$5.20 per 1,000 gallons is to be used when the bill reflects unusual consumption which can be attributed to eligible leakage on customer's side of the meter. This rate shall be applied to all such consumption above 200% of the customer's historic average usage.

RETURNED CHECK CHARGE

A service charge equal to the actual bank fee assessed to the City or a maximum of \$25.00 will be imposed on any customer whose check for payment of charges is returned by the bank for any reason.

RATE ADJUSTMENT

The rates set forth above shall be subject to adjustment every two years based upon changes in the published price indices as reflected in the published Consumer Price Index as set forth in the publication Value Line.

INDUSTRIAL SURCHARGE RATES

Rate applicable to Biological Oxygen Demand (BOD) concentration in excess of 300 mg/l	\$0.3801 per pound
Rate applicable to Total Suspended Solids (TSS) concentration in excess of 350 mg/l	\$0.4202 per pound
Rate applicable to Ammonia (NH ₃) concentration in excess of 45/mg/l	\$0.5003 per pound

PRETREATMENT MONITORING CUSTOMER CHARGE

Customer charge for industrial customers that require monitoring of excess strength wastewater	\$200.00 per month
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SURFACE OR GROUND WATER SURCHARGE

An additional amount shall be charged where surface or groundwater is introduced into the sanitary system where evidence of violation exists. Surcharge formula to be applied in cases where surface drainage is connected to the utility's sewer system

APPLICABILITY

Wherever the utility has discovered that a customer's roof drain, downspout, storm sewer or 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 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 = the conversion factor to change inches of rain x square feet of surface to thousand gallons of water

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

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.

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.

RATE SCHEDULE 2

APPLICABILITY

Applicable to other systems served by the Water Pollution Control Division of the City of Wheeling, West Virginia, located outside the city limits.

SERVICE TO OTHER SYSTEMS

Service to other systems to be charged monthly on the basis of the allocated cost of service in the form of a Service Charge and a Volume Rate.

Service Charge	\$100.00 per month
Volume Rate	\$ 5.08 per 1,000 gallons

SECTION 2 AUTHORIZATION OF THE PROJECT

1. The City of Wheeling (the “City”) is a municipal corporation and political subdivision of the State of West Virginia. The City provides sewerage service within certain areas of Ohio County, West Virginia (the “City’s Sewer Service Territory”).

2. The City presently owns and operates a public sanitary collection and treatment system (the “System”). The Council of the City deems it necessary and desirable for the health and welfare of the inhabitants of the City’s Sewer Service Territory, that the City acquire, construct and equip certain extensions, additions, betterments and improvements to the System, consisting of the Project.

3. The Projects are in the best interests of the citizens of the City’s Sewer Service Territory. Thus, it is in the best interests of the City to move forward with the Project.

4. The City intends to finance the costs of the Projects through the issuance of its sewer revenue bonds secured by the net revenues of the System.

5. The City has complied with all requirements of West Virginia law relating to the authorization of the design, acquisition, construction and operation of the Projects and the System.

SECTION 3 – EFFECTIVE DATE

The rates and charges provided herein shall become effective 45 days after the enactment hereof.

SECTION FOUR – SEPARABILITY; REPEAL OF CONFLICTING ORDINANCES

The provisions of this Ordinance are separable, and if any clause, provision or section hereof be held void or unenforceable by any court of competent jurisdiction, such holding shall not affect the remainder of this Ordinance. Upon the effective date of the fees, rates and charges as herein set forth, all ordinance, resolutions, orders or part thereof in conflict with the provisions of this Ordinance are, to the extent that the provisions of this Ordinance do not touch upon the provisions of prior ordinances, resolutions, orders or parts thereof, the same shall remain in full force and effect.

SECTION 4 – STATUTORY NOTICE AND PUBLIC HEARING

During the calendar month immediately prior to the calendar month in which the public hearing for this Ordinance will occur, the City shall provide the sewer customers of the System notice of the City’s intent to pursue construction projects that are not in

the ordinary course of business as required by the West Virginia Code. Upon introduction hereof, the City Clerk shall publish a copy of a Public Notice of this Ordinance as a Class I-O legal publication in qualified newspapers of opposite politics published and of general circulation in the City of Wheeling, and said notice shall state that this Ordinance has been introduced, and that any person interested may appear before Council on the 7th day of October, 2025, at 5:30 p.m., at City Council Chambers, Room 103, 1500 Chapline Street, Wheeling, West Virginia, and present protests. At such hearing all objections and suggestions shall be heard and the Council shall take such action as it shall deem proper on the premises.

Further, said Notice shall advise the public that a copy of this ordinance is available for public inspection at the City Clerk's Office.

The above Ordinance has been introduced at a meeting of Council held on September 16, 2025.

Passed on First Reading: _____

Passed on Second Reading

Following Public Hearing: _____

s/s _____
City Clerk