

**AN ORDINANCE TO INCREASE THE MUNICIPAL SERVICE CHARGE FOR THE PURPOSE OF POLICE PROTECTION AND STREET MAINTENANCE WITHIN THE CITY OF ROMNEY.**

**WHEREAS**, the code of Romney is empowered by the West Virginia Code, chapter 8, Article 13, Section 13, to impose upon the users of the services reasonable rates, fees and charges to be collected in the manner specified in the ordinance for Municipal Services; and,

**WHEREAS**, it is the intention of the council of the City of Romney, West Virginia, to provide for a reasonable fee to be collected from the users of parks and recreation, with in the City of Romney, West Virginia; and,

**WHEREAS**, the current rates are insufficient to provide for police protection and street maintenance.

1. That Section 1 Imposition and Rate; Collection Directed.

A. There is hereby levied and shall be collected an increase in charge against the users of cities services as defined in City of Romney Ordinance 27/06/90 and amended City of Romney Ordinance 16/06/03 . The Charge for such service shall be increased by one dollar (\$1.00) per month for each single family unit residence, per unit, and for each multiple-family dwelling or apartment house, per each residential unit or apartment, whether occupied or not occupied, and for each business establishment.

B. The charge for such services shall be allocated according to the following formula on a per month basis:

Street Maintenance	\$3.50
Police Protection	\$3.00
Parks & Recreation	\$1.50

C. Said rates to be collected in the manner provided by existing Ordinances.

The increased rates shall be effective on the 3rd day of November, 2003

October 6, 2003 \_\_\_\_\_  
1<sup>st</sup> reading

October 6, 2003 \_\_\_\_\_  
2<sup>nd</sup> reading

November 3, 2003 \_\_\_\_\_  
3<sup>rd</sup> reading

William E. Hilde, Sr.  
Mayor

Stiff Maphis  
Recorder

BEFORE THE CITY COUNCIL OF ROMNEY, WEST VIRGINIA

ORDINANCE NO. \_\_\_\_\_

INTRODUCED BY:

AN ORDINANCE TO ESTABLISH A MUNICIPAL SERVICE CHARGE FOR THE PURPOSE OF POLICE PROTECTION, STREET LIGHTING, STREET MAINTENANCE, STREET IMPROVEMENTS, STREET CLEANING AND PARKS AND RECREATIONS WITHIN THE CITY OF ROMNEY, AND PROVIDING FOR THE RATES OF CHARGES AND COLLECTION OF SUCH FEE.

WHEREAS, the City of Romney is empowered by the West Virginia Code, Chapter 8, Article 13, Section 13, to impose upon the users of services reasonable rates, fees and charges to be collected in the manner specified in the ordinance for Municipal services; and

WHEREAS, it is the intention of the Council of the City of Romney, West Virginia, to provide for a reasonable fee to be collected from the users of police protection, street lighting, street maintenance, street cleaning, and street improvements, and parks and recreation, within the City of Romney, West Virginia:

1. "USER" DEFINED

For the purposes of this article, the terms "user of municipal services" and "user" shall refer any person firm, corporation, or governmental entity of any kind owning any building or structure, whether residential, commercial, governmental, or otherwise, within the limits of the City which benefits from services provided by the City.

2. That Section-1 Imposition and Rate; collection directed.

a. There is hereby levied and shall be collected a charge against residential users of Municipal services and business establishments which use Municipal Services situate within the City of Romney, for essential Municipal Services, including police protection, street lighting, street maintenance, street cleaning and street improvements, and parks and recreation, (excluding those essential services of sewage and sewage disposal). The charge for such service shall be at the following rates for each single family unit residence, per unit, and for each multiple-family dwelling or apartment house, per each residential unit or apartment, whether or not occupied, and for each business establishment.

b. The charge for such services shall be allocated according to the following formula on a per month basis:

Street Maintenance, Lighting, Improvements & Cleaning	\$3.00
Police Protection	\$2.50
Parks & Recreation	\$0.50

1 Year	\$ 72.00
3/4 Year	\$ 64.00
1/2 Year	\$ 36.00
1/4 Year	\$ 18.00
1 Month	\$ 6.00

c. 773.06 **AGREEMENT WITH GOVERNMENTAL USERS**

Any provision herein to the contrary notwithstanding, Superintendent of Maintenance, with approval of Council shall have the authority to negotiate with users of municipal services who are also federal, state, or local governmental entities with regard to special or unusual circumstances which would warrant adjusting the fee rates as provided in this article as to such governmental users and to enter into agreements with any such governmental user as to such adjusted rates. Any agreement negotiated with such governmental user shall be reduced to writing, signed by both parties, and filed in the office of the City of Romney. Nothing herein shall be construed to impose a duty upon the Superintendent to negotiate any such agreement, and in the absence of any agreement a governmental user shall be charged the entire fee as otherwise provided herein.

d. A penalty of ten percent (10 %) of the municipal charge then due shall be added for failure to pay by the due date.

e. The City Clerk shall be charged with the duty of mailing a statement on a monthly or quarterly basis to each person or business establishment to be charged with the Municipal fee hereby imposed for the fee due for the preceding month or quarter, as the case may be, but failure to mail any statement for monthly or quarterly charges shall not be grounds for avoiding payment. A statement shall be mailed by the Clerk at least as frequently as once each quarter but, at the discretion of the Clerk, a statement may be mailed each month and any such statement may be consolidated by the Clerk with statements for other Municipal fees or services due from such person or business establishment. If a monthly statement is mailed by the

Clerk it may be mailed each month on a date selected by the Clerk but the Clerk shall render the monthly billing to such person or business establishment in a uniform manner so that each monthly bill is mailed at intervals of approximately thirty (30) days after the end of the quarter.

f. Subject to such reasonable regulations as may be promulgated by the City Clerk, the record owner of the property upon which a single family residence is situate shall be presumed to be the user of Municipal services rendered for the benefit of said property and the record owner shall be liable to the City of Romney, for said charges; the tenants or occupants of the residential unites of a multi-family dwelling or apartment house shall be presumed to be users of such Municipal services and shall be liable to the City for said charges. Persons doing business as partners in a business establishments within the City of Romney shall be jointly and severally liable for said charges. However, in the event that a residential unit of a multi-family dwelling or apartment house is temporarily unoccupied then and in that event the record owner of the property upon which said multi-family dwelling or apartment house is situate shall be presumed to be the user of the residential services provided to each such unoccupied unit and shall be liable to the City of Romney for said charges. Subject to such reasonable regulations as may be promulgated by the City Clerk, the record owner of the property upon which such multi-family dwelling or apartment house is situate shall be charged with the responsibility of collecting, in advance, charges imposed by this Section from tenants or occupants of such dwelling units or apartments and properly remitting same to the City Clerk and shall be liable to the City in the amount of said charges for failure to do so or for failure to maintain adequate records from which such liability may be ascertained.

Section \_\_\_\_\_ -2 Report by City Clerk to Council.

The City Clerk shall within sixty (60) days after the end of each fiscal year report to the City Council a list of all persons and business establishments who are delinquent in the payment of the Municipal service fee or any portion thereof for the preceding fiscal year and the City Council shall by resolution direct the City Clerk and other Municipal employees to take such action as the

Council deems advisable and necessary in regard to the payment of such delinquent fees.

Section \_\_\_\_\_ -3 Provisions Severable.

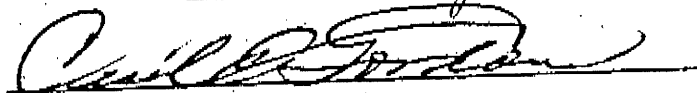
The provisions of this ordinance shall be construed as severable and should any section or part thereof be held unconstitutional or for any reason invalid or unenforceable by a Court of competent jurisdiction thereto the unaffected portions hereof shall remain valid and shall be given full force and effect.

This ordinance shall become effective on the 15<sup>th</sup> day of August, 1990.

This ordinance shall be published in accordance with the provisions of Chapter 8, Article 13, Section 13 of the West Virginia Code.

Any and all ordinances or administrative regulations inconsistent with the provisions hereto are hereby repealed at the time hereinabove specified to the extent necessary to give the provisions of this ordinance full force and effect.

This ordinance was introduced and read for the first time at a regular meeting of the City Council held on the 4<sup>th</sup> day of June, 1990, and will come up for the second reading on the 11<sup>th</sup> day of June, 1990, and adoption at a regular meeting of the City Council to be held on the 27<sup>th</sup> day of June, 1990.



CECIL O. GORDON, MAYOR



JAMES R. LAMBERT, MUNICIPAL RECORDER