

ADMENDMENT TO ORDINANCE # 10, SECTION 1.k.

WATER WORKS REGULATIONS ORDINANCE.

Be it ordained by the Council of the Village of Beech Bottom that there is hereby created a Village Water Board composed of five (5) Water Board members who shall be residents of the Village of Beech Bottom, Said Village Water Board shall, subject to the following rules and regulations, have the control, supervision and management of the Village Water Works and running the same of the reservoir, engine well, pipes, repairs, improvements, and additions thereto, and of the supply of water to the consumers, for such compensation as any be fixed in pursuance of these rules and regulations; shall order the collection of the revenues form water rents and all other sources, and on order of the Board, disburse the same, and shall employ and discharge at their discretion such employees as any be necessary, such employees and the salaries to be paid them to be fixed and approved by said Board.

1. The presence of at least three (3) of the Water Board shall be necessary for the transaction of any business. A record shall be kept by the Recording Secretary of said Board of their proceedings in a book for that purpose, which shall be the property of the Village, and subject at any time to the inspection of the Village Council. The Village Water Board shall be composed of Five (5) voting members who shall serve for two (2) year terms with the exception of Class 3. The five (5) voting seats shall be divided among 3 Classes as specified for the purpose of defining which seats are to be appointed on any given July 1st.
 - a.) Class 1: Will consist of two (2) residents of the Village of Beech Bottom. The first term will start July 1, 2007 and expire June 30, 2009. Thereafter, members of Class 1 shall be appointed by the Council of the Village of Beech Bottom July 1 of every odd numbered year to serve a two year term.
 - b.) Class 2: Will consist of two (2) sitting members of the Council of the Village of Beech Bottom, and appointed by the same. The first term will start and shall be filled immediately following the adoption of this ordinance and shall expire June 30, 2008. Thereafter, members of Class 2 shall be appointed by the Council of the Village of Beech Bottom July 1 of every even numbered year to serve a two year term ending on June 30th.
 - c.) Class 3: Will consist of the sitting Mayor or his/her designee.
 - d.) Chair: The Water Board shall elect from among its members a Chair to preside at all meetings of the board. This election shall take place at the first regular meeting following each July 1. The term of the Chair shall commence immediately following election and shall end June 30th of the following year. The sitting Mayor or his/her designee shall serve as Chair beginning each July 1st and ending with the election of a new Chair.

- (k) Should the Recording Secretary be absent from a Water Board meeting, the Water Board members present shall select from amongst number a member to record the proceedings of that meeting. Said member shall receive no additional compensation above that earned as a member of the Village Water Board.
2. The board shall have authority and it shall be their duty to incur and pay all proper running expenses of the Water Works, to purchase and pay for all tools and working equipment necessary for the use of the employees, to obtain and pay for the advice and plans or expert hydraulic engineers, whenever the Board may consider the same necessary, to make all proper repairs and improvement and extension of mains, the matter shall first be submitted to the Village Council for their approval.
 3. All money received from water rents, sales of material or otherwise from the revenue of the Water Works shall be deposited by the Village Treasurer with some bank, to be designated by the Water Board, to the credit of the account of the Village Water Board or in the Water Works Fund, and no money shall be drawn on said account, except in pursuance of orders of the Water Board, signed by the Chair, attested by Recording Secretary.
 4. The board shall make no investments in interest-bearing securities without the approval of council, but this provision shall not interfere with the Board obtaining interest from banks on its deposits for the benefit of the Village, when the same shall be subject at check at all times.
 5. It shall be the duty of Village Council at all times to have the right to discharge any member of this Board, when sufficient cause exists.
 6. It shall be the duty of the Board to make special assessments of water rents, according to their best judgment, for all uses of water for which a rate is provided.
 7. The Village Council shall employ an Office Manager/Billing Clerk with the Water Department paying 50% of the compensation due to said employee. The Water Board shall appoint a Superintendent and may also employee at their discretion a backup up operator or OIT (Operator In Training) to handle requests for the initiation or termination of water service at the direction of the Superintendent.
 8. The Superintendent of the water works shall be appointed annually by Water Board. The Board shall made said appointment at their first regular meeting following each July 1st. The term of the Superintendent shall commence immediately following the adjournment of the meeting during which he/she is appointed and shall end with the adjournment of the first regular meeting of the Water board after July 1st. of the following year.

- (e) Vice Chair: The Water Board shall elect from among its members a Vice Chair to assume the duties of the Chair in his/her absence. This election shall take place at the first regular meeting following each July 1st. The term of the Vice Chair shall commence immediately following election and shall end June 30th. of the following year.
- (f) Recording Secretary: To promote the maximum involvement and discussion among all voting board members during Water Board meetings, the Water board has the option of appointing a Recording Secretary who shall serve as a non-voting member of said board, and is not required to be a resident of the Village of Beech Bottom. The Board shall make said appointment at their first regular meeting following each July 1st. The term adjournment of the meeting during which he/she is appointed and shall end with the adjournment of the first regular meeting of the Water Board after July 1st. of the following year. Compensation will follow the same schedule as any Water Board Member.
 - i. Should the Water Board choose to instead appoint a Recording Secretary from amongst their membership, they shall made said appointment during their first regular meeting during the month of July. The member appointed as Recording Secretary shall receive no compensation above that earned as a member of the of the Village Water Board.
- (g) The Village Council has the duty to appoint officers from amongst Water Board members in emergency situations that may occur between Water Board meetings when Water Board members are unable to serve in their elected capacity of Chair or Vice Chair, or appointed capacity of Recording Secretary.
- (h) After missing three (3) consecutive meetings excluding absences related to sickness, work ,death, or vacations, the Water Board Member will be removed from his/her seat on the board, and Recording Secretary shall receive no compensation above that earned as a member of the Village Water Board.
- (i) Should a Water Board member become deceased, Village Council may appoint a new member to fill the unexpired term.
- (j) After missing three (3) consecutive meeting excluding absences related to sickness, work, death, or vacations, the Recording Secretary will be removed from his/her seat on the board, and the Water Board Chair shall notify the member of said removal by certified mail. Upon the mailing notice, the seat will be deemed vacant and the Water Board will appoint a replacement to fill the remainder of the unexpired term.

questions in relations to the uses for which water may be wanted. The Village Office Manager/Billing Clerk if authorized by the Board may then issue a permit to have said connections made. Before the issuance of such permit, such owner shall pay to the Board such sum as the letter shall determine to be sufficient, to cover the value of all materials and work, exclusive of inspection, for which there shall be no charge, proper to be used or furnished by the Water Works for such service pipe of in connection with the same. The Superintendent of the Water Works shall inspect such service, before it is covered up, to see that it complies with these rules and regulations.

14. No trench in a street, alley or other public place shall be kept open by a party laying a service later than four o'clock p.m. except awaiting the arrival of the Superintendent or other employee of the Water Works or with the consent of said Superintendent.
15. No permit for more than one service pipe between the metering apparatus and the main will be issued for the same house except by special order of the Board.
16. Permits for fire protection services shall be issued only with the consent of the Board in each case, and they may refuse their consent in any case, and when such consent is granted they shall decide what the largest size of pipe to be allowed. The Board shall have authority to cut off from the Village's pipe any other pipe for the extinguishment of fire the grantee shall be charged for.
17. No person shall take any water from a fire protection service or the pipes connected therewith for any use except the extinguishment of fire unless special permission is granted by the Water Board or Superintendent.
18. In any case of repairing a service pipe or reconnecting the same to a main, the Superintendent of the Board may require a new pipe to be laid or a new ferrule to be placed, or other new connections to be made to the main. In all repairing of service pipe where any new pipe is desired to be laid, and in all cases where it is desired to alter, extend or enlarge a service, or attach a branch service to a pipe, or whenever a large connection to the main is desired, application must be made and a permit asked for by the owner of the property, and all new work in connection with the service be subject to the same rules and regulations as if it were a new service.
19. No persons shall lay, alter, extend, or enlarge a service pipe or part of a service pipe, or connect a branch service to any service pipe, or assist in only such act without a permit for the same having been obtained from the Water Board and/or Superintendent, which shall be granted by him/her only when such laying, alteration, extension, enlargement or connection would be in accordance with these rules and regulations.

9. The Superintendent of the Water Works shall perform the duties specified and referred to as follows: in no case exceeding the limits of the authority vested in the Board. He/she shall exercise general supervision over the working of and general charge of the Water Works, including with other parts, the reservoir, engine wall, main pipes and fire hydrants, and he/she shall have charge of all equipment, materials, tools, and other property pertaining or belonging to the water works, exclusive of bank accounts and of books, papers and other things properly belonging to the Board. He/she shall superintend all employees and all repairs and improvements, when necessary, hire additional help. He/she shall inquire diligently after all offenses against these rules and regulations and report every such offense to the Village Council, and any offense or any malicious destruction of the property belonging to the Water Works he/she shall report promptly to the Mayor. He/she shall be engineer of the Water Works, make all needed repairs in and about the engine and well, keep in good order the fire hydrants, valves and metering apparatuses, and have general supervision over the whole works not otherwise provided for, and shall report to the Board when required, in regard to the efficiency of the Works.
10. All wages for day labor shall be fixed by the Board, except of temporary employees, hired by the superintendent in case of emergency, but such employees shall not receive more than the fair market price for their services.
11. All water rents shall be due and payable monthly on the first day of each month. If the payment of any water rents shall not be made within twenty days after the same becomes due, said bill shall be considered in arrears and the Water Board shall have authority to order the water shut off from any consumer so in arrears, and it shall remain shut off until all arrearages and fees have been paid.
12. The rates shall follow the most current rate schedule adopted by the Council of the Village of Beech Bottom and approved by the West Virginia Public Service Commission. Said rate schedule shall be available for public inspection and posted in a conspicuous location at the Village municipal office building.
13. No service pipe shall be laid or connected to the Village's main pipe or to any other water pipe, except in conformity with the following provisions, and all other provisions of these rules and regulations: The owner of the house desired to be supplied shall sign and seal an application in a book kept at the office of the Board, by which application he/she shall ask permission to have laid a service pipe for water to the house or premises indicated the work to be done in accordance with these rules and regulations and shall agree to said rules and regulations, and shall agree that such pipes and attachments thereto, and promise to comply with and be governed by the same, such owner shall then truthfully inform the Village Office Manager/Billing Clerk and answer all his/her

20. The Water board and the Officers of the Water Works and such other persons as may be directed by the board shall have authority to enter and have free access at all reasonable hours, to and upon any premises where it may be necessary to ascertain the location or condition of a hydrant, pipe, or other fixtures attached to said works, and in case of waste, of water for want of repairs or negligence, and such waste is not remedied forthwith, the Board shall have authority to have the water leading to such premises turned off.
21. After water has been turned off from any person by order of the Board and the same shall be found turned on again without the knowledge of the Board, it shall be lawful for the Board to cause the meter to be removed and the metering apparatus or the water pipe to be shut off at the curb stop and the same shall not be repaired until all arrears have been paid, and then at the expense of the owner of the premises.
22. No person shall let on, or cause to be let on, the water at any private fire hydrant, on the street or alley, governing the supply of any tenement before permission shall have been given by the Board or Village Office Manager/Billing Clerk.
23. No person shall knowingly permit any other person not entitled to, use water from the Water Works of the Village, to take or use the same from any hydrant, pipe or outlet under the first mentioned person's control.
24. When a tenement house to which the water is supplied by the Village shall be vacated, it shall be the duty of the superintendent or any designated employee of the Water Board of the Water Works to shut the water off when the premises are vacated, and it shall not be turned on again except by order of the Board or Village Office Manager/Billing Clerk.
25. No person except the employees of the fire department, in the discharge of their duties, or the Officers of the Village, shall open any fire hydrant, or water pipe, or valve, belonging to the Village or in anyway meddle with the same.
26. No person shall in any manner obstruct the access to any metering apparatus connected with any water pipe, within any street or alley of the Village, by means of any lumber, brick, building, materials, or other articles or hindrance whatsoever.
27. All persons shall keep their service pipes and service equipment in good repair and protected from frost at their own expense and shall prevent all unnecessary waste of water, and no claim shall be made against the Village by reason of the breakage or deficiency of any service stop, or service pipe, or house pipe.

28. No liability shall attach to the Village, the Board, its Officers, or employees, for a lack of water at any time in any pipe, or in any locality, or in the Village generally, whether such lack shall have resulted from negligence on the part of agents of the whether such lack shall have resulted from negligence on the part of agents of the Village or from any other cause.
29. Any person or persons who shall throw any offensive substance into, in anyway pollute the water in the reservoirs of the Beech Bottom Water Works, shall upon conviction, be fined no less than five thousand (\$5000.00) dollars and be imprisoned no more than twelve (12) months, or both fined and confined. In addition to any fine or confinement imposed by this section, any person found guilty of violating the provisions of this article shall be order to pay restitution for the value of the personal property intentionally damaged or destroyed and any cost incurred restoring the system to its original condition.
30. The Board may at any time amend these rules and regulations by adding thereto new rules, different there from, or by changing or striking out any of these rules and regulations, and of which may be added thereto, provided all amendments be passed by Council by Ordinance.
31. The Village of Beech Bottom will maintain service from the main line to the metering apparatus.
32. No person may, knowingly tamper with, render inoperative, destroy, damage, remove, deface or otherwise intentionally interfere with any equipment, apparatus, tool, meter, meter apparatus, lock or other item of personal property belonging to the municipality. Any person violating the provision of this article is guilty of a misdemeanor and, upon conviction thereof, shall be fined no more than five thousand (\$5000.00) dollars or confined in the county or regional jail for no more than twelve (12) months or both fined and confined. In addition to any fine or confinement imposed by this section, any person found guilty of violating the provisions of this article shall be ordered to pay restitution for the value of the personal property intentionally damaged or destroyed and any cost incurred restoring the system to its original condition.

The Village of Beech Bottom Water Department abides and is superseded by all Public Service Commission and West Virginia Health Department rules.

FIRST READING: 11-16-2010

SECOND READING: 12-7-2010

THIRD READING: WAIVED

ATTEST:



Linda Dowell, Recorder



George M. Lewis, Mayor

Amendment to Ordinance #10, Section 1k.

Should the recording secretary be absent from a Water Board meeting, the Water Board members present may select from amongst their number a member to record the proceedings of that meeting. Said member shall receive no additional compensation above the earned as a member of the Village Water Board.

Should the Water Board wish to appoint a Temporary Recording Secretary on a per meeting basis in the case of such absence, then the Water Board has the authority to do so. The Temporary Recording Secretary will be compensated only for meetings appointed at the rate of 25% of the per meeting compensation rate normally due the Water Board Recording Secretary. The Water Dept. Recording Secretary will be compensated at the rate of 75% of the per meeting compensation rate for any meeting a Temporary Recording Secretary is appointed.

Greg Sheperd made a motion to accept the second reading of Ordinance 10 Section 1K and waive a 3rd reading it was 2nd by John Niven . Motion cared

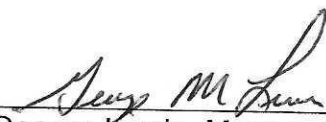
FIRST READING: May 4, 2010

SECOND READING: June 15, 2010

THIRD READING: Waived

ATTEST:


Linda Dowell, Recorder


George Lewis, Mayor