

**400-01
Minutes**

IN THE COMMON COUNCIL OF THE CITY OF GLENVILLE, WEST VIRGINIA

AN ORDINANCE TO ESTABLISH A MUNICIPAL SERVICE FEE FOR THE PURPOSE OF POLICE PROTECTION, PARKS AND RECREATIONAL FACILITIES, STREET CLEANING STREET LIGHTING, STREET MAINTENANCE AND STREET IMPROVEMENT, WITHIN THE CITY OF GLENVILLE, WEST VIRGINIA; PROVIDING FOR RULES AND REGULATIONS FOR THE ADMINISTRATION THEREOF; PROVIDING FOR THE IMPOSITION AND RATE OF THE SERVICE FEE; AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

WHEREAS, the City of Glenville has the plenary power and authority to provide by ordinance for the installation, continuance, maintenance or improvement of the aforesaid services, to make reasonable regulations with respect thereto, and to impose by ordinance upon the users of such services reasonable rates, fees and charges to be collected in the manner specified in said ordinance pursuant to Chapter 8, Article 13 Section 13 of the West Virginia Code of 1931, as amended;

WHEREAS, the City of Glenville has the plenary power and authority to provide by ordinance, penalties for the violation of such an ordinance pursuant to Chapter 8, Article 13 Section 14 of the West Virginia Code of 1931, as amended;

WHEREAS, it is deemed necessary by the Common Council of the City of Glenville, West Virginia, to provide for a reasonable fee to be collected from the users of police protection services, parks and recreational facilities, street lighting services, street maintenance services, and street improvement services of said City for the reasons that the public health, safety, comfort and general welfare of the citizens and residents of the City require the installation, continuance, maintenance, or improvement of said services and the revenues of the City are not sufficient, giving due regard to other necessary costs and expenses of the City government, to pay the expenses thereof.

NOW, THEREFORE, WITNESS OF: That the Common Council of the City of Glenville, West Virginia, does hereby ordain as follows, to-wit:

SECTION 1: Promulgation of Rules and Regulations

the Mayor is hereby empowered to promulgate and enforce reasonable rules and regulations for the administration and enforcement of this ordinance, which said rules and regulations shall include, but not be limited to, the manner in which the municipal fee herein imposed will be collected.

SECTION 2: Imposition and Rate of Fee

There is hereby levied and imposed upon the respective owners, as of July 1st of each fiscal year, of all residential, commercial, industrial, governmental or other buildings and structures of every kind and nature and regardless of the types of construction a municipal service in the amount of .0229 cent (s) per square foot of floor space of such residential, commercial, industrial, governmental or other buildings or structures. The proceeds of the municipal service fee hereby levied and imposed shall be paid to the Mayor by the owners of such buildings and shall be used to defray a portion of the cost of installation, continuance, maintenance or improvement of police protection services, parks and recreational facilities, street lighting services, street maintenance services, and street improvement services with the City of Glenville, West Virginia. The Mayor shall be charged with the duty of mailing a statement on at least an annual basis to the last known address of each individual, partnership, corporation, or other person or business to be charged with the municipal service fee hereby levied and imposed, but failure to mail any such statement for annual fees shall not be grounds to avoid payment thereof.

SECTION 3: Register of Owners, Structures, and Municipal Service Fee Payable

The Mayor shall make or cause to be made a complete register of the name and addresses of all the owners of buildings or structures situate within the City, fixing and listing on the register the square footage of such building or structure and the amount of the municipal service fee to be paid, as calculated upon the rate set out in Section 2 immediately herein above.

SECTION 4: Levy Period; Payment Dates; Discounts, Interest on Delinquency

This ordinance shall be effective and the municipal service fee shall be levied for the yearly period beginning on the first day of July and ending on the thirtieth day of June of each fiscal year. The municipal service fee hereby imposed and levied shall be collected. The municipal service fee for the year shall be due and payable on or before the first day of November, or 60 days after the statement date, which ever is later. Failure to pay the fee by the first day of November, or 60 days after the statement date, which ever is later, shall be deemed a delinquency and interest shall accrue on the unpaid balance owed at the rate of ten per cent (10%) per annum until paid.

SECTION 5: Estimated Revenue from Municipal Service Fee to be included in Budget

The estimated revenue to be derived from the municipal service fee imposed in this ordinance shall be included in the Budget of the City of Glenville, West Virginia, which said budget is submitted to the Commissioner of Tax and Revenue of this State as required by law.

SECTION 6: Penalties

Any individual, partnership, corporation, or other person or business charged with the municipal service fee hereby levied and imposed, who fails to pay the fee by the first

day of November, or 60 days after the statement date, which ever is later, shall be guilty of a misdemeanor, and upon conviction, the violator shall be punished by a fine of not more than \$500.00, or by a jail sentence of not more than 30 days, or both such fine and imprisonment.

SECTION 7: Severability

If any provision of this ordinance shall be held invalid, its invalidity shall not affect any other provisions of the ordinance that can be given effect without the invalid provision, and for this purpose the provisions of this ordinance are hereby declared severable.

SECTION 8: Effective Date

This ordinance shall take effect and be in force from and after its passage and publication according to law. This ordinance shall amend the ordinance effective the 7th day of March, 1991. However, with regard to those fees due and payable while the ordinance of March 7th, 1991 was in effect, the ordinance effective March 7th, 1991 shall continue to apply.