

**Bill No. 7757**

Introduced in Council:

**August 21, 2017**

Introduced by:

**Edward Talkington, Bobby Reishman,  
and Jack Harrison**

Adopted by Council:

**September 18, 2017**

Referred to:

**Finance**

**Bill No. 7757**: A Bill to amend and reenact Sections 2-734, 2-737, and 2-738 of the City Code of the City of Charleston, as amended, amending the effective date for an increase in the City's Service Fee previously approved by Bill Number 7661 on July 20, 2015.

**WHEREAS**, the City Council now finds that it is necessary, reasonable, not excessive, and warranted based upon the cost of, need for, and reasonable allocation of the fee payor's usage of the municipal services contemplated by the Code, that the previously approved fee increase from \$2.50 to \$3.00 commence on January 1, 2018; now therefore,

**Be it Ordained by the Council of the City of Charleston, West Virginia:**

That the Council for the City of Charleston hereby amends and reenacts Sections 2-734, 2-737, and 2-738 of the City Code of the City of Charleston, as amended, to read as follows:

**Sec. 2-734. - Findings.**

(a) The city council of the city finds that the city provides to all individuals within its borders certain services, whether they are residents employed within the city, or individuals living outside the city and employed within the corporate boundaries of the city.

(b) The city council of the city finds that such services include police protection and traffic and street maintenance.

(c) The city council of the city finds that such services are within the authority and are the responsibility of the Municipal Government of the City of Charleston as provided under the general laws of the State of West Virginia.

(d) The city council of the city finds that since such services are essential to the creation and maintenance of those jobs which provide livelihood to all individuals employed within the city, as well as to the property interests of residents and visitors

to the city, it is therefore reasonable to derive a portion of the cost of providing and maintaining such services from said individuals.

(e) The city council of the city finds that W. Va. Code § 8-13-13 provides that every municipality has the plenary power and authority to provide by ordinance for the installation, continuance, maintenance or improvement of such 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 prescribed in the ordinance.

(f) The city council of the city finds that all of those individuals, who use, enjoy and benefit from these services, should bear an equitable share of the costs thereof.

(g) The city council of the city finds that the imposition of the city service fee established herein is a reasonable system of distributing the costs to all of the users that the city can reach through reasonable and prudent means and legislation.

(h) The city council of the city finds that the legislature of the State of West Virginia has conferred upon municipalities the plenary power to enact reasonable administrative provisions to ensure the efficient, orderly and equitable implementation and collection of the service fees from all users.

(i) The city council of the city finds that it is in the best interests of the citizens of the city and the users of city services to enact this article to impose a city service fee.

(j) The city council of the city finds that there are tens of thousands of individuals who benefit from municipal services who are not owners of property or residents of the city, but who are employed within the city.

(k) The city council of the city finds that employers located within the city possess important employment information necessary to properly enforce certain aspects and provisions of this article and that, therefore, reasonable regulations concerning obtaining certain information from such employers shall be a necessary and important part of the administration of the city service fee.

(l) The city council of the city finds that raising the fee from \$2.00 to \$2.50 beginning the calendar week of January 3, 2016, and continuing through December 31, 2017~~January 4, 2020~~, and from \$2.50 to \$3.00 beginning the calendar week of January 15, 2018~~20~~, and continuing thereafter, is reasonable, not excessive, and warranted based upon a reasonable allocation of the fee payers' usage of the municipal services contemplated herein.

#### **Sec. 2-737. - Imposition of fee; rate.**

Beginning January 3, 2017, and continuing through December 31, 2017,~~there is hereby imposed a city service fee upon each employee and self-employed individual~~

at the rate of ~~\$2.5000~~ per calendar week of employment within the city. ~~Beginning January 3, 2016, and continuing through January 4, 2020, the fee rate imposed shall be \$2.50 per calendar week of employment within the city.~~ Beginning January 15, ~~201820~~, and continuing thereafter, the fee rate imposed shall be \$3.00 per calendar week of employment within the city. No individual shall pay the fee more than once for the same week of employment regardless of multiple employment. The fee imposed by this article is in addition to all other fees imposed by the city.

**Sec. 2-738. - Effective date.**

The imposition of the city service fee of \$2.50 per calendar week of employment within the city shall take effect beginning January 3, 2016, and shall remain in effect ~~until up to and including December 31, 2017~~ January 4, 2020. The imposition of the city service fee of \$3.00 per calendar week of employment within the city, representing an increase from \$2.50 to \$3.00 as set forth in Sec. 2-737 herein, shall take effect beginning January 15, ~~201820~~, and continue thereafter. ~~The previous city service fee of \$2.00 per calendar week of employment within the city imposed upon each employee and self-employed individual will continue to be imposed up to and including January 2, 2016.~~