Legislation Details (With Text)

File #:	220198	**Version:**	2	**Name:**	
Type:	Ordinance			**Status:**	Passed
File created:	2/1/2022			**In control:**	Council
On agenda:	3/24/2022			**Final action:**	3/24/2022
Title:	Amending Chapter 60, Code of Ordinances, entitled Sewers and Sewage Disposal, by repealing Sections 60-2, 60-3, 60-191, 60-348, and 60-356 and enacting in lieu thereof new sections of like number and subject matter that adjust charges for sewer service and permit and monitoring fees and clarify the City's responsibility for repairs to house service lines and service lateral and service lateral connection repair on public right-of-way or easements; and establishing an effective date.				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	1. 220198 Fact Sheet, 2. 220198 Fiscal Note, 3. 220198 Compared Version, 4. Authenticated Ordinance 220198 C.S				

Date	Ver.	Action By	Action	Result
3/24/2022	2	Council	Passed as Substituted	Pass
3/23/2022	1	Finance, Governance and Public Safety Committee	Adv and Do Pass as Cmte Sub, Debate	Pass
3/9/2022	1	Finance, Governance and Public Safety Committee	Hold on Agenda	
3/2/2022	1	Finance, Governance and Public Safety Committee		
2/24/2022	1	Council		

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 220198

Amending Chapter 60, Code of Ordinances, entitled Sewers and Sewage Disposal, by repealing Sections 60-2, 60-3, 60-191, 60-348, and 60-356 and enacting in lieu thereof new sections of like number and subject matter that adjust charges for sewer service and permit and monitoring fees and clarify the City's responsibility for repairs to house service lines and service lateral and service lateral connection repair on public right-of-way or easements; and establishing an effective date.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 60 of the Code of Ordinances of Kansas City, Missouri, entitled Sewers and Sewage Disposal, is hereby amended by repealing Sections 60-2, 60-3, 60-191, 60-348, and 60-356 and enacting in lieu thereof new sections of like number and subject matter to read as follows:

Sec. 60-2. Sewer charges for resident users.

There are hereby established charges against every person and for every property, partnership, corporation, association, and other entity within the city limits having an actual or available connection with the city's sanitary sewer system, or discharging sewage, industrial waste, water or other liquid into the system. Charges shall be prorated per day during the billing period. Such charges are to be the sum of service charges, volume and high concentration charges to be computed and levied as follows and as prescribed in Section 60-9:

(1) *Service charges.*

a. Sanitary sewer. A service charge of $25.37 per month to cover in part the cost of providing various services, and shall be prorated per day during the billing period and shall apply whether or not any sewage or wastes are actually discharged to the city sewer during the billing period; such charges are to be made each month.

b. Wastewater discharge permits. Commercial and industrial users shall pay for the cost of the wastewater discharge permitting program as described and authorized in article IV of this chapter. Charges as authorized in article IV of this chapter shall be billed and collected with the commercial or industrial users' normal water and/or sewer billing charges.

(2) *Volume charges.* A volume charge of $10.24 per 100 cubic feet (ccf), or a portion thereof, based upon the total volume of water purchased by the customer during the billing period subject to the following adjustments:

a. Water supplied from separate source. Where water is supplied by a separate and independent source, the sewage volume charge shall be based upon the volume of water used, where such information is available, and computed at the volume charge established herein. Where usage information is not available, the water services department shall determine an appropriate volume of water used and compute it at the volume charge established herein.

b. Residential accounts. Except as noted in (2)(a), residential service account (one- and two-family residences) volume charges for the bills generated during the months of May through December shall be based upon water used during the winter period, such winter period being the bills generated during January through April, (these are the billing periods that most closely correspond to the December through March usage); such charges shall be payable with each bill rendered throughout the year. Where residential water services accounts do not have an acceptable history of winter water use, the volume charge for bills generated during the months of May through

December shall be the volume charge established herein, or $61.44 per month, whichever is the lesser.

c. Commercial and industrial water accounts with diverted water uses. Commercial and industrial water accounts are all water service accounts other than one- and two-family dwellings. Diverted water uses are those where a significant portion of the water purchased is used in manufactured products such as ice, canned goods or beverages. Where the product is transported away from the premises in containers (water to product) the application fee is $1,000.00. Where the water purchased is lost by evaporation or irrigation the application fee is $550.00. The director of the water services department or the director's representative shall make the determinations of fact as to the amount of water which is diverted, and shall have authority to adjust the sewer use volume billed on the basis of the facts ascertained. The application fee is to pay for site review, plan review, and installation inspection.

(3) *Commercial and industrial water accounts with high concentration discharges.* Commercial and industrial water accounts shall include all water service accounts other than one- and two-family dwellings. High concentration discharges are those in which the BOD (biochemical oxygen demand), SS (suspended solids), and/or O&G (oil and grease) concentrations are in excess of the maximum concentration of these components in normal sewage as defined in article IV of this chapter. In addition to other sewer service and volume charges, a surcharge, as established by the formulae defined and set forth in article IV of this chapter, shall be levied on high concentration discharges received from any customer under this section.

For surcharge rate formulae calculation purposes, the following rates are hereby established:

RB (surcharge per pound of excess BOD) = $0.445

RS (surcharge per pound of excess SS) = $0.212

RG (surcharge per pound of excess O&G) = $0.201

The director of water services is hereby authorized to promulgate regulations to develop various groups and classes to facilitate the equitable distribution of surcharge fees among like groups of customers.

(4) *Definition.* Month or monthly, as used in this section, shall refer to a time period of approximately 30 days.

Sec. 60-3. Sewer charges for nonresident users.

(a) *Charges.* There are hereby established charges against every person, partnership, corporation, association, and other entity outside the city limits having a connection with the city's sanitary sewer system or discharging sewage, industrial waste, water or other liquids into the city's sewer system. All charges billed shall be prorated per day during the billing period. Such charges are to be the sum of service charges and volume charges to be computed and charged as follows:

(1) Metered connections with municipalities and political subdivisions. Bulk flows through a metered interconnection with a municipality or other political subdivision shall be charged and pay a rate of $3.79 per 100 cubic feet (ccf), or portion thereof, with no service charges.

(2) Unmetered connections with municipalities and other political subdivisions. Bulk flows through an unmetered interconnection with a municipality or other political subdivision shall be charged and pay a rate of $5.59 per 100 cubic feet (ccf), or portion thereof, of actual water consumption for all residential, commercial and industrial customers, and shall also pay a service charge of $16.18 per month for each such customer.

(3) Unmetered connections with municipalities and other political subdivisions; no water consumption records. Where actual water consumption records are not available, bulk flows from a municipality or political subdivision through an unmetered interconnection shall pay a sewer charge of $55.93 per month per dwelling unit or equivalent dwelling unit.

(4) Individual non-resident customers billed directly by the city. Individual non-resident customers billed directly by the city shall pay a service charge of $35.73 per month, plus a volume charge of $14.16 per 100 cubic feet (ccf), or portion thereof.

(5) Accounts with high concentration discharges. High concentration discharges are those in which the BOD (biochemical oxygen demand), SS (suspended solids), and/or O&G (oil and grease) concentrations are in excess of the maximum concentration of these components in normal sewage as defined in article IV of this chapter. In addition to other sewer service and volume charges, a surcharge, as established by the formulae defined and set forth in article IV of this chapter, shall be levied on high concentration discharges received from any non-resident user.

For surcharge rate formulae calculation purposes, the following rates are hereby established:

powered by Legistar™

RB (surcharge per pound of excess BOD) = $0.498

RS (surcharge per pound of excess SS) = $0.244

RG (surcharge per pound of excess O&G) = $0.212

The director is hereby authorized to develop various groups and classes to facilitate the equitable distribution of surcharge fees among like groups of customers.

(b) *Definition.* "Month" or "monthly," as used in this section shall refer to a time period of approximately 30 days.

(c) *Applicability.* This section may not be applicable where arrangements for sewer service and sewer service charges are established by an existing or future contract or cooperative agreement.

Sec. 60-191. Permit fees and monitoring fees

(a) All permittees are responsible for defraying the costs of administering the permitting program.

(b) Permit application review fees are applicable and are normally due at the time of the permit application. Permit application review fees shall normally be billed at the same time as the water bill and the normal sewer service charge unless otherwise approved by the director.

(c) Permit maintenance fees have been calculated to include a portion of the average costs of sampling and analysis for each class of permit as well as the costs of compliance inspections, report reviews, data analyses, permit modifications, correspondence and other routine permit maintenance activities. Permit maintenance fees are payable on a monthly basis and shall normally be billed at the same time as the water bill and the normal sewer service charge unless otherwise approved by the director.

(d) If additional sampling and analyses are required by enforcement circumstances, sample collection shall be billed at the rate of $408.00 per occurrence (day) and sample analyses shall be billed at cost as determined by the current city laboratory analyses fee schedule. Enforcement sampling and testing charges shall normally be billed at the same time as the water bill and the normal sewer service charge unless otherwise approved by the director.

(e) A wastewater discharge permit shall be issued/reissued only after payment of applicable fees. Permit fees are non-refundable. The following fees are applicable:

powered by Legistar™

Permit Class	Permit Application Review Fee	Monthly Permit Maintenance Fee
Temporary (<1 year)		
a. <35,000 gal.	$ 224.00	$ 575.00
b. >35,000 to <75,000 gal.	$ 301.00	$ 1,304.00
c. >75,000 gal.	$ 368.00	$ 1,726.00

Permit Class	Permit Application Review Fee	Monthly Permit Maintenance Fee
Special Wastes Only		
a. Radioactive, medical	$ 368.00	$ 101.00
Waste Treatment Facilities		
a. <30,000 gal./mo.	$ 525.00	$ 205.00
b. >30,000 gal./mo.	$ 670.00	$ 409.00
Groundwater Remediation Projects		
a. <120,000 gal./yr.	$ 224.00	$ 205.00
b. >120,000 gal./yr.	$ 368.00	$ 304.00
Categorical Facilities		
a. <1,000 gpd	$ 224.00	$ 101.00
b. 1,000 gpd to <10,000 gpd	$ 368.00	$ 205.00
c. 10,000 gpd to <25,000 gpd	$ 525.00	$ 304.00
d. >25,000 gpd	$ 670.00	$ 409.00
Non-categorical Large Water Users		
a. <50,000 gpd	$ 224.00	$ 205.00
b. >50,000 gpd to <250,000 gpd	$ 368.00	$ 304.00
c. >250,000 gpd	$ 448.00	$ 409.00
Other		
a. BOD, SS, &/or O&G	$ 368.00	$ 205.00
b. Other	$ 368.00	$ 205.00

Sec. 60-348. Repairs to house service lines.

(a) Authority. The director of water services is hereby authorized but not required to replace, rehabilitate or repair any sewer lateral connection or sewer lateral connected to the public sewer system within the public rights-of-way or utility easements under the control of the city for sewer purposes, as determined necessary or appropriate by the director and

constitutes a benefit to the city's sewer system. A determination that such a repair is necessary or appropriate shall be a public purpose.

(b) Emergency repairs. Repair and maintenance of service laterals and their connections shall remain the responsibility of the property owner.

(c) Prerequisites for repair of house sewer lines by city. The director is hereby authorized to issue regulations to control the repair program authorized by this section including but not specifically limited to regulations relating to materials, surface restoration, safety precautions, compliance with building codes, and requirements for operation by the property owner or occupant.

Sec. 60-356. Service lateral and service lateral connection repair on public right-of-way or easements.

As provided in Sec. 60-348, the director is authorized to repair, rehabilitate, or replace any sewer lateral connection or sewer lateral connected to the public sewer system within public rights-of-way or public utility easements. Repair and maintenance of service laterals shall remain the responsibility of the property owner.

Section 2. This ordinance shall become effective on May 1, 2022.

Approved as to form and legality:

_____
Nicole Rowlette
Assistant City Attorney