

## ORDINANCE NO. 140173

Amending Chapter 61, Code of Ordinances, entitled "Stormwater", by repealing Section 61-4, and enacting in lieu thereof a new section of like number and subject matter; and establishing an effective date

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 61, Code of Ordinances of the City of Kansas City, Missouri, entitled "Stormwater", is hereby amended by repealing Section 61-4, and enacting in lieu thereof a new section of like number and subject matter, to read as follows:

### **Sec. 61-4. Collection and amount of stormwater fees.**

There is hereby assessed a stormwater fee on every property within the city limits, that prevents stormwater from being directly absorbed into the underlying ground. The fee shall be based on the amount of surface ("runoff surface") on a given property. Such fees are to be computed and charged as follows:

- (1) *Fee structure.* The stormwater fee is based upon the amount of runoff surface on a property, not an actual or theoretical stormwater runoff. The fee structure considers runoff surface to be an indicator of a property's runoff contribution, but also considers the fixed costs of the stormwater utility, which benefit all properties in the city. Fixed costs include program administration as well as maintenance of the storm drainage and flood protection systems.
- (2) *Runoff surface.* A "runoff surface" is an impervious surface area that does not allow rain or snow melt to be directly absorbed into the underlying ground.
  - a. Runoff surfaces include, but are not limited to: Rooftops, asphalt or concrete driveways, patios, parking lots, tennis courts, swimming pools.
  - b. Runoff surfaces do not include:
    1. Wood decks located above a pervious (dirt, grass or gravel) surface area; or
    2. Gravel/rock areas such as: rocked landscaped areas, or driveways or parking lots not required to be paved pursuant to code section 52-35
  - c. Updated runoff surface determinations shall be made through new aerial photographs or any other means available to the director of water services. It shall be the duty of a property owner to notify the director of water services of any changes in runoff surface if the

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owner desires the runoff surface determination be reconsidered. Runoff surface determinations shall not be retroactive without convincing documentation confirming the date that a runoff surface changed.

- (3) *Fee amount.* The stormwater fee shall be \$0.50 per month for each 500 square feet ("runoff unit"), or portion of 500 square feet, of runoff surface on a property. Portions of a runoff unit shall be rounded up to the next highest runoff unit only when the portion is 0.5 runoff unit or greater.
- (4) *Stormwater fee credits.*
  - a. Ratio credit. Properties that have a large pervious area to help absorb runoff from the runoff surface will be given a ratio credit, if the ratio of the total property area to the runoff surface area is at least 30:1. Properties that qualify shall be granted a 50 percent stormwater fee credit.
  - b. Detention credit. Stormwater detention structures are installed and maintained to reduce the peak flow of and runoff volume of stormwater from a drainage area, thereby reducing flooding and erosion downstream. Properties served by a privately owned, and properly maintained, detention structure shall be granted a stormwater fee credit. The amount of the credit shall be based on the reduction of stormwater runoff provided by the detention structures and be calculated according to guidelines established by the director of water services. The minimum credit shall be ten percent and the maximum credit shall be 50 percent.
  - c. It shall be the duty of the property owner to apply for the ratio credit, detention credit, or both. If a property receives both a ratio credit and a detention credit, the ratio credit shall be applied first, and then the detention credit shall be applied to the remaining amount. The combined credit shall not exceed 75 percent.
- (5) *Appeals.* Upon the written request of any owner whose property is subject to the stormwater fee, the director of water services, or a person designated by the director of water services, shall review the applicability or amount of the stormwater fee. Matters which shall be reviewed may include:
  - a. Whether a surface is considered a runoff surface subject to the stormwater fee;
  - b. Amount of runoff surface, or number of runoff units, subject to the stormwater fee;
  - c. Bill payment responsibilities; and

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- d. Amount and applicability of stormwater fee credits.
- (6) *Billing procedures.*
- a. Stormwater fee charges for properties with one water service or sanitary sewer service account shall be included on the water bill in the manner established by chapter 78 of the code of ordinances, subject to additional provisions of this subsection.
  - b. For properties where the water or sewer service accounts are inactive, or for the properties which have no water or sewer service accounts, a bill shall be sent to the property owner. The director of water services shall determine the frequency of the billing.
  - c. For new residential, commercial and industrial properties an estimated runoff surface may be established for billing purposes until such time as the actual runoff surface can be determined. If, after the actual runoff surface for the property has been established, it is determined that the property was overcharged, then a credit for the amount overcharged shall be applied to the account.
- (7) No stormwater service charge shall be charged for any parcel of land that is void of any development.
- (8) *Rules and regulations.* The director of water services shall have power to promulgate reasonable rules, regulations, orders and direction as may be necessary and feasible to implement the provisions of this section.
- (9) *Additional enforcement of collections.* In addition to procedures established in this section, the stormwater fee may be collected and enforced under and pursuant to the provisions of chapters 60 and 78 of this Code.
- (10) "Month" or "monthly" shall refer to a time period of approximately 30 days, and shall be prorated per day during the billing period.

Section 2. This ordinance shall become effective May 1, 2014.

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Approved as to form and legality:

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Charlotte Ferns  
Assistant City Attorney