

ORDINANCE NO. 140174

Amending Chapter 78, Code of Ordinances, entitled “Water” by repealing Sections 78-4, 78-5, 78-6, 78-7, 78-8, 78-9, 78-10, 78-12, 78-14, 78-14.1, 78-15.1, 78-16, 78-17, 78-19, 78-20, 78-23, 78-24, 78-27, 78-28, 78-29, 78-30, 78-32, and 78-36 and enacting in lieu thereof new sections of like number and subject matter adjusting charges for water service; repealing Section 78-11; and establishing an effective date.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 78 of the Code of Ordinances of Kansas City, Missouri, entitled Water, is hereby amended by repealing Sections 78-4, 78-5, 78-6, 78-7, 78-8, 78-9, 78-10, 78-12, 78-14, 78-14.1, 78-15.1, 78-16, 78-17, 78-19, 78-20, 78-23, 78-24, 78-27, 78-28, 78-29, 78-30, 78-32, and 78-36 and enacting in lieu thereof new sections of like subject matter, to read as follows:

Sec. 78-4. Water rates established; collection of charges.

Rates for water purchased from the city waterworks system are hereby established, and the director of the water services department is hereby directed and empowered to charge and collect on behalf of the city for water so purchased in accordance with the provisions of the article.

Sec. 78-5. Residential meter rate.

For all water purchased for use within the city by any residential accountholder, whether owner, occupant, customer, or consumer, a total charge, consisting of the sum of a service charge and a commodity charge, shall be computed monthly for each billing period, as prescribed under the general meter rate stated in section 78-6.

Sec. 78-6. General meter rate.

For all water purchased for use wholly and exclusively within the city by any accountholder the total charge shall be the sum of the service charge and the commodity charge as follows:

(a) *Service charge.* The service charge is a charge per meter or service connection, to cover, in part, the cost of various services, and shall be prorated per day during the billing period and shall apply whether or not any water is used; the service charge shall be based on meter size and billing frequency as follows:

Meter Size (inches)	Billed Monthly
5/8	\$ 13.09
3/4	14.08

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1	17.22
1½	21.45
2	33.00
3	112.75
4	141.90
6	211.20
8	305.80
10	401.50
12	473.00

(b) *Commodity charge.* The commodity charge shall be based on the total volume of water purchased by the accountholder as shown by all water meters connected to one or more water services serving contiguous properties of the accountholder, where such properties are managed as a single enterprise that is not separated by a public thoroughfare, and shall be as follows per month for metered water:

(1) *Ordinary commodity charge.*

First 600 cubic feet at \$4.45 per 100 cubic feet;
 Next 4,400 cubic feet at \$4.75 per 100 cubic feet;
 Next 995,000 cubic feet at \$4.00 per 100 cubic feet;
 Over 1,000,000 cubic feet at \$2.75 per 100 cubic feet.

(2) *Seasonal off-peak commodity charges.* For industrial customers with peak demand in the winter season:

All usage at \$2.65 per 100 cubic feet;
 The director of water services is hereby authorized to promulgate regulations to be used for determining the applicability of this subsection.

(c) *Manual meter reading charge.* The service charges set out in this Chapter assume use of the city's automatic meter reading system. In cases where the automatic meter reading system could not be installed due to action or inaction on the accountholder's part, including lack of access to meter, improper meter setting, accountholder refusal, or other reasons, a charge of \$17.60 for manual meter reading will be applied each time that a meter is attempted to be read manually.

(d) *Definitions* (as used in this section).

(1) Residential account shall refer to all one- and two-family dwelling water service accounts.

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- (2) Commercial and industrial accounts shall refer to all water service accounts other than one- and two-family dwellings.
- (3) Month and monthly shall refer to a time period of approximately 30 days.
- (4) Accountholder shall refer to any owner or occupant of real property, or any customer or consumer of water services.

Sec. 78-7. Metered service required; exceptions.

Unless specifically authorized by the director of water services, all water service shall be through metered water service, except as provided in sections 78-8 and 78-9.

Sec. 78-8. Fire protection rates.

(a) The rate for an unmetered water service connection to hydrants, hose connection or sprinkling systems purchased and used solely and exclusively for fire protection purposes, including all water used for fire protection shall be as follows:

Size of Connection	Rate Per Annum
4-inch and less	\$ 107.00
6-inch	315.00
8-inch	670.00
10-inch	1,205.00
12-inch	1,948.00
16-inch	4,150.00

(b) The size, location and arrangement of any fire protection services are subject to the approval of the director of the water services department.

(c) All meters, valves and hydrants controlling or in connection with such fire protection services shall be sealed by the water services department. A fee of \$150.00 shall be charged for each meter, valve or hydrant requiring resealing in the absence of evidence that the meter, valve or hydrant seal was broken in operation against a fire or in operations pursuant to system testing by a fire underwriting agency and properly certified by such testing agency.

(d) Direct connections between the fire protection and drain piping on all premises are not permitted, and drawings which show the location of all fire protection piping may be required by the water services department. The repeated, unauthorized breakage of seals on any premises may be taken as evidence that water is being used without authorization; and in such case the water services department may require the

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installation of a meter designed for fire protection and in addition to other charges set out above also assess charges therefore in accordance with section 78-6

(e) Fire protection services shall be billed to the owner of record of the real property.

Sec. 78-9. Temporary service rate.

There shall be a temporary service rate for unmetered water for temporary purposes as follows:

- (1) *Swimming pools.* The service fee for filling swimming pools shall be \$475.00 plus payment of the commodity charge for the water used to fill the pool. In addition, a deposit shall be required for the hydrant meter assembly.
- (2) *Other temporary purposes.* For water purchased and delivered through a metered service or connection or fire hydrant for other purposes of a temporary nature, the charges therefore and the manner in which the service is to be rendered shall be prescribed for each service contract by the director of the water services department. Such charges shall conform generally to the cost of water as fixed by the applicable meter rate, plus the cost of any labor or materials required to render the temporary service.

Sec. 78-10. Suburban meter rate.

(a) For any and all water purchased wholly or partially for use outside the city by any accountholder, a total charge consisting of a service charge, a commodity charge, a re-pumping charge where applicable, shall be computed for each billing period and shall be as follows:

- (1) *Service charge.* A service charge, prorated per day during the billing period based on meter size, with such charge to be applied whether or not any water is used, shall be charged as follows:

Meter Size (inches)	Billed Monthly
5/8	\$ 14.25
3/4	15.35
1	18.75
1½	23.30
2	35.80
3	113.00

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4	143.50
6	213.00
8	306.00
10	410.00
12	482.00

The service charges as established in this subsection may be superseded by any contract between the city and any other public water supply which provides for an interchange agreement.

(b) *Commodity charge.* A commodity charge per month, based on the total volume of water purchased by the accountholder as shown by all water meters connected to one or more water systems serving the accountholder's premises, shall be charged as follows:

- (1) *Retail customers.* For accountholders purchasing water for use wholly by the accountholder:

First 5,000 cubic feet at \$4.45 per 100 cubic feet;
Over 5,000 cubic feet at \$3.50 per 100 cubic feet.

- (2) *Wholesale customers.* For accountholders purchasing water for resale:

Unrestricted \$2.10 per hundred cubic feet;
Restricted \$2.04 per hundred cubic feet;
Wholesale customers shall be classified as restricted or unrestricted based on water supply contract terms between the city and other contracting entity.

(c) *Repumping charge.* A repumping charge based on the quantity of purchased water repumped shall be charged to wholesale suburban customers only as follows:

- (1) From the pumping station at 75th and Holmes Street; from the pumping station at Highway AA near the Village of Waukomis in Platte County, Missouri; from the Blue Ridge Pumping Station at 67th Street and Blue Ridge Boulevard; from the pumping station at Englewood Road and North Oak Trafficway; from Arrowhead Pumping Station at NE 75th and Arrowhead Trafficway, and from the South Terminal Pump Station at Ward Road and Persells, per 100 cubic feet, \$0.19.
- (2) From the pumping station at 131st Street and Prospect Avenue; from the High Grove Road Pumping Station, and from the Platte County Booster Pump Station at Camden Point Highway E and Interurban Road, per 100 cubic feet, \$0.26.

(d) *Definition.* The term Month or Monthly, as used in this section shall refer to a time period of 30 days.

(e) *Applicability.* Rates set forth in this section may not be applicable where such rates are established by existing or future contracts.

Sec. 78-12. Bills for metered water service.

Bills for metered water service shall be mailed to the service address or upon request by the account holder to another location. The bill shall include:

- (1) The meter readings showing the amount of water used and its cost;
- (2) The last meter reading date and days of service;
- (3) All bills are due and payable on the billing date; and
- (4) The delinquent date, which shall be not less than ten days after the billing date.

Sec. 78-14. Late payment penalty for delinquent bills.

A late payment penalty in the amount of five percent of the amount of the unpaid delinquent balance shall be applied to all metered water service, sanitary sewer service and stormwater fee bills remaining unpaid after the delinquent date. The director of water services may waive or adjust late payment service charges for a party that enters into an agreement with the city for the payment of unpaid water, sanitary sewer and stormwater charges.

Sec. 78-14.1. Suit additional to other remedies.

(a) In addition to any and all remedies provided in the Charter and this chapter, the city shall have the power to enforce the collection of unpaid water, sanitary sewer and stormwater charges, with all interest, costs and penalties thereon, by suit brought in the name of the city in any court of competent jurisdiction.

(b) Ten percent of the amount of the judgment shall be added as attorney's fees in every proceeding for the collection of delinquent charges under this chapter, to be added and collected in the same manner as other costs in the case.

Sec. 78-15.1. Property owner liability for water and sewer services; delinquent charges; liens.

(a) Water and sanitary sewer services shall be deemed to be furnished to both the occupant and the owner of the premises receiving either or both of such services.

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(b) Any delinquent charges shall be chargeable against any deposit held by the water services department for service to such premise.

(c) Any charges for metered water service pursuant to this chapter, for sanitary sewer service pursuant to chapter 60 or for stormwater fee pursuant to chapter 61, shall, if not paid by the due date, become delinquent and shall bear interest from the date of delinquency until paid. To the extent authorized by State statute, delinquent charges for water services or sanitary sewer services shall be a lien upon the land so charged for such service, services or fee, upon the filing of a notice of delinquency with the recorder of deeds in the county where the land is situated. The lien hereby created may be enforced by suit or foreclosure.

(d) The director of water services is authorized to file, on behalf of the city, the notice of delinquency as provided in subsection (c) of this section, subject to the following limitations:

- (1) For one- and two-family residences, if the account is three months delinquent or the total amount of such delinquency is \$500.00 or more.
- (2) For all other service classifications, if the account is three or more months delinquent, or the total amount of such delinquency is \$1,000.00 or more.
- (3) The limitations provided by this subsection shall not prohibit the director of water services, or the council, from pursuing other remedies provided by statute or ordinance.

(e) Upon the written request of any owner whose land has become subject to a lien as provided in subsection (c) of this section, within 30 days of the filing of such lien, the director of the water services department shall hold a hearing to ascertain all facts in the matter. The owner requesting such hearing shall be entitled to all rights applicable to a contested case under state administrative review and procedure law. The director shall prepare written findings and conclusions determining whether the amount of the charges was properly computed, whether such charges were delinquent, or whether the lien should be removed or released for any factual or legal reason. If, after hearing, the director finds and concludes that the lien should be removed or released, the director shall take any necessary action to remove or release the lien from the property. The owner of such land must pay in advance a \$75.00 fee, to cover in part the cost of hearing the case, and preparing the written response. If upon finding that the lien should be removed or released the fee should be returned or refunded to the property owner requesting the hearing.

Sec. 78-16. Charges for termination and restoration of service.

(a) The following charges shall be made for the termination of service after failure to pay for water or sanitary sewer service, after failure to have the meter readily

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accessible for reading on the regularly scheduled route on more than two successive occasions, after receipt of an accountholder request for termination, or for any of the grounds set forth in section 78-30

- (1) For processing the first termination of service order, the accountholder will be charged \$55.00.
- (2) When the service was not established as authorized by the Code of Ordinances, the accountholder shall be charged \$165.00 for processing the termination of service order, costs associated with failure to properly establish service, and a penalty.
- (3) When the service is found to be restored, but not by the water services department, the accountholder shall be charged \$165.00 for processing the termination of service order, costs associated with failure to properly establish service, and a penalty. For processing each subsequent termination of service when the service has been restored but not by the water services department, the accountholder shall be charged \$500.00.
- (4) The term "termination of service" shall not be construed to mean an immediate transfer of service from one accountholder to a subsequent accountholder or service disconnection.
- (5) For processing a restoration of service order, the accountholder will be charged \$55.00.

(b) Upon finding that water service, sanitary sewer service or combined water and sanitary sewer service has been established for a location in a manner not authorized by this Code of Ordinances, the director of water services is authorized to take appropriate action, including removal of taps to the water or sewer main or otherwise rendering the service line inoperable, to ensure termination of service. In addition to any permit, tap, or other charges restoration of terminated service after the water services department has removed a meter or a tap to the main shall be \$605.00, but may be waived by the director of the water services department.

Sec. 78-17. Billing for services under fire protection rate.

Water consumers served under the fire protection rate shall be billed annually in advance for this service. These bills shall be due within 30 days and delinquent if not paid thereafter. The service to premises having delinquent bills for service under these rates may be discontinued without further notice.

Sec. 78-19. Charge for water services provided while temporarily unmetered.

The director of water services will promulgate rules for back billing accountholders when there were problems with the meter, a meter was missing or there

were other difficulties with the metering equipment that prevented it from registering usage.

Sec. 78-20. Bill payment guarantees.

(a) *Required amount.* The director of the water services department is authorized and directed to require each accountholder, before taking water under the general meter rate, the suburban water rate (except as provided for in water purchase contracts) and the fire protection rate, to make a cash deposit against which the water services department may charge any unpaid bills for the following: water service; meter, hydrant or valve resealing; termination of service; meter repair; sanitary and stormwater sewer service; or other authorized charges. For customers estimated to use less than 1,000 cubic feet per month, the deposit shall be \$85.00. For customers estimated to use more than 1,000 cubic feet per month, the deposit shall be not less than the estimated cost of water and sewer service for two billing periods. Either interest shall be paid on cash deposits as required by state statute or deposits held by the director of the water services department shall be refunded after two years.

(b) *Additional deposit.* An additional deposit above the amount required by subsection (a) of this section, not to exceed the estimated cost of four months' water, sanitary and stormwater sewer service, may be required by the director of the water services department for any accountholder whose account reflects a history of repeated delinquencies. Failure to provide the additional deposit authorized in this subsection shall constitute grounds for discontinuance of water service.

(c) *Refund; waiver of deposit.* All bill payment guarantees taken shall be held for at least two years or until the account is terminated. The director of the water services department may waive deposits on additional accounts for an existing accountholder with known good credit. In cases where an accountholder has multiple properties or is between tenants, the deposit may be waived when the accountholder credit rating is good.

(d) *Transfer of service.* When an accountholder transfers service from one location to another, the director of the water services department may waive any additional deposit.

(e) *Termination of service.* When a contract for water service is terminated, the director of the water services department shall apply the deposit against any unpaid bills associated with the contract, and if the amount is \$10.00 or more, shall refund the remainder of the deposit to the depositor. Refunds in an amount under \$10.00 will be made only upon written request of the accountholder.

(f) *Bond in lieu of cash deposit.* In lieu of a cash deposit, the director of water services department may accept, as a bill payment guarantee, a corporate surety bond by a surety company authorized to do business in the state, in the amount of the deposit required but not less than \$1,000.00. Such surety bond shall be subject to the approvals of the city attorney as to form; of the director of the water services department as to the

amount, terms and conditions of the bond; and of the director of finance as to the qualifications of the surety. The surety bond shall be filed with and kept by the director of the water services department.

(g) *Commercial accounts.* In addition to any bill payment guarantee, all commercial accounts shall enter into and execute a contract for service, on a form provided by the water services department, specifying the parties responsible for payment. These parties shall remain responsible for all water used until notification is received in writing of the date service is to be terminated.

Sec. 78-23. Water service disconnection.

(a) *Disconnection when building razed or moved.* If a building is razed or moved, the water service to the premises shall be disconnected at the main. The responsibility and expense for such disconnection shall rest with the owner of the land upon which the building is located.

(b) *Disconnection for unauthorized use of water.* The water services department is hereby authorized to disconnect a water service at the main if deemed necessary to prevent the unauthorized use of water, in which case the owner of the property served by the connection shall reimburse the water services department for the expense of the disconnection.

(c) *Reuse of service.* In those cases where a building is razed or moved, a copper, cast iron or ductile iron service to a property may remain connected to the main for a period of one year on the authority of the director of the water services department and subject to his approval of the written application of the property owner indicating that the service will be used again within one year and also providing that the property owner place a cash deposit with the water department equivalent to the cost to disconnect the service line at the main. The deposit shall be refunded if the service line is reused. If the service line is not reused in the time period provided, the deposit shall be used to pay the cost of disconnecting the service line from the main.

(d) *Reconnection.* Services disconnected from the main may be reconnected to the main, subject to pertinent rules and regulations of the water services department, provided a permit for such reconnection is obtained and such reconnection shall be made solely at the expense of the owner of the premises serviced.

(e) *Other service disconnections.* A water service connection to a premises may be disconnected at the main by the water services department, and the cost of the disconnection billed to the owner of the premises, if:

- (1) The service line has not been used for one year; or
- (2) There is a leak on a service to a vacant building, dwelling or property in those situations where public safety or welfare may be affected; or

- (3) The service is not metered pursuant to section 78-7.

Sec. 78-24. Water meters generally.

(a) *Ownership; installation.* All water meters installed for original service for any premises shall be city owned meters installed and connected at the expense of the owner of the premise served. The connection charge shall be based on the current price of the meter installed and related appurtenances plus the current cost of such setting. Appurtenances include but are not limited to all components necessary for the reading, transmission, and regulation of water usage.

(b) *Maintenance and replacement.* All water meters shall be maintained and replaced in accordance with section 78-25

(c) *Authority of water services department.* The water services department may purchase meters for resale to prospective consumers and may prescribe conditions under which meters may be purchased elsewhere for installation on services connected to water services department mains.

(d) *Determination of consumption when remote register or automated reading system does not operate properly.* If the remote register or automated reading device does not operate properly, the reading on the actual meter located inside the premises shall determine the consumption on which the water and sewer commodity charges are computed.

Sec. 78-27. Sealing of water meters.

Water meters, when set, will be sealed in position and against access to the dials or mechanism. These seals shall be broken only by employees of the water services department in the proper exercise of their duties or by a licensed master plumber as defined in the building code. A charge of \$185.00 shall be made for the replacement on any meter of a seal that has been broken in any other manner.

Sec. 78-28. Water department price schedules; permits for work on water service.

(a) *Price schedules.* The director of the water services department is hereby empowered and directed to prepare and maintain a schedule of prices governing the connection charge, sale, removal, test, repair and replacement of water meters; sale and operation of fire hydrants; and tapping charges. A copy shall be available for public inspection at the water services department director's office at any reasonable time.

(b) *Permit required for installation or maintenance of services.* Water services shall not be installed or maintained except by permit issued by the water services department on the basis of an application for such permit made by the owner of the premise or authorized agent as provided under sections 78-21 and 78-22

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(c) *Types of permit; permit fee.* The director is hereby authorized to issue the following kinds of permits and to charge \$90.00 per each such permit, where:

- (1) Taps are to be made and new services are to be installed.
- (2) An existing service is to be altered, extended, renewed or repaired from the first valve to the building improvement or fixtures, or appurtenances added thereto or detached therefrom.
- (3) An existing service is to be abandoned and replaced with a single larger service that requires a larger tap.
- (4) An existing service is disconnected at the main or is otherwise abandoned.

(d) *Duplicate permits.* Whenever the original permit is lost, a duplicate permit must be secured. A charge of \$10.00 will be made for the issuance of a duplicate permit.

(e) *Permit controls.* Water service permits shall be issued and controlled in accordance with water services department rules and regulations.

(f) *Plan review.* The director is hereby authorized to establish the following fees and charges for water service plan reviews:

- (1) A fee of \$110.00 for water service plan reviews involving no more than ten service connections.
- (2) For water service plan reviews involving more than ten service connections, an additional charge of \$12.00 for each connection greater than the ten connections included in the charge referenced in subsection (f)(1).
- (3) A charge of \$65.00 if plans are rejected and must be resubmitted for review due to deficiencies in the original plan.

Sec. 78-29. Right of access of employees of water department.

Any employee of the water services department in the proper exercise of duties shall have access at all reasonable hours to any premises served with water, and such access shall include the right to read, remove and replace meters, to inspect, make or correct meter installations and to make such inspections or tests as are necessary to determine if water department rules and regulations are being violated or if water is being wasted or is being used improperly or without permit or license.

Sec. 78-30. Grounds for discontinuance of service.

The water services department may discontinue service to any account holder for any one of the following reasons:

- (1) Failure to pay a water service, meter, hydrant, valve resealing, restoration of service, or meter repair bill within the time specified in sections 78-11 through 78-18
- (2) Failure to maintain an adequate cash deposit or a satisfactory bond guaranteeing the resealing, restoration of service, or meter repair payment or water service, meter, hydrant or valve bills as required in section 78-20
- (3) Failure to obtain a permit from the director of city planning and development to do plumbing work on premises taking water service as required in the building code or failure to obtain a permit from the water services department to repair or install a water service as required by the water services department's rules and regulations.
- (4) Any waste of water or unnecessary or unlicensed use of water.
- (5) Unapproved cross connection of water facilities with any other source of water supply.
- (6) Vacation of the property served without notice to the water services department.
- (7) Failure to provide free and nonhazardous access to the meter for reading, removal, inspection or replacement.
- (8) Failure to provide free access to premises for the purpose of determining whether water is used for refrigeration or air conditioning, and, if so, of obtaining a description of the equipment installed or used for such purpose.
- (9) Failure to maintain an approved meter setting.
- (10) Failure to provide a replacement for a privately owned water meter condemned by the water services department as unfit for further service, or a water services department-owned water meter stolen or destroyed while in service on the premises.
- (11) Violation of any of the water services department's rules and regulations.
- (12) Any act that would make it possible for the water services department to be defrauded thereby.

- (13) Violations of chapter 60, article IV of this Code, as specifically provided in sections 60-186 and 60-188
- (14) Upon certification by the director of neighborhood and community services, as provided in chapter 48 of this Code, that discontinuation of service is necessary to abate a nuisance as defined in chapter 48 of this Code.
- (15) Pursuant to an agreement with a sewer provider for non-payment of a sewer bill.

Sec. 78-32. Furnishing of water to city departments.

(a) *Generally; charges.* Water shall be furnished to departments and offices of the city other than the water services department, for use in the service of city-owned or city-operated buildings, parks, swimming pools, other pools, fountains or other public properties. Absent a written agreement to the contrary which recites adequate consideration, water so furnished shall be subject to all charges for water and water service that are applicable to commercial and industrial water users.

(b) *Conditions.* Operations of the city for such uses shall guard against leakage or other wastage of water. The director of the water services department may require the city department in charge of any city property using water to install water meters to measure the quantity of water used when he deems it necessary, and shall require that a meter be installed.

(c) *Installation of meters.* Such meters and their settings shall be subject to the approval of the director of the water services department, and all costs of such meters and their installation shall be borne by the city department served. When the director of the water services department deems it necessary that a meter be installed to accurately measure the volume of water used to serve any city property, he is hereby authorized to have the necessary meters installed and to include the cost of the meters and their installation as a part of the next regular water bill issued to the department responsible for the operation of the city property in question.

Sec. 78-36. Penalty.

Any person who shall violate any provisions or fail to comply with any requirement of this article or of article II, division 2, of this chapter shall, on conviction thereof, where no specific penalty is provided, be subject to punishment as provided in section 1-17 for each offense. This section shall not apply to violations of sections 78-5, 78-6, 78-8, 78-9 and 78-10 of this Code of Ordinances.

Section 2. That Chapter 78 of the Code of Ordinances of Kansas City, Missouri entitled Water, is hereby amended by repealing Section 78-11.

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Section 3. This ordinance shall become effective on May 1, 2014.

Approved as to form and legality:

Charlotte Ferns
Assistant City Attorney