

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 160165

Amending Chapter 60, Code of Ordinances, entitled Sewers and Sewage Disposal by repealing Sections 60-2, 60-3, 60-4 and 60-191 and enacting in lieu thereof new sections of like number and subject matter and enacting a new Section 60-9, that adjusts charges for sewer service and imposes a one percent payment in lieu of taxes upon the City Sewer Fund's gross revenues derived from sewer services to the City's residential and commercial customers to be paid to the General Fund and charged to the residential and commercial customers; 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, 60-4 and 60-191 and enacting in lieu thereof new sections of like subject matter and enacting a new Section 60-9, 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. All 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:

- (1) Service charges.
 - a. Sanitary sewer. A service charge of \$18.05 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 \$7.18 per 100 cubic feet (ccf) based upon the total volume of water purchased by the customer during the billing period subject to the following adjustments:

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- 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 \$41.00 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 \$771.00. Where the water purchased is lost by evaporation or irrigation the application fee is \$514.00. 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

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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) = \$0.320

RS (surcharge per pound of excess SS) = \$0.190

RG (surcharge per pound of excess O&G) = \$0.140

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) 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 \$3.00 per 100 cubic feet (ccf), 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 \$3.85 per 100 cubic feet (ccf) of actual water consumption for all residential, commercial and industrial customers, and shall also pay a service charge of \$12.50 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 \$41.00 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

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charge of \$25.55 per month, plus a volume charge of \$9.35 per 100 cubic feet (ccf).

- (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:

RB (surcharge per pound of excess BOD) = \$0.400

RS (surcharge per pound of excess SS) = \$0.215

RG (surcharge per pound of excess O&G) = \$0.141

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. 60-4. Use of sanitary charges.

Revenues from sanitary sewer charges are to be used to pay the cost of operating, maintaining, repairing or enlarging the existing or future sanitary sewer system, for paying the principal of and interest on the negotiable interest-bearing sewer revenue bonds of the city, and payment of any payment in lieu of taxes imposed by the City.

Sec. 60-9. Payments in lieu of taxes.

Pursuant to Section 1209 of the City Charter, the Water Services Department shall be assessed and required to make a payment in lieu of taxes to the General Fund equal to one percent of the Sewer Fund's gross revenues derived from providing sewer services to the City's resident users. Such payment in lieu of taxes shall be considered part of the cost of sewer services and shall be charged to the City's resident users as a charge equal to one percent of the sewer charges for resident users.

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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 \$385.00 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:

	Permit Class	Permit Application Review Fee	Monthly Permit Maintenance Fee (note 1)
1.	Temporary (<1 yr)		
	a. <35,000 gal.	\$211.00	\$542.00
	b. >35,000 to <75,000 gal.	284.00	1230.00
	c. >75,000 gal.	347.00	1628.00
2.	Special wastes only		
	a. Radioactive, medical	347.00	95.00
3.	Waste treatment facilities		
	a. <30,000 gal/mo	495.00	193.00
	b. >30,000 gal/mo	632.00	386.00
4.	Groundwater remediation projects		

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	a. <120,000 gal/yr	211.00	193.00
	b. >120,000 gal/yr	347.00	287.00
5.	Categorical facilities		
	a. <1,000 gpd	211.00	95.00
	b. 1,000 to <10,000 gpd	347.00	193.00
	c. 10,000 to <25,000 gpd	495.00	287.00
	d. >25,000 gpd	632.00	386.00
6.	Non-categorical large water users		
	a. <50,000 gpd	211.00	193.00
	b. >50,000 to <250,000 gpd	347.00	287.00
	c. >250,000 gpd	423.00	386.00
7.	Other		
	a. BOD, SS, &/or O&G	347.00	193.00
	b. Other	347.00	193.00

Section 2. This ordinance shall become effective on May 1, 2016.

Approved as to form and legality:

Charlotte Ferns
Assistant City Attorney