

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 160166

Amending Chapter 78, Code of Ordinances, entitled “Water” by repealing Sections 78-5, 78-6, 78-8, 78-9, 78-10, 78-16, 78-20, 78-25, and 78-28 and enacting in lieu thereof new sections of like number and subject matter and enacting a new Section 78-11, that adjust charges for water service and impose a one percent payment in lieu of taxes upon the City Water Fund’s gross revenues derived from water 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 78 of the Code of Ordinances of Kansas City, Missouri entitled “Water” is hereby amended by repealing Sections 78-5, 78-6, 78-8, 78-9, 78-10, 78-16, 78-20, 78-25, and 78-28, and enacting in lieu thereof new sections of like subject matter and a new Section 78-11, to read as follows:

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 in sections 78-6 and 78-11.

Sec. 78-6. General meter rate.

For all water purchased for use wholly and exclusively within the city by any accountholder the general meter rate charge shall be the sum of the service charge and the commodity charge. The service charge and the commodity charge shall be determined as follows:

- (1) *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, unless otherwise provided herein:

Meter (inches)	Size	Billed Monthly
5/8		\$ 13.90
3/4		14.95
1		18.30
1½		22.08
2		35.00

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3	119.50
4	150.50
6	224.00
8	324.00
10	426.00
12	502.00

- (2) *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:

- a. Ordinary commodity charge.

First 600 cubic feet at \$4.60 per 100 cubic feet;
Next 4,400 cubic feet at \$5.09 per 100 cubic feet;
Next 995,000 cubic feet at \$4.29 per 100 cubic feet;
Over 1,000,000 cubic feet at \$3.03 per 100 cubic feet.

- b. Seasonal off-peak commodity charges. For industrial customers with peak demand in the winter season:

All usage at \$2.93 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.

- (3) *Manual meter reading charges.*

- a. 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 \$19.00 for manual meter reading will be applied each time that a meter is attempted to be read manually.
- b. When manual meter reading registers no water use for a period of 12 consecutive months, the water services department may cease monthly meter reading and begin reading the meter every six months. At that time, it will no longer charge the separate manual

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meter reading fee; however, a service charge of \$87.50 for the six-month read period shall apply.

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

- a. Residential account shall refer to all one- and two-family dwelling water service accounts.
- b. Commercial and industrial accounts shall refer to all water service accounts other than one- and two-family dwellings.
- c. Month and monthly shall refer to a time period of approximately 30 days.
- d. Accountholder shall refer to any owner or occupant of real property, or any customer or consumer of water services.

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 set out in the chart below.

Size of Connection	Rate Per Annum
4-inch and less	\$116.00
6-inch	341.00
8-inch	726.00
10-inch	1306.00
12-inch	2110.00
16-inch	4496.00

(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 \$205.00 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.

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(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 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 \$505.00 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 (inches)	Size	Billed Monthly
5/8		\$ 15.15
3/4		16.25
1		19.90

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1½	24.70
2	38.00
3	120.00
4	152.50
6	226.00
8	324.00
10	435.00
12	511.00

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 \$5.00 per 100 cubic feet;
Over 5,000 cubic feet at \$3.98 per 100 cubic feet,

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

Unrestricted \$2.26 per hundred cubic feet;
Restricted \$2.18 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, \$0.20.

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- (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, \$0.27.

(d) *Definition.* The term "month" or "monthly," as used in this section shall refer to a time period of approximately 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. 78-11. 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 Water Fund's gross revenues derived from providing water services to the City's residential and commercial customers. Such payment in lieu of taxes shall be considered part of the cost of water services and shall be charged to the City's residential and commercial customers as a charge equal to one percent of the general meter rate, the fire protection rate and the temporary service rate.

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 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 \$58.00.
- (2) When the service was not established as authorized by the Code of Ordinances, the accountholder shall be charged \$175.00 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 \$175.00 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.

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- (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 \$58.00.

(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. 78-20. 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 \$110.00. 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.

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(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. 78-25. Water meter settings.

Water meter settings shall allow free and nonhazardous access to the meter for reading, removal, inspection or replacement, and shall be subject to the approval of the director of the water services department. All meters shall be set by the water department and charges therefor shall be assessed against the owner of the premises served as provided in section 78-28. Meters shall be set after a payment has been made to the director of the water services department to cover the cost of connection charge based upon size of meter. Meters larger than one inch may be purchased by the owner in accordance with water services department specifications and the connection charge will be adjusted according to the current published list of meter charges as maintained by the water services department. If the meter is purchased by the owner it shall become the property of the city upon installation, and the maintenance and replacement of the meter shall become the responsibility of the water services department under normal operating conditions. The acceptance of the title or of the care of the water meter by the water services department as provided in this section or on city meters set under the connection charge shall not, however, relieve the accountholder of the responsibility for loss of meter or its related appurtenances, improper setting, heat damage, freezing, vandalism or consumer fault or negligence.

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.

(c) *Types of permit; permit fee.* The director is hereby authorized to issue the following kinds of permits and to charge \$98.00 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).

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- (3) A charge of \$65.00 if plans are rejected and must be resubmitted for review due to deficiencies in the original plan.

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

Approved as to form and legality:

Charlotte Ferns
Assistant City Attorney