

ORDINANCE NO. 090222

Amending Chapter 60 of the Code of Ordinances of Kansas City, Missouri, entitled "Sewers and Sewage Disposal", by repealing Sections 60-2, 60-3, 60-4, 60-5 and 60-191, and enacting in lieu thereof new sections of like number and subject matter which adjust sewer rates and eliminate references to stormwater fees in this Chapter; 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, 60-5, and 60-191, and enacting in lieu thereof new sections of like number and subject matter, to read as follows:

Section 60-2. Sewer charges for resident users.

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

- (1) *Service Charges.*
 - a. *Sanitary sewer.* A service charge of \$8.60 where bills are rendered monthly and \$11.90 where bills are rendered bimonthly to defray in part the cost of billing, collecting, accounting services and readiness to serve the customer, 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 and every month where a monthly billing is involved or each and every bimonthly period where bimonthly billings are involved.
 - 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. Permit application fees, permit maintenance fees and other miscellaneous 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.

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- (2) *Volume Charges.* A volume charge of \$2.28 per 100 cubic feet 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 and computed 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 service 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 \$17.13 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 and the product is transported in containers away from the premises or where the water purchased is lost by evaporation or irrigation. The Director of the Water Services Department shall make these determinations of fact, and shall have authority to adjust the volume charge on the basis of the facts ascertained.
 - d. *Accounts without an actual connection.* Volume charges shall not be imposed upon a customer who does not have an actual connection with the City's sanitary sewer system and who does not otherwise discharge sewage, industrial waste, water or other liquid into the sanitary sewer system.
- (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

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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, but in no event shall the sum of such surcharges be less than \$5.00 per month.

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

RB (surcharge per pound of excess BOD) = \$0.225

RS (surcharge per pound of excess SS) = \$0.137

RG (surcharge per pound of excess O&G) = \$0.099

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 30 days.

Section 60-3. Sewer charges for nonresident users.

(a) There are hereby levied charges against every person, firm, partnership, corporation and association occupying property outside the city limits having a connection with the City's sanitary sewer system or otherwise discharging sewage, industrial waste, water or other liquids into the sanitary sewer system.

All charges billed monthly or bimonthly shall be prorated per day during the billing period. Such charges are to be the sum of charges for service, volume, and high concentration charges to be computed and levied as follows:

- (1) *Metered connections with municipalities and political subdivisions.* Bulk flows through a metered interconnection with a municipality or political subdivision shall be charged and pay a rate of \$1.55 per 100 cubic feet (ccf), with no service charges.
- (2) *Unmetered connections with municipalities and political subdivisions.* Bulk flows through an unmetered interconnection with a municipality or political subdivision shall be charged and pay a rate of \$2.14 per 100 cubic feet (ccf) of actual water consumption for all residential, commercial and industrial customers and service charges for each such customer of \$8.60 if bills are rendered monthly or \$11.40 if bills are rendered bimonthly.
- (3) *Unmetered connections with municipalities and political subdivisions; no water consumption records.* Where actual water consumption records are

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not available, bulk flows from a municipality or political subdivision through an unmetered interconnection shall pay a sewer charge of \$21.90 per month per dwelling unit or equivalent dwelling unit.

- (4) *Individual customers billed directly by the city.* Individual customers billed directly by the city shall pay a service charge of \$10.50 if the bill is rendered monthly or a service charge of \$17.00 if the bill is rendered bimonthly, plus a volume charge of \$2.51 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 the 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, but in no event shall the sum of such surcharges be less than \$5.00 per month.

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

RB (surcharge per pound of excess BOD) = \$0.255

RS (surcharge per pound of excess SS) = \$0.156

RG (surcharge per pound of excess O&G) = \$0.101

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 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 and for paying the principle of and interest on the negotiable interest-bearing sewer revenue bonds of the city.

Sec. 60-5. Exemption from sewer charges.

All occupants of property not having a connection with the sanitary sewer system of the city and not having sewers available for connection shall be exempt from the sanitary sewer service charge.

Section 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/bimonthly 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 \$250.00 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:

<u>Permit Class</u>	<u>Permit Application Review Fee</u>	<u>Monthly Permit Maintenance Fee (note 1)</u>
1. Temporary (<1 yr)		
a. <35,000	\$ 100.00	\$ 265.00
b. ≤35,000 to <75,000 gal.	\$ 135.00	\$ 600.00
c. ≥75,000 gal.	\$ 165.00	\$ 800.00
2. Special Wastes Only		
a. Radioactive, Medical	\$ 165.00	\$ 47.00

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3. Waste Treatment Facilities		
a. <30,000 gal/mo	\$ 235.00	\$ 94.00
b. ≥30,000 gal/mo	\$ 300.00	\$ 188.00
4. Groundwater Remediation Projects		
a. <120,000 gal/yr	\$ 100.00	\$ 94.00
b. ≥120,000 gal/yr	\$ 165.00	\$ 140.00
5. Categorical Facilities		
a. <1,000 gpd	\$ 100.00	\$ 47.00
b. 1000 to <10,000 gpd	\$ 165.00	\$ 94.00
c. 10000 to <25000 gpd	\$ 235.00	\$ 140.00
d. ≥25,000 gpd	\$ 300.00	\$ 188.00
6. Non-categorical Large Water Users		
a. <50,000 gpd	\$ 100.00	\$ 94.00
b. ≥50000 to <250,000 gpd	\$ 165.00	\$ 140.00
c. ≥250,000 gpd	\$ 200.00	\$ 188.00
7. Other		
a. BOD, SS, &/or O&G	\$ 165.00	\$ 94.00
b. Other	\$ 165.00	\$ 94.00

Note 1.

Permit maintenance fees will be subject to a 200% Surcharge for a period of twelve consecutive months following a determination of significant non compliance (SNC) as defined in Section 60-181.

Permit maintenance fees will be subject to a 40% discount after a period of twelve consecutive months with no "notice of violation" (NOV) non-compliance determinations. This discount will be rescinded immediately upon issuance of any NOV.

Section 2. This ordinance shall become effective on May 1, 2009.

Approved as to form and legality:

Cecilia O'Connor Abbott
Assistant City Attorney