

COMPARED VERSION
NEW ORDINANCE TO CODE BOOKS

ORDINANCE NO. 220198

Amending Chapter 60, Code of Ordinances, entitled Sewers and Sewage Disposal, by repealing Sections 60-2, 60-3, 60-348 and 60-356 and enacting in lieu thereof new sections of like number and subject matter that adjust charges for sewer service and clarify the City's responsibility for repairs to house service lines and service lateral and service lateral connection repair on public right-of-way or easements; 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, 60-348, and 60-356 and enacting in lieu thereof new sections of like number and subject matter 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. 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 and as prescribed in Section 60-9:

(1) *Service charges.*

a. Sanitary sewer. A service charge of \$~~23.93~~25.37 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 \$~~9.66~~10.24 per 100 cubic feet (ccf), or a portion thereof, 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, where such information is available, and

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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 \$54.6661.44 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 \$1,000.00. Where the water purchased is lost by evaporation or irrigation the application fee is \$550.00. 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 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) = \$0.420445

RS (surcharge per pound of excess SS) = \$0.200212

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RG (surcharge per pound of excess O&G) = \$0.~~190~~201

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) *Charges.* 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.~~58~~79 per 100 cubic feet (ccf), or portion thereof, 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 \$5.~~27~~59 per 100 cubic feet (ccf), or portion thereof, of actual water consumption for all residential, commercial and industrial customers, and shall also pay a service charge of \$~~15.26~~16.18 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 \$~~52.76~~55.93 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 charge of \$~~33.71~~35.73 per month, plus a volume charge of \$~~13.36~~14.16 per 100 cubic feet (ccf), or portion thereof.
- (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.

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

RB (surcharge per pound of excess BOD) = \$0.~~470~~498

RS (surcharge per pound of excess SS) = \$0.~~230~~244

RG (surcharge per pound of excess O&G) = \$0.~~200~~212

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. 60-348. Repairs to house service lines.

~~(a) Authority.~~ The director of water services is hereby authorized but not required to replace ~~and, rehabilitate or~~ repair ~~all that part of any broken or collapsed private house services line which lies sewer lateral connection or sewer lateral connected to the public sewer system~~ within the ~~confines of street or alley public~~ rights-of-way, ~~or within sewer~~ or utility easements under the control of the city for sewer purposes, ~~provided that resources are available to accomplish this work without handicap as determined necessary or appropriate by the director~~ and constitute a benefit to the city's sewer system. A determination that such a repair is necessary or appropriate shall be a public purpose.

~~Emergency repairs.~~ neglect to the Repair and maintenance and repair of public sewers. ~~Repair of all that portion of house of service lines lying outside the confines of streets, alleys or sewer easements laterals and their connections~~ shall remain the responsibility of the ~~owner~~ thereof.

~~(b) property owner.~~

~~Emergency repairs.~~ Repair of that part of a private house service line on public property may be accomplished by the city as soon as feasible without resort to emergency measures or undue interference with other maintenance and repair activities. ~~If an owner or occupier of property deems that emergency repair is necessary and does not elect to await the repair as may be scheduled by the city, the repair shall be accomplished by a licensed plumber engaged by and at the expense of the owner or occupier of the property.~~

~~(c) Prerequisites for repair of house sewer lines by city.~~ Replacement or repair may be accomplished by the city only when the property owner:

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- (1) ~~Is not desirous of having replacement or repair accomplished by a licensed plumber at his own expense; and~~
- (2) ~~Provides a statement from a licensed plumber certifying that a broken or collapsed house service line does exist on a public right-of-way.~~

~~The certification shall give the approximate location of the break and efforts used by the plumber in attempting to determine the location of the break. House service lines broken by an agency of the city or by its contractors or by the contractors in private or public employment shall not be subject to repair under this section.~~

~~(d) Access to private property for repair of house service lines. The water services department shall not repair or cause to be repaired any house service line described in this section unless the owner or occupant of the property directly affected shall permit the city to have access to such property as may be necessary to determine the alignment of the house service line between the building or appurtenances and the public sewer, or to effect the repair in an efficient manner.~~

~~(c) (e) Additional regulations for repair of house service lines. The director is hereby authorized to issue regulations to control the repair program authorized by this section, including but not specifically limited to regulations relating to materials, surface restoration, safety precautions, compliance with building codes and requirements for operation ~~of by the property owner or occupant, and compliance with building codes.~~~~

Sec. 60-356. Service lateral and service lateral connection repair on public right-of-way or easements.

~~The Water Services Department may~~ As provided in Sec. 60-348, the director is authorized to repair, rehabilitate, or replace any Sewer Lateral Connection sewer lateral connection or Sewer Lateral sewer lateral connected to the Public Sewer System public sewer system within public rights-of-way or public utility easements, ~~as determined necessary or appropriate by the Director.~~ Repair and maintenance of Service Laterals service laterals shall remain the responsibility of the property owner.

Section 2. This ordinance shall become effective on May 1, 2022.

Approved as to form and legality:

Nicole Rowlette
Assistant City Attorney

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