

RESOLUTION NUMBER 2007 - 9

**A RESOLUTION ESTABLISHING FEES AND POLICIES FOR THE BLUE TOWNSHIP
SANITARY SEWER DISTRICT**

WHEREAS; The Pottawatomie County Board of County Commissioners (“the Commission”) acting as the Governing Body for the Blue Township Sanitary Sewer District (“the District”) finds it necessary to establish fees and policies for the operation of the District and,

WHEREAS; The Commission acting as the Governing Body for the District finds it necessary to review and revise as needed the fees and policies for the District,

THEREFORE BE IT RESOLVED; That the Pottawatomie County Board of County Commissioners acting as the Governing Body for the District hereby adopts the following sewer fees and policies for services provided by the District. This resolution shall become effective March 1, 2007 following its publication in the official county paper, and supersedes all previous resolutions related to sewer fees and policies.

SECTION 1. FEES

A. MONTHLY USAGE FEES

Monthly usage fees are established by considering average monthly water usage, type of structure served and loading to the system. The following is a listing of monthly rates for those structures served by the District:

RESIDENTIAL

Single Family Residence	\$44.00
Multi-Family Residential Structures	\$44.00 per living unit
Manufactured Home Parks	\$44.00 per pad / living unit

COMMERCIAL, INDUSTRIAL, INSTITUTIONAL, OFFICE, EDUCATIONAL, and similar uses.

Single Business Unit, Churches, Schools, Day Care or other non-residential uses:

Less than 8,000 gallons average monthly water usage	\$44.00
8,000 to 15,000 gallons average monthly water usage	\$69.00
15,001 to 30,000 gallons average monthly water usage	\$96.00
30,001 to 50,000 gallons average monthly water usage	\$182.00
50,001 to 100,000 gallons average monthly water usage	\$290.00

Multi-Business Unit Building (non-residential) using;

Less than 8,000 gallons average monthly water usage per unit	\$44.00 per unit
8,000 to 15,000 gallons average monthly water usage per unit	\$69.00 per unit
15,001 to 30,000 gallons average monthly water usage per unit	\$96.00 per unit
30,001 to 50,000 gallons average monthly water usage per unit	\$182.00 per unit
50,001 to 100,000 gallons average monthly water usage per unit	\$290.00 per unit

Usage greater than 100,000 gallons average per unit per month shall be charged the 50,000 to 100,000 gallons average monthly water usage per unit rate plus \$30.00 for each additional 10,000 gallons, (or fraction thereof) average monthly usage per unit.

Industrial use – fees shall be established upon an individual basis following the County's evaluation of a system impact analysis. The cost of this analysis shall be paid for by the Customer requesting services.

B. CONNECTION FEES

The following Connection Fee Schedule applies to all newly requested service in the District. Customers requesting service by the District shall complete an application for new service through the Pottawatomie County Planning and Zoning Department. All Connection Fees shall be paid to the Pottawatomie County Planning and Zoning Department prior to the issuance of a building permit and in accordance with the following fee schedule:

RESIDENTIAL

One, Two and Three-Family Residence-

\$2,000 per Living Unit

Multi Family Residence Consisting of Four or More Living Units-

\$4,000 base charge, plus **\$1,000** per Living Unit

Exception: The connection fee for Phase Five of Timber Creek II Planned Unit Development shall be \$500 per Living Unit.

Condominium Projects-

\$2,000 per Living Unit.

Manufactured Homes Park-

\$4,000 base charge, plus **\$1,000** per Pad Site

Hotel, Motel, Congregate Living Facility and other similar places of public or private accommodations-

\$4,000 base charge, plus **\$500** per Living or Rental Unit

COMMERCIAL, INDUSTRIAL, INSTITUTIONAL, OFFICE, EDUCATIONAL, and similar uses.

Single Business Unit Building, 10,000 sq. feet or less-

\$2,000

Single Business Unit Building, 10,001 – 25,000 sq. feet-

\$4,000

Single Business Unit Building, 25,001 sq. feet or more-

\$6,000

Multi-Business Unit Building, 10,000 sq. feet or less-

Base Charge of **\$2,000 plus \$1,000** per Business Unit

Multi-Business Unit Building, 10,001 – 25,000 sq. feet-

Base Charge of **\$4,000 plus \$1,000** per Business Unit

Multi-Business Unit Building, 25,001 sq. feet or more-

Base Charge of **\$6,000 plus \$1,000** per Business Unit

No individual, business, entity, partnership or corporation requesting service from the District shall be granted a connection to the District if they have outstanding payments to the District in excess of 60 days or if they owe any payments to Pottawatomie County, including delinquent taxes.

CONNECTION FEE WAIVER: A Connection Fee **SHALL NOT** be imposed if

- a. A structure within the District existed at the time the District was created but did not connect to the sewer and if the owner has been paying the monthly sewer fee since that time for that structure.
- b. The new structure being constructed is utilizing a pre-existing connection from a structure that is no longer on the property. Both of the following must also be true;
 1. The monthly debt retirement and reserve portion of the total monthly fee must be paid continuously during the time the land was vacant and,
 2. The building replacing the previous one is of the same classification.

REPLACEMENT STRUCTURES: If the new structure is of greater classification the owner shall pay the difference in Connection Fee Charge to the Pottawatomie County Planning and Zoning Department prior to the issuance of a building permit. If the structure is of lesser classification there is no additional fee and no reimbursement of fees.

MIXED USE FACILITIES: A Mixed Use Facility is defined as having a Residential and Business component as identified above. The connection fee for Mixed Use Facilities is the same fee as those provided above for each segment of the facility.

ACCESSORY BUILDING: An accessory building is identified as a structure that is constructed on the same lot as the primary building. The Accessory Building serves as a support unit for the primary building and when separated from the primary building **does not** meet the requirements for a sewer connection fee as determined above.

- a. Residential Accessory Building w/ plumbing –**\$500**
- b. Commercial, Business, Office Building, Educational, Institutional Operation, Manufacturing, Fabrication, Industrial Operations, Accessory Building w/ plumbing – **\$1,000**
- c. Miscellaneous or other category Accessory Building w/ plumbing, not previously described - **\$500**

ADDITIONS TO BUILDINGS and REMODELING: Additions, Improvements or Remodeling to Residential and Non-Residential Buildings that increase the original classification of the structure will be charged the increased connection fee charge for the difference between the original use of the building and the new use.

IMPACT ANALYSIS: The County or their representative may require any commercial, industrial, institutional, office or educational applicant to perform an independent analysis of the total impact their facility will have on (for example, biological demand, average flow or other impact category) the District's system. If the County determines, as a result of the impact analysis or by other means, that the proposed or current use of the structure requiring the analysis has a significant impact upon the District's facilities,

the applicant shall be required to install and maintain a pre-treatment system and/or pay an increased connection and/or monthly usage fee based upon the anticipated added impact to the collection and treatment system or other remedy deemed necessary by the district to minimize the impact to the system. Failure to comply on the part of the applicant constitutes grounds for refusal to allow a sewer connection.

SECTION 2. BILLING

A. MONTHLY BILLING

All District services shall be billed on a monthly basis on the first working day of each month unless otherwise determined by formal written agreement approved by the County. All monthly billings are sent to the property owner of record. Tenants are not billed for charges. New uses are billed the first working day of the month following the connection to water service after the building(s) is connected to the sewer and ready for use.

B. DELINQUENT PAYMENTS

Payments to the District are due on the 25th of each month unless otherwise agreed upon in writing and approved by the County. Payments not received by the 25th are assessed a late fee of ten (10) percent of all past due amounts per month. The District may pursue collection of delinquent payments as permitted by Kansas statutes.

C. BILLING VARIANCES (REQUEST FOR)

A customer may request the District's consideration for adjustment to their monthly billing for the following reasons:

I. Manufactured Home Parks

- a. Newly constructed parks or existing parks may apply for a billing variance during the construction of additional living unit site pad(s). If a variance is granted, the Manufactured Home Park may receive an adjustment in billing until the time a living unit is placed upon the new site pad.
- b. Manufactured Home Parks that have pads without structures for a minimum of four (4) consecutive months may apply for a variance in billing for those pads. If a variance is granted, the Applicant may receive an adjustment in billing until a structure is placed on the vacant site pad.

NOTE: It is the responsibility of the Manufactured Home Park owner to inform the District once a pad site has been filled. Failure to inform the District shall result in the assessment of past due billings and penalties by the District.

II. Modification of Structure – Customer may request an adjustment in billing when any of the following applies:

- a. Demolition of structure and water service is no longer provided,
- b. Structure becomes uninhabitable and water service is no longer provided or,
- c. When there is a reduction in the number of units in a structure

NOTE: It is the responsibility of the owner to keep the District informed of any changes in status once a variance has been granted.

Failure to inform the District once service has resumed or there is an increase in the number of units in a structure shall result in the assessment of past due billings and penalties by the District.

- III. System Impact – Non-Residential Customers may apply for a variance when;
 - a. The average water usage by the customer does not significantly reflect actual impact to the system.
 - b. Changes in effluent from the structure changes the impact to the District's system.

IV. SECTION 3. DISTRICT RESPONSIBILITIES

A. CURRENT SUBDIVISIONS

The District shall be responsible for the maintenance, inspection and repair of all lines, manholes and pumps dedicated to the District on public property, public rights-of way and easements.

B. NEW SUBDIVISIONS

The district shall maintain all internal force mains and collectors on public property and utility easements in subdivisions following inspection of the sewer infrastructure for compliance to District standards and annexation to the district. Such inspection cost shall be paid by the new subdivision.

SECTION 4. CUSTOMER RESPONSIBILITIES

A. EASEMENTS

The individual property owner is responsible for acquiring, creating and transferring all utility easements for public use.

B. CHARGES AND PERMITS

All property owners requesting service by the District shall complete an application for service. Once the property owner's application has been approved for service by the District, the property owner shall be responsible for acquiring all permits and paying all fees and charges as established in this resolution. The owner is responsible for notifying the District of all changes in billing address. It is the property owner's responsibility to notify the District in writing of a change in ownership for the applied service.

C. INTERNAL LINES

The property owner is responsible for installing and maintaining all collection lines on the owner's property. Any blockage to lines on the customer's property shall be the responsibility of the owner.

D. GRINDER PUMPS

The purchase, maintenance and operation of all grinder pumps, when permitted and approved by the District, is the responsibility of the property owner.

SECTION 5. DISTRIBUTION OF FEES

A. USAGE FEES

The monthly usage fee consists of three (3) components:

1. Reserve
 - a. Residential and manufactured home parks \$2.00 per unit/pad
 - b. Business Units under 8,000 gallons per month \$2.00 per unit
 - c. Business Units 8,000 to 15,000 gallons per month \$4.00 per unit
 - d. Business Units 15,001 to 30,000 gallons per month \$6.00 per unit
 - e. Business Units 30,001 to 50,000 gallons per month \$11.00 per unit
 - f. Business Units 50,001 to 100,000 gallons per month \$17.00 per unit

2. Operations
 - a. Residential and manufactured home parks \$22.00 per unit/pad
 - b. All other units under 8,000 gallons per month \$22.00 per unit
 - c. All other units 8,000 to 15,000 gallons per month \$40.00 per unit
 - d. All other units 15,001 to 30,000 gallons per month \$60.00 per unit
 - e. All other units 30,001 to 50,000 gallons per month \$135.00 per unit
 - f. All other units 50,001 to 100,000 gallons per month \$225.00 per unit
 - g. Monthly usage fees collected for services in excess of 100,000 gallons per month shall be allocated for operations.

3. Debt Service
 - a. Residential and manufactured home parks \$20.00 per unit/pad
 - b. All other units under 8,000 gallons per month \$20.00 per unit
 - c. All other units 8,001 to 15,000 gallons per month \$25.00 per unit
 - d. All other units 8,000 to 30,000 gallons per month \$30.00 per unit
 - e. All other units 30,001 to 50,000 gallons per month \$36.00 per unit
 - f. All other units 50,001 to 100,000 gallons per month \$48.00 per unit

B. CONNECTION FEES

The Connection Fee consists of two (2) components:

1. \$50 of each connection fee is deposited into the District's operations account and paid out to the County General Fund to reimburse the Environmental Health Department for services provided for the District.
2. The remaining balance of the Connection Fee is deposited into the District's Capital Reserve Fund.

SECTION 6. DISTRICT ANNEXATION POLICIES

Both contiguous and non-contiguous property owners may petition the Commission for annexation to the District.

PETITIONER REQUEST: A formal written petition shall be submitted to the Commission requesting annexation into the District and signed by no less than 51% of the land owners to be served. The petitioner must supply the following:

- a. Legal description of the property to be annexed,
- b. Number and classification of anticipated buildings,
- c. Unit use or connections and a feasibility study to determine the cost to serve the proposed area,
- d. Impact analysis.

All costs of annexation preparation and studies shall be paid by the petitioner(s). The petitioner(s) shall submit a signed formal request for annexation and payment in the amount of \$2,000 for the cost of review. If an established subdivision requests annexation, the District will require an inspection of the infrastructure to be annexed to determine the subdivision's conformance to District standards.

Adopted this 29th day of January, 2007