
Sec. 32-312. Permit, connection charges.

- ~~A. There shall be two (2) classes of building sewer permits: For residential and commercial service and for service to establishments producing industrial wastes. In either case, the owner or the owner's agent shall make application on a special form furnished by the department. The application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Department.~~
- ~~B. The charge for a residential or commercial building sewer permit shall be seven dollars and fifty cents (\$7.50) for the first five (5) fixtures and fifty cents (\$0.50) per fixture beyond, to cover cost of inspection.~~
- ~~C. The charge for a sewer connection fee shall be thirty dollars (\$30.00) for each drain, with said charge to be made in connection with the issuance of each building permit after January 1, 1988, for all new construction with a maximum charge of three thousand dollars (\$3,000.00), provided, however, multiple drains served by a single faucet shall be considered one drain. (Floor drains are exempt.)~~
- ~~D. The charges shall be paid to the department at the time application is filed. The charges indicated assume only one call at the site for inspection work and approval of connection. Additional calls shall be made at the expense of the applicant in the amount, per call, set forth in the City's Schedule of Fees and Charges.~~

A. Applicability.

- 1. This section shall be applicable to applications for sewer service connections due to an increase in demand for sewer facilities. An increase in demand for sewer facilities shall mean the replacement of an existing water meter with a meter having a larger capacity, capable of delivering more gallons per minute than the existing meter and therefore creating a higher demand for water and sewer service than the existing meter or a new water meter installed where one did not exist prior.**
- 2. The sewer connection fee imposed by this section shall be imposed on all new permits issued after July 1, 2022.**
- 3. The sewer connection fee imposed by this section shall not be applicable to applications for sewer service connections otherwise necessary for:**
 - a) Alteration or expansion of an existing structure, provided there is no change in the number of water meters or water meter capacity.**
 - b) Rebuilding of a damaged or destroyed structure, whether voluntary or involuntary, provided there is no change in the existing water meter capacity.**

B. Imposition of sewer connection fee.

- 1. No connection to the public sewer system shall be made unless the owner or the owner's agent has made application and paid the applicable sewer connection fee imposed by this section. The application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Department.**

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2. No application for a building permit shall be approved, unless the applicant, if so required, has paid the applicable sewer connection fee imposed by this section. Any application for a sewer service connection approved by the City without payment and collection of the applicable sewer connection fee as required by this section shall be null and void. The City may retroactively revoke approval for a sewer service connection if it is determined that the appropriate sewer connection fee was not paid in a correct or timely manner as required by this section.
 3. Sewer service connections shall otherwise comply with all applicable ordinances, rules, and regulations of the City and applicable state and federal laws, rules, and regulations.
 4. Approval of an application for a sewer service connection shall expire if the connection has not been completed within twelve (12) months after the date of such approval. Upon expiration, the applicant may apply for a refund of the sewer connection fee in accordance with this section.
 5. Sewer connection fees may be amended from time to time, as needed, by the City.

C. Calculation and imposition of the sewer connection fee.

1. The City shall calculate the sewer connection fee due for an application for sewer service by the capacity of the water meter utilizing the same capacity multiplier to determine the water tap fee for larger meter sizes. The sewer connection fee shall be as set forth in the City's Schedule of Fees and Charges.
2. Where this section becomes applicable due to an increase in demand for sewer facilities, the sewer connection fee due shall be equal to the difference between the current fee applicable for the new connection minus the current fee applicable for the existing connection. (Example only: An existing customer applies to increase an existing connection from a one-inch displacement meter to a two-inch displacement meter. The sewer connection fee due shall be equal to the current sewer connection fee for the two-inch displacement meter minus the current sewer connection fee for a one-inch displacement meter.)

D. Administration and accounting.

1. Collection of sewer connection fee. Sewer connection fees calculated and imposed pursuant to this section shall be collected by the City prior to approving any application for service.
2. Transfer of funds to the Finance Department. Sewer connection fees shall be transferred from the Development Services department, or any other department accepting the sewer connection fee, to the Finance department for placement in the sewer tap fee fund.
3. Funds withdrawn from the fund account must be used solely in accordance with the provisions of subsection E, of this section.
4. Any funds not immediately necessary for expenditure shall be invested in interest-bearing accounts as set forth in City policies. All interest earned shall be retained in the sewer tap fee account.

E. Use of funds collected.

- 1. The funds collected by reason of this section shall be used exclusively for the purpose of acquiring, equipping, and/or making capital improvements to sewer facilities or for financing directly, or as a pledge against bonds, revenue certificates, and other obligations of indebtedness, the costs of sewer facilities projects in which the fees are collected. The funds collected shall not be used for maintenance or operations.**
- 2. In the event that bonds or similar debt instruments are issued for advanced provision of capital facilities for which sewer tap fees may be expended, the applicable sewer tap fee funds may be used to pay debt service on such bonds or similar debt instruments to the extent that the facilities provided are of the type described in subsection E of this section.**

F. Intergovernmental agreements. In the event that any part of a service area which requires new capital sewer facilities to serve new development lies outside the jurisdictional boundaries of the City, the requirements of this section may be extended to unincorporated portions of Jackson or Cass County if the City executes an intergovernmental agreement with the applicable county providing for the imposition of such sewer connection fees by the county and payments to the City of the funds collected. In the event of such agreement, the funds so collected shall be administered in accordance with the provisions of this section.

G. The City, in its decision to serve outside the jurisdictional boundaries of the City, shall determine what if any additional charges are applicable due to the construction of the proposed sewer facilities.

H. Refunds.

- 1. Upon application of the property owner, the City shall refund the portion of any sewer connection fee that has been on deposit for more than twelve (12) months and that remains unexpended if the provisions of this section are met.**
- 2. The refund shall travel with the land, and may be claimed by the owner of the property at the time the refund is due. The property owner must petition the City for the refund within thirty (30) days following the 12-month period by filing such petition with the City Clerk. The time for filing a refund petition shall run from the date on which the sewer connection fee was paid. In the event the owner of property at the time a refund is due does not timely petition the City in accordance with this section, no refund of any portion of any unexpended sewer improvement fee shall be due to the property owner, or any successor in interest of the property owner. The City Clerk shall promptly transmit such petition to the Director of Water Utilities for action in accordance with this section.**
- 3. The petition must, at minimum, contain the following information:**
 - a) A notarized sworn statement that the petitioner is the current owner of the property; and**
 - b) A copy of the dated receipt issued for payment of the sewer connection fee.**
- 4. Sewer connection fees collected pursuant to this section shall be considered expended if, within twelve (12) months from the date of**

payment, the total expenditures for sewer facilities necessary to serve new connections exceeds the total fees collected for such facilities during such period.

5. Within thirty (30) days from the date of receipt of a petition for the refund, the Director of Water Utilities, or designee, shall advise the petitioner of the status of the refund request. If the petition for refund meets all of the requirements of this section, the City shall issue the refund within two months from the date of receipt of the petition for refund.
 6. The petitioner may appeal the determination of the Director of Water Utilities, or designee, regarding a refund as provided in this section.
- I. **Effect of fees on zoning and subdivision regulations.** This section shall not affect, in any manner, the permissible use of property, density of development, design, or any other aspect of the development of land or the provision of public improvements subject to the zoning and subdivision regulations in the UDO. All provisions of the UDO shall remain in full force and effect without limitation with respect to all such development that is required to pay a fee pursuant to this section.
 - J. **Fee as additional and supplemental requirement.** Sewer connection fees imposed pursuant to this section are additional and supplemental to, and not in substitution of, any other requirements imposed by the City on the development of land. A property owner may be required to pay, pursuant to City ordinances, for other public facilities in addition to the fees for public sewer facilities as specified in this section.
 - K. **Administrative guidelines.** The City Manager may adopt written administrative guidelines to clarify and provide notice of internal procedures used to administer this section.
 - L. **Appeals.**
 1. The applicant shall file a notice of appeal with the City Clerk within thirty (30) days following the determination of the applicability of the sewer connection fee or refund rights under this section. If an appellant fails to appeal the sewer connection fees within thirty (30) days as set forth in this subsection, the sewer connection fees shall be final and no appeal shall be heard. If the appellant pays the sewer connection fees without protest, the appellant waives the right to appeal the sewer connection fee. An application for service may continue to be processed while the appeal is pending, provided that the notice of appeal is accompanied by a bond or other sufficient surety satisfactory to the City Attorney in an amount equal to the original determination of the sewer connection fee due.
 2. **Subjects for appeal.** An applicant may appeal the following decisions:
 - a) The applicability of the sewer connection fee to the connection;
 - b) The amount of the sewer connection fee due;
 - c) The applicability of any credits or exemptions; or
 - d) The amount of a refund due, if any.
 3. **Burden of proof.** The burden of proof shall be on the appellant to demonstrate by clear and convincing evidence that:

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- a) **The sewer connection fee is not applicable;**
 - b) **The amount of the sewer connection fee does not reasonably reflect the applicant's pro rata share of the cost of sewer service facilities required to serve the applicant's development;**
 - c) **Credits or exemptions should be provided; and/or**
 - d) **The amount of the refund was not calculated in accordance with the provisions of this section.**
- 4. **Documentation for appeal. Within ten (10) days of the notice of appeal, or by such date as shall be agreed upon in writing between the applicant and the City, the applicant shall submit to the Director of Finance studies, calculations, and other documentation appropriate to the determination of the applicable sewer connection fees or the determination of a refund.**
 - 5. **Hearing. The City Manager shall appoint a hearing examiner who shall schedule a formal hearing on the record with evidence and testimony as a contested hearing pursuant to Chapter 536, RSMo.**
 - 6. **Written decision. The hearing officer shall issue written findings of fact and conclusions of law and shall preserve a transcript of the written record and exhibits. The decision of the hearing officer shall be final for purposes of appeal pursuant to Chapter 536, RSMo.**
- M. Calculation of days. The number of days specified in this section shall include weekend days and holidays. The last day of the period shall be included in the computation, unless it is a Saturday, Sunday or a legal holiday, and if it is, the period runs until the end of the next day which is not a Saturday, Sunday or a legal holiday. "Legal holiday" includes any day designated as a holiday by the Congress of the United States, Missouri legislature or the City Council.**

EXPLANATION —Matter in **bold** type in the above is added language. Matter in ~~striketrough~~ in the above is deleted.