

RESOLUTION NO. 24-1049

A RESOLUTION ESTABLISHING A COMPREHENSIVE LISTING OF FEES AND CHARGES AS AUTHORIZED BY THE OLATHE MUNICIPAL CODE.

WHEREAS, the City of Olathe has adopted the Olathe Municipal Code; and

WHEREAS, the effective administration of the Olathe Municipal Code results in certain costs incurred by the City of Olathe; and

WHEREAS, it is desirable to establish various fees and/or charges to offset the costs in administering the Olathe Municipal Code; and

WHEREAS, the Governing Body of the City has adopted fees, charges, penalties, or recovery of costs as set forth in the following listed sections of the Olathe Municipal Code (O.M.C.):

2.36.030,	2.56.020,	2.66.050,	3.02.020,	3.70.010,
3.70.030,	3.70.070,	5.05.040,	5.10.070,	5.10.090,
5.10.150,	5.15.060,	5.24.050,	5.24.170,	5.36.050,
5.36.195,	5.42.030,	5.43.030,	5.44.050,	5.50.050,
5.56.080,	6.04.060,	6.04.090,	6.04.095,	6.06.130,
6.09.120,	7.06.030,	7.08.030,	7.10.020,	7.12.020,
7.14.070,	7.14.080,	8.06.060,	8.06.100,	8.08.130,
8.10.110,	8.12.010,	8.12.030,	8.14.025,	9.14.110,
9.16.020,	10.14.030,	10.01.084,	12.08.070,	12.08.090,
12.14.060,	12.21.040,	12.21.240,	12.22.120,	12.24.050,
12.24.060,	12.26.020,	13.04.050,	13.04.103,	13.04.104,
13.05.030,	13.05.035,	13.05.070,	13.05.080,	13.08.011,
13.12.030,	13.12.040,	13.12.045,	13.12.050,	13.12.070,
13.20.010,	13.24.080,	13.26.050,	13.30.060,	13.36.060,
15.02.200,	15.02.171,	15.02.180,	15.02.190,	15.02.205,
15.02.401,	15.08.090,	15.52.100,	15.53.010,	16.05.101,
16.07.020,	16.07.060,	16.07.070,	16.12.010,	16.14.010,
16.14.040,	17.12.050;			

and

WHEREAS, the City of Olathe has adopted Title 18, the Unified Development Ordinance of the Olathe Municipal Code, which regulates the uses of land within the City; and

WHEREAS, the effective administration of Title 18 results in certain costs being incurred by the City of Olathe; and

WHEREAS, it is desirable to establish fees to partially offset the costs in administering said Title 18 caused by the processing of applications and review of plans; and

WHEREAS, the Governing Body of the City has authorized the collection of various taxes as set forth in O.M.C. Sections 3.30.050 Park Excise Tax, 3.35.030 Street Excise Tax, 3.70.010 Stormwater Management, and 7.04.030 Retail Liquor License Occupation Tax; and

WHEREAS, various parks and recreational fees, charges, class fees and rental fees for City-owned facilities are set forth in the City of Olathe official recreation catalog; and

WHEREAS, a Comprehensive Listing of Fees and Charges organized by activity would promote efficiency and expediency regarding City fees and charges and would allow for greater accessibility and ease of use of the comprehensive fee listing for citizens and visitors alike; and

WHEREAS, the Governing Body of the City has determined that additional details or regulations regarding certain fees should be provided in this resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF OLATHE, KANSAS that the fees and charges for 2025 are hereby established by this resolution and the attached "2025 Comprehensive Listing of Fees and Charges."

SECTION ONE: (A) Copying fees as authorized in O.M.C. Section 2.66.050, will be charged as shown in the attached 2025 Comprehensive Listing of Fees and Charges.

(B) In the case of fees for copies of records, the fees will not exceed the actual cost of furnishing copies, including the cost of staff time required to make the information available. The cost of staff time will be figured at the market rate for the individual doing the research.

(C) Copies of City of Olathe publications or documents containing substantial text requiring special printing or that are currently available in limited quantity will require a consultation with the affected department to determine a reasonable charge for reimbursement or will be established by individual departments.

(D) Handling and mailing charges will be added if the customer requests that the order be filled by mail. The handling and mailing rates will be charged as shown in the attached 2025 Comprehensive Listing of Fees and Charges.

SECTION TWO: The Non-Residential Stormwater Management Fee, as authorized in O.M.C. Section 3.70.010, will be charged as shown in the attached 2025 Comprehensive Listing of Fees and Charges. This fee is hereby imposed, assessed, and levied upon the respective owners of all buildings or structures within the City occupied by them or by any person or persons authorized by such owner or owners to occupy such building or buildings (Commercial), a monthly stormwater management charge or fee

used to construct or rehabilitate a stormwater management system designed to alleviate flooding in the City in accordance with the City's capital improvement program. Such fee will be based upon the base rate (equal to the residential rate) multiplied by an area factor equal to an equivalent residential unit of less than twenty thousand (20,000) square feet.

SECTION THREE: The Solid Waste Connection Fee, authorized in O.M.C. 6.04.095, will be as shown in the attached 2025 Comprehensive Listing of Fees and Charges. Such fees will be assessed per single family residence and will be collected prior to issuance of a building permit.

SECTION FOUR: A license fee for retail sales of cereal malt beverages, authorized in O.M.C. Section 7.14.070, will be as shown in the attached 2025 Comprehensive Listing of Fees and Charges. The fee for General Retailers is assessed for each place of business selling cereal malt beverages at retail for consumption on the premises. The fee for Limited Retailers is assessed for each place of business selling only retail cereal malt beverages in original and unopened containers and not for consumption on the premises.

SECTION FIVE: License fees for dogs and cats, authorized in O.M.C. Section 8.06.060, will be as shown in the attached 2025 Comprehensive Listing of Fees and Charges. Such fees are non-refundable. Fees for sexually altered animals may only be applied upon presentation of a written certificate by a licensed veterinarian that the dog or cat has been neutered or spayed.

SECTION SIX: (A) Impoundment, boarding, surrender and euthanasia fees, as authorized in O.M.C. Sections 8.12.010 and 8.14.025, will be as shown in the attached 2025 Comprehensive Listing of Fees and Charges. An impoundment is a second, third, fourth, or subsequent impoundment if it occurs within 24 months of the previous impoundment. Additionally, subsequent impoundments (any impoundment after the fourth impoundment) will pay the boarding fee.

(B) The Impoundment Administrative Fee will be charged for each impoundment.

SECTION SEVEN: Animal Adoption fees authorized in O.M.C. Section 8.12.030, will be as shown in the attached 2025 Comprehensive Listing of Fees and Charges. Such fees are collected regardless of the adopter's resident or non-resident status. Adoption fees include the required Five Dollar (\$5.00) per animal flea and tick fee.

SECTION EIGHT: False alarm fees, authorized in O.M.C. Section 5.56.080, 16.07.070, and 16.07.060 will be as shown in the attached 2025 Comprehensive Listing of Fees and Charges. Alarm fees are assessed on number of false alarms within a calendar year.

SECTION NINE: Fees for towing or wrecker services, as authorized in O.M.C. Section 10.01.084, will be as shown in the attached 2025 Comprehensive Listing of Fees and Charges. Rules and regulations established and distributed to authorized tow services by the Chief of Police are hereby authorized by this Resolution.

SECTION TEN: (A) Swimming pool fees, authorized in O.M.C. Section 12.22.120, will be as shown in the attached 2025 Comprehensive Listing of Fees and Charges.

(B) For the purposes of obtaining swim passes, a “family member” is defined as any person who is either claiming a dependent or being claimed as a dependent on the same family’s most recent federal income tax return. Family season tickets are limited to six (6) family members. Children two (2) years of age and younger at the start of the swimming season may swim for free but must be accompanied by an adult admission.

(C) A scholarship program for use of the pools for limited-income individuals is hereby established by the City Manager or his designee.

(D) Individuals purchasing a resident season membership or resident discount coupon booklet must show proof that they reside within the City limits of Olathe at the time of purchase. Residency status will be determined by the individual’s or family’s primary residence and not ownership of a business, commercial or rental property within the City.

SECTION ELEVEN: The purchase price for memorial plots, authorized in O.M.C. Section 12.24.050 and 12.24.060, will be as shown in the attached 2025 Comprehensive Listing of Fees and Charges. The purchase prices include perpetual improving, maintaining and caring for lots, graves, monuments, vaults and cemetery grounds. No additional charge will be made for oversized vaults or section boxes.

SECTION TWELVE: (A) Fees for the Community Center, authorized in O.M.C. Section 12.26.020, will be as shown in the attached 2025 Comprehensive Listing of Fees and Charges.

(B) For the purposes of obtaining community center memberships, a “family member” is defined as any person who is either claiming a dependent or being claimed as a dependent on the same family’s most recent federal income tax return. Family memberships are limited to five (5) family members.

(C) Individuals purchasing a resident individual or family membership, or resident discount coupon booklet must show proof that they reside within the City limits of Olathe at the time of purchase. Residency status will be determined by the individual’s or family’s primary residence and not ownership of a business, commercial or rental property within the City.

SECTION THIRTEEN: (A) Utility Service Security deposit fees, authorized in O.M.C. Section 13.04.050, will be charged as shown in the attached 2025 Comprehensive Listing of Fees and Charges.

(B) For non-residential and apartment meters, the deposit charged will be determined by the City’s experience with similar type customers and estimated water usage of similar businesses or apartments.

(C) For each dwelling house with one meter, the deposit charged will be based upon the result of the credit report, as shown in the attached 2025 Comprehensive Listing of Fees and Charges.

SECTION FOURTEEN: A water service connection permit fee, authorized by O.M.C. Section 13.05.070, will be charged as shown in the attached 2025 Comprehensive Listing of Fees and Charges. The meter and tap will be provided by the City, all other materials to be provided by plumber. The inspection is included in the fee.

SECTION FIFTEEN: (A) Monthly wastewater rates, authorized in O.M.C. Section 13.08.011, will be charged as shown in the attached 2025 Comprehensive Listing of Fees and Charges.

(B) Extra Strength Surcharge: For customers discharging sewage of BOD strength in excess of 325 milligrams per liter (mg/l) or suspended solids strength in excess of 275 milligrams per liter (mg/l), a surcharge, in addition to the charges enumerated above in Section B (1) and (2), will be levied based on the following two formulas, and will be equal to their sum:

$$S = V_s \times 0.00624 [\$0.4196 (\text{BOD} - 264)] + [\$0.3004 (\text{SS} - 300)].$$

Where

(a)

- S = Extra Strength surcharge in dollars
- V_s = Wastewater volume in hundred cubic feet
- 0.00624 = Million pounds per hundred cubic feet of water
- BOD = This term will have the same meaning ascribed in Section 13.08.010.
- SS = Suspended solids in the wastewater in milligrams per liter.

(b) Unit charges per pound are:

<u>BOD</u>	<u>Suspended Solids</u>
\$0.4196	\$0.3004

(c) Allowed BOD in milligrams per liter is 264 mg/l and the allowed suspended solids strengths in milligrams per liter is 300 mg/l.

(d) The standard strengths in milligrams per liter for BOD and suspended solids discharged are as follows:

(1) Residential Customers: Residential usage rates include strength charges. Therefore, no additional surcharges for strength will be applied.

(2) Commercial Customers: The following strength characteristics are assigned to high strength customers based on the type of business.

<u>Customer</u>	<u>BOD</u> <u>Strength (mg/l)</u>	<u>SS</u> <u>Strength (mg/l)</u>
General	264	300
Restaurants	975	525
Car Washes	800	1,000
Laundries	750	950

The City of Olathe may conduct periodic strength testing on Commercial Customers that: 1) appear to have a higher-than-normal strength discharge in their Use Category, or 2) have a combination of uses on one meter. Customers found to be discharging sewage over 10% above the assigned strength will be surcharged based on the actual tested strength.

(3) Industrial Customers: The City of Olathe will require Industrial Customers to annually submit the results of a representative sample, tested by a certified laboratory, and a description of the sampling procedure followed. The average wastewater strength will be used in calculating the amount of surcharge, or surcharge credit. Customers with a highly variable strength may be required to test on a more frequent basis.

The City may conduct periodic strength testing on Industrial Customers to verify the accuracy of the submitted data. If the test data indicates changes in the wastewater strength, the City will notify the customer of the changes and will adjust the strength for the next billing cycle.

SECTION SIXTEEN: As authorized by O.M.C. Section 13.12.070, fees, charges, deposits, and estimated fees for the purchase of water through the City owned hydrants will be charged as shown in the attached 2025 Comprehensive Listing of Fees and Charges. The estimation fee of \$25 is assessed for failure to call in the monthly reading by the 20th of the month.

SECTION SEVENTEEN: Permit fees, as established in O.M.C. Section 15.02.180 Section [A] 109.2 Amended – Schedule of permit fees of the International Building Code, will be charged as shown in the attached 2025 Comprehensive Listing of Fees and Charges.

(A) Fees will be calculated based upon the defined classifications and defined chargeable floor area:

Classification I is defined as all construction of one- and two-family structures including duplexes. The square feet chargeable is defined as the total square feet of the building measured from the exterior surface of outside walls or joint partitions and includes unfinished basement area and the garage.

Classification II is defined as all commercial buildings or structures, including land designated and classified for special uses, but exempting warehouses and factories. The square feet chargeable is defined as the total square feet of the buildings measured from exterior surface of outside walls or joint partitions, including basements, mezzanines and any canopy or covered drive through.

Classification III is defined as all commercial warehouse and factory buildings or structures, including land designated and classified for special uses. The square feet chargeable is defined as the total square feet of the buildings measured from exterior surface of outside walls or joint partitions, including basements, mezzanines and any canopy or covered drive through.

Classification IV is defined as all one- and two-family structures including duplexes in which remodeling, renovation and/or rehabilitation is being accomplished. The square feet chargeable is defined as the total square feet of the area being remodeled, renovated and/or rehabilitated.

Classification V is defined as all commercial buildings or structures in all zone classifications in which remodeling, renovation and/or rehabilitation is being accomplished. The square feet chargeable is defined as the total square feet of the area being remodeled, renovated and/or rehabilitated.

Classification VI is defined as all construction of swimming pools for private residential use on the property of one and two-family structures including duplexes. The square feet chargeable is defined as the total square feet of the pool measured from exterior surface of outside walls or joint partitions (for fee structure see the attached 2025 Comprehensive Listing of Fees and Charges).

Classification VII is defined as all construction of swimming pools for commercial or public use on property other than that of one and two-family structures including duplexes. The square feet chargeable is defined as the total square feet of the pool measured from exterior surface of outside walls or joint partitions (for fee structure see the attached 2025 Comprehensive Listing of Fees and Charges).

(B) An additional fee for residential and commercial property as hereinafter set forth will be added as an additional fee to any other fees whenever the plans for the construction of the building or structure call for any excavation activities. Such amount will be placed in a special street cleaning account and will be used by the City to clear incidental mud and dirt from the City streets caused by such construction activities. This does not prohibit the City from enforcing its traffic and criminal codes related to the depositing upon City streets, public ways or public property excessive mud, dirt and debris caused by such construction activities. Excavation Fees will be charged as shown in the attached 2025 Comprehensive Listing of Fees and Charges. The residential excavation fee will not be assessed for construction of room additions of 400 square feet or less or for the construction of outdoor decks.

(C) Re-inspection fees will be charged as shown in the attached 2025 Comprehensive Listing of Fees and Charges, when the permit holder:

- (1) Has failed to have project ready for requested inspection;
- (2) Has not completed or corrected previous inspection items;
- (3) Does not have permit or address numbers posted;
- (4) Has continued with construction activities without inspection approval;
- (5) Other construction related items in which the Chief Building Official or his or her designated staff representative may level a re-inspection fee, including but not limited to:
 - (a) Locked or inaccessible structures;
 - (b) Occupied structures without City authorization;
 - (c) Inspection requests that have already been approved.

SECTION EIGHTEEN: Application requirements and fees for failing to obtain a permit will be as follows:

Every applicant for a permit to do work regulated by Title 15 of the Olathe Municipal Code will state in writing on the application form provided for that purpose, the character of work proposed to be done and the amount and kind in connection therewith, together with such information, pertinent thereto, as may be required.

Such applicant will pay for each permit at the time of issuance a fee in accordance with the fees set forth in Title 15 and at the rate provided for each classification shown herein.

Any person who commences any work for which a permit is required by Title 15 of the Olathe Municipal Code without first having obtained a permit therefore will, if subsequently permitted to obtain a permit, pay double the permit fee fixed by this section for such work, provided, however, that this provision will not apply to emergency work when it shall be provided to the satisfaction of the administrative authority that such work was urgently necessary and that it was not practical to obtain a permit therefore before the commencement of the work. In all such cases, a permit must be obtained as soon as it is practical to do so, and if there be an unreasonable delay in obtaining such a permit, a double fee as herein provided will be charged.

SECTION NINETEEN: Subdivision Filing and Recording Fees will be paid by all persons or corporations submitting preliminary and final plats for approval by the Planning Commission as shown in the attached 2025 Comprehensive Listing of Fees and Charges. All amounts will be computed to the nearest dollar. This fee will be paid at the time that the preliminary plat is submitted to the Planning Commission and will apply to approval of the preliminary plat and final plat, provided that the final plat includes the same area to be subdivided as the preliminary plat (i.e., if the preliminary and final plats are the same only one fee is required). If the final plat is submitted in segments, then the above fee schedule will apply to all submittals for final plats except the first.

SECTION TWENTY: Temporary sales and events permits, as authorized by UDO Section 18.50.225, will be charged as shown in the attached 2025 Comprehensive Listing of Fees and Charges. Additional fees may be charged if the Fire Department determines an inspection will be required.

SECTION TWENTY-ONE: Sign permit fees, as authorized in UDO Section 18.50.190 B.1.b, will be charged as shown in the attached 2025 Comprehensive Listing of Fees and Charges. Permit fees will be paid prior to the issuance of any sign permit to cover the associated cost of sign permit review, processing of the permit application and required site inspections for the installation, erection and placement of any sign or advertising structure. The cost of removing signs in violation of the sign permit regulation will be assessed as set forth in UDO Section 18.50.190 B.2.

SECTION TWENTY-TWO: The fees for the daily requested use of the Meeting Room(s), the City Hall Foyer or the Community Rooms in Fire Stations No. 6 and 7 by a group will be charged as shown in the attached 2025 Comprehensive Listing of Fees and Charges.

Groups who are charged the room use fee will be charged a pre-payable and refundable security deposit ranging from \$100.00 - \$1,000.00. This must be in the form of a check, which will be held and returned if no damages occur during use of the room or adjacent areas. To cancel the room reservation, notice must be given at least one business day prior to the event. The notice must be given via telephone or e-mail. The security deposit will not be returned if a one business day cancellation notice is not received.

Costs will be assessed to any group or organization responsible for any damage to the Meeting Rooms, Foyer or the Community Rooms in Fire Stations No. 6 and 7 while in their use.

The fees for the use of the Meeting Room(s), Foyer or the Community Rooms in Fire Stations No. 6 and 7 may be waived by the City Manager in the following instances:

(A)The group requesting to use the Meeting Room(s), Foyer or the Community Rooms in Fire Stations No. 6 and 7 is 501(c)(3) non-profit organization or charitable group; and

(B)The group completes an application for fee waiver that is submitted with their application for Meeting Room(s), Foyer or the Community Rooms in Fire Stations No. 6 and 7 use and explaining the request to waive the Meeting Room(s), Foyer or the Community Rooms in Fire Stations No. 6 and 7 fee.

SECTION TWENTY-THREE: The fees for the requested use of the Fire Academy and fire training services or programs will be charged as shown in the attached 2025 Comprehensive Listing of Fees and Charges.

SECTION TWENTY-FOUR: All Parks and Recreation Fees, including admission fees and fees for renting the Mahaffie Historic Site grounds, Heritage Center and the Community Center, the fees by which private individuals, groups or schools can rent City of Olathe-owned athletic fields or facilities, the fees by which private individuals and organizations can reserve City of Olathe owned parks and picnic shelters, the rental fees by which private individuals and/or not for profit groups may rent municipal aquatic facilities, the rental fees for the facilities at Lake Olathe, and charges for recreational activities for adults and children, will be set forth by the Parks and Recreation Director in the City's official recreation catalog.

SECTION TWENTY-FIVE: The City Manager is hereby authorized and directed to establish a non-residential stormwater service charge account holder discount program. The discount program will be made available to non-residential account holders who are exempt from taxation under § 501 (c)(3) of the Internal Revenue Code (IRS) and fulfill other requirements established by the City Manager or designee to administer the program. The discount will be made available to qualified non-residential account holders on a yearly basis and will require each account holder in the program to show proof of § 501 (c)(3) status to the City Manager or designee for each year a discount on monthly stormwater service charges is requested.

SECTION TWENTY-SIX: Adopted and Incorporated by referenced herein is the "2025 Comprehensive Listing of Fees and Charges."

SECTION TWENTY-SEVEN: Resolution number 23-1062 is specifically repealed effective January 1, 2025.

SECTION TWENTY-EIGHT: All resolutions that conflict with this Resolution regarding fees and charges are hereby repealed effective January 1, 2025.

SECTION TWENTY-NINE: This Resolution shall take effect on January 1, 2025.

ADOPTED by the Governing Body this ____ day of _____, 2024.

SIGNED by the Mayor this ____ day of _____, 2024.

Mayor

ATTEST:

City Clerk

(SEAL)

APPROVED AS TO FORM:

City Attorney