

ORDINANCE NO. 218

AN ORDINANCE ESTABLISHING RATES OF SERVICE CHARGES FOR THE USE OF THE SEWAGE DISPOSAL SYSTEM OF THE CITY OF WATHENA, KANSAS, AS AUTHORIZED BY SECTIONS 12-631(g), 12-631(h), 12-631(i), 12-631(j), 12-631(k), and 12-631(l) OF THE 1959 SUPPLEMENT TO THE GENERAL STATUTES OF KANSAS OF 1949.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WATHENA, KANSAS:

SECTION 1. That for the purpose of this ordinance "sewage disposal system" shall consist of all means by which sewage is transported, treated and disposed of and shall not include drainage or storm sewers or drains.

SECTION 2. That for the purpose of this ordinance "sewage system" shall consist of all of the sanitary sewers by which sewage is transported and disposed of and shall not include drainage or storm sewers or drains.

SECTION 3. That each and every property owner or any other person, firm, corporation, city department or political subdivision of the state or the United States by and upon the authority of any owner, or any person whomsoever, desiring to connect any property, whatsoever, to the sewer or any lateral of the sewer of the City of Wathena, Kansas, shall at his own expenses under the direction, supervision and approval of the City of Wathena, construct such connecting sewer from his property to the city sewage disposal system, and for making such connection shall pay to the City of Wathena the sum of \$5.00.

SECTION 4. That all persons, firms, corporations, city departments, the United States, the State of Kansas and its political subdivisions, and any organizations whose premises are connected, or may hereafter be connected, to the sanitary sewer system of the City of Wathena, Kansas, shall pay to said City for the use of such sewage disposal system the monthly service charge as set forth in Section 5 of this ordinance.

SECTION 5. That there is hereby assessed and fixed a service charge of \$1.00 per month to be paid to the City of Wathena, Kansas, for the use of said sewage disposal system for each month, or fraction thereof. Upon proof of vacancy

at the effective date of this ordinance and thereafter for any period in excess of thirty days, no service charge shall be made. The user shall have the duty of informing the City Clerk of such vacancy, and in the absence of said notice, the user shall be charged according to the appropriate schedule of rates.

SECTION 6. That the monthly charge as provided for in Section 5 hereof shall become payable on or before the 10th day of each month following the last day of the month for which such charge is made, and such monthly charge shall be paid in the office of the City Clerk.

SECTION 7. That in the event any persons, firm, corporation, political unit (except the United States and the State of Kansas) or organization, living or operating on premises connected to a sanitary sewer, shall neglect, fail or refuse to pay the service charges as provided for in Section 5 hereof for the operation of the sewage disposal system, such charges shall constitute a lien upon the real estate served by the connection to the sewer, and shall be certified by the City Clerk to the County Clerk of Doniphan County, Kansas, to be placed on the tax roll for collection, subject to the same penalties and collected in like manner as other taxes are by law collectable; and the delivery of water and electricity by the City of Wathena to such premises shall be discontinued until such times as such charges are fully paid.

SECTION 8. That all revenues derived from sewage service charges shall be deposited in the City Treasury and credited to a separate fund to be known as the Sewage Disposal Fund, and such revenues shall be used exclusively for the administration, operation, maintenance, repair, replacement, extension, enlargement, betterments, depreciation and obsolescence of said sewage disposal system, and may be used to pay principal of and interest on any bonds issued on account of said sewer system, either general obligation bonds, or revenue bonds, or both, except bonds issued for any such projects, the cost of which is payable from special assessments, and said revenues shall be used for no purpose other than those specified herein, and shall not be applied to the construction or recon-

struction of sewers the cost of which is provided by law to be paid from special assessments in a benefit district.

SECTION 9. That the Sections of this ordinance are intended to be several and separate so that if any Section hereof is held to be invalid by a court of competent jurisdiction, the remaining Sections shall remain in full force and effect.

SECTION 10. That this ordinance shall take effect and be in force at the expiration of 30 days after its publication in the Wathena Times, as provided by law.

Passed by the Council and approved by the Mayor this 29th day of November, 1961.

Mayor.

ATTEST: _____
City Clerk

(Seal)