

ORDINANCE NO. 312

AN ORDINANCE RELATING TO THE SEWERAGE SYSTEM OF THE CITY OF WATHENA, KANSAS, REQUIRING CERTAIN PROPERTY OWNERS TO MAKE SEWER CONNECTIONS, PROVIDING THAT SUCH SEWER CONNECTIONS SHALL BE MADE BY OR UNDER THE DIRECTION OF THE CITY OF WATHENA UNDER CERTAIN CIRCUMSTANCES WITH THE COST AND EXPENSE THEREOF TO BE ASSESSED AGAINST THE PROPERTY CONNECTED AND REPEALING ORDINANCE NO. 243 OF THE CITY OF WATHENA AND ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

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

SECTION 1. DEFINITION. As used in this ordinance, the term "sewerage system" means sewers, mains, pumping stations, treatment works, storage facilities, laterals and all other appurtenances to the collection, storage, treatment and disposal of sewage and waste water.

SECTION 2. WHEN SEWER CONNECTIONS MAY BE REQUIRED. The Governing Body of the City of Wathena may require persons and property owners owning buildings within the City which are located near a sewer, or in a block through or alongside of which a sewer extends, to make connections with the City sewerage system should such connections, in the judgment of the Governing Body, be necessary for the protection of the health of the public and for the purpose of disposing of all substances emanating from any such building or premises affecting the public health which may be lawfully and properly disposed of by means of such sewer.

SECTION 3. FAILURE TO CONNECT AFTER NOTICE. If any person or property owner shall fail, neglect or refuse to connect any building, buildings or premises with the City sewerage system as provided for in Section 2 above for more than ten (10) days after being notified in writing by the Governing Body of the City of Wathena to do so, then the City may cause such buildings or premises to be connected with the City sewerage system or may advertise for bids for the construction and making of such sewer connections, and contract therefor with the lowest responsible bidder or bidders.

SECTION 4. RECOVERY OF COSTS OF CONNECTIONS BY CITY. In all cases where the City shall have completed sewer connections pursuant to Section 3 above, the costs and expense incurred by the City in each such instance, with interest thereon, shall be certified by the City Clerk to the County Clerk of Doniphan County for levy and assessment as special taxes against the property so connected and the same shall be collected and paid over to the City Treasurer in the same manner as other taxes of the City are collected and paid all in the manner provided by law. The owner of any property so assessed may at any time prior to a date which shall be fixed by the Governing Body pay to the City Treasurer the whole of the

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assessment against any lot or parcel with interest accrued to the date of payment.

SECTION 5. TEMPORARY FINANCING BY CITY. All costs incurred by the City under the provisions of Section 4 above may be financed, until the assessment is paid, out of the General Fund or by the issuance of no-fund warrants. Whenever no-fund warrants are issued under the authority of this act the Governing Body of the City of Wathena shall make a tax levy at the next ensuing tax levying period for the purpose of paying such warrants and the interest thereon. All such tax levies shall be in addition to all other levies authorized or limited by law and shall not be subject to the aggregate tax levy prescribed in Article 19 of Chapter 79, K.S.A. Such warrants shall be issued, registered, redeemed and shall bear interest in the manner and in the form prescribed by K.S.A. 79-2940, except that they shall not bear the notation required by said section and may be issued without the approval of the State Board of Tax Appeals. All moneys received from special assessments levied under the provisions of this ordinance shall, when paid, be placed in the General Fund of the City.

SECTION 6. REPEALER. Ordinance No. 243 of the City of Wathena and all other ordinances and parts of ordinances of the City of Wathena in conflict herewith are hereby repealed.

SECTION 7. AUTHORITY. This ordinance is enacted pursuant to authority granted in K.S.A. Supp. 12-631.

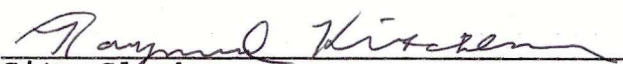
SECTION 8. EFFECTIVE DATE. The terms and provisions of this ordinance shall take effect from and after its passage and publication in the official City newspaper.

PASSED by the Council and APPROVED by the Mayor on the 18th day of June, 1974.

  
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Mayor, City of Wathena

ATTEST:

(CITY SEAL)

  
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City Clerk