

AN ORDINANCE RELATING TO THE SEWAGE DISPOSAL SYSTEM OF THE CITY OF WATHENA, KANSAS, ESTABLISHING A SEWER SERVICE CHARGE FOR THE USE OF SUCH SEWAGE DISPOSAL SYSTEM, CLASSIFYING SEWER USERS, ESTABLISHING A SEWER CONNECTION CHARGE, PROVIDING A SYSTEM FOR THE CHARGING AND COLLECTION OF SEWER SERVICE CHARGES, PROVIDING A METHOD FOR THE COLLECTION OF DELINQUENT SEWER SERVICE CHARGES, CREATING A SEPARATE SEWAGE DISPOSAL FUND, SPECIFYING EXPENDITURES WHICH WILL BE AUTHORIZED FROM SUCH FUND, AND REPEALING ORDINANCES 218 AND 294.

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

SECTION 1. DEFINITIONS. As used in this ordinance:

- (a) The term "sewage disposal system" shall mean, include, and consist of all means by which sewage is transported, treated and disposed of, but shall not include drainage or storm sewers or drains.
- (b) The term "sewage" means and includes all solids, liquids and all other substances generated upon or emanating from any building, premises or property which affect, or may be likely to affect, the public health and which may be lawfully and properly disposed of by means of a sewage disposal system.
- (c) The term "sewer service charge" means the charge imposed by this ordinance for the use of the sewage disposal system.
- (d) The term "sewer connection charge" means the charge imposed by the City for inspection and administrative expenses incurred by the City in connecting the building, premises, or property of any new or additional sewer user to a lateral or main of the City's sewage disposal system plus the actual cost, including administrative and engineering expense, incurred by the City in restoring any streets, alleys and other roadways damaged by cutting, excavation or otherwise in the completion of any new sewer user connection to the same condition (as nearly as can be) as the same existed immediately prior to the installation of any such new service. The sewer connection charge does not include any labor or building material used and expended in connecting any building, premises or property to the sewage disposal system and the responsibility and liability for all of such materials and labor shall be borne by the sewer user or the property owner, or both, as the case may be.
- (e) Sewer users are classified and defined as follows:
 - (i) "Single family user" means a dwelling, mobile home,

or other premises or property used and occupied by one family unit and having one separate connection to the sewage disposal system which is used solely by such single family user.

- (ii) "Multiple family user" shall mean and include duplexes, mobile home courts and other structures or premises designed to accomodate more than one family when all of the same are served by a common service line connecting with the sewage disposal system.
- (iii) "Business user" means all buildings, premises and property used and occupied by a user who is engaged on such premises, either full or part time, in the offering and sale of any goods, wares or merchandise or any professional, trade or other personal services, except for Skilled Nursing Homes, irrespective of whether or not any of the same shall be with or without remuneration.
- (iv) "School user" means any public school using the sewage disposal system.
- (v) "Skilled Nursing Home" means any Nursing Home licensed by the Board of Health of the State of Kansas as a Skilled Nursing Home.
- (vi) "Other user" means any other user of the sewage disposal system, be the same persons, firms, corporations, city departments, the United States, the State of Kansas, and its political subdivisions and all other organizations, whether civic, religious, charitable, profit or non-profit if the same shall not have been included in any of the preceding four classifications.
- (vii) "Sewer user" as such term is used in this ordinance shall mean and collectively include all users included within all six of the foregoing classes of users.

The City of Wathena shall have the sole authority to determine the classification for each sewer user and such determination, when made by the City, shall be final and conclusive as to all sewer users. The City shall classify and place each sewer user in one of the classifications named and defined at subsection (i) through (vi) above.

SECTION 2. SEWER CONNECTION APPLICATION. No prospective sewer user shall connect any building, premises or other property to the sewage disposal system nor commence any of the work required to complete such a connection without first having fulfilled the following requirements precedent to making such connection: (a) Secured a permit from the City Clerk authorizing the completion of such sewer connection and, (b) Paid in full the sewer connection charge specified in Section 3 below, provided, however, that payment of that portion of the sewer connection charge attributable to expense incurred in restoring the condition of any street,

alleys and roadways, or any part thereof, may, at the option of the City Clerk, be deferred until the completion of the installation and the restoration of any roadway damaged by reason of such installation.

SECTION 3. SEWER CONNECTION CHARGE. A sewer connection charge of \$ 100⁰⁰ plus the reimbursement of expense items described in Section 1 (d) is hereby established, the same to be paid to the City Clerk at the time provided in Section 2 above and the payment of such sewer connection charge shall be a required condition for the completion of any connection to the sewage disposal system.

SECTION 4. SEWER SERVICE CHARGE. A monthly sewer service charge for the use of the City's sewage disposal system is hereby established and the monthly rates therefor shall be as follows:

- (a) Single family users: Two Dollars (\$2.00).
- (b) Multiple family users: Two Dollars (\$2.00) for the first dwelling unit plus the further sum of One Dollar (\$1.00) for each additional dwelling unit located within the structure or complex when the same are served by a common service line connecting with the City's lateral or main.
- (c) Business users: Four Dollars (\$ 4⁰⁰).
- (d) School users: Twenty-five Dollars (\$25.00).
- (e) Skilled Nursing Home Users: Twenty-five Dollars (\$25.00).
- (f) Other users: Two Dollars (\$2.00).

Usage of the sewage disposal system by any sewer user for part of any month shall be considered and charged as usage for the full month.

SECTION 5. DUE DATE OF SEWER SERVICE CHARGES. All monthly sewer service charges provided for in Section 4 above shall become due and payable on the first day of each month for sewer usage during the immediately preceding month and such monthly sewer service charges shall be paid in full prior to the tenth day of each month and if the same are not paid prior to the tenth day of each month such unpaid charges shall thereafter be considered as delinquent and shall bear interest at the highest legal rate from date of delinquency until paid. All payments of sewer service charges shall be made in the office of the City Clerk of Wathena.

SECTION 6. DELINQUENT SEWER SERVICE CHARGES, LIENS AND COLLECTIONS. In the event that any sewer user (except the United States and the State of Kansas) shall neglect, fail or refuse to pay the sewer service charges herein fixed and established when and as the same shall become due and payable, then, upon and after the date that such sewer service charges shall become delinquent, such charges shall constitute a lien upon the real estate served by the connection to the sewage disposal system and shall be certified by the City Clerk to the County Clerk of Doniphan County, 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 collectible.

SECTION 7. SEWAGE DISPOSAL FUND CREATED AND USE THEREOF SPECIFIED.

(a) There is hereby created in the City treasury a new and separate fund to be known as the SEWAGE DISPOSAL FUND.

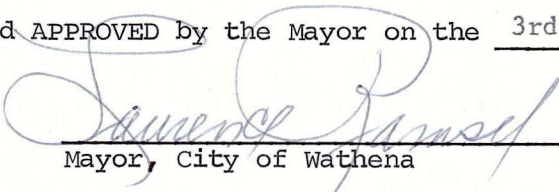
(b) All revenues derived from sewer service charges shall be deposited in the City treasury and credited to the Sewage Disposal Fund and such revenues shall be used exclusively for the administration, operation, maintenance, repair, replacement, extension, enlargement, betterment, depreciation and obsolescence of the City sewage disposal system and may be used to pay principal of and interest on any bonds issued on account of said sewage disposal system, either general obligations bonds or revenue bonds, or both and such revenues shall be used for no purpose other than those before specified, and, specifically, such revenue shall not be applied to the construction or reconstruction of sewers, the cost of which is provided by law to be paid from special assessments in a benefit district.

SECTION 8. AUTHORITY FOR ENACTMENT. This Ordinance enacted pursuant to authority granted in K.S.A. 12-631 (g) et seq.

SECTION 9. EFFECTIVE DATE. The charges established by this Ordinance shall be effective for all sanitary sewer services furnished by the City to its customers and users from and after ^{Oct. 1, 1974} ~~Sept. 1, 1974~~ or from and after the passage of this Ordinance and its publication in the official City paper, whichever date shall be the later.

SECTION 10. REPEALER. Ordinances 218 and 294 of the City of Wathena are hereby repealed.

PASSED by the Council and APPROVED by the Mayor on the 3rd day of Sept., 1974.



Mayor, City of Wathena

ATTEST:

(City Seal)



City Clerk