

ORDINANCE NO. 467

AN ORDINANCE RELATING TO SERVICE CONNECTION CHARGES FOR SEWER SERVICES PROVIDED WITHIN THE AREA KNOWN AS THE NORTHWEST WATHENA SEWER DISTRICT; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES OF THE CITY OF WATHENA IN CONFLICT HEREWITH.

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

SECTION 1. DEFINITIONS. As used in this ordinance:

(a) The term "City" shall mean the City of Wathena, Kansas.

(b) "Northwest Wathena Sewer District" shall mean and include that portion of the City bounded on the east by Belmont Road, on the south by Kirschbaum Street, on the west by U.S. Highway 36 and on the north by the City limits. "Northwest Wathena Sewer District" shall also mean and include the following tract:

Commencing at the intersection of Belmont Road and Kirschbaum Street, thence west along the center line of Kirschbaum Street to the east right-of-way of U.S. Highway 36, thence southerly along the east right-of-way of U.S. Highway 36 to the intersection of tract as described in Special Warranty Deed filed in Book 188 at Page 145 in the records in the office of the Register of Deeds of Doniphan County, Kansas, thence easterly along the north line of tract as described in the aforesaid Special Warranty Deed to the intersection of the west line of Bryan Acres Subdivision, thence north along the west line of Bryan Acres Subdivision to the northwest corner of said subdivision, thence east along the north line of said subdivision to the center line of Belmont Road, thence north along the center line of Belmont Road to the point of beginning.

(c) The term "residential customer" shall mean and include any City sewer customer whose lot, parcel of real estate, dwelling, building, structure or portion thereof is occupied as or designed, or intended for occupancy as: (i) a residence or place of abode and the premises and improvements appurtenant thereto for a natural person or group or family of natural persons in either a

single family or multi-family unit; or, (ii) All religious, charitable and benevolent organizations. The term "residential customer" shall not include a motel, hotel or inn.

(d) The term "commercial customer" shall mean and include any City sewer customer whose premises are devoted to the conduct and operation of any industry, manufacturing, trade, business or profession, specifically including a motel, hotel or inn, and any customers who do not fall within the definition of a "residential customer" as defined in (a) immediately above.

(e) In the event of conflict between the definitions set forth at (c) and (d) above, the term "residential customer" shall also mean and include any City sewer customer whose premises are used jointly as a residence as defined at (c)(i) above and also as commercial premises as defined at (d) above but excluding a motel, hotel or inn.

SECTION 2. PAYMENT AND DISPOSITION OF CHARGES. The charges provided for in this Ordinance shall be paid by the applicant to the City Clerk prior to the installation of the new service or performance of the requested service unless otherwise provided by ordinance. Said Clerk shall deposit all payments received for sewer connection fees in the sewer fund of the City and the same shall be used by the City in the operation and maintenance of said utility system.

SECTION 3. SEWER CONNECTION CHARGES IN NORTHWEST WATHENA SEWER DISTRICT. (a) Sewer connection charges for customers in the Northwest Wathena Sewer District shall be assessed the following sewer connection charges which shall be separate from and in addition to those sewer connection charges provided in City Ordinances No. 313, 450 and amendments thereto and such additional charges are hereby established as follows:

(i) For residential customers - \$250.00.

(ii) For commercial customers - \$500.00.

(b) The charges provided for herein shall be paid to the City Clerk at the time provided in Section 2 above and the payment of such Northwest Wathena Sewer District sewer connection charge

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shall be a required condition for the completion of any connection to the City sewer disposal system.

SECTION 4. REPEALER. All Ordinances and parts of Ordinances of the City in conflict herewith are hereby repealed.

SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect and be in force after its publication in the official city newspaper.


PASSED by the Council and APPROVED by the Mayor on the 19th day of APRIL, 1994.



Jack Slaughter, Mayor

ATTEST:

(City Seal)



City Clerk