

ORDINANCE NO. 540

AN ORDINANCE RELATING TO THE SEWAGE DISPOSAL AND WATER SYSTEMS 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, ESTABLISHING A SERVICE CONNECTIVE CHARGE FOR WATER SERVICES, PROVIDING FOR THE PAYMENT AND DISPOSITION OF SUCH CHARGE, PROVIDING FOR THE OWNERSHIP OF THE CITY OF ALL WATER SERVICE CONNECTIONS, AND REPEALING ORDINANCE NOS. 313 AND 358 AND ALL OTHER 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 "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.

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: (i) Secured a permit from the City Clerk authorizing the completion of such sewer connection and, (ii) 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 CHARGES AND INSTALLATION COSTS. (a) Sewer connection charges as set forth at subsections (i) through (vi) below plus the reimbursement of expense items described in Section 1 (d) above are hereby established:

- (i) For residential customers in existing structures inside the City limits - \$250.00;
- (ii) For residential customers in existing structures outside the City limits - \$500.00;
- (iii) For light commercial customers in existing structures inside the City limits - \$500.00;
- (iv) For light commercial customers in existing structures outside the City limits - \$1,500.00;
- (v) For commercial customers in existing structures in the City limits - \$750.00;
- (vi) For commercial customers in existing structures outside the City limits - \$2000.00.

(b) In areas where sewer mains do not exist adjacent to the property to be served to which a connection can be made, and an extension of existing sewer mains would be necessitated, the applicant may either deposit in cash the estimated cost of

Ordinance

Page 3

extending such main or request an extension in accordance with the provisions of K.S.A. 12-6a01 through 12-6a18, as amended from time to time, and according to the terms of the extension plan designated in this section. It is the sole responsibility of the applicant to provide for all estimated costs and plans in connection herewith, and none of the provisions herein shall obligate the City, financially or otherwise, to be responsible for providing any of the estimated costs or plans hereunder.

(c) 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 sewer connection charge shall be a required condition for the completion of any connection to the sewage disposal system.

SECTION 4. 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 5. SEWAGE DISPOSAL FUND CREATED AND USE THEREOF SPECIFIED. (i) There is hereby created in the City treasury a new and separate fund to be known as the **SEWAGE DISPOSAL FUND**.

(ii) 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 6. (a) WATER AND SERVICE CONNECTION CHARGES.
(I) Service connection charges are hereby established as follows for water service connection for a 3/4" meter:

Ordinance
Page 4

- (i) For each new water service meter for residential customers in existing structures inside the City limits - \$400.00;
- (ii) For each new water service meter for residential customers in existing structures outside the City limits - \$800.00;
- (iii) For each new water service meter for light commercial customers in existing structures inside the City limits - \$450.00;
- (iv) For each new water service meter for light commercial customers in existing structures outside the City limits - \$2,000.00;
- (v) For each new water service meter for commercial customers in existing structures inside the City limits - \$500.00;
- (vi) For each new water service meter for commercial customers in existing structures outside the City limits - \$1,500.00.

(II) The service connection charge for a meter larger than 3/4" shall be the applicable amount provided at (a) above plus any and all additional cost incurred by the City for such larger meter.

SECTION 7. PAYMENT AND DISPOSITION OF WATER CHARGE; INSTALLATION COSTS. (a) The charge provided for in Section 8 shall be paid by the applicant for a new water service to the City Clerk prior to the installation of the new service. Said Clerk shall deposit all such payments received in the water fund of the City and the same shall be used by the City in the operation and maintenance of the City water system.

(b) In areas where water mains do not exist adjacent or within fifty (50) feet to the property to be served to which a connection can be made, and an extension of existing water mains would be necessitated, the applicant may either deposit in cash the estimated cost of extending such main or request an extension in accordance with the provisions of K.S.A. 12-6a01 through 12-6a18, as amended from time to time, and according to the terms of the extension plan designated in this section. It is the sole responsibility of the applicant to provide for all estimated costs and plans in connection herewith, and none of the provisions herein shall obligate the City, financially or otherwise, to be responsible for providing any of the estimated costs or plans hereunder.

SECTION 8. WATER SERVICE CONNECTIONS PROPERTY OF CITY. All water service connections installed, including pipe, meters and other component parts shall be and remain the property of the City of Wathena.

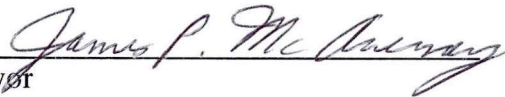
Ordinance
Page 5

SECTION 9. INSPECTION. All installations shall be subject to inspection and approval by the City Superintendent.

SECTION 10. REPEALER. Ordinance Nos. 313 and 358 of the City of Wathena and all other Ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 11. EFFECTIVE DATE. This Ordinance shall be effective from and after its passage and publication in the Official City paper.

PASSED by the Council and APPROVED by the Mayor on the 2nd day of October, 2001.



Mayor

ATTEST:

(CITY SEAL)



City Clerk