

ORDINANCE 210

AN ORDINANCE DECLARING AN EMERGENCY AND SUSPENDING THE EFFECT OF ORDINANCE NO. 147 OF THE CITY OF ANDOVER, KANSAS; PROVIDING FOR AND AUTHORIZING THE IMPOSITION OF SEWER CONNECTION CHARGES AND SURCHARGES AND DISTINGUISHING WHICH LOTS AND PIECES OF GROUND WITHIN SAID CITY SHALL BE LIABLE TO SUCH CHARGES AND SURCHARGES AFFORESAID AND PROVIDING FOR A PROGRESSIVE SCHEDULE OF SURCHARGES; PROVIDING FOR A RE-CONNECTION OR ALTERATION SERVICE CHARGE FOR THE SANITARY SEWER SYSTEM OF SAID CITY; PROVIDING FOR THE PROPER FUNDS TO WHICH SUCH SEWER CONNECTION CHARGES AND SEWER SERVICE CONNECTION SURCHARGES SHALL BE MADE, AND THE METHOD OF APPLICATION OF CHARGES THERETO AND THE PURPOSES FOR WHICH EXPENDITURES MAY BE MADE THEREFROM, AND PROVIDING A SAVINGS CLAUSE IN SAID ORDINANCE.

WHEREAS, the Governing Body of the City of Andover, Kansas, deems it necessary to impose a connection charge to cover regulatory and inspection services of said City for any new connection or reconnection to the Sanitary Sewer System of said City and,

WHEREAS, in addition thereto, certain areas in said City have sanitary sewer mains available for connection to such areas but, in fact, such areas have not participated in the cost of construction of the main line sewer system in said City but said costs have been borne by special assessments on other lands in previously created County or City sewer districts or have been borne by the owners of other land over which said main sewer systems passes and therefore, the said Governing Body of said City desires to impose a sewer surcharge upon the connection of any such lands which have not been participating in such assessments or costs of the main sewer system of said City for the purpose of equalizing the costs of said main sewer system.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ANDOVER, KANSAS, BUTLER COUNTY, KANSAS:

Section 1. That there shall be and hereby is charged a sewer connection charge for each separate sewer connection hereafter made to the Sanitary Sewer System of said City in the amount of \$75.00 for each such connection. Said connection charges collected under this section shall be deposited in the "Sewer Utility Fund" of said City and such charge is made to defray the cost of inspection and regulation of such connections and proceeds from such charges may be expended from such Fund for inspection salaries and other sewer regulatory costs.

Section 2. That any lot or piece of ground which has previously been served by the Sanitary Sewer System of the City of Andover, Kansas, has the existing sewer service thereon altered, modified, or reconnected to a different

substitute structure or use requiring inspection, a service charge of \$10.00 is hereby levied for such inspection.

Section 3. The Governing Body deems it necessary and equitable to impose a sewer connection surcharge (that is, a charge in addition to that levied in Section 1, hereof) upon each separate sanitary sewer connection made to provide sanitary sewer service to a lot or piece of ground which has not previously participated in the payment of main sewer costs by way of special assessments therefore in the County Sewer District (and the area assessed in such County Sewer District was thereafter annexed to said City), city sewer district or any area where the owner or owners thereof have otherwise borne the cost of main sewer installations. The Governing Body further deems that such surcharge should be increased annually to reflect as nearly as possible the increasing capital investment absorbed by most of the other lands in said City by reason of annual special assessments being paid by the owners of such land.

Section 4. That for the purposes aforesaid in Section 3 hereinabove, such surcharge is hereby made for the following periods:

| From the effective date of this ordinance through May 30, 1975 | --\$131.00 |
|--|------------|
| June 1, 1975 through May 30, 1976 | --- 146.00 |
| June 1, 1976 through May 30, 1977 | --- 161.00 |
| June 1, 1977 through May 30, 1978 | --- 176.00 |
| June 1, 1978 through May 30, 1979 | --- 191.00 |
| June 1, 1979 through May 30, 1980 | --- 206.00 |
| June 1, 1980 through May 30, 1981 | --- 221.00 |
| June 1, 1981 through May 30, 1982 | --- 236.00 |
| June 1, 1982 through May 30, 1983 | --- 251.00 |
| June 1, 1983 through May 30, 1984 | --- 266.00 |
| June 1, 1984 through May 30, 1985 | --- 281.00 |
| June 1, 1985 through May 30, 1986 | --- 296.00 |
| June 1, 1986 through May 30, 1987 | --- 311.00 |

and such surcharges, when collected, shall be credited a fund of the city known as "Sewer Reserve Fund", which Fund is hereby created, and used only for the payment of capital costs in the sewer system of said City which would otherwise be charged to the city at large and paid out of ad valorem tax levies.

Section 5. That should any section or portion of section of this ordinance be declared invalid, illegal or unconstitutional, then notwithstanding such declaration, all other sections shall remain in full force and effect.

Section 6. This Ordinance shall become effective from and after its passage and publication in the official city paper.

PASSED and adopted the 30 day of April, 1974.

Edmund Miller
MAYOR OF THE CITY OF ANDOVER

(SEAL)

ATTEST:

Patricia M. Steenbeck
CITY CLERK