

ORDINANCE NO. 222

AN ORDINANCE PROVIDING FOR THE REPEAL OF SECTIONS 415 and 416 OF ORDINANCE NO. 84 and SECTIONS 3 and 4 OF ORDINANCE NUMBERED 142 and 177 OF SAID CITY, AND PROVIDING FOR THE LEVYING OF A SEWER CONNECTION SURCHARGE FOR CERTAIN CONNECTIONS INSIDE THE CORPORATE LIMITS OF SAID CITY AND ANOTHER SEWER CONNECTION SURCHARGE FOR CERTAIN CONNECTIONS OUTSIDE THE CORPORATE LIMITS OF THE SAID CITY, AND SETTING FORTH THE PURPOSE FOR SUCH SEWER CONNECTION SURCHARGES AND PROVIDING FOR THE PROPER FUND TO WHICH SAID SURCHARGES SHALL BE MADE AND THE METHOD AND USE OF SUCH FUNDS THEREIN, AND PROVIDING FOR THE EXTENSION OF CERTAIN BENEFITS AND REMEDIES UNDER ORDINANCE 210 OF SAID CITY AND PROVIDING A PERIOD OF TIME WITHIN WHICH ACTUAL CONNECTION AND INSPECTION MUST BE MADE UNDER THE TERMS OF THIS ORDINANCE, AND PROVIDING A SAVINGS CLAUSE IN SAID ORDINANCE.

WHEREAS, prior hereto there have been created certain Sanitary Sewer Benefit Districts within the corporate limits of the said City of Andover, Kansas which districts were created by the Governing Body of said City; and,

WHEREAS, the said districts, created by Butler County, Kansas, and thereafter annexed into the City of Andover, Kansas, and the Districts created by said City itself (portions of which are not as yet connected to the Sanitary Sewer System of said City) have borne their equitable share of the cost of main sewer lift-stations installations by way of special assessment, which have been made at the cost of the lots and pieces of ground within such district; and,

WHEREAS, THE Governing Body of said City deems it necessary to equalize the inequities which exist as aforesaid;

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

Section 1) That Sections 415 and 416 of Ordinance No. 84, as passed and adopted by the Governing Body of the said City on the 11th day of May, 1968, should be and are hereby repealed.

Section 2) That Sections 3 and 4 of Ordinance No. 210, as passed and adopted by the Governing Body of the City of Andover, Kansas on the 30th day of April, 1974 should be and hereby are repealed.

Section 3) That nothing herein shall be construed as amending, or repealing Ordinance No. 177, as passed and adopted by the Governing Body of the said City on the 29th day of August, 1972, and Ordinance No. 142 of said City as passed and adopted by the Governing Body of the said City on the 25th day of August, 1970, which ordinances are hereby declared to be in full force and effect, and not affected by this Ordinance.

Section 4) That the Governing Body finds that major inequities exist and will continue to develop in said City, by reason of presently existing sewer mains of said City having been charged to various sewer districts of said City, some of which districts were originally formed by Butler County, Kansas and thereafter annexed to the corporate limits of the City of Andover, Kansas, and other of such districts having been created by said City, and the certain land and pieces of ground therein have contributed completely to the payment of the said presently existing main sewers and lift-stations of said City and to the general sewer system of said City; and therefore, the Governing Body deems it necessary and equitable to enact a sewer service surcharge to partially correct such inequities in the case of future connections which will not have to bear such previous costs paid by special assessments.

Section 5) For the purposes aforesaid in the Preamble of this Ordinance, and the preceding sections hereof, there is hereby imposed a sewer connection surcharge (that is, a charge in addition to that levied by any other ordinance for the connection to the sanitary sewer system of said City) upon each

sanitary sewer connection hereinafter made to provide sanitary sewer service to any lot or piece of ground which has not previously participated in the payment of the main sewer and lift-stations costs by way of special assessments either in a county sewer district (and such area was assessed in such county sewer district, and thereafter annexed into the City) or, where a lot or piece of ground inside of said City has not incorporated in the sewer district of the city, for which main sewers were assessed to said sewer district, and the owners thereof have not borne the costs of such main sewer lift station installation.

Section 6) That for the purposes aforesaid and for the partial equalization of such inequities as aforesaid, such sewer connection surcharge are hereby made as follows:

a) Upon each separate new sewer connection and for each new, separate use of the City's sanitary sewer system, within the corporate limits of said City, where each such lot or piece of ground sought to be connected has not participated in the payment of main sewer or lift station assessments, either by way of its being incorporated in the county sewer district or, in a sanitary sewer district in said City, a surcharge is hereby made in the amount of \$300.00 and,

b) For each separate new sewer connection to the City's sanitary sewer system, outside the corporate limits of said City, where such lot or piece of ground sought to be connected has not participated in the payment of any assessments for main sewers or lift stations, by way of its being incorporated in the county sewer district or in a sanitary sewer district created by said City, a surcharge is hereby made in the amount of \$400.00 and,

Section 7) That funds received by the said City from the proceeds of such sewer connection surcharges, the same

shall be placed in a fund known as "Main Sewer Expansion Fund" and be used only for expansion of the main sewer system of said City, or sewer disposal works of said City or any other sanitary sewer improvements, the payment of which would normally be an obligation of the City at large.

Section 8) That should any section, or portions of sections of this Ordinance be declared invalid, illegal or unconstitutional, then notwithstanding such declaration, all other sections shall remain in full force and effect.

Section 9) Persons or firms applying for sewer connection permits prior to the effective date of this ordinance shall be entitled to the benefits and remedies of Ordinance 210 past and adopted on the 30th day of April 1974 providing that actual connection of sewer is made thereto within 6 months from date of application and connection to the existing sanitary sewer line be inspected and approved by the said city within said 6 months period.

Section 10) Likewise and similar in certain respects to Section 9 hereof any firm or person applying for sewer connection under the provisions of this Ordinance shall make such connection and have the same inspected and approved by said city within 6 months from date of application.

Section 11) This Ordinance shall be in full force and effect from and after its passage and publication in the official city paper.

PASSED AND ADOPTED THIS 11th day of January, 1975

Eugene Miller
Mayor

ATTEST:

Patricia M. Stuerke

City Clerk

(SEAL)