

(Published in the Andover Journal April 17, 1975)

ORDINANCE NO. 227

AN ORDINANCE REPEALING ORDINANCE NO. 142 AND ORDINANCE NO. 177 OF THE CITY OF ANDOVER, KANSAS BUT PROVIDING THAT SAID ORDINANCES SO REPEALED REMAIN IN FULL FORCE AND EFFECT UNTIL THE EFFECTIVE DATE OF THIS ORDINANCE, AND PROVIDING FOR A JUST AND EQUITABLE RATE OF SEWER SERVICE CHARGES FOR SEWER SERVICE BOTH INSIDE AND OUTSIDE THE CORPORATE LIMITS OF THE CITY OF ANDOVER, KANSAS, TO BE PAID TO THE CITY OF ANDOVER, KANSAS FOR THE USE OF THE SEWAGE DISPOSAL SYSTEM BY VARIOUS CLASSES OF PERSONS, FIRMS, CORPORATIONS AND THE UNITED STATES AND THE STATE OF KANSAS AND THEIR RESPECTIVE POLITICAL SUB-DIVISIONS AND ANY ORGANIZATION WHOSE PREMISES ARE CONNECTED, OR MAY BE HEREAFTER CONNECTED, TO SAID SEWER DISPOSAL SYSTEM OF SAID CITY, AND PROVIDING A METHOD FOR THE COLLECTION THEREOF AND PENALTIES FOR THE LATE OR NON-PAYMENT OF THE SAME AND ESTABLISH A LIEN UPON REAL ESTATE CONNECTED TO SAID SEWAGE SYSTEM FOR THE FAILURE TO PAY SAID SEWAGE SERVICE CHARGES AND CONSTRUING AND DEFINING CERTAIN USES OF THE SEWER AS SEPARATE AND INDEPENDENT CHARGES.

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

Section 1. That all of Ordinance No. 142 as enacted by the Governing Body of the City of Andover, Kansas on the 25th day of August, 1970 and all of Ordinance No. 177 as enacted by the Governing Body of the City of Andover, Kansas on the 29th day of August, 1972 be and hereby are repealed but said Ordinances shall remain in effect until the effective date of this Ordinance.

Section 2. That the effective date of this Ordinance shall be from and after its passage and publication and effective on the 1st day of May, 1976.

Section 3. There is hereby established a just and equitable sewer service charge for sewer services both inside and outside the corporate limits of the City of Andover, Kansas pursuant to the authority of K.S.A. 12-631 (g) and K.S.A. 12-631(k) for the following classifications of sewer users in the following manner:

a) For each residential use or connection and (for the purpose of this section, each separate family dwelling unit, whether the same be a duplex, triplex, fourplex, condominium or apartment building, shall be considered a separate connection and subject to separate and individual charges) the sum of \$2.00 per month inside the City and the sum of \$8.02 per month outside the City.

b) For each manufacturing, business or commercial use excepting such commercial users as are included in the following sub-sections of this Ordinance, a charge of \$2.00 per month for each manufacturing, business or commercial concern inside the corporate limits of said City having under 10 employees, and an additional \$2.00 per month for each additional 10 employees or fraction thereof. For the purpose of determining the number of employees of any manufacturing, commercial or business the same shall be the number of employees working 20 hours or more per week in the last pay period next preceding the quarterly statement provided for herein. For similar uses as set out in this sub-section outside the corporate limits of said City the charge shall be \$8.02 per month for any concern having under 10 employees, and an additional \$8.02 per month for each additional 10 employees or fraction thereof and the determination of the number of employees of a user outside the City shall be the same as the determination used for manufacturing, business or commercial users inside the City.

c) For so-called "laundromats" or "self-service laundries" inside the City the sum of \$2.00 per month for the first three (3) washing machines located in such business establishment, and an additional \$2.00 per month for each additional three (3) washing machines, or fraction thereof, located in such self-service laundries on the last day of

each quarter billing period as provided for in said Ordinance No. 142, provided such laundromats or self service laundries are inside the corporate limits of said city, and if the same are outside the corporate limits of said City an additional \$6.02 sur-charge shall be added for each three (3) washing machines located in such business establishment and additional sur-charge of \$6.02 for each addition three (3) washing machines, or fraction thereof, located in such establishment.

d) For each "car-washing" stall establishment, the sum of \$2.00 per month for each car-washing stall established in said business in said City, and the sum of \$8.02 per month for each car washing stall established by a said business outside the corporate limits of said City.

e) For each school, whether public or private, the monthly sewer service charge shall be computed on the basis of six (6) students and/or personnel comprising and constituting a basis for the charge of a rate similar to a residential use, and each additional unit of six (6) students or personnel shall result in a similar charge, that is, for example, sixty (60) students enrolled in any school at the end of any quarterly billing period result in a sewer service charge for such school of 10 times the residential charge provided for in paragraph a) above, that is, \$20.00 inside the corporate limits of said City and \$80.20 outside the corporate limits of said City.

The charges hereinabove established shall be effective on the 1st day of May, 1976, and such charges shall be paid to the City of Andover, Kansas for the use of the sewage disposal system of said City by all persons, firms, or corporations, United States, the State of Kansas and its

political sub-divisions and any organizations whose premises are connected, or may be hereafter connected, to the said sewage disposal system of said City, either within or without said City. That said sewer service charges hereinabove established, shall be made on a monthly basis and for the use of the sanitary sewer system of said City by any firm, organization, or persons hereinabove mentioned, or for any portion of a calendar month shall entitle the City to said sewer service charge for the full month. The said sewer service charges shall be billed by said City to such persons, firms or organizations responsible for the payment thereof, on a quarterly basis, that is, for the periods of September through November, December through February, March through May, and June through August of each year.

Section 4. At the end of each three (3) month period the City Clerk shall bill the person, firm, or organization responsible for the payment thereof for such service charge and it shall be payable at the office of the City Clerk within 30 days following the end of the three month period for which such billing is made. That the failure of any person, firm, or organization liable for the payment of sewer charges, within a thirty day period, shall subject such persons, firms, or organizations to a penalty of 25% of the amount of such past due said sewer charges.

Section 5. And every mobile home or so-called trailer home located within the corporate limits of the City of Andover, Kansas shall be construed as a separate user and a separate connection to the sewage disposal system of the City of Andover, Kansas and in the case of any mobile home or trailer home located upon rented premises whether one or more located on the land, the owner of the land upon which the same is located shall be responsible for the payment of

such sewer service charge and shall be billed by the City Clerk in the manner aforesaid for all connections made upon the premises owned by him.

Section 6. That should any person, firm, organization, political unit, except the United States and the State of Kansas, or organization living or operating on the premises connected to the City sanitation system of the City of Andover, neglect, fail, or refuse to pay the sanitation charge fixed by this Ordinance or any amendment thereto, such charges shall constitute a lien upon the real estate served by the connection to the sewer, and shall be certified by the County Clerk to be placed on the tax rolls for collection, subject to penalty and collection in light law as shown by law collectable.

Section 7. The Governing Body finds and determines that the differential between the charges made to similar uses inside and outside the City is occasioned by the determination that such differential is a sufficient charge made for connections to property outside the City to compensate the City for its capital investment in its Sewer system pursuant to K.S.A. 12-631 (c) and that the same shall be subject to review from time to time to determine whether or not users of sewers outside the corporate limits of the City are participating substantially in the same costs as property inside the City is paying on an ad valorem tax basis.

Section 8. The Governing Body shall from time to time and in June of each year after effective date of this ordinance review the charges and surcharges made herein to determine if sufficient revenue is received therefrom to cover the past costs and contemplated cost of operation and maintenance of said sewage system including replacement..

Section 9. That notwithstanding the illegality or unconstitutionality of any Section or portion of a Section of this Ordinance, all remaining sections, notwithstanding such illegality, shall remain in full force and effect..

THE ABOVE ORDINANCE PASSED AND ADOPTED this 12th day of April, 1975.

ATTEST:

Patricia M. Huenke

Eugene Miller
Mayor