

ORDINANCE NUMBER 581

AN ORDINANCE OF THE CITY OF HIGHLAND, KANSAS, AMENDING ORDINANCE NUMBER 340 OF SAID CITY, SPECIFICALLY, SECTION TEN THEREOF, FIXING THE CHARGES FOR USE OF THE SEWAGE DISPOSAL SYSTEM OF SAID CITY, AND REPEALING ORDINANCE NUMBER 560 AND SECTION TWO OF ORDINANCE 461 OF SAID CITY.

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

SECTION ONE: That Section Ten of Ordinance Number 340 of the City of Highland, Kansas, be and the same is hereby amended to read as follows:

SECTION TEN: CLASSIFICATION OF USERS AND SCHEDULE OF SEWER SERVICE CHARGES. Sewer charges shall be based upon usage, subject to certain stated minimum charges per user, and as measured by average usage of the City's water system, with certain stated exceptions and factors considered, and shall be established and reviewed from time to time, as a fixed, monthly charge for each user, all as set forth hereinafter. The users of said sewage disposal system shall be classified as hereinafter set forth and shall pay for the use of said sewage disposal system the monthly service charges (or part thereof, without proration) hereinafter set out for each such classification:

- a. Family dwelling unit - to any user within the City of Highland, Kansas, a minimum monthly charge of twenty eight dollars (\$28.00). If there is a water meter installed at the point of service, said charge shall be based upon average water usage, and said minimum charge shall entitle the user to three thousand gallons (3,000) per month, and the additional sewer charge, based upon water usage above said amount, shall be at the rate of one dollar and seventy five cents (\$1.75) per thousand gallons of water, or any part of one thousand (1,000) gallons, over said three thousand (3,000) gallons of usage. The sewer rate for users outside the City of Highland shall be the same as for users within said City, except that the minimum monthly charge shall be thirty three dollars (\$33.00).*
- b. Business and industry units - to any business or industry user within the City of Highland, Kansas, defined herein to be any user not included in the definition of family dwelling unit and not established as an unclassified user under subparagraph d. hereof, a minimum monthly charge of thirty dollars (\$30.00). If there is a water meter installed at the point of service, said charge shall be based upon average water usage, and said minimum charge shall entitle the user to three thousand (3,000) gallons per month, and the additional sewer charges, based upon water usage above said amount, shall be at the rate of two dollars and fifty cents (\$2.50) per thousand gallons of water, or any part of one thousand (1,000) gallons, over said three thousand (3,000) gallons of usage.*

c. Separate units - The governing body shall, from time to time, following receipt from and report of the sewer committee, adopt a schedule establishing the number of separate units within structures served by one meter, and which do not fit within the normal classification of family dwelling unit, or for any other structure used in business or industry which is designed to accommodate multiple users.

d. Unclassified (all other users not included in the definition of family dwelling unit or not a business or industry user) - the governing body shall, from time to time, following receipt from and report of the sewer committee, adopt a schedule establishing rates for unclassified users, in an amount not less than the family dwelling unit rate, giving consideration to the following list of factors:

- 1. Quantity of water used on the premises.*
- 2. Number of water taps, commodes, drains and similar items on the premises utilizing the system.*
- 3. Nature of the use.*
- 4. Number of occupants per unit, if applicable.*
- 5. Payment by user of ad valorem tax or lack thereof.*
- 6. Size of structure to which use is connected.*
- 7. Any other relevant factor(s).*

The monthly charge set hereunder shall be in the sole discretion of the City, as shall be the weight given to any of the aforementioned factors.

e. Vacant and uninhabitable premises - There shall be no sewer charge assessed to vacant and uninhabitable premises which are also not served by active water service. The user shall have the duty to inform the City Clerk of such condition, which shall be verified, and, in the absence of such notice, the user shall be charged according to the appropriate user classification. The user shall promptly notify the City Clerk at the termination of any such vacancy and uninhabitability, and if such user fails to notify the City Clerk that said condition no longer exists, the amount of such user's regular sewer charge hereunder shall be doubled for the length of time such user fails to notify the City Clerk and, in addition, the same shall constitute a violation of the terms of this ordinance.

f. Establishing fixed monthly charge - for purposes of establishing the aforementioned sewer charges on a fixed, monthly basis, for all charges based upon average water usage, the following rules shall apply:

- 1. A fixed, monthly sewer charge shall be established for each user for the entire calendar year, based upon the aforementioned rates and the rules set forth herein.*
- 2. An average monthly usage is established for each user and adopted by the governing body, based upon an average monthly usage rate as measured by the average of the months of January, February and March of the preceding*

year. Said procedure continues on an annual basis, with the monthly usage rate for all users in the current calendar year to be established by the average monthly usage of said user during the months of January, February and March of the prior calendar year.

- 3. Said monthly usage rate shall be utilized in establishing the fixed, monthly charge to said user for the entire calendar year, regardless of the amounts of water usage during said year; provided, however, in the event of a substantial increase or decrease in water usage during said year, the governing body, in its sole discretion, can adjust the sewer charge, at any time or from time to time, to more accurately reflect the actual amount of water usage during said year.*
- 4. All new family dwelling unit users, for the first year of usage, shall be charged an amount based upon an average use for such users, as set forth and established from time to time by the governing body. From the effective date of this ordinance and hereafter, the fixed, monthly charge for new family dwelling unit users is thirty three dollars (\$33.00).*
- 5. All new business and industry users and unclassified users, for the first year of usage, shall be charged an amount as established by the sewer committee, based upon and utilizing the factors as set forth in subparagraph d. hereof.*

SECTION TWO: Ordinance Number 340 of the City of Highland, Kansas, be and the same is hereby amended by adding the following Section Fourteen thereto:

SECTION FOURTEEN: LIMITATIONS ON USE. No user, or any employee, agent, invitee or guest thereof, shall discharge, or allow such discharge, into the sewage disposal system any sewage or other material the discharge or disposal of which is prohibited by any city, state or federal law, rule or regulation, or which is otherwise deleterious to such system or to the proper operation of the City's sewage treatment plant. The City may, from time to time, provide users with a list of certain types of materials the discharge or disposal of which is strictly prohibited, but such list is not required of the City and failure to so provide such list shall not be a defense to a violation of the provisions hereof. The City, by and through the Mayor or his or her designee, is hereby empowered to order any such discharge or disposal be terminated immediately. No user shall allow any other person, firm, corporation, partnership or association to discharge or dispose of waste or other material which is not generated or produced upon such premises. The City may require pre-treatment of sewage in certain cases to prevent overloading the City's treatment plant and, in such cases, shall provide the user with written notice of any such pre-treatment requirements. In the event such is necessary, the City may enforce the terms and provisions of this section by obtaining injunctive relief or other appropriate remedy in the court of proper jurisdiction. In the event any user or any employee, agent, guest, or invitee of any user, or other person, firm, corporation, partnership or association violates the provisions of this Section Fourteen following written notice from the City of its belief

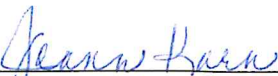
that the provisions hereof have been or are being violated by such user, etc., such violator shall, upon conviction thereof, be deemed guilty of a misdemeanor and shall be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than Two Thousand, Five Hundred Dollars (\$2,500.00), plus court costs, or shall be committed to the county jail for a period not exceeding one year, or by both such fine and imprisonment.

SECTION THREE: That Ordinance Number 560 and Section Two of Ordinance 461 of the City of Highland, Kansas, and all other ordinances or parts of ordinances of said City in conflict herewith, be and the same are hereby repealed.


SECTION FOUR: The terms and provisions of this Ordinance shall take effect upon publication in the official City newspaper and shall be implemented through billing beginning with usage on and after January 20, 2022.

Passed by the Governing Body and approved by the Mayor of the City of Highland, Kansas, this 28th day of December, 2021.

ATTEST:



Joann Karn, City Clerk



~~Charles N. Batchelder, Mayor~~
Terry J. Gibson, Council President

(SEAL)