

First Published in the Horton Headlight the 25th day of February, 2016

ORDINANCE NO. 1153

AN ORDINANCE ESTABLISHING THE SEWER RATES FOR USERS OF THE HORTON MUNICIPAL WASTEWATER PLANT AND COLLECTION SYSTEM

Section 1. RATES FOR WASTEWATER SERVICE. Charges for sewer use from the Horton Municipal Sanitation Plant and Collection System to the user on a monthly rate shall be as follows:

- a. The minimum charge per month shall be \$25.00
- b. In addition, the user charge shall be \$4.00 per thousand gallons based upon their applicable annual winter monthly average water consumption. Commencing April 2016, the user charge shall increase 2%, with said user charge increasing an additional 2% every three months thereafter.

The months of December-February will be used to figure the Annual Winter Monthly Average Water Consumption. (AWC).

- c. In the event a lot, parcel of land, premises or facility discharging wastewater, industrial process waste, water or other liquids, either directly or indirectly into the city's wastewater collection and treatment system or which eventually enters the system, is supplied with water from any source other than from the city's municipal water system, then the sewer user charge will be estimated at 100 gallons per capita per day for residential users. For all other users, the owner of land, premises or facility shall install, and maintain at his or her own expense, a water meter approved by the city's water department. This meter(s) shall serve as a control for the establishment of the sewer user charge and shall be accessible to the city's meter readers.

- d. Where more than one water meter is installed for service to one industry or commercial business located at a single site or adjoining sites, only one minimum monthly charge shall apply.
- e. Where it can be established that the user had a water leak during the billing cycle, the user charge may be adjusted by the city clerk by using the average of the previous three months water use.
- f. Any person who is allowed to hookup to City utilities services without being annexed into the City of Horton, Kansas will pay one and one-half the normal rate charged to the citizens and residents of the City of Horton, Kansas. This increased rate is applicable to the residence of the property, whether or not the resident and owner of the property is the same person.

Section 2. Repeal. Ordinance No. 1149 is hereby repealed.

Section 3. This ordinance shall take effect and be in force from and after its passage, approval and publication in the official city newspaper.

PASSED BY THE GOVERNING BODY of the City of Horton, Kansas, this 16th day of February, 2016



Mayor

ATTEST TO:



City Clerk

First Published in the Horton Headlight the 7th day of April, 2016.

ORDINANCE NO. 1154

AN ORDINANCE AMENDING SECTION 12-505 OF THE HORTON MUNICIPAL CODE REGARDING CHARGES FOR OPENING AND CLOSING GRAVES IN THE MUNICIPAL CEMETERY OF THE CITY OF HORTON, KANSAS.

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

Section 1. Section 12-505 of the Horton Municipal Code is hereby amended to read as follows:

“SALE OF LOTS; CHARGES FOR OPENING GRAVES. The prices to be charged for lots in the cemetery shall be established by the governing body of the city at such time as needed. No person shall be allowed to own more than one full lot in Sections "K" and "L". No deed shall be issued to any lot, half lot or single grave space until the purchase price of the same shall have been paid in full to the city. A full lot shall contain eight grave spaces. The prices established for the lots shall include continued services of mowing grass and the filling of graves on the property by the sexton at the first reasonable opportunity. Upon payment as hereinbefore provided, the city clerk is hereby authorized and directed to prepare a deed to the purchaser of cemetery property, upon forms to be provided for that purpose, which the deed shall be signed by the mayor and attested by the city clerk, who shall deliver the same to the purchaser; provided, however, that the governing body is reserved the right to refuse the sale of any lot or half lot to any person when in their judgment the sale of the same would prove detrimental to the cemetery or to the owners of lots therein. All deeds to cemetery property shall recite that the execution of the same is subject to all of the rules and regulations governing the cemetery. All graves shall be dug by a regularly employed or approved section of the cemetery or by an independent contractor who is solely responsible for this service, and who has met insurance requirements established by the governing body of the city. The charge for opening and closing each grave shall be the sum of \$300.00 and shall be payable at the office of the city clerk before burial takes place. The opening and closing for infant burial or inurement shall be \$200.00 provided the grave does not exceed three feet in length. Future increases or decreases in the cost of opening and closing each grave may be made through a majority vote of the city commission at a city commission meeting without the necessity of passage of an ordinance. In such event, the future increase or decrease shall be posted in the office of the City Clerk. Inurement does not include the burial of remains in a stone foundation.

Section 2. That all ordinances or parts of ordinances in conflict with this ordinance be and are hereby repealed.

Section 3. This ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper.

PASSED BY THE GOVERNING BODY of the City of Horton, Kansas, this 4th day of March, 2016.



MAYOR

ATTEST:



CITY CLERK

First Published in the Horton Headlight the 28th day of April, 2016.

ORDINANCE NO. 1155

AN ORDINANCE AMENDING SECTION 14-205 OF THE HORTON MUNICIPAL CODE REGARDING NO PARKING ZONES IN THE CITY LIMITS OF THE CITY OF HORTON, KANSAS.

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

Section 1. Section 14-205 of the Horton Municipal Code is hereby amended to read as follows:

“NO PARKING ZONES. It shall be unlawful to park any motor vehicle at any time in any of the following areas:

- (a) Central Avenue from Fifteenth Street to Tenth Street, west side only;
- (b) Second Avenue west from Fifteenth Street to Sixteenth Street, west side only;
- (c) East Seventh Street from Central Avenue to First Avenue east, south side only;
- (d) Highway No. 73/K-20 from Central Avenue to east city limits;
- (e) Highway 73/159 from junction of K-20/Central Avenue to north city limits;
- (f) Highway K20 from Central Avenue to west city limits;
- (g) 300 block of East 16th between the no parking signs;
- (h) West side of 1st avenue east from 16th to 17th;
- (i) The intersection of east 16th and 1st avenue east, north for 50 feet on east side of 1st avenue east
- (j) The intersection of east 16th south and 1st avenue east, _____ for 50 feet on the west side of 1st avenue east
- (k) The intersection of east 16th and 1st Avenue East, west for 50 feet on the south side of east 16th
- (l) 4th Ave East from 11th St. to 12th St. on the west side of 4th Ave
- (m) 16th and Central to 3rd Ave. East on North side of Street and 75 feet East on south side from 16th and Central
- (n) 15th St. & 1st Ave East to 16th & 1st Ave East on east side
- (o) 15th St. & 1st Ave East for the first 100 feet north on the west side of 1st Ave East
- (p) 17th St. between Central & 1st Ave East on both sides of 17th St.
- (q) 18th St. & Euclid Ave north to the north city limits on the east side of Euclid
- (r) 18th St. & Euclid Ave west to 2nd Ave West on the north side of 18th St.
- (s) 18th St. & 2nd Ave West 70 feet south of 18th St. on the west side of 2nd Ave
- (t) 15th St. & 2nd Ave West 85 feet north of 15th on the east side of 2nd Ave
- (u) 15th St. & Euclid Ave north to 17th St. on the east side of Euclid Ave
- (v) 15th St. & 1st Ave West to 17th St. on the west side of 1st Ave West
- (w) 12th St. & 4th Ave East on the south side of 12th St. to 5th Ave East

- (x) 8th St. from 2nd Ave East to 4th Ave East on the north side of 8th St.
- (y) 2nd Ave East from 12th St. south to 1st alley south of 11th St. on east side of 2nd Ave

Any person parking any vehicle in violation of this section shall, upon conviction thereof, be fined in any amount not to exceed \$25."

Section 2. That all ordinances or parts of ordinances in conflict with this ordinance be and are hereby repealed.

Section 3. This ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper.

PASSED BY THE GOVERNING BODY of the City of Horton, Kansas, this 18th day of April, 2016.



MAYOR

ATTEST:



CITY CLERK

First Published in the Horton Headlight the 25th day of August, 2016.

ORDINANCE NO. 1157

AN ORDINANCE AMENDING SECTION 9-112 OF THE HORTON MUNICIPAL CODE PERTAINING TO COURT COSTS ASSESSED BY THE MUNICIPAL COURT OF THE CITY OF HORTON, KANSAS

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

Section 1. Section 9-112 of the Horton Municipal Code is hereby amended to read as follows:

- “9-112. COURT COSTS. No person shall be assessed costs for the administration of justice in any municipal court case, except for cases docketed for court appearance. In such cases where the accused person pleads guilty or nolo contendere, or is found guilty, the following court costs shall be assessed against him or her, and shall be and remain a judgment against him or her which may be enforced as a judgment for payment of money in civil cases:
- (a) The sum of \$93.50 shall be assessed as court costs against each person charged with a violation of any of the ordinances of this city, unless found not guilty. The \$93.50 in court costs shall include all costs required by state statute and a \$6.00 court appointed attorney program fee.
 - (b) For each trial date attributable to the accused person for which subpoenas have been issued, and in addition to other costs provided for in this section, the sum of \$25.00 shall be assessed as court costs against such accused person, unless found not guilty by the court.
 - (c) In addition to other court costs assessed pursuant to this section, fees and mileage for subpoenaed witnesses shall be assessed at the rate of \$10.00 per day and \$0.50 per mile actually driven in excess of ten miles.
 - (d) In addition to other court costs assessed pursuant to this section, the sum of \$20.00 shall be assessed as court costs against each accused person who fails to comply with a traffic citation. This assessment shall be in addition to the reinstatement fee collected by the court pursuant to K.S.A. 8-2110(c) as amended, and shall be retained by the municipal court to be used to reimburse the court for expenses incurred in complying with the procedures required by state law. Such sum shall be assessed for each charge on which the person fails to make satisfaction, regardless of the disposition of the charge for which the citation was originally issued.
 - (e) A processing fee in the amount of \$45.00 shall be assessed against a defendant in each case in which the defendant is booked into the City of Horton Holding Cell pursuant to an arrest for a violation of any ordinances of the City of Horton or pursuant to an order of a municipal court judge.
 - (f) For those misdemeanor offenses as set out in K.S.A. 21-2501 that require the individual be fingerprinted before final disposition of the case, a \$20.00 fingerprint fee will be assessed as costs.

- (g) The assessment and imposition of the court costs pursuant to this section shall be mandatory and the court shall not waive, remit, suspend, parole, or otherwise excuse the payment thereof.
- (h) The costs and fees assessed pursuant to this section shall be in addition to the fine imposed.

Section 2. That all ordinances or parts of ordinances in conflict with this ordinance be and are hereby repealed.

Section 3. This ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper.

PASSED BY THE GOVERNING BODY of the City of Horton, Kansas, this 15th day of August, 2016.



MAYOR

ATTEST:



CITY CLERK

(Published in *The Horton Headlight* on August 25, 2016)

ORDINANCE NO. 1158

**AN ORDINANCE OF THE GOVERNING BODY OF THE CITY OF HORTON,
KANSAS IMPOSING A GENERAL ONE PERCENT (1%) CITY-WIDE SALES
TAX AND RELATED MATTERS.**

WHEREAS, by Resolution, the governing body of the City of Horton, Kansas (the "City"), authorized and provided for a special election in the City for the purpose of submitting to the electors of the City the question of imposing a one percent (1%) City-wide retailers' sales tax to finance the costs of City swimming pool improvements and to finance general operating and capital improvement expenses of the City, and the question of issuing sales tax revenue bonds payable from and secured by the proceeds of the such sales tax (the "Bonds"), the proceeds of which would finance the costs of the swimming pool improvements in the City (the "Sales Tax Proposition"), with collection of such sales tax to commence on January 1, 2017, and to expire 20 years after its commencement; and

WHEREAS, a special election was held in the City on August 2, 2016, at which time there was submitted to the qualified electors of the City the Sales Tax Proposition, and a majority of the qualified electors of the City voting on this proposition voted in favor thereof; and

WHEREAS, pursuant to the Act and the results of the aforementioned special election, the governing body deems it necessary and advisable to authorize the levy of a general one percent (1.0%) City-wide sales tax to finance the costs of City swimming pool improvements and to finance general operating and capital improvement expenses of the City (the "Sales Tax").

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

SECTION 1. The levy of the Sales Tax is hereby authorized, with collection of the Sales Tax to commence on January 1, 2017, and to expire 20 years after its commencement.

SECTION 2. The City Clerk, upon passage of this Ordinance, shall provide a certified copy of the same to the State Director of Taxation pursuant to K.S.A. 12-189.

SECTION 3. This Ordinance shall be effective upon passage by the governing bod, execution by the Mayor and publication once in the official City newspaper.

PASSED by the governing body of the City of Horton, Kansas on August 15, 2016, and **SIGNED** by the Mayor.



Mayor

(SEAL)

ATTEST:



City Clerk

CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of the original ordinance; that said Ordinance was passed on August 15, 2016; that the record of the final vote on its passage is found on page ____ of journal ____; and that it was published in *The Horton Headlight* on August ~~25~~ 2016.

DATED: August 16 2016.



City Clerk

ORDINANCE NO. 1159

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF PRINCIPAL AMOUNT OF SALES TAX REVENUE BONDS, SERIES 2016-A, OF THE CITY OF HORTON, KANSAS; MAKING CERTAIN COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH.

WHEREAS, the City of Horton, Kansas (the "City") is a city of the second class, duly created, organized and existing under the Constitution and laws of the State; and

WHEREAS, the City is authorized under the provisions of the Act, to issue and sell revenue bonds for the purpose of paying all or part of the cost of public facilities or improvements of the City for which the City is authorized pursuant to the Constitution or laws of the State to issue general obligation bonds and to pledge revenues received from a City retailers' sales tax for the payment thereof; and

WHEREAS, pursuant to Resolution No. 2016-003 and the Act, a special election was duly held in the City on August 2, 2016 on the question of whether to issue Sales Tax Revenue Bonds of the City in the amount of not to exceed \$1,805,000 for the purpose of financing swimming pool improvements and associated financing costs (the "Project"), and it was found and determined that more than a majority of the qualified electors of the City voting on the question had voted in favor of the issuance of said sales tax revenue bonds for the purpose aforesaid; and

WHEREAS, none of such revenue bonds so authorized have heretofore been issued and the City proposes to issue \$1,765,000 of the sales tax revenue bonds so authorized to pay the costs of the Project; and

WHEREAS, the governing body of the City has caused or will cause plans and specifications for the Project and an estimate of the cost thereof to be made, accepted and approved and placed on file in the office of the Clerk; and

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HORTON, KANSAS, AS FOLLOWS:

Section 1. Definitions of Words and Terms. In addition to words and terms defined elsewhere herein, the following words and terms in this Ordinance shall have the meanings hereinafter set forth. Unless the context shall otherwise indicate, words importing the singular number shall include the plural and vice versa, and words importing persons shall include firms, associations and corporations, including public bodies, as well as natural persons.

"Act" means the Constitution and statutes of the State including K.S.A. 10-101 to 10-125, inclusive, K.S.A. 10-620 *et seq.*, and K.S.A. 12-187 *et seq.*, all as amended and supplemented from time to time.

"Additional Bonds" means any bonds secured by the Revenues hereafter issued pursuant to the Bond Resolution.

"Additional Obligations" means any leases or other obligations of the Issuer payable from the Revenues, other than the Bonds.

“Bond Resolution” means the resolution to be adopted by the governing body of the City prescribing the terms and details of the Series 2016-A Bonds and making covenants with respect thereto.

“Bonds” means the Series 2016-A Bonds and any Additional Bonds.

“City” means the City of Horton, Kansas.

“Clerk” means the duly appointed and acting Clerk of the City or, in the Clerk's absence, the duly appointed Deputy, Assistant or Acting Clerk.

“Debt Service Reserve Account” means the Debt Service Reserve Account for Parity Bonds created by the Bond Resolution.

“Fiscal Year” means the twelve month period ending on December 31.

“Indebtedness” means collectively the Bonds and any Additional Obligations which are payable out of, or secured by an interest in, the Revenues.

“Mayor” means the duly elected and acting Mayor or, in the Mayor's absence, the duly appointed and/or elected Vice Mayor or Acting Mayor of the City.

“Ordinance” means this Ordinance authorizing the issuance of the Bonds.

“Parity Bonds” means the Outstanding Series 2016-A Bonds, ad any Additional Bonds hereafter issued pursuant to the Bond Resolution and standing on a parity and equality with the Series 2016-A Bonds with respect to the lien on the Revenues.

“Parity Obligations” means any Additional Obligations hereafter issued or incurred pursuant to the Bond Resolution and standing on a parity and equality with the Parity Bonds with respect to the lien on the Revenues.

“Parity Resolution” means the Bond Resolution and the ordinances and/or resolutions under which any Additional Bonds which constitute Parity Bonds are hereafter issued.

“Project” means the swimming pool improvements described in the Preamble to this Ordinance or any Substitute Project.

“Revenue Fund” means the Sales Tax Revenue Fund referred to in the Bond Resolution.

“Revenues” means all revenues received by the City pursuant to the collection of the Sales Tax.

“Sales Tax” means 1% Citywide Retailers Sales Tax, authorized pursuant to the special election duly held in the City on August 2, 2016, the imposition of which commences on January 1, 2017 and which shall expire 20 years after its commencement.

“Series 2016-A Bonds” means the Issuer's Sales Tax Revenue Bonds, Series 2016-A, authorized by this Ordinance.

“State” means the State of Kansas.

“Substitute Project” means a substitute or additional project of the authorized in the manner set forth in the Bond Resolution.

Section 2. Authorization of the Series 2016-A Bonds. There shall be issued and are hereby authorized and directed to be issued the Sales Tax Revenue Bonds, Series 2016-A, of the City in the aggregate principal amount of \$1,765,000 for the purpose of providing funds to: (a) pay the costs of the Project; (b) pay costs of issuance of the Series 2016-A Bonds; and (c) make a deposit to the Debt Service Reserve Account.

Section 3. Security for the Series 2016-A Bonds. The Series 2016-A Bonds shall be special obligations of the City payable solely from, and secured as to the payment of principal and interest by a pledge of, the Revenues, and the City hereby pledges said Revenues to the payment of the principal of and interest on the Series 2016-A Bonds. The Series 2016-A Bonds shall not be or constitute a general obligation of the City, nor shall they constitute an indebtedness of the City within the meaning of any constitutional, statutory or charter provision, limitation or restriction, and the taxing power of the City is not pledged to the payment of the Series 2016-A Bonds, either as to principal or interest.

The covenants and agreements of the City contained herein and in the Series 2016-A Bonds shall be for the equal benefit, protection and security of the legal owners of any or all of the Series 2016-A Bonds, all of which Series 2016-A Bonds shall be of equal rank and without preference or priority of one Bond over any other Bond in the application of the funds herein pledged to the payment of the principal of and the interest on the Series 2016-A Bonds, or otherwise, except as to rate of interest, date of maturity and right of prior redemption as provided in this Ordinance. The Series 2016-A Bonds shall stand on a parity and be equally and ratably secured with respect to the payment of principal and interest from the Revenues with any Parity Bonds. The Series 2016-A Bonds shall not have any priority with respect to the payment of principal or interest from said Revenues or otherwise over the Parity Bonds; and the Parity Bonds shall not have any priority with respect to the payment of principal or interest from said Revenues or otherwise over the Series 2016-A Bonds.

Section 4. Terms, Details and Conditions of the Series 2016-A Bonds. The Series 2016-A Bonds shall be dated and bear interest, shall mature and be payable at such times, shall be in such forms, shall be subject to redemption and payment prior to the maturity thereof, and shall be issued and delivered in the manner prescribed and subject to the provisions, covenants and agreements set forth in the Bond Resolution hereafter adopted by the governing body of the City.

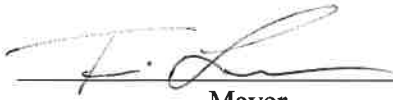
Section 5. Further Authority. The Mayor, Clerk and other City officials are hereby further authorized and directed to execute any and all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of the Ordinance to make alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section 6. Governing Law. This Ordinance and the Series 2016-A Bonds shall be governed exclusively by and construed in accordance with the applicable laws of the State.

Section 7. Effective Date. This Ordinance shall take effect and be in full force from and after its passage by the governing body of the City, approval by the Mayor and publication in the official City newspaper.

PASSED by the governing body of the City on October 17, 2016 and **APPROVED AND SIGNED** by the Mayor.

(SEAL)



Mayor

ATTEST:



Clerk