

(First published in the Horton Headlight the ____ day of _____, 2006 ---1t)

ORDINANCE NO 1068

AN ORDINANCE AMENDING THE PROVISIONS OF ORDINANCE NO. 925 RELATING TO THE REGULATION OF UTILITY SERVICE IN THE CITY OF HORTON, KANSAS; AND PROVIDING FOR SUBSTITUTE PROVISIONS THEREOF

Section 1. Ordinance Number 925 is hereby amended to read as follows:

15-101. DEFINITIONS. As used in this article, the following definitions shall apply:

- (a) Customer shall mean the utility service account holder of record.
- (b) Person shall mean natural persons and all corporations, partnerships, associations and all other types and kinds of organizations and entities, without limitation.
- (c) Utility Services shall mean electrical service, sanitary sewer service and water service.

15-102. UTILITY DEPOSITS. (a) All persons applying for utility services from the city who do not have an acceptable credit history established with the city shall, in addition to all other charges, place on deposit with the city a utility deposit prior to receiving utility services from the city. If the person is applying for utility services to an existing dwelling, business establishment or other location, the utility deposit to be paid by the person shall be determined by computing the average of the highest utility bills for any two months in the preceding 12 month period of time. If the person is applying for utility service to a dwelling, business establishment or other location that is new and does not have a history of utility bill payments, then the deposit shall be in the amount of \$150.

15-103. DISCONTINUANCE OF UTILITY SERVICES.

- (a) The city may discontinue or refuse a particular utility service to any customer, without notice or hearing, for any of the following reasons:
 - (1) When the customer so requests.
 - (2) When it is determined by an employee of the city utility department, fire department or police department that the continuance of a particular utility service constitutes a dangerous condition presenting a likely immediate threat to health or safety of persons or to property on or near the customer's premises.
 - (3) When the customer misrepresents his or her identity or otherwise intentionally provides false information for the purpose of obtaining utility services from the city.
- (b) The city may discontinue or refuse a particular utility service to any customer, following compliance with the notice and hearing requirements of section 15-105 of this article, for nonpayment of utility bills and charges as provided in section 15-105 of this article.
- (c) The city may discontinue or refuse a particular utility service to any customer, following notice to the customer, for any of the reasons set out in this subsection (c). The customer shall have the right to request a hearing within a reasonable time, not to exceed 10 days, following

termination or refusal of service. If after such hearing conducted pursuant to the provisions of section 15-105, the hearing officer finds in favor of the customer the hearing officer may order connection or reconnecting of the service at no cost to the customer.

(1) When the customer refuses to grant employees of the city's utility department access to equipment installed upon the premises of the customer for the purpose of inspection, meter reading, maintenance or replacement.

(2) When the customer violates any rule, regulations or ordinances of the city pertaining to utility services which violation adversely affects the safety of the customer or other persons, or the integrity of the city's utility services delivery system.

(3) When the customer attempts, causes or permits unauthorized interference, diversion, theft, tampering, damage or use of utility services or the utility services' delivery system situated or delivered on or about the customer's premises.

15-104. UTILITY BILLING DATES; DELINQUENCY DATE. Utility billings shall be mailed on approximately the 5th day of each month for the previous month's service. All billings for utility services shall be due and payable at the office of the city clerk on the 5th day of the month and must be paid in full by the 16th day of the month or the following regular business day if in the 15th day of the month is on a weekend or holiday. Failure to make payment by 5:00 p.m. on the day described herein shall constitute a delinquency and shall result in the mailing of an account delinquency and service discontinuation notice as provided in section 15-105.

15-105. NONPAYMENT OF UTILITY BILLS. (a) An account delinquency and service discontinuance notice shall be issued in writing within five days after the delinquency occurs. Notice shall be sent by U.S. mail, first class, to the customer (and a copy also sent by U.S. mail, first class, to the occupant of the premises served if the occupant is not the customer) at the last known address of the customer as shown on the records of the city. Written notice may also be provided by personal service upon the customer by an employee of the city utility department or by any city law enforcement officer or by such city employee posting the written notice upon a door of a building upon the property serviced.

(b) The notice of account delinquency and service discontinuance shall provide the following information:

(1) Name of customer and address where service is being provided.

(2) Account number.

(3) Amount past due plus delinquency charges.

(4) Notice that utility service shall be terminated upon failure to pay the delinquent billing plus delinquency charges within 10 days of the date of the mailing of the notice unless the date on the notice to pay the charges due shall be on a Saturday, Sunday or legal holiday, in which event such notice will give the consumer until the close of the next business day in which to pay the charges.

(5) Notice that the customer has the right to request a hearing prior to termination of services before the designated hearing officer.

(6) Notice that the request for a hearing must be in writing and filed with the city clerk no later than three working days prior to the date for termination of service.

(c) Upon receipt of a request for hearing, the city clerk shall advise the customer of the date, time and place of the hearing, which shall be held within three working days following receipt of the request.

(d) At the hearing provided for in this section, the applicant customer, and the city, shall have the right to present such evidence as is pertinent to the issue, may be represented by counsel, and may examine and cross-examine witnesses, however formal rules of evidence shall not be followed. The hearing shall be conducted by the city administrator or such other hearing officer as may be appointed by the mayor, with the consent of the governing body. In the event the hearing officer finds utility service(s) should not be discontinued, the hearing officer shall so order and advise the city and applicant customer thereof. In the event the hearing officer finds utility service(s) should be discontinued, the hearing officer shall so order and advise the city and applicant customer thereof. Unless otherwise ordered by the hearing officer, utility service(s) shall be discontinued on the date that the order of discontinuance is issued by the hearing officer. Extensions of the date of discontinuance may be granted to enable the customer to make arrangements for reasonable installment payments or for other good cause shown. The customer shall be given notice of order of discontinuance in person, or by certified mail.

15-106. DISCONTINUANCE OF UTILITY SERVICES. City utility departments are hereby authorized to discontinue and disconnect utility services to any customer pursuant to the procedures set out in this article. Customers shall remain responsible for furnishing the city with the correct address for billing purposes.

15-107. LIEN UPON CUSTOMER'S PROPERTY. In the event any person shall neglect, fail or refuse to pay within 10 days following notice of discontinuance the utility billings and charges shall constitute a lien upon the real property of the customer served by the connection to the utility service, and shall be certified by the city clerk to the county clerk of Brown County, Kansas, to be placed on the tax roll for collection, subject to the same penalties and collected in like manner as other taxes are by law collectible.

15-108. LATE PAYMENT CHARGES, RECONNECTION FEES AND UTILITY DEPOSITS FOR RECONNECTED CUSTOMERS.

(a) Late Payment Charges. All bills delinquent after the 16th day of the month of the billing shall be subject to a 10 percent penalty.

(b) Reconnection Charges. Prior to reconnecting a utility service disconnected following a delinquency, the customer shall pay to the city the entire balance due and owing to the city at the time of reconnection. The customer shall also pay a reconnection charge of \$10 for reconnection of electric service, \$10 for reconnection of sanitary sewer service, and \$10 for reconnection of water service.

(c) Utility Deposits for Reconnected Customers. If a utility service customer is disconnected pursuant to the provisions of this article then that person will be required, prior to reconnection, and in addition to any reconnection fee, to deposit with the city the utility service deposit in an amount as described in section 15-102 of this article.

15-109. RECEIPT OF INSUFFICIENT FUNDS CHECKS FOR PAYMENT OF UTILITY BILLS. (a) A \$30 service charge shall be made on all insufficient funds checks received by the

city on utility bill payments. This service charge shall be added to the utility service account of the customer.

(b) No post-dated checks shall be accepted for payment of utility bills.

(c) If a utility service customer makes payment of his or her utility bill with an insufficient funds check two times within a 12 month period of time, that customer shall be required, at that time, to make a utility service deposit with the city in the amount described in section 15-102 of this article.

Section 2. Repeal of Conflicting Ordinances. Any ordinance or section of any ordinance in conflict with this ordinance shall be and the same is hereby repealed.

Section 3. This ordinance shall take effect upon its passage and publication in the official City newspaper.

PASSED, APPROVED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF HORTON, KANSAS this 21 day of February, 2006.

Mayor

ATTEST:

City Clerk

city on utility bill payments. This service charge shall be added to the utility service account of the customer.

(b) No post-dated checks shall be accepted for payment of utility bills.

(c) If a utility service customer makes payment of his or her utility bill with an insufficient funds check two times within a 12 month period of time, that customer shall be required, at that time, to make a utility service deposit with the city in the amount described in section 15-102 of this article.

Section 2. Repeal of Conflicting Ordinances. Any ordinance or section of any ordinance in conflict with this ordinance shall be and the same is hereby repealed.

Section 3. This ordinance shall take effect upon its passage and publication in the official City newspaper.

PASSED, APPROVED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF HORTON, KANSAS this 21 day of February, 2006.



Mayor

ATTEST:



Candy Schmitt
City Clerk

(Published in _____, 2006)

ORDINANCE NO. 1068

AN ORDINANCE MAKING THE CITY OF HORTON A MEMBER OF
THE KANSAS POWER POOL ("KPP"), A MUNICIPAL ENERGY AGENCY

WHEREAS, THE CITY OF HORTON, KANSAS on March 8, 2006 passed Resolution No. 06-005 authorizing the City of Horton to participate in the initial phases of the formation of THE KANSAS POWER POOL (KPP), a Municipal Energy Agency; and

WHEREAS, The Kansas Power Pool ("KPP"), A Municipal Energy Agency has been formed under the provisions of K.S.A. 12-2901 et seq., as a Quasi-Municipal Corporation for the purpose of sharing power; pooling resources; acquiring transmission rights and needed capacity for the Kansas municipalities of Augusta, Burlington, Chanute, Clay Center, Neodesha, Wellington and Winfield; and

WHEREAS, the Governing Body of the City of Horton, pursuant to K.S.A. 12-8,108, desires to become a member of The Kansas Power Pool ("KPP"), A Municipal Energy Agency, with all the rights, powers and responsibilities set forth in the Agreement Creating The Kansas Power Pool ("KPP"), A Municipal Energy Agency.

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

SECTION 1.

By the authority of K.S.A. 12-8,108 of the Kansas Statutes and pursuant to the official policy and authority of the Governing Body of the City of Horton, relating

thereto, the City of Horton acknowledges its desire to become a member of The Kansas Power Pool ("KPP"), A Municipal Energy Agency, and requests that the Board of Directors of The Kansas Power Pool (KPP"), A Municipal Energy Agency, approve the city as a member of said Municipal Energy Agency, with all the rights, powers, duties and responsibilities thereof.

SECTION 2.

A copy of this ordinance, duly certified, shall be provided to The Kansas Power Pool ("KPP"), A Municipal Energy Agency.

SECTION 3.

This ordinance shall take effect its publication in the official city newspaper.

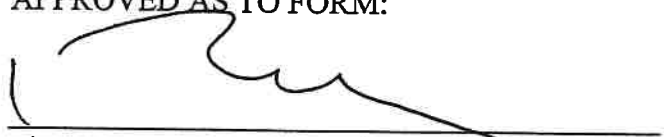
Passed and adopted by the Governing Body of THE CITY OF HORTON, KANSAS, this 8 day of March, 2006.


Mayor

ATTEST:


City Clerk

APPROVED AS TO FORM:


City Attorney

FIRST PUBLISHED IN THE HORTON HEADLIGHT ON THE 27 DAY OF June, 2006.

ORDINANCE NO. 1070

AN ORDINANCE AMENDING SECTION 8-201 OF THE CODE OF THE CITY OF HORTON TO INCLUDE STORAGE OF TIRES WITHOUT CONTROLLING MOSQUITO BREEDING AND OTHER DISEASE VECTORS WITHIN THE DEFINITION OF UNLAWFUL NUISANCES.

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

Section 1. Section 8-201 of the Code of the City of Horton, Kansas is hereby amended to read as follows: "Section 8-201 NUISANCES UNLAWFUL; DEFINED. It shall be unlawful for any person to maintain or permit any nuisance within the city as defined, without limitation, as follows:

- (a) Filth, excrement, lumber, rocks, dirt, cans, paper, trash, metal or any other offensive or disagreeable thing or substance thrown or left or deposited upon any street, avenue, alley, sidewalk, park, public or private enclosure or lot whether vacant or occupied;
- (b) All dead animals not removed within 24 hours after death;
- (c) Any place or structure or substance which emits or causes any offensive, disagreeable or nauseous odors;
- (d) All stagnant ponds or pools of water;
- (e) All grass or weeds or other unsightly vegetation not usually cultivated or grown for domestic use or to be marketed or for ornamental purposes;
- (f) Abandoned iceboxes or refrigerators kept on the premises under the control of any person, or deposited on the sanitary landfill, or any icebox or refrigerator not in actual use unless the door, opening or lid thereof is unhinged, or unfastened and removed therefrom;
- (g) All articles or things whatsoever caused, kept, maintained or permitted by any person to the injury, annoyance or inconvenience of the public or of any neighborhood;
- (h) Any fence, structure, thing or substance placed upon or being upon any street, sidewalk, alley or public ground so as to obstruct the same, except as permitted by the laws of the city.
- (i) Any owner or operator of a site that contains a waste tire, used tire or new tire accumulation of any size, as those terms are defined in K.S.A. 65-3424 who fails to control mosquito breeding and other disease vectors as set out in K.S.A. 65-3424b."

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 15 day of May, 2006.

A handwritten signature in black ink, appearing to read "Dale A. White", written over a horizontal line.

Mayor

Attest to:

A handwritten signature in black ink, appearing to read "Candice L. Schmitt", written over a horizontal line.

City Clerk

(First Published in the Horton Headlight the ___ day of September, 2006, 1t)

ORDINANCE NO. 1071

AN ORDINANCE AMENDING SECTION 2-113 OF THE HORTON CITY CODE, REQUIRING THAT FENCES CONSTRUCTED AND INTENDED TO BE USED AS ANIMAL CONFINES BE SECURELY CONSTRUCTED AND KEPT IN GOOD REPAIR.

2-113. ANIMAL CONFINES; SHELTERS.

- (a) It shall be unlawful for any person to keep or maintain any animal in any yard, structure or area that is not clean, dry and sanitary, free from debris and offensive odors that annoy any neighbor, and devoid of rodents and vermin.
- (b) Excrement shall be removed at least once each week from any animal shelter, pen or yard area where animals are kept, or more often if necessary to prevent or control odors, fly breeding, or rodent infestation. If excrement is stored on the premises by any animal owner, it shall be stored in adequate containers with fly-tight lids, and all such stored or accumulated wastes shall be disposed of at least once each week.
- (c) All animal shelters, pens and yards shall be so located that adequate drainage is obtained, normal drying occurs, and standing water is not present.
- (d) All animal shelters and board fences confining animals shall be maintained in good repair, and all animal shelters and board fences confining animals subject to residential and commercial classification shall be protected from deterioration by painting or comparable treatment.
- (e) Fences which are intended as enclosures for any animal shall be securely constructed, shall be adequate for the purpose, kept in good repair and shall not be allowed to become unsightly.
- (f) Barbed wire fences and electrically charged fences shall not be permitted for animal confines except on properties for which an agricultural classification permit is held or where the barbed wire fence or electrically charge fence is protected by an exterior fence.
- (g) All premises on which animals are kept shall be subject to inspection by the animal control officer, duly authorized law enforcement officer, or public health official. If the officer or official determines from such inspection that the premises are not being maintained in a clean and sanitary manner, he or she shall notify the owner of the animals in writing to correct the sanitation deficiencies within 24 hours after notice is served on the owner. Any animal kept under any condition which could endanger the public or animal health or create a health nuisance may be impounded. Animals shall be released after fees are paid and cause for impoundment has been corrected.

(Ord. 917, Sec. 5; Ord. 919, Sec. 15; Code 1992; Ord. 1071.)

This ordinance shall take effect upon its passage and publication in the official City newspaper.

PASSED, APPROVED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF HORTON, KANSAS, this 5th day of September, 2006.

A handwritten signature in black ink, appearing to read "Dale White", written over a horizontal line.

Dale White, Mayor

ATTEST:

A handwritten signature in black ink, appearing to read "Candace Schmitt", written over a horizontal line.

Candace Schmitt, City Clerk

(Published in the Horton Headlight on the 12th day of October, 2006. 1t.)

ORDINANCE NO. 1072

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF HORTON, KANSAS, UNDER THE AUTHORITY GRANTED BY THE ZONING REGULATIONS OF THE CITY OF HORTON, KANSAS,

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF HORTON, KANSAS.

SECTION 1. That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under the authority of and subject to the provisions of the Zoning Regulations of the City of Horton, Kansas, the zoning classification or districts of the lands legally described hereby are changed as follows:

CASE NO. 06-0823

Zone change from R1 to R3 for property legally described and generally located as follows:

Lots 1-6, Block O, *Mann, Shaw, Wirts Addition*, Lots 7 & 8, Block M West, Horton Addition, and Lots 1 & 2, Block 2 of the *Mann, Shaw, Wirts Addition*.

SECTION 2. That upon the taking effect of this Ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Zoning Regulation as amended.

SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption by the City Commission and publication in the official City newspaper.

Adopted by the Governing Body of the City of Horton, Kansas this 2nd day of October, 2006.

ATTEST:

(SEAL)


Candice Schmitt, City Clerk


Dale White, Mayor

(First Published in the Horton Headlight on _____, 2006)

ORDINANCE NO. 1073

AN ORDINANCE REGULATING PUBLIC OFFENSES WITHIN THE CORPORATE LIMITS OF THE CITY OF HORTON, KANSAS; INCORPORATING BY REFERENCE THE "UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES," EDITION OF 2006.

BE IT ORDAINED by the Governing Body of the City of Horton, Kansas;

Section 1. **INCORPORATING UNIFORM PUBLIC OFFENSE CODE.** There is hereby incorporated by reference for the purpose of regulating public offenses within the corporate limits of the City of Horton, Kansas, that certain standard code known as the "Uniform Public Offense Code," Edition of 2006, prepared and published in book form by the League of Kansas Municipalities. No fewer than three copies of said Uniform Public Offense Code shall be marked or stamped "Official Copy as Adopted by Ordinance No. 1073," and to which shall be attached a copy of this ordinance, and filed with the city clerk to be open to inspection and available to the public at all reasonable hours.

Section 2. **REPEAL.** Ordinance number 1064 is repealed.

Section 3. **EFFECTIVE DATE.** This ordinance shall take effect and be in force from and after its publication in the official city newspaper.

Passed by the Commission the 4th day of December, 2006.



Dale A. White, Mayor

Seal:

Attest:



Candice S. Schmitt, City Clerk

(First Published in the Horton Headlight on _____, 2006)

ORDINANCE NO. 1074

AN ORDINANCE REGULATING TRAFFIC WITHIN THE CORPORATE LIMITS OF THE CITY OF HORTON, KANSAS; INCORPORATING BY REFERENCE THE "STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES," EDITION OF 2006 PROVIDING CERTAIN PENALTIES AND REPEALING ORDINANCE NUMBER 1051.

BE IT ORDAINED by the Governing Body of the City of Horton, Kansas;

Section 1. **INCORPORATING STANDARD TRAFFIC ORDINANCE.** There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of Horton, Kansas, that certain standard traffic ordinance known as the "Standard Traffic Ordinance for Kansas Cities," Edition of 2006, prepared and published in book form by the League of Kansas Municipalities. No fewer than three copies of said standard ordinance shall be marked or stamped "Official Copy as Adopted by Ordinance No. 1074," and to which shall be attached a copy of this ordinance, and filed with the city clerk to be open to inspection and available to the public at all reasonable hours. The police department, municipal judge and all administrative departments of the city charged with enforcement of the ordinance shall be supplied, at the cost of the city, such number of official copies of such Standard Traffic Ordinance similarly marked, as may be deemed expedient.

Section 2. **SAME; TRAFFIC INFRACTIONS AND TRAFFIC OFFENSES.**

(a) An ordinance traffic infraction is a violation of any section of this ordinance that prescribes or requires the same behavior as that prescribed or required by a statutory provision that is classified as a traffic infraction in K.S.A. Supp. 8-2118.

(b) All traffic violations which are included within this ordinance, and which are not ordinance traffic infractions as defined in subsection (a) of this ordinance, shall be considered traffic offenses.

Section 3. **PENALTY FOR SCHEDULED FINES.** The fine for violation of an ordinance traffic infraction or any other traffic offense for which the municipal judge establishes a fine in a fine schedule shall not be less than \$10 nor more than \$30, except for speeding which shall not be less than \$10 nor more than \$500. A person tried and convicted for violation of an ordinance traffic infraction or other traffic offense for which a fine has been established in a schedule of fines shall pay a fine fixed by the court not to exceed \$500.

Section 4. **REPEAL.** Ordinance number 1065 is repealed.

Section 5. **EFFECTIVE DATE.** This ordinance shall take effect and be in force from and after its publication in the official city newspaper.

Passed by the Commission the 4th day of December, 2006.



Dale A. White, Mayor

Seal:

Attest:



Candice S. Schmitt, City Clerk