

ORDINANCE NO. 1116

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF TAXABLE GENERAL OBLIGATION BONDS, SERIES 2011, OF THE CITY OF HORTON, KANSAS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID BONDS AS THEY BECOME DUE; AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH; AND MAKING CERTAIN COVENANTS WITH RESPECT THERETO.

WHEREAS, the City is a city of the third class, duly created, organized and existing under the Constitution and laws of the State; and

WHEREAS, pursuant to K.S.A. 65-163d *et seq.*, as amended, and other provisions of the laws of the State of Kansas applicable thereto, by proceedings duly had, the governing body of the City has authorized the following improvements (the "Improvements") to be made in the City, to-wit:

<i>Project Description</i>	<i>Res No.</i>	<i>Authority</i>	<i>Authorized Bond Amount</i>
constructing and equipping of public water supply system improvements ; and	2010-020	K.S.A. 65-163d <i>et seq.</i>	\$4,350,000

WHEREAS, the City has received a commitment from the United States of America, acting through the Department of Agriculture - Rural Development ("RD/USDA") to purchase the City's general obligation bonds in an amount of \$4,123,000, the proceeds of which, together with funds derived from a grant from RD/USDA in the amount of \$2,115,400, and from a State Conservation Commission Grant in the amount of \$2,600,000, will be used to fund the Improvements, all pursuant a letter of conditions dated July 27, 2010 and an approval letter dated August 6, 2010; and

WHEREAS, the governing body of the City is authorized by law to issue general obligation bonds of the City to pay a portion of the costs of the Improvements; and

WHEREAS, none of such general obligation bonds heretofore authorized have been issued and the City proposes to issue \$4,123,000 of its general obligation bonds to pay a portion of the costs of the Improvements.

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. 65-163d *et seq.*, all as amended and supplemented from time to time.

“Bond and Interest Fund” means the Bond and Interest Fund of the City for its general obligation bonds.

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

“Bonds” means the City's Taxable General Obligation Bonds, Series 2011, in the aggregate principal amount of \$4,123,000, and dated as of the Dated Date, authorized by this Ordinance.

“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 Clerk or Acting Clerk.

“Dated Date” means June 28, 2011.

“Improvements” means the improvements referred to in the preamble to this Ordinance.

“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.

“Owner” when used with respect to any Bond means the Person in whose name such Bond is registered on the Bond Register.

“Paying Agent” means the State Treasurer, and any successors and assigns.

“RD/USDA” means Rural Development, United States Department of Agriculture.

“Refunded Notes” means, collectively, (a) the City's General Obligation Renewal and Improvement Temporary Notes, Series 2010-2 maturing July 1, 2011, in the aggregate principal amount of \$3,265,000; and (b) the City's Taxable General Obligation Renewal Temporary Notes, Series 2011-1, maturing October 1, 2011, in the aggregate principal amount of \$1,045,000.

“State” means the State of Kansas.

Section 2. Authorization of the Bonds. There shall be issued and hereby are authorized and directed to be issued the Taxable General Obligation Bonds, Series 2011, of the City in the principal amount of \$4,123,000, for the purpose of providing funds to: (a) pay a portion of the costs of the Improvements; (b) pay costs of issuance of the Bonds; and (c) retire the Refunded Notes.

Section 3. Security for the Bonds. The Bonds shall be general obligations of the City payable as to both principal and from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the City. The full faith, credit and resources of the City are hereby irrevocably pledged for the prompt payment of the principal of and interest on the Bonds as the same become due.

Section 4. Terms, Details and Conditions of the Bonds. The 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. Levy and Collection of Annual Tax. The governing body of the City shall annually make provision for the payment of principal of, premium, if any, and interest on the Bonds as the same become due by levying and collecting the necessary taxes upon all of the taxable tangible property within the City in the manner provided by law.

The taxes above referred to shall be extended upon the tax rolls in each of the several years, respectively, and shall be levied and collected at the same time and in the same manner as the general ad valorem taxes of the City are levied and collected, shall be used solely for the payment of the principal of and interest on the Bonds as and when the same become due and the fees and expenses of the Paying Agent. The proceeds derived from said taxes shall be deposited in the Bond and Interest Fund.

If at any time said taxes are not collected in time to pay the principal of or interest on the Bonds when due, the Treasurer is hereby authorized and directed to pay said principal or interest out of the general funds of the City and to reimburse said general funds for money so expended when said taxes are collected.

Section 6. 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, and 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 7. Governing Law. This Ordinance and the Bonds shall be governed exclusively by and construed in accordance with the applicable laws of the State.

Section 8. 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 June 20, 2011 and **APPROVED AND SIGNED** by the Mayor.

/s/ Tim Lentz
Mayor

ATTEST:
/s/ Candy Schmitt
Clerk

First Published in the Horton Headlight the ___ day of August, 2011.

ORDINANCE NO. 1117

AN ORDINANCE AMENDING SECTION 14-205 OF THE HORTON MUNICIPAL CODE PERTAINING TO NO PARKING ZONES WITHIN THE CITY LIMITS 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:

“14-205. 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, and except the widening portion of Central Avenue at Tenth Street;
- (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 from Second Avenue east to Central Avenue;
- (e) Central Avenue from Highway No. 73 north to the first alley;
- (f) West Fifteenth Street from Central Avenue to Fifth Street west, south side only.
- (g) North side of East 16th Street between Central Avenue and 1st Avenue East

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 ___ day of August, 2011.



MAYOR

ATTEST:



CITY CLERK

ORDINANCE NUMBER 1118

AN ORDINANCE ATTESTING TO AN INCREASE IN TAX REVENUES FOR BUDGET YEAR 2012 FOR THE CITY OF HORTON.

WHEREAS CITY OF HORTON must continue to provide services to protect the health, safety, and welfare of the citizens of this community; and

WHEREAS, the cost of providing essential services to the citizens of this city continues to increase.

NOW THEREFORE, be it ordained by the Governing Body of the CITY OF HORTON:

Section One. In accordance with state law, the CITY OF HORTON has scheduled a public hearing and has prepared the proposed budget necessary to fund city services from January 1, 2012 until December 31, 2012.

Section Two. After careful public deliberations, the governing body has determined that in order to maintain the public services that are essential for the citizens of this city, it will be necessary to budget property tax revenues in an amount exceeding the levy in the 2011 budget.

Section Three. This ordinance shall take effect after publication once in the official city newspaper.

Passed and approved by the Governing Body on this 22nd day of August, 2011.

/s/ T. L.
Mayor

ATTEST: /s/ Caroline Schmitt
City Clerk



(First Published in the Horton Headlight on September 8, 2011)

ORDINANCE NO. 1119

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 2011 PROVIDING CERTAIN PENALTIES AND REPEALING ORDINANCE NUMBER 1112.

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 2011, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas. No fewer than three copies of said Standard Traffic Ordinance shall be marked or stamped "Official Copy as Adopted by Ordinance No. 1119," 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. **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 section, 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 \$500, except for speeding which shall not be less than \$10 nor more than \$100. 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 1112 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 6th day of September, 2011.



Tim Lentz, Mayor

Seal:

Attest:



Candice S. Schmitt, City Clerk

(First Published in the Horton Headlight on September 8th, 2011)

ORDINANCE NO. 1120

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 2011.

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 2011, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas. No fewer than three copies of said Uniform Public Offense Code shall be marked or stamped "Official Copy as Adopted by Ordinance No. 1120," 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 1113 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 6th day of September, 2011.



Tim Lentz, Mayor

Seal:

Attest:



Candice S. Schmitt, City Clerk