

(First Published in the Horton Headlight the ____ day of _____, 2008)

ORDINANCE NUMBER 1079

**AN ORDINANCE REPEALING SECTION 1 OF MUNICIPAL ORDINANCE 1008 (1999),
AND PROVIDING SUBSTITUTE LANGUAGE FOR THE TIME OF MEETINGS OF
THE GOVERNING BODY OF THE CITY OF HORTON, KANSAS.**

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

SECTION 1. Section 1(A) of Ordinance No. 1008 shall be amended to read: The Governing Body of the City of Horton, Kansas (the "City"), shall meet on each and every first and third Monday of each month, and also on any fifth Monday occurring in any month, in regular meeting in the Commission Chambers of the Horton City Hall of the city at 5:15 P.M. and take under advisement and act upon such business that may come before it, provided that if the regular meeting falls on a legally recognized federal, state or municipal holiday, such meeting shall be held on the next succeeding business day.

SECTION 2. Section 1(B) of Ordinance No. 1008 shall be amended to read: Four-fifths of the Governing Body shall constitute a quorum, as required under Charter Ordinance No. 19, for the transaction of business, but no final action shall be taken on any matter respecting the department of any absent member of the Governing Body unless such special order with notice to such member, of such contemplated action, or unless such action is taken at a regular meeting of the Governing Body.

Section 3. This Ordinance amends Section 1, Ordinance No. 1008. This Ordinance shall take effect and be in force from and after its passage, approval and publication in The Horton Headlight, the official newspaper of the City of Horton, Kansas.

Passed by the Governing Body of the City of Horton, Kansas, this 19th day of February, 2008.



Mr. Tim Lentz, Mayor, City of Horton, Kansas

ATTEST:



Ms. Candy Schmitt, City Clerk, City of Horton, Kansas

(First Published in the Horton Headlight on the ____ day of _____, 2008, 1x)

ORDINANCE NO. 1080

AN ORDINANCE AMENDING MUNICIPAL ORDINANCE NO. 706, §7, AND ESTABLISHING AMENDED BUILDING PERMIT FEES WITHIN THE CORPORATE TERRITORIAL LIMITS OF THE CITY OF HORTON, KANSAS.

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

Section 1. Section 7, Municipal Ordinance No. 706 (May 22, 1967), is hereby repealed and following substitute language is adopted:

“No building shall be erected, enlarged or altered within the city without applying for a permit therefor from the Building Official, as provided in Section 105 of the International Building Code, 2006 Edition, as amended by Ordinance No. 1080 (2008), and paying the permit fee therefor.”

“The fees prescribed in this section shall be paid with the submission of the permit, and no permit shall be considered as submitted until such permit fee has been paid. All fees prescribed and collected shall be paid to the City Clerk or designees of the City Clerk.”

“The following building fees shall be applicable for all permits submitted to the Office of the Horton City Clerk, City of Horton, prior to the consideration of any permit submitted. Such fees are based on the estimated valuation of the construction as estimated by the Building Official.”

- (a) Estimated valuation of \$1.00 to \$500.00.....\$25.00.
- (b) Estimated valuation of a \$501.00 to \$2,000.00.....\$25.00
for the first \$500.00 plus \$2.00 per additional \$100.00 or fraction thereof, to and including \$2,000.00.
- (c) Estimated valuation of \$2,001 to \$25,000.00.....\$50.00
for the first \$2,000.00 plus \$5.00 per additional \$1,000.00 or fraction thereof, to and including \$25,000.00.
- (d) \$25,001 to \$50,000.....\$115.00
for the first \$25,000 plus \$2.50 per additional \$1,000.00 of valuation or any fraction thereof, to and including \$50,000.00.

- (e) \$50,001 to \$100,000.00.....\$175.00
for the first \$50,000 plus \$1.75 per additional \$1,000.00 or any fraction thereof, to and including \$100,000.
- (f) Estimated valuation of \$100,001.00 to 500,000.00.....\$200.00
for the first \$50,000.00 plus \$3.00 per additional \$1,000.00 or fraction thereof, to and including \$100,000.00.
- (g) Estimated valuation in excess of \$500,001.00.....\$1,000
for the first \$500,000.00 plus \$2.00 per additional \$1,000.00 or fraction thereof.

Section 3. All building permits issued prior to the effective date of this ordinance shall remain in effect until abandoned after 180 days of inactivity or completion of the scope of construction within original permit. All permits issued after the effective date of this ordinance shall be subject to the permit schedule within section 2 of this Ordinance.

Section 4. The Governing Body of the City of Horton, Kansas, shall have the authority to waive any of the building permit fees hereinbefore ordained where the Governing Body has made a finding by resolution that such waiver of fees is (i) in pursuit of a legitimate economic development interest; (ii) for the benefit of a benevolent association that is registered as not for profit under the United States Internal Revenue Code; or (iii) for the benefit of increasing affordable housing for low and moderate income individuals and households.

Section 5. The Horton City Clerk is hereby ordered and directed to cause this ordinance to be published at least once in The Horton Headlight, the newspaper of general circulation for the City of Horton, Kansas.

Section 6. This ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect from and after the date of its final passage and adoption.

Passed by the Governing Body of the City of Horton, Kansas, this 19th day of February, 2008.



Mr. Tim Lentz, Mayor, City of Horton, Kansas

ATTEST:



Ms. Candy Schmitt, City Clerk, City of Horton, Kansas

Ordinance No. 1081

WATER SYSTEM NEW
INSTALLATION TAPPING
FEES.

(First Published in The Horton Headlight on the ____ day of _____, 2008, 1x)

ORDINANCE NO.1081

AN ORDINANCE AMENDING GENERAL MUNICIPAL ORDINANCE NO. 842 (1982), AND PROVIDING FOR AMENDED TAPPING FEES FOR THE INSTALLATION OF NEW WATER SERVICE TO BOTH SERVICE CUSTOMERS IN-TOWN AND OUT-OF-TOWN.

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

SECTION 1. Section 3 of Ordinance No. 842 shall be amended to read:

Before the City of Horton, Kansas, shall make any new installation for water service to serve any premises with water, there first shall be paid a tapping fee to the City of Horton, Kansas, for water service based on the following schedule:

Size of Service	Inside City Limits	Outside of City Limits	Maximum Service Length
¾ inch	\$450.00	\$800.00	100 Feet
1 inch	\$650.00	\$1,000.00	80 Feet
2 inch	\$1,200.00	\$1,800.00	50 Feet
4 inch	\$2,400.00	\$4,100.00	50 Feet
6 inch	\$5,000.00	\$6,100.00	50 Feet

Passed by the Governing Body of the City of Horton, Kansas, this 3rd day of March, 2008.



Tim Lentz, Mayor
City of Horton, Kansas

ATTEST:



Candy Schmitt, City Clerk
City of Horton, Kansas

PRICES, FEES AND COSTS
ASSOCIATED WITH THE
HORTON CEMETERY.

(First Published in The Horton Headlight on the ____ day of _____, 2008, 1x)

ORDINANCE NO. 1082

AN ORDINANCE AMENDING SECTIONS 5 AND 6 OF GENERAL MUNICIPAL ORDINANCE NO. 920 (1990), AND PROVIDING FOR AMENDED, SUBSTITUTE LANGUAGE PERTAINING TO PRICES TO BE CHARGED FOR LOTS IN THE HORTON CITY CEMETERY.

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

SECTION 1. Section 5 of General Municipal Ordinance No. 920 shall be amended and substitute language provided as follows: "The prices to be charged by the City of Horton (the "City") for lots in The Horton City Cemetery shall be (i) \$250.00 per single grave space, (ii) \$900.00 per one-half lot consisting of four spaces, and (iii) \$1,600.00 per lot consisting of eight (8) spaces. No person, firm, corporation or association shall be allowed to own more than one full lot in Section "K" or "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. The prices established for the lots shall included 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 or his or her designee is hereby authorized and directed to prepare a deed to the purchaser of cemetery property, upon forms to be provided for that purpose, which said deed shall be signed by the Mayor and attested by the City Clerk, who shall cause to be delivered the same to said purchaser; provided, however, that the Governing Body is reserved the right to refuse the sale of any lot or half lot to any person, firm, corporation or association when in their judgment the sale of the same would prove detrimental to said cemetery or to the owners of lots therein. All deeds to the cemetery property shall recite that the execution of the same is subject to all of the rules and regulations governing said cemetery. All graves shall be dug by a regularly employed or approved sexton of said cemetery or by an independent contractor who is solely responsible for this service and who has met the insurance requirements established by the Governing Body of the City of Horton. The charge for opening and closing each grave shall be in the sum of Two Hundred-Fifty Dollars (\$250.00) and shall be payable to the City Clerk before burial takes place. The opening and closing for infant burial or inurnment shall be One Hundred Twenty-Five Dollars (\$125.00) provided the grave does not exceed three (3) feet in length. Inurnment does not include the burial of cremains in a stone foundation."

SECTION 2. Section 6(e) of General Municipal Ordinance No. 920 shall be amended as follows: "Monument dealers or any person desiring to erect monuments or grave markers in said cemetery must first submit to the City Clerk specifications showing the size of said monument or marker to be used and the plan and materials to be used in constructing the base upon which said monument or marker is placed, together with the location of the same, and no work shall be done until the construction of the same is authorized by the cemetery sexton. No headstone shall be higher than thirty-two (32) inches above ground level in Sections "K" and "L". All

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ASSOCIATED WITH THE
HORTON CEMETERY.

headstones shall be placed at the head of the graves. All corner lot markers shall be no higher than ground level. All headstones and all corner lot markers shall have four (4) inch borders. There will be a charge of Fifty Dollars (\$50.00) for marking out headstone and/or corner markers and/or footstone locations.”

SECTION 3. The City Clerk or his or her designee shall cause the production and publication of all necessary forms required for the proper administration and record keeping of The Horton City Cemetery.

SECTION 4. Sections 5 and 6(e) of General Municipal Ordinance No. 920 are amended as hereinbefore described.

SECTION 5. This ordinance shall take effect and be in force from and after its publication in The Horton Headlight, the official city newspaper.

PASSED BY THE GOVERNING BODY OF THE CITY OF HORTON, KANSAS, THIS 3rd DAY OF MARCH, 2008.



Tim Lentz, Mayor
City of Horton, Kansas

ATTEST:



Candy Schmitt, City Clerk
City of Horton, Kansas

OPERATION OF CITY-OWNED
AND -OPERATED ALL-TERRAIN
VEHICLES FOR CITY PURPOSES.

(First Published in *The Horton Headlight* on the ____ day of _____, 2008, 1x)

ORDINANCE NO. 1083

AN ORDINANCE PROVIDING FOR THE USE OF MUNICIPALLY-OWNED and -OPERATED ALL-TERRAIN VEHICLES FOR THE PURPOSE OF CONDUCTING NOXIOUS WEED SPRAYING, SNOW REMOVAL, AND ANY OTHER PURPOSES DEEMED NECESSARY FOR THE PERFORMANCE AND DELIVERY OF MUNICIPAL SERVICES.

WHEREAS, the Governing Body of the City of Horton, Kansas, has determined that it is necessary to own and operate an all-terrain vehicle, for the performance of conducting noxious weed spraying, snow removal and other necessary municipal services purposes; and

WHEREAS, the Kansas Legislature passed and the Governor of Kansas signed into law Senate Bill 8 (2007), which prohibited the operation of all-terrain vehicles within the corporate city limits of any city unless authorized by such city, 2007 Kan. Sess. Laws Ch. 140, §7; and

WHEREAS, Chapter 140, §7 of the 2007 Kansas Session Laws (S.B. 8) provides that cities may authorize certain uses of all-terrain vehicles within the corporate territorial limits of the cities.

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

SECTION 1. OPERATION OF MUNICIPALLY-OWNED AND -OPERATED ON CITY STREETS. (a) All-terrain vehicles, which are owned by the City of Horton, Kansas (the "City"), may be operated by agents of the City who meet the other requirements of this Ordinance, upon the streets, roads and alleys within the corporate territorial limits of the City, for the performance and delivery of municipal services.

(b) The term *municipal services*, for purposes of this Ordinance, are defined as services that are necessary for the protection of the health, safety or welfare of the residents of the City of Horton, Kansas, including, but not limited to, the spraying of noxious weeds, mosquito fogging, and snow removal; and such other services as may be deemed necessary by the City Administrator, in consultation with the Governing Body, for the safe and efficient operations of the City.

SECTION 2. REQUIREMENTS AND RESTRICTIONS. (a) Each municipal agent who operates a municipally owned all-terrain vehicle on public streets, roads and alleys in conformance with the provisions of this Ordinance shall:

- (1) Be subject to all of the duties applicable to a driver of a vehicle imposed by law;
- (2) Ride only upon the permanent and regular seat attached thereto, and such agent-operator shall not carry any other person nor shall any other person ride on a all-terrain vehicle, unless

OPERATION OF CITY-OWNED
AND -OPERATED ALL-TERRAIN
VEHICLES FOR CITY PURPOSES.

such all-terrain vehicle is designed to carry more than one (1) person, in which event a passenger may ride upon the permanent and regular seat if designed for two (2) persons, or upon another seat firmly attached to the all-terrain vehicle at the rear or side of the operator;

(3) Operate municipal all-terrain vehicle(s) in conformance with the terms hereinbefore defined by this ordinance; and

(4) Ride upon an all-terrain vehicle only while sitting astride the seat, facing forward, with one leg on each side of the all-terrain vehicle.


(b) No municipal agent who operates an all-terrain vehicle on municipal streets, roads and alleys, and who is otherwise in conformance with the provisions of this Ordinance, shall:

(1) Operate an all-terrain vehicle while carrying any package, bundle, or other article which prevents such person from keeping both hands on the handlebars; or

(2) Carry any person, nor shall any person ride, in a position that will interfere with the operation or control of the all-terrain vehicle or the view of the operator.

SECTION 3. EFFECTIVE DATE. This ordinance shall take effect and be in force from and after its publication in The Horton Headlight, the official city newspaper.

PASSED BY THE GOVERNING BODY OF THE CITY OF HORTON, KANSAS, THIS 3rd DAY OF MARCH, 2008.



Tim Lentz, Mayor
City of Horton, Kansas

ATTEST:



Candy Schmitt, City Clerk
City of Horton, Kansas

(First published in the Horton Headlight the 10 day of July, 2008. 1t)

ORDINANCE NO. 1084

AN ORDINANCE ANNEXING CERTAIN LAND TO THE CITY OF HORTON, KANSAS.

WHEREAS the following described land generally located in the South Half of the Northwest Quarter of Section 28, Township 4 South, Range 17 East of the 6th P.M., Brown County, Kansas adjoins the City of Horton, Kansas and is more fully described as follows:

Commencing at the Southwest corner of said Northwest Quarter; thence South 89°53'19" East, an assumed bearing, for a distance of 65.00 feet along said South line of said Northwest Quarter to the TRUE POINT OF BEGINNING, said point being on the Easterly right-of-way line of U.S. Highway 73 as per plans 73-7F 065-1(6) dated 1964; thence North 01°32'52" East for a distance of 876.99 feet along said right-of-way line; thence North 03°34'51" West for a distance of 437.34 feet along said right-of-way; thence South 89°57'55" East for a distance of 199.74 feet along an existing fence line; thence South 17°35'01" East for a distance of 406.55 feet; thence South 07°49'25" East for a distance of 118.26 feet; thence South 21°13'35" East for a distance of 624.56 feet; thence South 63°17'13" East for a distance of 299.05 feet; thence South 19°38'24" East for a distance of 99.16 feet to the South line of said Northwest Quarter; thence North 89°53'19" West for a distance of 861.62 feet along said South line to the point of beginning, said property contains 12.76 acres, more or less, Brown County, Kansas.

WHEREAS, a written petition for annexation of said land, signed by the owner thereof, has been filed with the City of Horton, Kansas pursuant to K.S.A. 12-520, as amended; and

WHEREAS, the governing body of the City of Horton, Kansas, finds it advisable to annex such land.

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

SECTION 1: The following described land is hereby annexed and made a part of the City of Horton, Kansas:

The following tract of land in the South Half of the Northwest Quarter of Section 28, Township 4 South, Range 17 East of the 6th P.M., Brown County, Kansas, more fully described as follows:

Commencing at the Southwest corner of said Northwest Quarter; thence South 89°53'19" East, an assumed bearing, for a distance of 65.00 feet along said South line of said Northwest Quarter to the TRUE POINT OF BEGINNING, said point being on the Easterly right-of-way line of U.S. Highway 73 as per plans 73-7F 065-1(6) dated 1964; thence North 01°32'52" East for a distance of 876.99 feet along said right-of-way line; thence North 03°34'51" West for a distance of 437.34 feet along said right-of-way; thence South 89°57'55" East for a distance of 199.74 feet along an existing fence line; thence South 17°35'01" East for a distance of 406.55 feet; thence

South 07°49'25" East for a distance of 118.26 feet; thence South 21°13'35" East for a distance of 624.56 feet; thence South 63°17'13" East for a distance of 299.05 feet; thence South 19°38'24" East for a distance of 99.16 feet to the South line of said Northwest Quarter; thence North 89°53'19" West for a distance of 861.62 feet along said South line to the point of beginning, said property contains 12.76 acres, more or less, Brown County, Kansas.

SUBJECT TO: (a) easements, restrictions, reservations, and other agreements and matters of records, if any; (b) taxes and assessments, general and special, not yet due and payable; and (c) rights of the public in and to the parts thereof in streets, roads, or alleys.

SECTION 2: This ordinance shall take effect and be in force from and after its publication in the official city newspaper.

PASSED, APPROVED AND ADOPTED by the City Commission of Horton, Kansas this 30th day of June, 2008.



Mayor

Attested to:



City Clerk

(FIRST PUBLISHED IN THE HORTON HEADLIGHT THIS ___ DAY OF JULY, 2008 1t)

ORDINANCE NO. 1085

AN ORDINANCE AMENDING THE INDIVIDUAL HOUSEHOLD RATE FOR RESIDENTIAL TRASH COLLECTION EFFECTIVE AUGUST 1, 2008 AND REPEALING ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREOF

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

Section 1. Horton City Ordinance 15-516 is hereby amended to read as follows:

RATES. The individual household rate for residential trash collection utility program shall be \$14.00 per month, of which \$13.25 will be paid as a franchise fee to the contractor and of which \$.75 shall be retained by the city as an administrative fee. These rates shall be reviewed annually, January 1st, by the city, and changed as determined by the governing body.

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 21st day of July, 2008.



Tim Lentz, Mayor

ATTEST TO:



Candice Schmitt, City Clerk

(First Published in the Horton Headlight on August 7, 2008)

ORDINANCE NO. 1086

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 2008 PROVIDING CERTAIN PENALTIES AND REPEALING ORDINANCE NUMBER 1074.

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 2008, 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. 1086," 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 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 1074 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 August, 2008.



Tim Lentz, Mayor

Seal:

Attest:


Candice S. Schmitt, City Clerk

(First Published in the Horton Headlight on August 7, 2008)

ORDINANCE NO. 1087

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 2008.

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 2008, 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. 1087," 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 1073 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 August, 2008.



Tim Lentz, Mayor

Seal:

Attest:



Candice S. Schmitt, City Clerk

ORDINANCE NUMBER 1088

AN ORDINANCE ATTESTING TO AN INCREASE IN TAX REVENUES FOR BUDGET YEAR 2009 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, 2009 until December 31, 2009.

Section Two. After careful public deliberations, the governing body has determined order to maintain the public services that are essential for the citizens of this city, it necessary to budget property tax revenues in an amount exceeding the levy in the 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 4 day of August 2008.

ATTEST: /s/ Candice Schmitt
City Clerk

/s/ T. L.
Mayor

(SEAL)

(Published in the Horton Headlight on the ___ day of November, 2008 1t)

ORDINANCE NO. 1089

AN ORDINANCE AMENDING THE HORTON MUNICIPAL CODE BY MAKING PROVISIONS FOR DRINKING ESTABLISHMENTS, CATERERS AND TEMPORARY PERMITS FOR SERVICE OF ALCOHOLIC LIQUOR WITHIN THE CITY OF HORTON, KANSAS.

BE IT ORDAINED by the governing body of the City of Horton, Kansas:

Section 1. Article 5 is hereby added to Chapter III of the Horton Municipal Code as follows:

“ARTICLE 5. DRINKING ESTABLISHMENTS

3-501. LICENSE REQUIRED. It shall be unlawful for any person granted a drinking establishment license by the State of Kansas to sell or serve any alcoholic liquor authorized by such license within the city without first obtaining a city license from the city clerk.

3-502. LICENSE FEE. (a) There is hereby levied an annual license fee in the amount of \$150.00 on each drinking establishment located in the city which has a drinking establishment license issued by the state director of alcoholic beverage control, which fee shall be paid before business is begun under an original state license and within five days after any renewal of a state license. (b) All applications for new or renewal city licenses shall be submitted to the city clerk. Upon presentation of a state license, payment of the city license fee and the license application, the city clerk shall issue a city license for the period covered by the state license, if there are no conflicts with any zoning or alcoholic beverage ordinances of the city.

(c) The license period shall extend for the period covered by the state license. No license fee shall be refunded for any reason.

(d) Every licensee shall cause the city drinking establishment license to be placed in plain view next to or below the state license in a conspicuous place on the licensed premises.

3-503. BUSINESS REGULATIONS. (a) No drinking establishment licensed hereunder shall allow the serving, mixing or consumption of alcoholic liquor on its premises between the hours of 2:00 a.m. and 9:00 a.m. on any day.

(b) Cereal malt beverages may be sold on premises licensed for the retail sale of cereal malt beverage for on-premises consumption at any time when

alcoholic liquor is allowed by law to be served on the premises.

(c) No alcoholic beverages or cereal malt beverages shall be given, sold or traded to any person under 21 years of age.

Section 2. Article 6 is hereby added to Chapter III of the Horton Municipal Code as follows:

“ARTICLE 6. CATERERS

3-601. LICENSE REQUIRED. It shall be unlawful for any person licensed by the State of Kansas as a caterer to sell alcoholic liquor by the drink, to sell or serve any liquor by the drink within the city without obtaining a local caterer's license from the city clerk.

3-602. LICENSE FEE. (a) There is hereby levied an annual license fee in the amount of \$100.00 on each caterer doing business in the city who has a caterer's license issued by the state director of alcoholic beverage control, which fee shall be paid before business is begun under an original state license and within five days after any renewal of a state license.

(b) All applications for new or renewal city licenses shall be submitted to the city clerk. Upon presentation of a state license, payment of the city license fee and the license application, the city clerk shall issue a city license for the period covered by the state license, if there are no conflicts with any zoning or alcoholic beverage ordinances of the city.

(c) The license period shall extend for the period covered by the state license. No license fee shall be refunded for any reason. (d) Every licensee shall cause the caterer license to be placed in plain view on any premises within the city where the caterer is serving or mixing alcoholic liquor for consumption on the premises.

3-603. BUSINESS REGULATIONS. (a) No caterer licensed hereunder shall allow the serving, mixing or consumption of alcoholic liquor between the hours of 2:00 a.m. and 9:00 a.m. on any day. (b) No alcoholic beverages or cereal malt beverages shall be given, sold or traded to any person under 21 years of age.

3-604. NOTICE TO CHIEF OF POLICE. Prior to any event at which a caterer will sell or serve alcoholic liquor by the individual drink, the caterer shall provide written notice to the chief of police at least 7 days prior to the event if the event will take place within the city. The notice shall contain the location, name of the group sponsoring the event, and the exact date and times the caterer will be serving.

Section 3. Article 7 is hereby added to Chapter III of the Horton Municipal Code as follows:

ARTICLE 7. TEMPORARY PERMITS

3-701. PERMIT REQUIRED. It shall be unlawful for any person granted a temporary permit by the State of Kansas to sell or serve any alcoholic liquor within the city without first obtaining a local temporary permit from the city clerk.

3-702. PERMIT FEE. (a) There is hereby levied a temporary permit fee in the amount of \$50.00 per day on each group or individual holding a temporary permit issued by the state director of alcoholic beverage control authorizing sales within the city, which fee shall be paid before the event is begun under the state permit.

(b) Every temporary permit holder shall cause the temporary permit receipt to be placed in plain view on any premises within the city where the holder of the temporary permit is serving or mixing alcoholic liquor for consumption on the premises.

3-703. CITY TEMPORARY PERMIT. (a) It shall be unlawful for any person to conduct an event under a state issued temporary permit without first applying for a local temporary permit at least 7 days before the event. Written application for the local temporary permit shall be made to the city clerk and shall clearly state:

- (1) the name of the applicant;
- (2) the group for which the event is planned;
- (3) the location of the event;
- (4) the date and time of the event;
- (5) any anticipated need for police, fire or other municipal services.

(b) Upon presentation of a state temporary permit, payment of the city's temporary permit fee and a written application as provided for in subsection (a), the city clerk shall issue a local temporary permit to the applicant if there are no conflicts with any zoning or other ordinances of the city.

(c) The city clerk shall notify the chief of police whenever a temporary permit has been issued and forward a copy of the permit and application to the chief of police.

3-704. PERMIT REGULATIONS. (a) No temporary permit holder shall allow the serving, mixing or consumption of alcoholic liquor between the hours of 2:00 a.m. and 9:00 a.m. at any event for which a temporary permit has been issued.

(b) No alcoholic beverages shall be given, sold or traded to any person under 21 years of age.

Section 4. 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 ~~10~~ 17
day of November, 2008.



Mayor

ATTEST:



City Clerk

First Published in the Horton Headlight the ___ day of December, 2008.

ORDINANCE NO. 1090

AN ORDINANCE AMENDING SECTION 15-204 OF THE MUNICIPAL CODE BY PROVIDING FOR AN ENERGY COST ADJUSTMENT FEE ALONG WITH OTHER RESIDENTIAL AND COMMERCIAL FEES AND RATES CURRENTLY CHARGED BY THE CITY OF HORTON, KANSAS

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

Section 1. Section 15-204 of the Horton Municipal Code is hereby amended to read as follows:

"15-204. RESIDENTIAL AND COMMERCIAL FEES AND RATES

The following fees and rates shall be available to consumers for residential use and to consumers for commercial use:

- (a) Per Kilowatt Hour--\$.095
- (b) A monthly service charge of \$4.00 for electrical service furnished.
- (c) The actual cost of installation of a light pole, plus a \$20.00 labor charge, if the installation of a light pole is requested by the property owner. Such cost will be prorated over three (3) months and billed as an installation charge on the customer's bill.
- (d) The actual cost of any meter installed on the customer's premises by the city. Such cost will be prorated over three (3) months and billed as an installation charge on the customer's bill.
- (e) A deposit for new service of \$150.00, or for new service at an existing location the average of the two highest electricity bills incurred for that property over the past year.
- (f) A one time connection fee of \$10.20 to set up the account.
- (g) An Energy Cost Adjustment computed as follows: The actual cost of the wholesale power supply to the City of Horton, Kansas shall be applied to each Rate under the following calculation in order to compensate the City for distribution losses and increases in the cost of power supply:
The City of Horton shall total the City's last 12 month total dollar expenditures and divide that total by the City's kilowatt hour purchases divided by 1.15 representing city losses to determine each month's ECA. The ECA will then be multiplied with each customer's monthly kWh consumption to complete the Retail Rates for the City of Horton electric customers.


$$\text{ECA} = \frac{\text{(last 12 month total wholesale dollar (\$) purchased)}}{\text{(last 12 month total wholesale energy (kWh) purchased/1.15 city losses)}}$$

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 8/
day of ~~December, 2008.~~

~~January 2009.~~
December 2008



MAYOR

ATTEST:



CITY CLERK

Published in the Horton Headlight on _____

ORDINANCE NO. 1091

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. 08-1023

Zone change from C2 to R1 for property legally described and generally located as follows:

Lots 10-13, Block 103, C. K. & N. Addition, City of Horton, Brown County, Kansas

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 15th day of December, 2008.

ATTEST:


City Clerk



Mayor

(SEAL)