

ORDINANCE NO. 381

AN ORDINANCE FIXING AND ESTABLISHING RATES OF SERVICE CHARGES TO BE PAID FOR THE USE OF THE SEWAGE DISPOSAL SYSTEM OF THE CITY OF HAVILAND, KANSAS; PROVIDING FOR THE COLLECTION OF SEWER SERVICE CHARGES AND REVENUES; PROVIDING FOR THE MANAGEMENT AND OPERATION OF SAID SEWAGE DISPOSAL SYSTEM; AND REPEALING ALL OF ORDINANCE NO. 373.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HAVILAND, KANSAS: ORDINANCE NO. 381 SEWAGE SERVICE CHARGES:

SECTION 1. All persons, firms, corporations, city departments, the United States, the State of Kansas and its political subdivisions and any organizations whose premises are connected, or may hereafter become connected to the sewage disposal system of the City of Haviland, Kansas, shall pay to said City for the use of such disposal system, the monthly service charge, in accordance with this classification of users and schedule of services:

Beginning on the following dates:		July 1, 2020	January 1, 2021	July 1, 2021	January 1, 2022
CLASSIFICATION	DESCRIPTION	RATES PER MONTH			
Class A	Single family residence	\$ 15.25	\$ 19.50	\$ 23.75	\$ 28.00
Class B	Multiple family residences and apartment house	\$ 15.25	\$ 19.50	\$ 23.75	\$ 28.00
Class C	Mobile home courts	\$ 15.25	\$ 19.50	\$ 23.75	\$ 28.00
Class D	Laundry establishments	\$ 23.50	\$ 27.75	\$ 32.00	\$ 36.25
Class E	Cafes and eating establishments	\$ 23.50	\$ 27.75	\$ 32.00	\$ 36.25
Class F	Service stations, including vehicle repair establishments and car washing facilities	\$ 18.75	\$ 23.00	\$ 27.25	\$ 31.50
Class G	Hospital, nursing, care and rest homes	\$ 73.00	\$ 77.25	\$ 81.50	\$ 85.75
Class H	Educational dormitories	\$251.75	\$256.00	\$260.25	\$264.50
Class I	Schools and educational institutions	\$ 73.00	\$ 77.25	\$ 81.50	\$ 85.75
Class J	Commercial food retailers, wholesalers and grocery establishments	\$ 23.50	\$ 27.75	\$ 32.00	\$ 36.25
Class K	Offices and businesses and all other establishments not classified	\$ 15.25	\$ 19.50	\$ 23.75	\$ 28.00

SECTION 2. The terms “sewage disposal system” or “sewages system” shall consist of all means of which sewage is transported, treated and disposed of, but shall not include drainage sewers, storm sewers nor drains. “Per institution:” as used in Section 1, shall refer to an entire organizational entity, even if said entity includes more than one building or facility.

SECTION 3. Each and every property owner or any other person, firm, corporation, city department, or political subdivision of the State of Kansas or the United States by or upon the authority of any owner, or any person whomsoever, desiring to connect any property, whatsoever to the sewage system or any lateral of the sewage system, shall at their own expense and under the direction, supervision and approval of the City clerk, or other authorized officer or employee of said City, construct such connection from their property to the City’s sewage disposal system.

SECTION 4. The monthly service charges, as provided for in Section 1 shall be due and payable at the office of the City Clerk or other authorized office on or before the twentieth (20th) day of each month following the month of service, and if such charge shall not be paid when due, the City shall have the right, power and authority to discontinue all sewer service to such delinquent user.

SECTION 5. In the event any person, firm, corporation, political unit (except the United States or Kansas) or organization living or operating on premises connected to the sewage system, shall neglect, fail or refuse to pay the service charges as provided in Section 1 such charge shall constitute a lien upon the real estate served by the connection to the sewage system, and shall be certified by the City Clerk to the County Clerk of Kiowa county, Kansas, to be placed upon the tax roll for collection subject to the same

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penalties and collected in like manner as other taxes are by law collectable and the delivery of water through the pipes and mains of the Haviland Municipal Water System to such premises may be disconnected until such charges are fully paid.

SECTION 6. All revenues derived from the sewage systems service charges shall be deposited in the City Treasury and credited to a separate fund known as the sewer fund, and such revenue shall be used exclusively for the administration, operation, maintenance, repair, replacement, extension, enlargement, betterment, depreciation and obsolescence of the sewage disposal system; and may be used to pay principal of and interest of any bonds issued on account of the sewage system, either general obligation or revenue tools, or both, except this revenue shall not be used to pay bonds issued for any such project the cost of which is payable from special assessments, nor shall the revenue be applied to the construction or reconstruction of sewer systems in the benefit district.

SECTION 7. The sections of the ordinance are intended to be several and separate so that if any section herein is held invalid by a court of competent jurisdiction, the remaining sections shall remain in full force and effect.

SECTION 8. Ordinance No. 373 and all other ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 9. This Ordinance shall take effect and be in full force from and after its passage and publication in The Merchant's Directory as provided by law.

Passed by the Council and approved by the Mayor this 8th day of June 2020.

Mayor

Attest: Shari McAfee, City Clerk

ORDINANCE NO. 382

AN ORDINANCE RELATING TO AND PROVIDING FOR THE REGULATION AND RESTRICTIONS ON THE SALE AND DISCHARGE OF FIREWORKS WITHIN THE CITY OF HAVILAND, KANSAS.

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

SECTION 1. FIRING OR DISCHARGE OF FIREWORKS RESTRICTED. Fireworks may be fired or discharged on private property within the City between the hours of 8:00 a.m. and 10:30 p.m. on July 2 through July 5.

SECTION 2. SALE OF FIREWORKS RESTRICTED. Fireworks may be sold within the City limits between the hours of 8:00 a.m. and 10:30 p.m. commencing June 28 through July 5 of each year. A permit to sell fireworks shall be required after January 1, 2021.

SECTION 3. PERMITS FOR SALE OF FIREWORKS REQUIRED. Beginning on January 1, 2021, it shall be unlawful for a person to sell, display for sale, or offer to sell Fireworks within the City limits, without first securing a permit to do so from the City Clerk. A permit will authorize a holder of a permit to Fireworks from June 28 to July 5 of the year the permit is issued. A permit will not be issued if the selling of Fireworks would not be in compliance with pertinent City Ordinances, State statutes and State regulations. Applications must be submitted and approved prior to the sell, display for sale, or offer to sell any Fireworks.

SECTION 4. SALE OF FIREWORKS; WHERE PROHIBITED.

(1) It shall be unlawful for Fireworks to be stored, sold or displayed for sale in a place of business where paint, oils, varnishes, turpentine or gasoline or other flammable substances are kept, unless such Consumer Fireworks are in a separate and distinct section or department of the premises.

(2) Where the fire chief deems there is a fire hazard.

SECTION 5. RETAIL DISPLAY OF FIREWORKS. All Fireworks displayed for sale must remain in original packages, except where an attendant is on constant duty at all times where such Fireworks are on display; provided, that Fireworks in open stock may be kept in show cases or counters out of the reach of the public without an attendant being on duty. Signs reading "Fireworks for Sale-No Smoking Allowed" shall be displayed in the section of a store or premises set aside for the sale of Consumer Fireworks. All stands or buildings where fireworks are sold are required to have fire extinguishers within 5 feet of the where the Fireworks are displayed for sale.

SECTION 6. FIREWORKS DISPLAY PERMIT REQUIRED. Except as allowed in Section 1, prior to any entity (person, firm, corporation, or other organization) discharging fireworks in the City, said entity must submit to the City Clerk a permit application, pay a fee to the City of One-hundred and Fifty Dollars (\$150) and obtain the approval of the Chief of the City of Haviland fire department. One or more members of the City of Haviland Fire Department must be present prior to and throughout the duration of the discharge of fireworks for which the permit is granted.

SECTION 7. STATE REGULATIONS. The above stated regulations and restrictions are in addition and not in substitute to the statutes and regulations of the State of Kansas that the Kansas Fire Marshall.

SECTION 8. PENALTY. Any person or entity violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor punishable with up to Thirty (30) days incarceration and a fine of Two-hundred and Fifty Dollars (\$250) for each offense. Any person or entity that violates the provisions of this ordinance pertaining to the sale of Fireworks shall not be granted a permit for the sale of fireworks for a period of at least two (2) years.

SECTION 9. REPEAL OF CONFLICTING ORDINANCES. Ordinance No. 371 is hereby repealed, and all ordinances or parts of ordinances enacted prior to this ordinance in conflict with this ordinance are hereby repealed.

SECTION 10. EFFECTIVE DATE. This Ordinance shall take effect and be in force, from and after its publication in the official City newspaper.

Passed by the council and approved by the mayor the 8th day of June 2020.

Aaron Stokes, Mayor
Shari McAfee, City Clerk

ORDINANCE NO. 383

AN ORDINANCE RELATING TO AND PROVIDING FOR THE APPOINTMENT, DUTIES, REMOVAL AND COMPENSTATION FOR APPOINTED CITY OFFICERS.

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

SECTION 1. APPOINTED OFFICERS: Pursuant to K.S.A. 15-205, the City Council shall annually appoint the following Officers of the City of Haviland by majority vote:

- a. City Clerk
- b. City Treasurer
- c. Municipal Judge
- d. City Attorney
- e. City Fire Chief

SECTION 2. TERM: Each of the appointed officers enumerated in Section 1 shall serve for a term of one (1) year. If an appointed officer is not reappointed for a subsequent term, resigns, removed from office, dies or is otherwise unable to continue serving, the City Council shall appoint a replacement officer for the vacant position by majority vote with all due haste. Any officer appointed to fill a vacancy shall serve out the remainder of the term made vacant and shall stand for reappointment at the expiration of such term.

SECTION 3. REMOVAL: Any appointed officer may be removed from office by majority vote of the City Council. Any appointed officer may be suspended from office pending a meeting of the City Council by the Mayor.

SECTION 4. DUTIES: The appointed officers enumerated in Section 1 shall perform all duties required by statute in addition to other tasks as required by the City Council that are not contrary to their statutory duties or applicable Kansas or federal law.

SECTION 5. COMPENSATION: The appointed officers of the City of Haviland will be compensated as follows:

- a. The City Clerk shall be compensated for the performance of his/her duties at a rate of Eighteen Dollars (\$18) per hour.
- b. The City Treasurer shall be compensated for the performance of his/her at a rate of Thirty Dollars (\$30) per month.
- c. The Municipal Judge shall be compensated for the performance of his/her duties with an annual payment of One-hundred Dollars (\$100) and Sixty Dollars (\$60) per hour for any work performed on behalf of the City.
- d. The City Attorney shall be compensated for the performance of his/her duties with an annual payment of Five-hundred Dollars (\$500) and One-hundred and Fifty Dollars (\$150) per hour for any work performed on behalf of the City.
- e. The City Fire Chief shall be compensated for the performance of his/her duties with a quarterly payment of Four-hundred and Fifty Dollars (\$450).

SECTION 6. REPEAL OF CONFLICTING ORDINANCES. All ordinances or parts of ordinances enacted prior to this ordinance in conflict with this ordinance are hereby repealed.

SECTION 7. EFFECTIVE DATE. This Ordinance shall take effect and be in force, from and after its publication in the official City newspaper.

Passed by the council and approved by the mayor on the 15th day of June 2020.

Aaron Stokes, Mayor

Attest: Shari McAfee, City Clerk

ORDINANCE NO. 384

AN ORDINANCE REGULATING THE DRIVING AND THE PARKING OF TRUCKS AND THE TRANSPORTATION OF LIVESTOCK IN THE CITY OF HAVILAND, KANSAS.

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

SECTION 1. DEFINITIONS. For the purpose of the ordinance, the following terms, phrases, words and their deviations shall have the meaning given herein:

- a) "City" is the City of Haviland, Kansas.
- b) "City Streets" are any streets or roadways or portion of streets or roadways dedicated to or maintained by the City of Haviland.
- c) "Persons" is any person, firm, partnership, associate, corporation, company or organization of any kind.
- d) "Truck" is any vehicle designed or operated for the transportation of property and whose body weight or whose combined body and load weight exceeds twenty-four thousand (24,000) pounds.
- e) "Livestock" is hogs, sheep or cattle.
- f) "Livestock truck" is a truck designed to haul livestock.

SECTION 2. PARKING OF TRUCKS. It shall be unlawful to park a truck on any City street in the City of Haviland.

SECTION 3. DRIVING OF LIVESTOCK TRUCKS. It shall be unlawful to cause a livestock truck to be driven within the City, excepting on US 54 Highway and Main Street.

SECTION 4. PARKING OF LIVESTOCK TRUCKS. It shall be unlawful to cause a livestock truck to be parked within the City.

SECTION 5. EXCEPTION. This ordinance shall not prohibit:

- a) The driving or parking of emergency vehicles for the purpose of attending emergency situations.
- b) The driving or parking of a truck for the purpose of loading or unloading merchandise, furniture or any other goods, for so long as reasonably necessary to complete the same, not to exceed twenty-four (24) hours.
- c) The driving or parking of a truck for the purpose of loading and unloading construction material at construction or building location, for so long as reasonably necessary to complete the same.
- d) The parking of a truck which is incapacitated or unable to move, for so long as reasonably necessary to remove the same, not to exceed twenty-four (24) hours.
- e) The driving or parking of trucks owned or operated by the City, public utility and contractor of the City while engaged in the repair, maintenance or construction of streets, street improvements, utility service or conducting refuse collection.

SECTION 6. PENALTY. Any person convicted of a violation of this ordinance shall be punished by a fine not to exceed two hundred dollars (\$200.00).

SECTION 7. EFFECTIVE DATE. This ordinance shall take effect and be in full force and effect from and after its passage, approval and publication once in the official City newspaper.

SECTION 8. SAVINGS CLAUSE. If any section, sentence, clause or phrase of this ordinance is invalid or unconstitutional, the remaining portions of this ordinance shall remain valid and forcible existence.

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SECTION 10. REPEAL OF CONFLICTING ORDINANCES. Ordinance No. 312 is hereby repealed, and all ordinances or parts of ordinances enacted prior to this ordinance in conflict with this ordinance are hereby repealed.

Passed and adopted and approved this 9th day of November, 2020.

Aaron Stokes, Mayor

Attest: Shari McAfee, City Clerk