

ORDINANCE NO. 783

AN ORDINANCE ESTABLISHING AND REGULATING A STORM WATER UTILITY FUND FOR THE CITY OF LYNDON, KANSAS.

SECTION 1. Intent and Purpose. This article is enacted pursuant to K.S.A. 65-164 et seq, K.S.A. 65-165 et seq and the Federal Water Pollution Control Act as amended, 33 U.S.C. 1251 et seq for the purpose of establishing regulations for discharges into the streets of the City. Specifically the objectives of this Ordinance are as follows:

- A. To maintain and improve the quality of surface water and groundwater within the city;
- B. To prevent the discharge of contaminated storm water runoff from industrial, commercial, residential and construction sites into the municipal separate storm sewer system and natural waters within the city.
- C. To promote public awareness of the hazards involved in the improper discharge of hazardous substances, petroleum products, household hazardous waste, industrial waste, sediment from construction sites, pesticides, herbicides, fertilizers, and other contaminants into the storm sewers of the city;
- D. To facilitate compliance with state and federal laws and regulations applicable to the City of Lyndon issued by the Kansas Department of Health & Environment for storm water discharges.

SECTION 2. Creation of a Storm Water Utility. Pursuant to the provisions of K.S.A. 12-1301, et seq., the City of Lyndon, Kansas, hereby establishes a storm water utility and storm water management system and declares its intention to operate, construct, maintain, repair and replace the public storm water management system, operate the storm water utility and enforce the storm water utility regulations.

SECTION 3. Administration. Except as otherwise provided herein, the Maintenance Superintendent, or his appointed representative, shall administer, implement, and enforce the provisions of this ordinance.

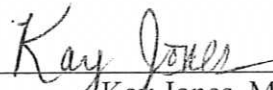
SECTION 4. Storm Water Utility Fund. All storm water utility fees collected shall be paid into Utility Fund which is created to be known as the Storm Water Utility Fund. Such funds shall be used for the purpose of paying the costs of operation, construction, reconstruction, repair and maintenance of the storm water facilities of the City and to carry out all other purposes of this utility, including enforcement of the provisions of the Storm Water Utility permit issued to the City of Lyndon.

SECTION 5. Payment. The charges hereinabove established shall be effective July 1, 2012, and such charges shall be paid to the City of Lyndon, Kansas. Residential and non-residential properties connected to city utilities will be billed through the City's utility billing system on a monthly basis. All single residential structures shall be charged \$1.00 a month; all multi-dwelling structures and every other structure shall be charged \$2.00 a month.

SECTION 6. Tax Liens. That should any property owner within the incorporated city limits of the City of Lyndon, neglect, fail or refuse to pay the above mentioned storm water utility management fee, such charges shall constitute a lien upon the real estate served by the storm water utility, and shall be certified by the City Clerk of said City to the County Clerk of Osage County, Kansas, to be placed on the tax rolls for collection subject to the same penalties and collection in like manner as other taxes are by law collected.

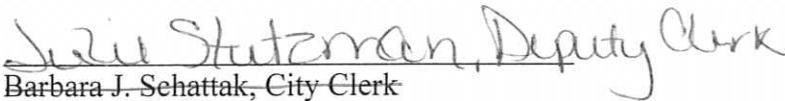
SECTION 7. This ordinance shall take effect and be in force from and after its passage, approval, and publication in the official newspaper of the City, as provided by law. Rates will take effect July 1, 2012 and will be reflected on utility bills issued in August, 2012.

PASSED AND APPROVED by the Governing Body of the City of Lyndon, Kansas, this 4th day of June, 2012.



Kay Jones, Mayor

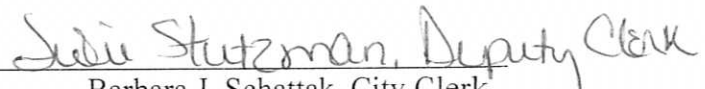
Attest:


Barbara J. Schattak, City Clerk

STATE OF KANSAS, COUNTY OF OSAGE, SS:

I, the undersigned, hereby certify that I am the duly appointed and acting City Clerk of the City of Lyndon, Kansas; that the above Ordinance was passed by the council and approved by the Mayor on the 4th day of June, 2012, and it was published on the 14th day of June, 2012, and that the record of the final vote of passage is shown in the minutes of the proceedings of the Governing Body.





Barbara J. Schattak, City Clerk