

**ORDINANCE NO. 2531**

**AN ORDINANCE OF THE CITY OF GARDNER, KANSAS, A GENERAL HOUSEKEEPING ORDINANCE AMENDING SECTIONS OF THE GARDNER MUNICIPAL CODE.**

WHEREAS, THE CITY OF GARDNER KANSAS, ESTABLISHES FEES FOR CERTAIN SERVICES, PERMITS AND LICENSES; AND

WHEREAS, IT IS DETERMINED THAT SAID FEES SHALL BE SET BY RESOLUTION; AND

WHEREAS, IT IS THE INTENT OF THE GOVERNING BODY TO ACCOMPLISH A GENERAL HOUSEKEEPING ORDINANCE TO CLEAN UP THE CITY'S ORDINANCES RELATED TO FEES;

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

**SECTION ONE:** Chapter 5.05.020 is hereby amended to read as follows:

5.05.020 New goods public auctions – License fees. The license fee for the conducting of a new goods public auction, as it is defined and regulated by K.S.A. 58-1014 through 58-1023, shall be set by the Governing Body by resolution.

**SECTION TWO:** Chapter 5.05.030 is hereby amended to read as follows:

5.05.030 Hawkers, peddlers or vendors. For hawkers, peddlers or other vendors from stands wagons, cars or other vehicles of any goods, wares, merchandise, fruits, vegetables or articles, and hawkers and peddlers or other vendors canvassing from place to place, or from house to house on foot, any goods, wares, merchandise, fruits, vegetables or other articles, the license fee shall be set by the Governing Body by resolution. Said license fee shall not apply to hawkers, peddlers of vendors or producers, or their agents and employees, engaged in the sale of farm or garden products, or fruits grown by said persons within the State of Kansas. There shall be no soliciting after 5:00 p.m.

**SECTION THREE:** Chapter 5.10.070 C. is hereby amended to read as follows: The classification of licenses and fees for each shall be set by the Governing Body by resolution.

**SECTION FOUR:** Chapter 5.15.030 A. is hereby amended to read as follows: Every applicant for a permit to maintain, operate or conduct any such establishment shall file an application with the City and pay an annual filing fee as set by the Governing Body by resolution.

**SECTION FIVE:** Chapter 5.15.070 A. is hereby amended to read as follows: Any person employed to perform any services in a massage establishment, bathhouse, modeling studio or body-painting studio, as defined in this chapter, shall file a written application with the City and pay an annual filing fee as set by the Governing Body by resolution.

**SECTION SIX:** Chapter 5.20.060 is hereby amended to read as follows:

5.20.060 License tax. There is hereby levied an occupation and license tax on each retailer of alcoholic liquor, including beer containing more than three and two-tenths percent of alcohol by weight, for sales in the original package only. Said license tax shall be set by the Governing Body

by resolution and paid by said retailer to the City Clerk of the City before business is begun under any original state license and shall be paid within five days after any renewal of a state license.

**SECTION SEVEN:** Chapter 5.20.120 is hereby amended to read as follows:

5.20.120 License tax. There is hereby levied an occupation and license tax on each drinking establishment located in the City which has a drinking establishment license issued by the State Director of Alcoholic Beverage Control, which tax shall be paid before business is begun under an original state license and within five days after any renewal of a state license. Said license tax shall be set by the Governing Body by resolution.

**SECTION EIGHT:** Chapter 5.20.160 is hereby amended to read as follows:

5.20.160 License tax. There is hereby levied an occupation and license tax on each private club located in the City which has a private club license issued by the State Director of Alcoholic Beverage Control, which tax shall be paid before business is begun under an original state license and within five days after renewal of a state license. Said license tax shall be set by the Governing Body by resolution.

**SECTION NINE:** Chapter 5.20.200 is hereby amended to read as follows:

5.20.200 License tax. There is hereby levied an occupation and license tax on each caterer doing business in the City who has a caterer's license issued by the State Director of Alcoholic Beverage Control, which tax shall be paid before business is begun under an original state license and within five days after any renewal of a state license. Said license tax shall be set by the Governing Body by resolution.

**SECTION TEN:** Chapter 5.20.250 A. is hereby amended to read as follows: There is hereby levied a temporary permit fee 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. Said permit fee shall be set by the Governing Body by resolution.

**SECTION ELEVEN:** Chapter 5.20.360 is hereby amended to read as follows:

5.20.360 License fee. The license fees for General Retailer and Limited Retailer shall be set by the Governing Body by resolution. The full amount of the license fee shall be required regardless of the time of the year in which the application is made, and the licensee shall only be authorized to operate under the license for the remainder of the calendar year in which the license is issued.

**SECTION TWELVE:** Chapter 5.20.400 is hereby amended to read as follows:

5.20.400 Change of location. If a licensee desires to change the location of his/her place of business, he/she shall make an application to the Governing Body showing the same information relating to the proposed location as in the case of an original application, such application shall be accompanied by a fee that shall be set by the Governing Body by resolution. If the application is in proper form and the location is not in a prohibited zone and all the requirements relating to such place of business are met, a new license shall be issued for the new location for the balance of the year for which a current license is held by the licensee.

**SECTION THIRTEEN:** Chapter 5.20.490 A. is hereby amended to read as follows: There is hereby levied a special event retailers' permit fee on each group or individual issued a permit pursuant to this article which fee shall be paid to the City Clerk at the time of application. Said permit fee shall be set by the Governing Body by resolution.

**SECTION FOURTEEN:** Chapter 6.05.050 is hereby amended to read as follows:

6.05.050 License fee. An approved license or permit shall be issued after payment of the applicable fee. The fees shall be set by the Governing Body by resolution.

**SECTION FIFTEEN:** Chapter 6.05.090 D. is hereby amended to read as follows: Any currently vaccinated dog/cat covered by permit as required in this chapter may be claimed by its owner upon payment of an impoundment fee and boarding fee. Said fees shall be set by the Governing Body by resolution.

**SECTION SIXTEEN:** Chapter 13.05.100 B. is hereby amended to read as follows:

13.05.100 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 for reconnection service. The reconnection charge shall be set by the Governing Body by resolution. The working hours of the City shall be posted on the delinquency notice.

**SECTION SEVENTEEN:** Chapter 13.05.110 is hereby amended to read as follows:

13.05.110 Charge for bad checks and bank drafts. The City shall levy a charge for all checks or bank drafts returned from the banks to the City for payment of City utilities which are returned for the reason of insufficient funds, account closed or stopped payment. Said charge shall be set by the Governing Body by resolution. If the City receives two or more returned checks or bank drafts in a 12-month period, the City may refuse to accept checks or additional bank drafts and require payment by cash, money order, certified check or credit card.

**SECTION EIGHTEEN:** Chapter 13.05.140 is hereby amended to read as follows:

13.05.140 Connection of services – Fees. Electric and/or water service shall be established for new customers upon satisfying security deposit requirements, and upon a payment of a connection fee for each service as set by the Governing Body by resolution. Transfer customers will also be subject to the same connection fee. Customers requesting that service(s) be temporarily disconnected will be charged a disconnect fee for each service as set by the Governing Body by resolution. Payment of the regular connection fee(s) will also be required when service is reconnected.

**SECTION NINETEEN:** Chapter 13.10.140 K. 2. is hereby amended to read as follows: A fee shall be paid for the reconnection of any water service terminated pursuant to subsection (K)(1)(a) of this section, in the event of subsequent violation, an additional reconnection fee shall be paid. Said reconnection fees shall be set by the Governing Body by resolution.

**SECTION TWENTY:** Chapter 13.25.060 is hereby amended to read as follows:

13.25.060 Yard lights fee. The fee for yard lights owned and maintained by the City utilized for private purposes shall be set by the Governing Body by resolution.

**SECTION TWENTY-ONE:** Chapter 13.25.070 is hereby amended to read as follows:

13.25.070 Pole attachment charges. The City will charge for the use of Gardner electric poles. Said charge to be set by the Governing Body by resolution and to be paid quarterly. The number of attachments to be charged will be based on the total number of attachments as of January 1st of each year beginning January 1, 2010. Permission to attach and the method of attachment are at the discretion of the Governing Body. Unified School District No. 231, the City of Gardner, and Kansas City Power and Light will not be charged.

**SECTION TWENTY-TWO:** Chapter 13.25.080 is hereby amended to read as follows:

13.25.080 Renewable energy resource rate. An owner of operator of a qualified electric energy generation unit which is powered by a renewable generator as defined by Kansas State Statute K.S.A. 66-1, 184 (2009) and has an electric generating capacity of not more than the following wattage schedule may apply for parallel generation services within the City of Gardner.

A. Residential customer – 25 kilowatts or less.

B. Commercial customer – 200 kilowatts or less.

A fee for Renewal Energy Source Interconnection shall be set by the Governing Body by resolution.

If all technical requirements are met, including demonstrated compliance with K.S.A. 66-1,184, the application for interconnection is accepted by the Utility Director and an interconnection agreement is approved by the Governing Body, the customer-generator shall be allowed to interconnect to the City's electric system.

The customer-generator shall be fairly and equitably compensated for energy supplied to the City. The City shall measure the customer-generator-produced electricity fed to the grid and provide compensation to the customer-generator on a monthly basis. Such compensation shall be recalculated and updated on April 1st of each year at the rate of 100 percent of the electric utility's monthly system average cost of energy per kilowatt hour except that in the case of renewable generators with a capacity of 200 kilowatts or less, such compensation shall be not less than 150 percent of the electric utility's monthly system average cost of energy per kilowatt hour. As provided for within the interconnection agreement, the electric utility may credit such compensation to the customer's account or pay such compensation to the customer at least annually or when the total compensation due equals \$25.00 or more.

**SECTION TWENTY-THREE:** Chapter 13.30.030 K. is hereby amended to read as follows:

13.30.030 K. Permit Fee. The fee for a private sewage disposal permit is established to cover administration, personnel and expense of field inspections and is set by the Governing Body by resolution. The fee is payable to the City of Gardner at the time the permit is issued.

**SECTION TWENTY-FOUR:** That this Ordinance shall take effect and be in force on January 1, 2017.

PASSED by the City Council this 7<sup>th</sup> day of November, 2016.

SIGNED by the Mayor this 7<sup>th</sup> day of November, 2016.

(SEAL)

CITY OF GARDNER, KANSAS

/s/ Chris Morrow

Chris Morrow, Mayor

Attest:

/s/ Jeanne Koontz

Jeanne Koontz, City Clerk

Approved as to form:

/s/ Ryan B. Denk

Ryan B. Denk, City Attorney