



EL DORADO CITY COMMISSION - REGULAR MEETING AGENDA
CITY HALL – 220 E. FIRST AVENUE
April 1, 2024 - 5:30 PM

- 1. Call to Order**
- 2. Roll Call**
- 3. Invocation** - Pastor Jurdan Counts, Park Ave Baptist
- 4. Pledge of Allegiance**- Grandview Kindergarten

Proclamations and Recognition

- 5. Child Abuse Prevention Month Proclamation**

Personal Appearances. Personal appearances are opportunities for organizations or citizens to make special presentations before the City Commission. Such appearances are scheduled in advance of the meeting by calling City Clerk Tabitha Sharp at (316) 321-9100 by 5:00 pm the Tuesday preceding the meeting. Presentations are limited to ten minutes. Any presentation is for information purposes only; no action will be taken.

Public Comments. Persons who wish to address the City Commission regarding items not on the agenda and that are under the jurisdiction of the City Commission may do so when called upon the Mayor. Comments on personnel matters and matters pending in court are not permitted. Speakers are limited to three minutes. Any presentation is for information purposes only; no action will be taken.

Consent Agenda (*Consent agenda items will be acted on by one motion unless a majority of the City Commission votes to remove an item for discussion and separate action.*)

- 6. City Commission Work Session Minutes from March 13, 2024, City Commission Meeting Minutes from March 18, 2024, and City Commission Special Session from March 20, 2024.**

Old Business

- 7. None**

New Business

- 8. Consideration of an Ordinance of the City of El Dorado, Kansas, amending Title 12 Chapter 12.12 pertaining to excavations of the El Dorado Municipal Code.**
- 9. Consideration of a motion to approve the recommendations of the Excess Sales Tax Committee concerning the allocation of Excess Sales Tax Funds**
- 10. Consideration of an Ordinance of the City of El Dorado, Kansas, Pertaining to the Determination of License Fees, Permit Fees, and Other User-Related Fees or Charges**

Established by Ordinances of the City of El Dorado, Kansas, and Amending Existing City Code Sections

Discussion Items

11. None

Reports

12. City Commission and Advisory Board Updates

13. City Manager

Adjournment

14. Consideration of a motion to adjourn

PROCLAMATION

THE CITY OF EL DORADO, KANSAS

WHEREAS, children are key to the state’s future success, prosperity and quality of life and, while children are our most valuable resource, they are also our most vulnerable; and

WHEREAS, children have a right to be safe and to be provided an opportunity to thrive, learn and grow; and

WHEREAS, child abuse and neglect can be prevented by supporting and strengthening Kansas families, thus preventing the far-reaching effects of maltreatment, providing the opportunity for children to develop healthy, trusting family bonds; and consequently, building the foundations of communities; and

WHEREAS, we must come together as partners so that the voices of our children are heard by all and we are as a community extending a helping hand to children and families in need; and

WHEREAS, by providing a safe and nurturing environment for our children, free of violence, abuse and neglect, we can ensure that Kansas’ children will grow to their full potential as the next generation of leaders, helping to secure the future of this state and nation.

NOW, THEREFORE, I, Bill Young, Mayor of the City of El Dorado, Kansas, do hereby proclaim April 2024 as

CHILD ABUSE PREVENTION MONTH

in the City of El Dorado, Kansas, and urge all citizens to join in this observance by resolving to end child abuse, and by making ourselves aware of child abuse and the ways in which it affects our community.

IN WITNESS THEREOF, I have hereto set my hand and caused the Official Seal of the City of El Dorado, Kansas to be affixed on the 1st day of April, 2024.

Seal

Mayor Bill Young

Emerald Ashlock, City Clerk

The El Dorado City Commission met in a work session on March 13, 2024, at 5:00 p.m. in the Commission Room with the following present: Mayor Bill Young, Commissioner Kelly Tetrick, Commissioner Syndee Scribner, Commissioner Kendra Wilkinson, City Manager David Dillner, City Clerk Emerald Ashlock and Assistant City Manager Tabitha Sharp. Absent: City Attorney Ashlyn Lindskog

VISITORS

Mike Holton	Police Chief	El Dorado, KS
Scott Rickard	City Engineer	El Dorado, KS
Jason Patty	Public Utilities Director	El Dorado, KS
Kevin Wishart	Parks & Recreation Director	El Dorado, KS
Joe Haag	Fire Chief	El Dorado, KS
Brad Meyer	Public Works Director	El Dorado, KS
Phil Benedict	El Dorado Chamber	El Dorado, KS

CALL TO ORDER

Mayor Bill Young called the March 13, 2024, meeting to order.

WORK SESSION DISCUSSION ITEMS

PARKS AND RECREATION ADVISORY BOARD GUIDANCE

City Manager David Dillner stated this discussion will focus on Commission priorities and guidance for the Parks and Recreation Advisory Board in preparation for the March 20th joint meeting.

The Commission discussed different priorities for the Parks and Recreation Advisory Board.

EXCESS SALES TAX COMMITTEE RECOMMENDATIONS

City Manager David Dillner stated that the Excess Sales Tax Committee has reviewed and provided recommendations for the use of the Excess Sales Tax funds. They heard presentations from each of the requesting parties and also considered how the projects were ranked by the 410 respondents to the public survey.

REFUSE RATES

Assistant City Manager Tabitha Sharp that at the November 10th, 2021, City Commission work session, City Manager David Dillner stated that competition with other agencies and local businesses in the refuse division has not come out in our favor, and we are struggling to recruit new employees and retain current ones. He stated that proposing two options, one to keep refusing and work on a phased approach to increasing wages and refuse rates. Tabitha Sharp stated that this was not brought to the Commission for consideration at a regular meeting when originally planned. She stated that the refuse fund has been able to carry the increased costs for the last two years but is now in the position that the increase is necessary to not the year with a negative fund balance. Tabitha stated that on July 1st there would be a \$1 increase for residential and the commercial rate would be a 20% increase.

Commissioner Syndee Scribner asked why industrial accounts were not seeing an increase,

Public Works Director Brad Meyer stated that it is more of a competitive market.

Commissioner Scribner asked if the city has considered using a private company to do the trash.

Brad Meyer stated we do it to help the citizens. He stated the sanitation department can help elderly people by picking up bags from the porch. He stated that if the city were to hire a private company to do trash services, then they would have no control of what trucks are on the streets.

STREET CUT POLICY

Public Works Director Brad Meyer stated that The City regulates Public right-of-way excavations under Chapter 12.12 of the Municipal Code. He stated the existing code regulates excavations, pavement cuts, and sidewalk removals within city streets, alleys, and public ways primarily by individuals doing repair or replacement work on private utility service lines.

City Engineer Scott Rickard stated that nothing major changes. He stated that the dollar amount is on the permit request form. He stated that it also says who they need to contact. He also stated that it gives transparency to customers.

FOOD TRUCK ORDINANCE

Assistant City Manager Tabitha Sharp stated that food trucks provide many benefits to our community. She stated that they provide dining options that might not otherwise be available, create additional sales tax opportunities, provide opportunities for community engagement and tourism, and they encourage local entrepreneurship. Tabitha stated that food trucks can also create conflict with brick-and-mortar establishments who pay property tax, they can create noise and other environmental concerns, and can add to parking or traffic issues. She stated that the city has taken a primarily “hands-off” approach to food trucks in the past few years, but with the increased popularity, staff feels that it is necessary to regulate them to some extent.

City Engineer Scott Rickard stated that food trucks are allowed everywhere except residential areas, and they must have permission from the property owners to park on their property.

Tabitha Sharp stated that we would now require an application and the food truck would pay \$50 a month or \$200 a year.

The Commission as a collective asked that staff make some edits to this Ordinance.

FEE SCHEDULE

Assistant City Manager Tabitha Sharp stated that City Staff are proposing to remove fees from the Municipal Code and instead, set those fees by Resolution annually.

REGULAR AGENDA PREVIEW

The City Commission reviewed the upcoming agenda for March 18, 2024.

COMMISSION REPORTS

There was no report.

CITY MANAGER REPORTS

There was no report.

ADJOURNMENT

Commissioner Kendra Wilkinson moved to adjourn the meeting at 7:23 PM.

Commissioner Syndee Scribner seconded the motion.

Motion carried 4 – 0.

City Clerk Emerald Ashlock

Mayor Bill Young

EL DORADO CITY COMMISSION MEETING

March 18, 2024

The El Dorado City Commission met in a regular session on March 18, 2024, at 5:30 p.m. in the Commission Room with the following present: Mayor Bill Young, Commissioner Kelly Tetrick, Commissioner Syndee Scribner, Commissioner Leon Leachman, Commissioner Kendra Wilkinson, City Manager David Dillner, Assistant City Manager Tabitha Sharp and City Engineer Scott Rickard. Absent: City Attorney Ashlyn Lindskog.

VISITORS

Mike Holton	220 E 1 st Ave	El Dorado, KS
Emily Connell	El Dorado Main Street	El Dorado, KS
Phil Benedict	El Dorado Chamber	El Dorado, KS
Janet Jacobs	Tri-County CASA	El Dorado, KS
Darla Carter	Family Life Center	El Dorado, KS
Joe Haag	220 E 1 st	El Dorado, KS
Kaleb Ash	220 E 1 st Ave	El Dorado, KS
Kenzee Ash		El Dorado, KS

CALL TO ORDER

Mayor Bill Young called the March 18, 2024, meeting to order.

INVOCATION

Pastor Mark Somerville, Family Worship Center, opened the meeting with an invocation.

PLEDGE OF ALLEGIANCE

The City Commission leads the Pledge of Allegiance.

PROCLAMATIONS AND RECOGNITION

Fire Chief Joe Haag presented Master Fire Fighter Kaleb Ash with a badge in recognition of his promotion from Fire Fighter to Master Fire Fighter.

PERSONAL APPEARANCE

Mayor Bill Young opened the floor for Personal Appearances.

Janet Jacobs from Tri-County CASA talked about what the CASA does and what they will be using the funds for.

Darla Carter with Family Life Center talked about what Family Life Center does and different events they will be doing in the coming months.

PUBLIC COMMENT

Mayor Bill Young opened the floor for public comments.

There were no public comments.

CONSENT AGENDA

Approval of City Commission Work Session Minutes from February 14, 2024, City Commission Work Session Minutes from February 28, 2024, and City Commission Meeting Minutes from March 4, 2024.

Approval of Appropriation Ordinance No. 0224 in the amount of \$1,291,475.61

Establish the date and time for a Public Hearing to consider objections to the proposed assessments to be assessed against the Improvement District for street improvements in the Adlesperger-Smith Addition, Phase III.

Establish the date and time for a Public Hearing to consider objections to the proposed assessments to be assessed against the Improvement District for sanitary sewer improvements in the Adlesperger-Smith Addition, Phase III.

Establish the date and time for a Public Hearing to consider objections to the proposed assessments to be assessed against the Improvement District for a sanitary sewer extension project located within the 1000 Block of West Locust Avenue.

Establish the date and time for a Public Hearing to consider objections to the proposed assessments to be assessed against the Improvement District for concrete replacement at 119 West Ash Street

Designation of the City of El Dorado's Website as the Official City Newspaper of the City of El Dorado, Kansas

Approval of Annual Liquor Tax Distributions to Sunlight Children's Services (\$7,980), the Family Life Center (\$18,498), and Tri-County CASA (\$9,793)

Commissioner Leon Leachman moved to approve the consent agenda.

Commissioner Kendra Wilkinson seconded the motion.

Motion carried 5-0.

PUBLIC HEARING

There were no public hearings scheduled.

OLD BUSINESS

There was no old business.

NEW BUSINESSs

CONSIDERATION OF A REQUEST TO REZONE APPROXIMATELY 33 ACRES ON THE NORTH SIDE OF SW 10TH STREET AND PURITY SPRINGS DRIVE FROM “A-R, AGRICULTURAL RESIDENTIAL” TO “R-S, RESIDENTIAL SUBURBAN DISTRICT.”

City Manager David Dillner stated that there is a request to rezone approximately 33 acres on the north side of SW 10th St and Purity Springs Dr from A-R Agricultural Residential to R-S Residential Suburban District. He stated that it is the land located in blue on the map. He also stated that it is currently outside of City limits but per our interlocal agreement with the County, both the County’s Planning Commission and the City’s Planning Commission must review it. He stated that both Planning Commissions recommended approval.

Commissioner Kelly Tetrick moved to approve an ordinance rezoning approximately 33 acres on the north side of SW 10th Street and Purity Springs Drive from "A-R, Agricultural Residential" to "R-S, Residential Suburban District."

Commissioner Syndee Scribner seconded the motion.

Motion carried 5-0.

CONSIDERATION OF A REQUEST TO REZONE 20 ACRES AT THE NORTHEAST CORNER OF SE 30TH STREET AND SE TETER ROAD FROM “A-R, AGRICULTURAL RESIDENTIAL DISTRICT” TO “R-S, RESIDENTIAL SUBURBAN DISTRICT.”

City Manager stated that the request is to rezone from Agricultural Residential to Residential Suburban. He stated that this property also went to the Butler County Planning Commission and the City’s Planning Commission and both Planning Commissions recommended this for approval.

Commissioner Kelly Tetrick moved to approve an Ordinance rezoning 20 acres at the Northeast Corner of SE 30th Street and SE Teter Road from "A-R, Agricultural Residential District" to "R-S, Residential Suburban District."

Commissioner Syndee Scribner seconded the motion.

Motion carried 5-0.

CONSIDERATION OF A REQUEST TO REZONE APPROXIMATELY 78 ACRES ON W. TOWANDA AVENUE FROM “A-R, AGRICULTURAL RESIDENTIAL DISTRICT” TO “R-3, RESIDENTIAL MULTIPLE FAMILY DWELLING DISTRICT.”

City Manager David Dillner stated that the request is to rezone approximately 78 acres on W Towanda Ave. from A-R Agricultural Residential District to R-3 Residential Multiple-Family Dwelling District. He stated that the R-3 zoning is the most flexible zoning district. He stated that this property was recently annexed into the City by the City Commission. He stated that the property owner and developer wish to develop residentially. He stated that the last time they were at the Commission meeting they mentioned Phase 1 on their development. He stated that it is currently in City limits, so it did not have to go to the County Planning Commission.

Commissioner Syndee Scribner moved to approve an ordinance rezoning approximately 78.3 acres in the west half of the Northeast Quarter of Section 9, Township 26 South, Range 5 East in Butler County, Kansas, from "A-R, Agricultural Residential District" to "R-3, Residential Multiple Family Dwelling District."

Commissioner Kelly Tetrick seconded the motion.

Motion carried 5-0.

Commissioner Kelly Tetrick withdrew his second.

Commissioner Syndee Scribner withdrew her motion to approve.

Commissioner Syndee Scribner moved to table this item and sent it back to the Planning Commission for further discussion.

Commissioner Kendra Wilkinson seconded the motion.

Motion carried 5-0.

CONSIDERATION OF AN ORDINANCE AMENDING CHAPTER 9 OF THE MUNICIPAL CODE OF EL DORADO, KANSAS, PERTAINING TO CONSUMPTION ON PUBLIC PROPERTY AND AMENDING CHAPTER 4 OF THE MUNICIPAL CODE OF THE CITY OF EL DORADO, KANSAS, AND ESTABLISHING A COMMON CONSUMPTION AREA.

Assistant City Manager Tabitha Sharp stated that the State of Kansas is allowing cities to establish Common Consumption Areas by Ordinance. She stated that Staff has made the changes that were requested by the Commission requiring a special event permit.

Commissioner Kendra Wilkinson moved to approve an ordinance amending Chapter 9 of the Municipal Code of the City of El Dorado, Kansas, pertaining to consumption on public property and amending Chapter 4 of the Municipal Code of El Dorado, Kansas, and establishing a Common Consumption Area.

Commissioner Leon Leachman seconded the motion.

Motion carried 5-0.

DISCUSSION ITEMS

There were no discussion items.

REPORTS

CITY COMMISSION AND ADVISORY BOARD UPDATES

Commissioner Syndee Scribner stated that K254 met last week and \$50 million was approved for improvements at Rock and Webb. She stated that KDOT is still looking at other needs for this Corridor and will meet again in mid-May at Circle High School to look at different ideas.

Commissioner Kendra Wilkinson stated that Main Street meets next week.

Mayor Bill Young stated that EFABC meets Thursday morning to review turf bids from the approved vendors. He stated that bids came in and each vendor confirmed that both turf and track will be complete by August 1.

CITY MANAGER REPORT

City Manager David Dillner stated that staff will be bringing the Quail Ordinance to the Commission at the next work session.

David Dillner reminded the Commission about the Joint Meeting with the Parks and Recreation Advisory Committee on Wednesday, March 20th at 6 pm.

David Dillner stated that the EFABC Administrators met in the morning and seemed to have all of the entities in agreement on the financing plan.

David Dillner stated that the new scoreboard at McDonald stadium and then taken down but will be put back up so it can be used.

David Dillner stated that concessions and restrooms at East and Central Parks have been finished other than exterior painting. He stated that would be done once it is a little warmer outside.

David Dillner stated that the Automated Meter Reading Base stations will be put up sometime this month and then they will begin piloting of the system and make sure it's functions. He stated that they would then begin installing automated metering throughout the system. He stated updates will be given throughout the process.

David Dillner stated that the public utilities department is currently investigating a water leak at the intersection of Central and Haverhill. He stated that they believe they have an understanding of the situation.

ADJOURNMENT

Commissioner Leon Leachman moved to adjourn the meeting at 6:00 p.m.

Commissioner Kendra Wilkinson seconded the motion.

Motion carried 5 – 0.

City Clerk Emerald Ashlock

Mayor Bill Young

The El Dorado City Commission met in a work session on March 13, 2024, at 5:00 p.m. in the Commission Room with the following present: Mayor Bill Young, Commissioner Kelly Tetrick, Commissioner Syndee Scribner, Commissioner Kendra Wilkinson, Commissioner Leon Leachman, City Manager David Dillner, and Assistant City Manager Tabitha Sharp. Absent: City Attorney Ashlyn Lindskog

VISITORS

Kevin Wishart	Parks & Recreation Director	El Dorado, KS
Shala Burt	Parks & Recreation Board Member	El Dorado, KS
Patrick Todd	Parks & Recreation Board Member	El Dorado, KS
Loren Anthony	Parks & Recreation Board Member	El Dorado, KS
Brett Remsberg	Parks & Recreation Board Member	El Dorado, KS
Debi LaForge	Parks & Recreation Board Member	El Dorado, KS

CALL TO ORDER

Mayor Bill Young called the March 20, 2024, meeting to order.

SPECIAL SESSION DISCUSSION ITEMS

PARKS AND RECREATION ADVISORY BOARD GUIDANCE

The City Commission and Parks and Recreation Board discussed the purpose of the Board. They agreed that the board would review the parks and recreation master plan, get updates on the status of the projects, and then determine whether they could move forward with creating an updated master plan or if we should hire a company to do it.

ADJOURNMENT

Commissioner Leon Leachman moved to adjourn the meeting at 7:40 PM.

Commissioner Kelly Tetrick seconded the motion.

Motion carried 5 – 0.

City Clerk Emerald Ashlock

Mayor Bill Young

TO: City Commission
FROM:
SUBJ: Consideration of an Ordinance of the City of El Dorado, Kansas, amending Title 12 Chapter 12.12 pertaining to excavations of the El Dorado Municipal Code.
DATE: April 1, 2024

Background:

The City of El Dorado regulates Public right-of-way excavations under Chapter 12.12 of the Municipal Code. This existing code regulates excavations, pavement cuts, and sidewalk removals within city streets, alleys, and public ways primarily by individuals doing repair or replacement work on private utility service lines; the most common occurrence would be a plumber replacing a private sewer service for a dwelling to the City Sanitary Sewer Main. Feedback from individuals doing this work and an evaluation of this ordinance by staff have revealed opportunities for improvement to align with the city's standards and provide better service to the permittee.

The proposed ordinance amends various sections of Chapter 12.12 about excavations in Right of Ways. Key differences include:

- Permit application process: Franchised utilities and Tradesmen must follow the permit application process outlined in the proposed revision, with Franchised Utilities not being responsible for permit fees but potentially billed for actual expenses if they don't meet the City's standards, and the City must redo the repair.
- Permit issuance and fees: The Public Works Department is responsible for issuing permits and determining fees based on applications set forth by a proposed resolution staff is working on. The City Commission will review this resolution at a later date along with various other fees. Fees are credited to the city's general fund. A certificate of insurance is required before commencing work. The fees are included in this ordinance so that they can be observed until the fee schedule is effective.
- Reconstruction and repairs: Work must comply with city standards and specifications, allowing contractors to provide their own services if they meet city requirements. Contractors are responsible for backfilling and erosion control and may be required to pay for repairs if work doesn't meet standards. See attached standards
- Traffic control: Permittees must provide traffic control plans and devices as specified by the city.
- Utility locations and additions: Additional provisions are added for utility locations, including requirements for cleaning up debris and restoring the work site to pre-project condition.

These changes aim to streamline the permitting process, ensure compliance with city standards, and clarify responsibilities for permittees and contractors. Streamlining the process, enhancing accountability, and ensuring compliance with updated city standards are necessary. Franchised utilities and plumbers operating within city limits require a clear understanding of their obligations and responsibilities when conducting street cuts or excavations.

Attachments:

1. UTILITY CUTS Details 8x11
2. Street Cut App
3. Ord Chapter 12 -excavation

Policy Issue:

Should the City Commission make changes to the existing street cut ordinance?

Fiscal Impact:

There will be no significant fiscal impact to this item.

Trade-offs:

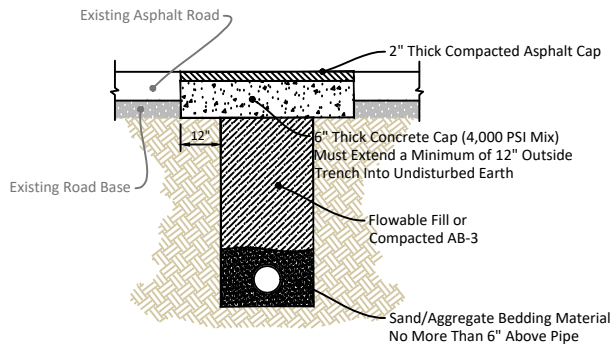
Adopting the revisions to this policy will allow for better management of street cuts, and maintaining the current ordinance would cause the existing issues to occur.

Staff Recommendation:

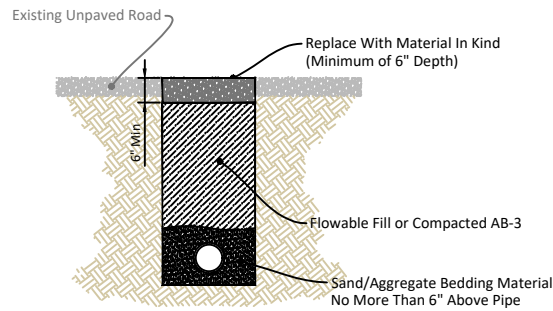
Staff recommends adopting the proposed ordinance amendments to update the street cut regulations in Chapter 12.12 of the Municipal Code.

Commission Action:

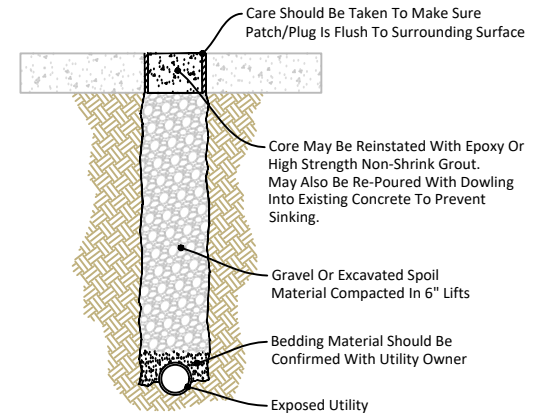
Commissioner _____ moved to approve an Ordinance of the City of El Dorado, Kansas, amending Title 12 Chapter 12.12 pertaining to excavations of the El Dorado Municipal Code.
Commissioner _____ seconded the motion.



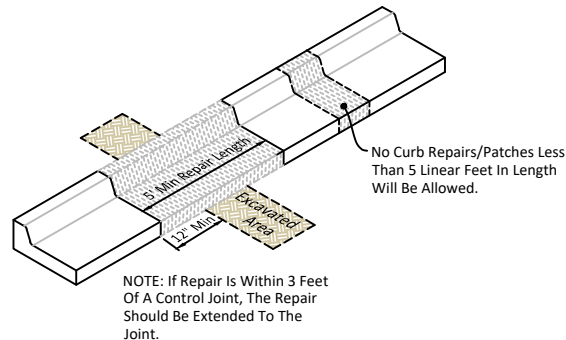
**Asphalt Street
(Removal and Replacement)**



**Unpaved Street
(Removal and Replacement)**

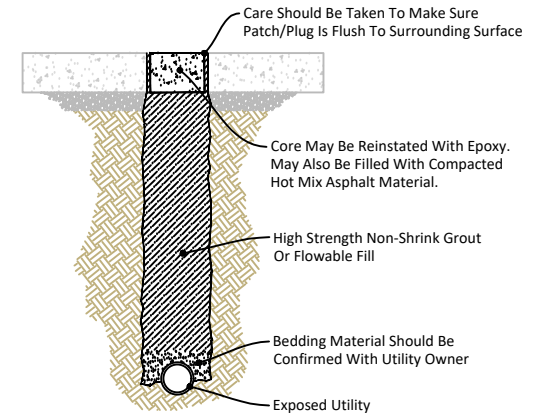


**Sidewalk / Concrete
(Removal and Replacement)**

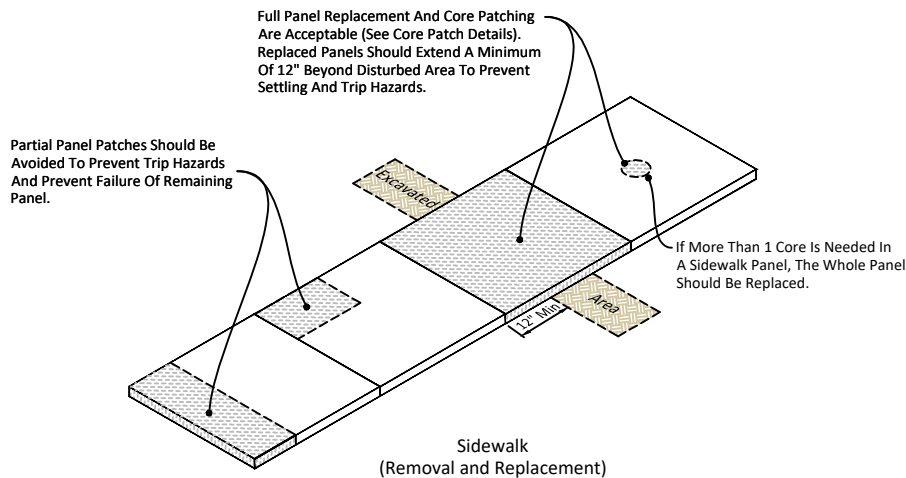


NOTE: If Repair Is Within 3 Feet Of A Control Joint, The Repair Should Be Extended To The Joint.

**Standard Curb
(Removal and Replacement)**



**Asphalt Street
(Removal and Replacement)**



**Sidewalk
(Removal and Replacement)**

SEPTEMBER 2023

**CITY OF EL DORADO
ENGINEERING DEPARTMENT**

Utility Cut Repairs



City of El Dorado PERMIT Request for Utility Cut - Dirt Cut - R-O-W/Easement

Date of Request: _____

Cut Date: _____

Approval Date: _____

REASON:

☐ Pavement Cut ☐ Dirt Cut ☐ Above Ground Structure

EL DORADO
K A N S A S

IS A KDOT PERMIT REQUIRED?

☐ Yes

☐ No

DO YOU HAVE AN APPLICABLE AND CURRENT FRANCHISE AGREEMENT?

☐ Yes

☐ No

IS A TRADE PERMIT REQUIRED (plumbing, electrical, etc.)

☐ Yes

☐ No

Temp Asphalt / Cold Mix / Temp Surfacing
Installed as requested by City?

☐ Yes

☐ No

Type of Paving/Surface:

☐ Concrete

☐ Asphalt

☐ Brick

☐ Unimproved

Location of Repair:

☐ Street

☐ Sidewalk

☐ Wheelchair Ramp

☐ Driveway

☐ Curb

☐ Alley

☐ R-O-W/Easement

Length of Cut:

Width of Cut:

Depth of Cut:

Contractor/Responsible Party:

Phone #:

ADDRESS OF WORK / DESCRIPTION OF PROJECT LOCATION

Office use only

1)

2)

3)

4)

5)

6)

7)

For partial or complete CLOSURE of street, alley or sidewalk - contact 321-9100x151.

Permitee shall comply with all applicable laws, rules, and ordinances, including the current Manual of Uniform Traffic Control Devices (MUTCD). Permitee shall save, indemnify, and hold harmless the City of El Dorado of any liability of personal injury or property damage, either public or private, which may occur due to the occupancy of public property. Permitee shall be responsible for repair of all public property determined by the City of El Dorado to be damaged in the use of the area. I AFFIRM THAT THE PERMITEE WILL COMPLY WITH PART VI OF THE MUTCD.

If MAP is not included, please provide a sketch of location(s) including dimensions.

I hereby certify that I have read and understand all applicable laws relating to work adjacent to right-of-ways and permits to close right-of-ways. I understand and will follow the street standards of the City of El Dorado. I am the responsible party and I understand that the approval of this permit does not, in any way, give authority to violate any local, state or federal law.

Signature of Permitee

Bill to:

Contact Person:

Billing Address:

Cell

Phone#

Email

Approved by City of El Dorado

EMAIL: @eldoks.com

On April 1, 2024, the City of El Dorado, Kansas adopted Ordinance No. G-1409, an Ordinance Amending Title 12 of the City of El Dorado, Kansas Municipal Code pertaining to excavations. The full text of this Ordinance may be obtained or viewed free of charge at the office of the City Clerk, 220 E 1st Avenue, El Dorado, Kansas or online at <http://eldoks.com/268/Open-Records-Information>. This summary is certified by Ashlyn B. Lindskog, El Dorado City Attorney, pursuant to K.S.A. 12-3007, et seq.

ORDINANCE NO. G-1409

AN ORDINANCE OF THE CITY OF EL DORADO, KANSAS, AMENDING TITLE 12 CHAPTER 12.12 PERTAINING TO EXCAVATIONS OF THE EL DORADO MUNICIPAL CODE

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

Section 1: Title 12 Streets, Sidewalks and Public Places, Section 12.12.010, is hereby amended to read as follows:

12.12.010 - Cutting pavements, curbs, or sidewalks—permit needed.

It is unlawful for any person, firm, or corporation to cut pavements, curbs, or sidewalks, remove the same, or make excavations in the streets, alleys, or public ways of the city for any purpose without first applying for and receiving a permit from the City of El Dorado (the City). Franchised utilities and applicants such as plumbers shall follow the permit application process outlined in section 12.12.020. Franchised utilities shall not be responsible for a permit fee; however, they will be billed by actual expense if an approved contractor is not used and/or the Public Works Department replaces the pavement, curb, or sidewalk. All pavement removal and replacement, including curb and gutter, and sidewalks, shall follow the standards and specifications of the City.

Section 2: Title 12 Streets, Sidewalks and Public Places, Section 12.12.020, is hereby amended to read as follows:

12.12.020 - Permit—How secured.

Any person, firm, or corporation desiring to obtain a permit for the purpose of Section 12.12.010 of this chapter shall make an application to the Public Works Department and shall describe the work to be done and the location thereof.

- A. The City shall grant a permit to such person, firm, or corporation and shall supply them with a copy of the specifications established for the work.
- B. The City shall determine the fees to be paid for such purposes upon the basis of the application.

- C. The fees shall be credited to the city's general fund to cover the direct cost associated with replacing the pavement, curbs, or sidewalks.
- D. The applicant shall submit a certificate of insurance for the work within the Right of Way prior to commencing work.

Section 3: Title 12 Streets, Sidewalks and Public Places, Section 12.12.030, is hereby amended to read as follows:

12.12.030 - Fees.

- A. The fees for the above purpose shall be determined upon the following basis:
 - 1. For street excavation, a flat fee of seven hundred fifty dollars (\$750.00).
 - 2. For curb replacement, a fee of twenty dollars (\$20.00) per foot to the nearest foot.
 - 3. For sidewalk replacement, a fee of ten dollars (\$10.00) per square foot.
- B. All excavation work and replacements shall be done in accordance with the specifications of the City. Franchised utilities or applicants shall also prepare the trench or excavation to allow the Public Works Department or an approved contractor to perform the street, curb, and sidewalk replacements, as specified by the City.
- C. Where curbs are cut or removed, or cut and replaced, all such work shall be done at the expense of the person, company, or corporation having a permit for such purpose, the same to be done in accordance with the specifications of the City.
- D. The Permittee shall also provide Best Management Practices for erosion control during and after the work.

Section 4: Title 12 Streets, Sidewalks and Public Places, Section 12.12.040, is hereby amended to read as follows:

12.12.040 - Cutting pavement—How.

When the condition of the sidewalk or pavement, in the opinion of the City, requires it, a concrete saw shall cut the pavement, curb, or sidewalk. The city will make all necessary cuts needed for the permit; however, at times, the City may authorize a qualified contractor.

Section 5: Title 12 Streets, Sidewalks and Public Places, Section 12.12.050, is hereby amended to read as follows:

12.12.050 - Reconstruction of pavement or sidewalk.

- A. City employees shall do all such work under the direction of the Public Works Director or their designee.
- B. Contractors shall backfill, with suitable well-compacted material, all excavations in dirt, gravel, sealed earth, and sidewalk locations, per the City standards and specifications.

- a. If the same is not done to the satisfaction of the Public Works Director or their designee, the city will make the repairs, and the contractors shall pay the cost.
- b. Contractors shall also provide erosion protection as required.
- C. The City may allow the applicant to utilize their own contractor with no permit fee to replace the street, curb, and sidewalk, provided that the selected contractor complies with all city requirements and standards.
- D. The contractor performing the work must also provide their own traffic control as specified by the City and shall be required to provide an erosion protection plan for the project.

Section 6: Title 12 Streets, Sidewalks and Public Places, Section 12.12.060, is hereby amended to read as follows:

12.12.060 - Excavations—Traffic Control.

It is unlawful for any person to excavate any street, alley, sidewalk, or public way of the city without a permit.

- A. During any work, excavation sites, building materials, vehicles, stones, bricks, or other materials in or on any street, alley, sidewalk, or public way shall always be protected by barricades and traffic control devices.
- B. The City shall require a traffic control plan to be submitted by the permittee, and it shall be the permittee's responsibility to provide their own barricades and traffic control devices as specified by the City.

Section 7: Title 12 Streets, Sidewalks and Public Places, Section 12.12.065, is hereby added to read as follows:

12.12.065 - Utility Locations and Additions.

For services that require coring into roads or directional boring for utility locations, the applicant shall comply with all city requirements and standards, and permits shall be obtained as necessary.

- A. Broken pavement, earth, and debris removed by excavation shall be cleaned up and removed at the end of each day. All debris shall be removed entirely from the work site at the completion of the project, and the area restored to pre-project condition.
- B. If the same is not done to the satisfaction of the Public Works Director or their designee, the city will make the repairs, and the contractors shall pay the actual cost.

Section 8: This Ordinance shall take effect and be in full force from and after its publication once in the official city newspaper.

Section 9: In all other respects, Chapter 12.12 shall be and remain unchanged.

PASSED AND ADOPTED by the Governing Body of the City of El Dorado, Kansas
this 1st day of April, 2024.

Bill Young, Mayor

Emerald Ashlock, City Clerk

APPROVED AS TO FORM:

Ashlyn Lindskog, City Attorney

TO: City Commission
 FROM: Tabitha Sharp, Assistant City Manager
 SUBJ: Consideration of a motion to approve the recommendations of the Excess Sales Tax Committee concerning the allocation of Excess Sales Tax Funds
 DATE: April 1, 2024

Background:

The Excess Sales Tax Committee has reviewed and provided recommendations for the use of Excess Sales Tax funds. They heard presentations from each of the requesting parties and also considered how the projects were ranked by the 410 respondents to the public survey. Those recommendations are as follows:

Proposed Project	Proposed	Recommended
Gordy Park Pavilion	\$ 300,000	\$ 300,000
Downtown Intersection Improvements	\$ 285,000	\$ 285,000
Walnut River Sports Complex Parking	\$ 245,595	\$ 245,595
Downtown Streetscape Project	\$ 50,000	\$ 177,102
Self-Contained Breathing Apparatus	\$ 160,000	\$ 160,000
Traffic Signal Upgrades	\$ 120,000	\$ 120,000
Downtown Speaker System	\$ 45,000	\$ 90,000
Police Drone	\$ 25,160	\$ 50,320
El Dorado Mural Grant Match	\$ 50,000	\$ 50,000
Traffic Signal Battery Backups	\$ 20,800	\$ 20,800
Blue Robotics Underwater Robot	\$ 20,615	\$ 20,615
Banner Program	\$ 20,000	\$ 20,000
IT Infrastructure Improvements	\$ 6,500	\$ 6,500
Small Pipe Inspection Camera	\$ 5,000	\$ 5,000
Available Funds	\$ 1,550,932	\$ 1,550,932
Remaining Funds		\$ -
Not Recommended		
Civic Center Upgrades	\$ 300,000	
El Dorado Pool Slide	\$ 300,000	
West Park	\$ 300,000	
Housing Incentive Plan	\$ 150,000	
Project Total	\$ 1,050,000	

Attachments:

1. 2023 2024 Sales Tax Committee Meeting
2. Excess Sales Tax Committee Meeting Minutes 012424

Policy Issue:

Should the City Commission accept the recommendations of the Excess Sales Tax Committee? The Excess Sales Tax Committee serves as an advisory committee to the City Commission, meaning the governing body may elect to accept the recommendations or modify them as provided by Ordinance No. G-1281. Per the Ordinance, excess sales tax proceeds shall be

allocated to "municipal services and functions provided directly by the City, Capital Expenditures that directly support City operations and that are included in the current Capital Improvement Plan."

Fiscal Impact:

The total amount available to allocate towards Excess Sales Tax Projects is \$1,550,932 (\$925,932 from 2022 and \$625,000 from 2023). The amount for 2022 includes funds from previous projects that did not use all available funds. The allocation of these funds will not impact operational funds or fund balances.

Trade-offs:

By allocating funds to the recommended projects, the City Commission will elect to complete certain projects and forego certain other projects. A total of \$1,050,000 in projects was not recommended to receive allocations. These projects will be indefinitely deferred as other funding is not presently available for these projects. In addition, there may be other projects or initiatives that could be moved forward with an allocation of funding that will not proceed as a result of the allocation decision.

Staff Recommendation:

Staff recommends accepting the recommendations of the Excess Sales Tax Committee and approving the allocations as presented.

Commission Action:

Commissioner _____ moved to accept the recommendations of the Excess Sales Tax Committee and approve the allocations as presented.

Commissioner _____ seconded the motion.

Sales Tax Committee 2023/2024

EL DORADO
K A N S A S

www.eldoks.com

Ordinance G-1281

- The City of El Dorado has voted in favor of a 1% sales tax since 1990.
- The current sales tax began October 1, 2019, and will end September 30, 2024.
- The ordinance allocated funds as follows:
 - \$1,650,000 for property tax reduction;
 - \$600,000 for street rehabilitation; and
 - \$100,000 for economic development.
 - Funds in excess of this balance are allocated as excess sales tax proceeds.

Excess Sales Tax

- Per Ordinance, Excess Sales Tax proceeds may be used to fund
 - Services and functions provided directly by the City;
 - Capital Expenditures that directly support City operations; or
 - Projects that are included in the current Capital Improvement Plan.
- Definitions
 - *Capital Expenditure* – an addition or structure that enhances the value of a property, a replacement or upgrade that extends the life of an asset or equipment acquisition.
 - *Capital Improvement Plan* – the current Capital Improvement Plan of the City of El Dorado, Kansas, as adopted by the City Commission.

How Does Excess Sales Tax Work?

Year 1

- Sales tax is collected by local businesses each month.
- Local businesses remit the taxes to the State of Kansas the following month.
- The next month the State of Kansas pays the City their portion of the sales tax.

Year 2

- The Finance Director subtracts the property tax reduction amount (\$1,650,000), street rehabilitation (\$600,000), and economic development (\$100,000). The remainder is then transferred to the excess sales tax fund.
- Department submit requests for excess sales tax funds.
- These are presented to the Excess Sales Tax Committee who considers what projects should be submitted to the City Commission.
- The City Commission reviews and accepts or requests changes to the recommendation.

Year 3

- The projects approved in the previous year are initiated.

Update on Prior Allocations to Other Groups

- **Main Street Façade Grant**
 - Rec'd \$3,000 in 2016, 2017, and 2018
 - Red'd \$5,000 in 2019
 - Balance of \$1,000 of \$14,000 allocation
- **El Dorado Chamber of Commerce**
 - Rec'd \$10,000 in 2018
 - Rec'd \$5,000 in 2019
 - Balance of \$1,761 of \$15,000 allocation

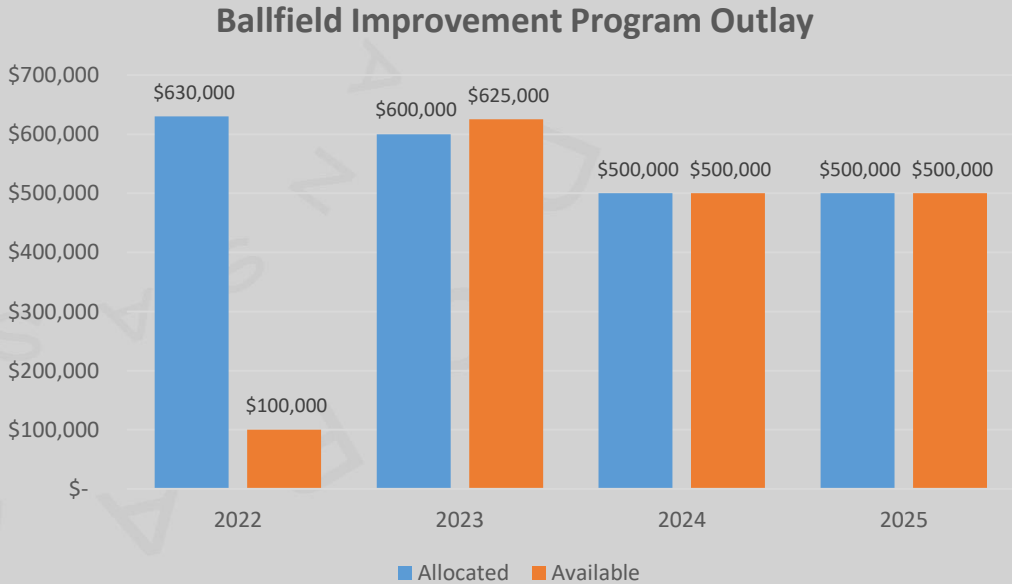
Update on Prior Allocations – City Projects

Listed by the year they were to be expended.

- 2018 – **Graham Park Restroom** (\$20,000) and **Shelter** (\$16,000)
- 2022 – **Forest Park Improvements** (\$80,000)
- 2023 – **Municipal Pool Improvements**
 - Slide - \$125,000
 - Pergola - \$25,000
- 2023 – **Ballfield Improvement Project**
 - Revenues - \$744,000
 - Expenses - \$1,251,000

Ballfield Improvement Project Allocations

Proposed Ballfield Improvement Program	Amount*
East Park Fields	\$575,000
Central Park Fields	\$655,000
McDonald Stadium	\$1,000,000
ESTIMATED TOTAL	\$2,230,000



*Amounts adjusted to reflect increased prices.

2022/2023 Collections

Date Received	Amount
1/31/2022	\$268,705
2/25/2022	\$289,652
3/30/2022	\$263,018
4/29/2022	\$187,923
5/25/2022	\$275,011
6/27/2022	\$273,761
7/27/2022	\$254,066
8/31/2022	\$270,970
9/30/2022	\$318,488
10/31/2022	\$211,488
11/30/2022	\$280,495
12/30/2022	\$289,817
Total	\$3,183,394

Date Received	Amount
1/31/2023	\$270,370
2/28/2023	\$369,307
3/31/2023	\$267,731
4/28/2023	\$270,861
5/31/2023	\$338,950
6/30/2023	\$296,220
7/31/2023	\$263,645
8/30/2023	\$348,789
9/29/2023	\$268,510
10/31/2023	\$302,892
11/30/2023	\$309,640
12/29/2023	\$268,085
Total	\$3,575,000

Excess Available for Allocation

Sales Tax Calculation	
2022 Total Sales Tax Collections	\$3,183,394
(-) Less Property Tax Reduction	\$1,650,000
(-) Less Street Rehabilitation	\$600,000
(-) Less Economic Development	\$100,000
Previous Year Savings Reallocated to Excess Sales Tax	
(+) Senior Center Painting	\$99
(+) Paving Sunset (paid from another source)	\$92,439
Total Excess Sales Tax Available for Allocation	\$925,932

Excess Available for Allocation

Sales Tax Calculation	
2023 Total Sales Tax Collections	\$3,575,000
(-) Less Property Tax Reduction	\$1,650,000
(-) Less Street Rehabilitation	\$600,000
(-) Less Economic Development	\$100,000
Previous Year Savings Reallocated to Excess Sales Tax	
(+)	
(+)	
(+)	
Total Excess Sales Tax Available for Allocation	\$1,225,000

Total Excess Available for Allocation

(+) 2022 Excess Sales Tax	\$925,932
(+) 2023 Excess Sales Tax	\$1,225,000
(-) Ball Field Improvement Project Previously Allocated	\$600,000
Total Excess Sales Tax Available for Allocation	\$1,550,932

Proposed Sales Tax Projects

Proposed Projects	Amount
Civic Center Upgrades	\$300,000
Gordy Park Pavilion	\$300,000
El Dorado Pool Slide	\$300,000
West Park	\$300,000
Downtown Intersection Improvements	\$285,000
Walnut River Sports Complex Parking	\$245,595
Self-Contained Breathing Apparatus	\$160,000
Housing Incentive Plan	\$150,000
Traffic Signal Upgrades	\$120,000
Downtown Streetscape Project	\$50,000

Proposed Projects	Amount
El Dorado Mural Grant Match	\$50,000
Downtown Speaker System	\$45,000
Police Drone	\$25,160
Traffic Signal Battery Backups	\$20,800
Blue Robotics Underwater Robot	\$20,615
Banner Program	\$20,000
IT Infrastructure Improvements	\$6,500
Small Pipe Inspection Camera	\$5,000
ESTIMATED TOTAL	\$2,403,671

Projects listed in order of survey ranking

Proposed Projects	Amount
Self-Contained Breathing Apparatus	\$160,000
Traffic Signal Upgrades	\$120,000
Downtown Intersection Improvements	\$285,000
Small Pipe Inspection Camera	\$5,000
IT Infrastructure Improvements	\$6,500
Traffic Signal Battery Backups	\$20,800
Housing Incentive Plan	\$150,000
Police Drone	\$25,160
Downtown Streetscape Project	\$50,000
El Dorado Pool Slide	\$300,000

Proposed Projects	Amount
Downtown Speaker System	\$45,000
Blue Robotics Underwater Robot	\$20,615
El Dorado Mural Grant Match	\$50,000
West Park	\$300,000
Banner Program	\$20,000
Gordy Park Pavilion	\$300,000
Walnut River Sports Complex Parking	\$245,595
Civic Center Upgrades	\$300,000
ESTIMATED TOTAL	\$2,403,671

There were 410 survey responses.

Written Survey Responses

- Rental of the Civic Center needs to be made more affordable.
- SCBA's should be a priority and not dependent on excess sales tax.
- This survey is a huge disappointment. Excess sales tax needs to be considered for many street areas and sidewalks within housing areas and not just downtown. The northbound street at 6th and Atchison is horrendous, and that's just one of many prime examples. It takes a lot for me to be fueled with upset. And with that in mind, I am honestly infuriated to see the options within this survey. There are ZERO options addressing the task to repair/upgrade areas outside of downtown that people drive their hard-earned vehicles on - vehicles subject to property taxes that we also pay with hard-earned dollars. It's an absolute shame when we have to detour around streets because our vehicles just can't handle them - and the property we drive and pay for shouldn't have to handle the streets so roughly when these sales tax dollars are going to be readily available. I never would have imagined that in my hometown of 30 years, some streets could become so poor and that I would have to avoid them to preserve the well-being of my vehicles. There needs to be a genuine evaluation of streets and sidewalks in the City and how this "excessive" \$1 million can contribute to genuine needs before wants in the city firstly, with subsequent planning driven into genuine action FOR THE PEOPLE OF EL DORADO already living here. I'm sure the work does not come cheap - I get that. But with my selection of priorities in this survey, we still have an approx. \$600k to allocate to places of extreme need.
- This isn't the big city. There are cops at every corner. More low-income housing would help the crime rate and homelessness.

Committee Discussion

Committee Discussion

- Follow-up Meeting Schedule – February 7th at 5:30 p.m.
- Appoint a member to present to the City Commission

**Excess Sales Tax Advisory Committee
January 24, 2024 5:30 p.m.
Commission Room**

Members Present

Debi LaForge
Brett Remsberg
Wilfredo Blanco-Diaz
Craig Yaryan
Ashlie Jack

Members Absent

Heather Rinkenbaugh
Wade Wilkinson
Patsy Boyce

Staff Present

Tabitha Sharp
David Dillner
Joe Haag
Mike Holton
Travis Pierce
Brad Meyer
Scott Rickard
Jason Patty
Kevin Wishart
Brad Meyer

Ex-Officio

Kendra Wilkinson
Kelly Tetrick

Note: These minutes are not exact due to a malfunction in the video process, we have provided information to the best of our recollection.

Assistant City Manager Tabitha Sharp began the meeting with a presentation. She discussed the current ordinance, prior allocations, and amount available for allocation by this committee. She reminded the committee that the current ordinance does not expire until October 1, 2024, so this group will still be operating under those rules.

Assistant City Manager Sharp asked each of the Directors to present their projects.

Fire Chief Joe Haag gave an overview of the SCBA's. He stated that this purchase would provide one for each seat on each truck. He stated that the useful life on the packs is about 15 years.

Assistant City Manager Sharp stated that staff have put a replacement program in place that allows for the purchase of at least two packs each year moving forward.

Public Works Director Brad Meyer provided information on his items.

- Traffic Signal Upgrades – He stated that these will replace aging parts and upgrade them with better timers and sensors.
- Traffic Signal Battery Backups – He stated that these will be installed on the current boxes and would keep signals operating during power outages which would prevent traffic disruptions.
- Small Pipe Inspection Camera – He stated that the purchase of this camera system could help identify issues in small pipes such as the spray parks, traffic signal conduits, duct work, etc. He stated that this will allow for quicker repair and minimize unnecessary destruction of the infrastructure.

- IT Infrastructure Improvements – These devices are placed on the water towers and other places throughout the city and allow us to transmit signal to buildings that would otherwise have to get their internet separately from the other city buildings due to their location. The devices are due for replacement because of age.

City Engineer Scott Rickard provided information on the downtown intersection improvements. He stated that the proposed bulb outs would serve to slow traffic and provide a safer crossing for pedestrians at those intersections. He stated that the signal at Main and 1st must be removed because Evergy will no longer be providing power there. He stated that the parking spaces on the north side of 1st will be changed to diagonal to provide a few more spaces for downtown businesses.

City Engineer Rickard and Parks and Recreation Director Kevin Wishart discussed the Walnut River Sports Complex Parking Lot. They stated that on soccer, flag football and baseball/softball game days, that parking lot is difficult to traverse, and the pavement has deteriorated. The proposed changes would resurface the lots and provide a sidewalk from the eastern lot to the soccer and flag football fields for safer pedestrian travel.

Parks and Recreation Director Wishart reviewed his other projects as follows:

- Downtown Streetscape Project – He stated that the flowerpots along the sidewalks in the downtown area have deteriorated significantly. Staff would like to replace them, providing a better downtown experience. He stated that they are considering self-watering pots or adding the pots to the current watering rounds for the baskets. The existing irrigation system has significant issues and needs to be removed or replaced.
- Pool Slide – He stated that the large slide, which was accessible to smaller children and less confident swimmers, had to be removed due to plumbing and electrical issues. He said that in 2022, the sales tax committee had granted \$125,000 for a new slide, but upon further inspection, the plumbing and electrical upgrades required would push the project closer to \$300,000.
- West Park – He stated that the area west of Haverhill is currently underserved by the city park system because there is not a park within walkable distance for children. This would provide playground equipment, a shelter and parking in an area designated as parkland off of 6th and Bluestem Rd.

Public Utilities Director Jason Patty gave the committee information on the Blue Robotics Underwater Robot. He stated that this item would be used for inspection in our water tanks and towers. He stated that currently we must hire a company to bring a camera in, this would eliminate that expense, \$2,000 per visit. Currently we bring them in every 3 to 5 years, and staff would like to have more regular inspections.

Lieutenant Travis Pierce presented information on the proposal for a drone. He stated that a drone would be useful for search and rescue, for crime scene documentation, mapping, infrastructure inspections, and photos of events.

Assistant City Manager Sharp reviewed the remaining projects:

- Housing Incentive Plan – This plan would provide incentives for builders or homeowners to upgrade or build new housing stock in El Dorado. There are many incentives available through the State and other programs, but they are typically competitive and take more time than desired.
- Downtown Speaker System – The Chamber and Main Street originally proposed this project for a speaker system in the downtown area. It would play music during shopping hours, providing a more inviting atmosphere. It would also allow for emergency announcements when needed.
- El Dorado Mural Grant Match – The city has completed several projects over the last few years, but in an effort to continue providing art in public spaces and engaging the community, we would like to provide a matching funds program where other groups or businesses could sponsor a portion of mural projects and the city would match the funds.
- Banner Program – We have the beginning of a banner program downtown, e.g. the Veterans and college banners, but would like to expand and unify that program with the addition of banners for other seasons and events.
- Gordy Park Pavilion – The Parks and Recreation Master Plan proposed a pavilion at Gordy Park for small concerts and events. Experience El Dorado would pay a portion of the costs associated with the construction in exchange for being able to use it for smaller concerts and shows.
- Civic Center Upgrades – The Civic Center received its last significant upgrade in the late 80s or early 90s. While the paint and carpet have been replaced a few times, it is showing its age and needs a refresh. Staff would also purchase new tables and chairs as the existing ones are also showing significant wear and tear.

Assistant City Manager Sharp stated that the committee should consider the projects and discuss any other projects they would like to include.

Debi LaForge stated that she received a suggestion from a citizen. She stated that they requested that funds be provided for the homeless shelter and for a low-income home repair program.

Assistant City Manager Sharp stated that the low-income repair program might be a possibility, but that under the current ordinance, the funds for the homeless shelter would not be allowed. She stated that the Commission can change the ordinance, so it could be included in the recommendation from the committee.

The committee agreed to meet again on February 7, 2024 at 5:30 p.m.

TO: City Commission
FROM: Tabitha Sharp, Assistant City Manager
SUBJ: Consideration of an Ordinance of the City of El Dorado, Kansas, Pertaining to the Determination of License Fees, Permit Fees, and Other User-Related Fees or Charges Established by Ordinances of the City of El Dorado, Kansas, and Amending Existing City Code Sections
DATE: April 1, 2024

Background:

City staff proposes to remove the fees from the Municipal Code and set fees by resolution annually. Setting fees by resolution rather than ordinance allows for more flexibility and efficiency. Resolutions are easier to amend or revoke compared to ordinances. Resolutions do not require publication, which will reduce the City's publication expenses. The City will continue to publish the adopted resolution on the City's website and social media each year. It will also publish a copy on the website for public review throughout the year. Resolutions can also be adjusted temporarily when an emergency or economic challenge arises without requiring a permanent change in local laws. Utilizing a resolution will allow staff and the governing body to experiment with different fee models or structures by allowing a quicker response when something does not work as expected. This methodology allows the City to modify multiple fees simultaneously instead of requiring separate ordinances for each change.

Finally, there is an inconsistency with how fees are established and amended. Some fees are established and amended by ordinance, while others are not. This change will require every fee charged by the City to be established and amended using the same method, except fees established by charter ordinance. These fees will continue to be approved by charter ordinance.

Attachments:

1. Fee Schedule Ordinance (1)

Policy Issue:

Should the City Commission change how fees are established from ordinance to resolution?

The current methodology of establishing and amending fees is cumbersome because it requires staff time to draft an ordinance. Shifting to a fee schedule set by resolution provides more flexibility while reducing the amount of staff time needed to draft and review ordinances. It also reduces the potential of errors in ordinances that could have a significant impact on the City's authority if certain sections of code are erroneously overwritten or amended. Unfortunately, this has happened in the past. The City Commission should weigh whether efficiencies are better than a traditional approval process that requires the passage of an ordinance.

Fiscal Impact:

The city's publication costs would decrease if the ordinance were published because it would not be required to publish ordinances to amend its fees. While an important consideration, publication costs of ordinances is not the primary reason for this change because these expenses are not a significant cost to the City. The primary motivation is to streamline the approval process for fees and make a uniform process for all fees charged by the City.

Trade-offs:

Setting fees by resolution is more efficient and flexible for the municipal government. However, the public may perceive it as less transparent. If this change is adopted, the City should implement procedures to ensure transparency of fees and amendments to fees.

Staff Recommendation:

Staff recommends approving the ordinance and adopting a fee schedule resolution for municipal fees. The proposed ordinance would not become effective until June 1, 2024 to allow time for staff to finalize the fee schedule resolution.

Commission Action:

Commissioner _____ moved to approve an Ordinance of the City of El Dorado, Kansas, Pertaining to the Determination of License Fees, Permit Fees, and Other User-Related Fees or Charges Established by Ordinances of the City of El Dorado, Kansas, and Amending Existing City Code Sections.

Commissioner _____ seconded the motion.

On April 1, 2024, the City of El Dorado, Kansas adopted Ordinance No. G-1410, an Ordinance Amending the City of El Dorado, Kansas Municipal Code relating to the Fees, with certain omissions, changes, and additions; prescribing additional regulations; providing certain penalties and repealing prior ordinances. The full text of this Ordinance may be obtained or viewed free of charge at the office of the City Clerk, 220 E 1st Avenue, El Dorado, Kansas or online at <http://eldoks.com/268/Open-Records-Information>. This summary is certified by Ashlyn B. Lindskog, El Dorado City Attorney, pursuant to K.S.A. 12-3007, et seq.

ORDINANCE NO. G-1410

AN ORDINANCE OF THE CITY OF EL DORADO MUNICIPAL CODE PERTAINING TO THE DETERMINATION OF LICENSE FEES, PERMIT FEES, AND OTHER USER-RELATED FEES OR CHARGES ESTABLISHED BY ORDINANCES OF THE CITY OF EL DORADO, KANSAS, AND AMENDING EXISTING CITY CODE SECTIONS

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

SECTION 1. Section 1.15 of the Municipal Code of the City of El Dorado, Kansas is hereby established to read as follows:

1.15.010 License fees, permit fees, and other related fees.

- a) The city commission shall determine, by resolution, all license fees, permit fees, and other user-related charges established by the ordinances of the city. All fees and charges shall be in such amounts as will adequately reimburse the city for the services rendered by it in connection therewith.
- b) The city manager shall annually review all license fees, permit fees, and other user-related fees or charges to ensure that the fees charged adequately reimburse the city for the services rendered by it. To assure an equitable adjustment, the city manager is authorized and directed to increase or decrease such license fees, permit fees, and other user-related fees or charges in approximately the same proportion as any increase or decrease in the general fund for the ensuing year.

SECTION 2. Section 1.16 of the Municipal Code of the City of El Dorado, Kansas is hereby amended to read as follows:

1.16.010 Scope of application.

Any person convicted of doing any of the acts or things prohibited, made unlawful or misdemeanor, or the failing to do any of the things commanded to be done, as specified and set forth in this code, shall be deemed guilty of a violation of this code and punished in accordance with Section 1.15.010. Each day any violation of this code continues shall constitute a separate offense.

SECTION 3. Section 1.16.020 of the Municipal Code of the City of El Dorado, Kansas is hereby amended as follows:

1.16.020 General Penalty

Whenever any offense is declared by any provision of this code, absent a specific or unique punishment prescribed, the offender shall be punished in accordance with this section.

- A. A fine in accordance with section 1.15.010.
- B. Imprisonment in jail for not more than one hundred seventy-nine (179) days;
or
- C. Both such fine and imprisonment not to exceed subsections (A) and (B) of this section.

SECTION 4. Section 2.32.100 of the Municipal Code of the City of El Dorado, Kansas shall hereby be amended as follows:

Section 2.32.100 - Costs

Court costs shall be charged in accordance with Section 1.15.010.

SECTION 5. Section 2.44.100 of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

2.44.100 – Fee Policies.

F. A fee shall be charged in accordance with Section 1.15.010. The record custodian may exercise his or her discretion to reduce or waive any inspection or copying fees when such is in the public interest.

SECTION 6. Section 3.04.090 of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

3.04.090 – Petty cash fund – Amount.

Such petty cash fund shall not exceed the sum set by Section 1.15.010 and shall be deposited in the designated city depository bank and paid out on order of the city clerk by checks which shall state clearly the purpose for which issued.

SECTION 7. Section 3.08.130 of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

3.08.130--Violation – Penalty

Any person, firm or corporation violating any of the provisions of this chapter shall, upon conviction thereof, be fined in any sum not exceeding the amount set forth in accordance with Section 1.15.010. A separate offense shall be deemed committed upon each and every day or on which a violation occurs or continues.

SECTION 8. Section 4.08.080 of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

4.08.080—License—Fees.

- A. License fees for the retail of draught, bottled and canned cereal malt beverages shall be in accordance with Section 1.15.010.
- B. The full amount of the license shall be paid regardless of the year the application is made. Said license shall be issued for the calendar year. No rebate or return of any portion of the license fee shall be made in case the license is revoked for any cause provided for under this title.

SECTION 9. Section 4.08.120 of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

4.08.120 – Change of Location.

If a licensee desires to change the location of his or her place of business, he or 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 in accordance with Section 1.15.010. If the application is in proper form and the location is not in a prohibited zone and all other 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 10. Section 4.16.020 Subsection (A) of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 4.16.020 (A) – License Fee

- A. There is levied a biennial license fee on each private club located in the city which has a private club 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. The city license fee for a Class A and B Club shall be in accordance with Section 1.15.010.

SECTION 11. Section 4.20.020 Subsection (A) of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 4.20.020 (A)

– License Fee

- A. There is levied a biennial license fee in accordance with Section 1.15.010 on each drinking establishment located in the city that has a drinking establishment license issued by the State Director of Alcoholic Beverage Control, which fee shall be paid before a business is begun under an original state license and within five days after any renewal of a state license.

SECTION 12. Section 4.24.020 Subsection (A) of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 4.24.020 (A)– License Fee.

- A. There is levied a biennial license fee in accordance with Section 1.15.010 on each caterer doing business in the city which has a caterer's license issued by the State Director of Alcoholic Beverage Control, which fee shall be paid before a business is begun under an original state license and within five days after any renewal of a state license.

SECTION 13. Section 4.28.020 Subsection (A) of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 4.28.020 (A) – Permit Fee.

- A. There is levied a temporary permit fee in accordance with Section 1.15.010 per eighteen (18) hours on each group or individuals 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.

SECTION 14. Section 5.04.160 of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 5.04.160 – Application—Investigation fee.

At the time of filing the application, a fee in accordance with Section 1.15.010 shall be paid to the city clerk to cover the cost of investigation of the facts stated in the foregoing application.

SECTION 15. Section 5.04.190 of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 5.04.190 – Violation—Penalty.

Any person, firm or corporation who shall conduct or pursue in the limits of the city any occupation, business or profession for which a license is required by any ordinance after a license should have been obtained to conduct or pursue such occupation, business or profession, without having obtained the same, shall be deemed to do so unlawfully. Any person violating any of the provisions of this chapter shall, upon conviction thereof, be fined in accordance with Section 1.15.010 provided, that each day that any business, occupation or profession is

conducted without the license fee having been paid shall constitute a separate offense hereunder.

SECTION 16. Section 5.08.030 of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 5.08.030 - Dancehalls

No license shall be issued for a public dancehall or place unless the premises operated and maintained by the licensee shall have a minimum unencumbered dance area of four hundred (400) square feet. The license fee for each public dancehall or place as above provided, operated or maintained, shall be in accordance with Section 1.15.010.

SECTION 17. Section 5.08.040 of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 5.08.040 - Fortunetellers

The license fee for each fortuneteller, palmist, clairvoyant, phrenologist, mind reader or astrologist, who tells fortunes, gives advice or makes predictions, whether a charge is made therefor or not, shall be in accordance with Section 1.15.010.

SECTION 18. Section 5.08.050 Subsection (A)(3) of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 5.08.050 – Transient Vendors

(A)(3). A daily permit fee in accordance with Section 1.15.010.

SECTION 19. Section 5.08.070 of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 5.08.070 – Other amusement stands or exhibitions.

The license fee for each amusement stand, rack or exhibit, not herein otherwise specifically named shall be in accordance with Section 1.15.010.

SECTION 20. Section 5.08.080 of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 5.08.080 Violation – Penalty.

Any person, firm or corporation violating any of the provisions of this chapter shall, upon conviction thereof, be fined in accordance with Section 1.15.010. A separate offense shall be deemed committed upon every day during or on which a violation occurs or continues.

SECTION 21. Section 5.12.170 of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 5.12.170 Merchant police service fees.

The license fee for merchant police services shall be in accordance with Section 1.15.010.

SECTION 22. Section 5.16.020 Subsection (C) of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 5.16.020 License - Required

The license application shall be in a form approved by the attorney general. Each application shall be accompanied by a fee in accordance with Section 1.15.010

which shall be paid annually upon renewal of the license. All such fees received by the city clerk shall be deposited in the city general fund.

SECTION 23. Section 5.16.090 of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 5.16.090 Violation – Penalty.

Any person who shall violate, fail, neglect, or refuse to comply with any provisions, regulations or requirements of this chapter shall upon conviction thereof be fined in accordance with Section 1.15.010.

SECTION 24. Section 5.20.020 Subsection (B) of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 5.20.020 License - Application

B. Such application shall be accompanied by a license fee in accordance with Section 1.15.010.

SECTION 25. Section 5.24.050 of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 5.24.050 – License – Fees – Disposition of moneys.

The applicant filing an application with the city clerk for a license to conduct a public auction shall pay to the city clerk a license fee in accordance with Section 1.15.010 for each day that he or she proposes to conduct a public auction. The city clerk shall pay such license fees so collected into the city treasury and the city treasurer shall remit all money so received to the general fund of the city.

SECTION 26. Section 5.24.090 of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 5.24.090 – Violation – Penalty

Every person, firm, association or corporation who shall in any manner engage in or conduct a public auction, without having first obtained a license as hereinbefore provided, or who shall knowingly advertise, represent or hold forth any sale of goods, wares or merchandise to be conducted contrary to the provisions of this chapter shall, upon conviction thereof, be fined in accordance with Section 1.15.010, or be imprisoned not to exceed thirty (30) days, or be both so fined and imprisoned.

SECTION 27. Section 5.28.050 of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 5.28.050 – License - Fees

The owner or operators of all vehicles procuring a license hereunder shall pay to the city clerk after the application for a license has been accepted, and before any license has been granted, a license fee in accordance with Section 1.15.010 per year per vehicle; payment shall be made upon application, renewals are due on January 1st of each year and there will be no proration for a portion of a year.

SECTION 28. Section 5.28.080 of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 5.28.080 – Drivers' registration – Fee.

The aforesaid registration fee for each driver shall be in accordance with Section 1.15.010 per year and shall be nontransferable; payment shall be made upon application; renewals are due on January 1st of each year and there will be no

proration for a portion of a year. The license fee is nonrefundable in the event the license is denied.

SECTION 29. Section 5.36.040 of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 5.36.040 – License fees.

For any adult entertainment establishment, the annual license fee shall be in accordance with Section 1.15.010.

SECTION 30. Section 5.36.150 of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 5.36.150- Penalty.

Any person who violates any provision of this chapter is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine in accordance with Section 1.15.010 or by imprisonment for not more than one year, or by both such fine and imprisonment.

SECTION 31. Section 5.40.050 of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 5.40.050 – License Fees.

For every escort service there shall be an annual license fee in accordance with Section 1.15.010. This fee shall accompany all initial license applications and all renewal requests, and a license shall not be issued until the fee is paid in full.

SECTION 32. Section 5.40.180 of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 5.40.180 – Escort/escort service runner – License fees.

There shall be an annual fee in accordance with Section 1.15.010 for an escort or escort service runner's license and such fee shall accompany each application submitted.

SECTION 33. Section 5.40.210 of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 5.40.210 – Penalty.

Any person who violates any provision of this chapter is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine in accordance with Section 1.15.010 or by imprisonment for not more than one year, or by both such fine and imprisonment.

SECTION 34. Section 6.08.030 of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 6.08.030 – Impoundment procedure and disposition.

If an animal impounded under Section 6.08.010 or 6.08.020 has no current animal license, as provided for by Section 6.12.010, it shall be kept for three business days, and if within that time the owner does not appear to claim such animal, it may be adopted, euthanized, or otherwise disposed of. If, within three days of the impoundment date, the owner of an impounded animal shall appear and claim such animal, the animal shall be turned over to the person claiming it upon payment of an impounding fee in accordance with Section 1.15.010, and upon compliance with the requirements of Sections 6.12.010 and 6.12.020. Provided that all stray animals or animals found running at large and picked up

by the police officers, animal control officer or designated agent, shall be held and disposed of following the laws of the state about stray animals.

SECTION 35. Section 6.12.050 of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 6.12.050 – Licensing fees.

Upon receipt of an application meeting the requirements of Sections 6.12.010 and 6.12.020 of this chapter, the city clerk or designated agent shall issue a license after payment of the applicable fees in accordance with Section 1.15.010.

SECTION 36. Section 6.12.080 Subsection (B) of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 6.12.080 – Permit period and issuance.

B. Annual permit fees shall be in accordance with Section 1.15.010.

SECTION 37. Section 6.12.100 of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 6.12.100 – Revocation.

The animal control division may revoke any permit or license if the person holding such permit or license refuses or fails to comply with this chapter or any law governing the protection and keeping of animals. Any person whose permit or license is revoked shall within ten days thereafter humanely dispose of all animals owned, kept or harbored by such person and no part of the permit or license fee shall be refunded. No person who has been convicted of cruelty to animals shall be issued a kennel permit. Any person having been denied a permit may not reapply for a period of thirty (30) days. Each reapplication shall be in accordance with Section 1.15.010.

SECTION 38. Section 6.12.120 of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 6.12.120 – Violation – Penalty.

Any person, firm or corporation violating any of the provisions of this chapter shall, upon conviction thereof, be fined in accordance with Section 1.15.010.

SECTION 39. Section 6.16.050 of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 6.16.050 – Violation – Penalty.

Any person violating any of the provisions of this article shall, upon conviction thereof, be in accordance with Section 1.15.010.

SECTION 40. Section 6.20.030 of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 6.20.030 – Vicious animals.

Keeping Vicious Animals—Court Action. Upon a finding by the Municipal Court that any animal in the city is vicious as deemed by the animal control division, the judge of the municipal court shall order the animal seized, impounded, and destroyed by the proper authority. The judge of the municipal court may permit the owner to post cash bond in accordance with Section 1.15.010 to ensure that the vicious animal is confined in a manner which protects humans and domestic animals from possible bite and/or attack. If such vicious animal is found by the judge of the municipal court to have not been confined in an appropriate manner

during the bond period, such bond shall be forfeited to the city in addition to any other penalties imposed. Lack of knowledge by the owner of the viciousness of an animal shall not be a defense to any action brought under this section.

SECTION 41. Section 6.20.040 Subsection (B) of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 6.20.040 – Restrictions on the ownership of Staffordshire Terriers and mix breeds thereof.

The owner or keeper of the Staffordshire Terrier and mix breeds thereof shall pay an annual registration fee in accordance with Section 1.15.010 for each dog, and such fee shall be submitted to the city clerk or his or her designee with the registration form for the keeping of Staffordshire Terrier and mix breeds thereof.

SECTION 42. Section 6.20.080 of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 6.20.080 – Violation – Penalty.

Any person violating or permitting the violation of Sections 6.20.020, 6.20.030, 6.20.040, and 6.20.050 of this chapter shall, upon conviction in municipal court be fined in accordance with Section 1.15.010. Any violation of Sections 6.20.020 and 6.20.060 of this chapter shall be subject to a fine in accordance with Section 1.15.010. In addition, the court may order the permit, license or registration of the subject animal revoked and/or the animal removed from the city. Should the defendant refuse to remove the animal from the city, the municipal judge shall find the owner in contempt and order the immediate confiscation and impoundment of the animal. Each day that a violation continues shall be deemed a separate offense. In addition to the foregoing penalties, any person who violates this chapter shall pay all expenses, including shelter, food, handling, veterinary care, and testimony necessitated by the enforcement.

SECTION 43. Section 6.20.090 of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 6.20.090 – Fees.

- A. There are fixed and assessed fees to defray the cost of managing an animal control program and for the public health, against the owner or keeper of every animal kept in the city in accordance with Section 1.15.010.
- B. Boarding and Quarantine Fees. In addition to the impoundment fee, a boarding fee must be paid for each animal confined by the animal shelter. Such fees will be charged for daily costs of boarding, excluding the first day of impoundment. Owners must pay daily boarding fees, the amount established by policy, for the housing and care of the animals before their animals are released to them.
- C. Quarantine fees covering ten-day boarding and observation period shall be set by policy and paid before release of the animal. No initial impound fee shall be added to quarantine fees. In addition to impoundment fee(s) the boarding of estrays shall include the first day of boarding and such daily fee shall be set by policy if the stray is held by the animal control authority or if held by a third person contracting party, fees shall be set in the contract between the city and that party at the current fair and reasonable rate.
- D. Expenses of Animal. In addition to other fees, the owner shall also pay for any veterinarian or drug fees incurred for the animal(s) while in the custody of the animal control officer or animal shelter.
- E. Owner/ Harbor Animal Surrender Fees shall be set in accordance with Section 1.15.010.

SECTION 44. Section 8.04.060 of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 8.04.060 – Service charges – Residential.

In order to provide sufficient revenues to pay the cost of operations of the refuse collection, including but not limited to salaries, operation of equipment, operation of landfill, operation of dumping ground and to provide funds for the replacement of worn-out equipment, the following charges for residential refuse service shall be made monthly in accordance with Section 1.15.010.

- A. The city clerk or designee is authorized and directed to determine the classification of each single-family, multifamily dwelling, apartment house, mobile homes camp, or court for the purpose of determining the charges to be made as provided herein.
- B. Refuse fees shall not include unusual accumulations of refuse which might result from building construction or remodeling, tree trimming, or like activities. An additional fee for the hauling of such unusual accumulations of refuse may be made, such fee to be based on the actual cost to the city.

SECTION 45. Section 8.04.100 of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 8.04.100 – Delinquent bills.

If any bill for city refuse collection is not paid within fifteen (15) days after the date shown on the bill, the bill shall be considered delinquent, and if the same becomes delinquent, five percent shall be added to the amount thereof as penalty; provided, that if the bill, including penalty, is not paid within twenty-five (25) days from the date the same becomes due, city refuse collection service to the customer shall be discontinued and shall not be resumed until all past bills due for refuse collection are paid in full, together with a charge of in accordance with Section 1.15.010.

SECTION 46. Section 8.04.160 of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 8.04.160 – Violation – Penalty.

Any person violating any of the provisions of this chapter shall, upon conviction thereof, be fined in accordance with Section 1.15.010. Any permit issued pursuant to any requirement within this chapter may be rescinded upon conviction of any provision of this chapter.

SECTION 47. Section 8.08.040 of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 8.08.040 – Violation – Penalty.

- A. Any person, individual, partnership, corporation or association who violates any of the provisions of this chapter is guilty of a misdemeanor and upon conviction, shall be punished in accordance with Section 1.15.010.
- B. Each separate offense in violation hereof which is found to exist or continues to exist shall be a separate offense and punishable as such under this section.

SECTION 48. Section 8.13.080 of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 8.13.080 – Failure to comply – Penalty.

Should the person, corporation, partnership or association fail to comply with the order to abate the nuisance or request a hearing, the public officer may file a complaint in the municipal court of the city against such person, corporation, partnership or association and upon conviction of any violation of the provisions of Section 8.13.020 of this chapter, be fined in an in accordance with Section

1.15.010 or be imprisoned not to exceed thirty (30) days or be both fined and imprisoned. Each day during or on which a violation occurs or continues after notice has been served shall constitute an additional or separate offense.

SECTION 49. Section 8.16.050 of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 8.16.050 – Regulations – Receiving or annunciator systems – Costs.

The city may install and maintain exclusively a receiver or annunciator system. All costs and recurring charges incurred in the installation, maintenance and monitoring of systems permitted by this chapter shall be borne by the alarm user at a cost in accordance with Section 1.15.010. If more than one installation is installed by the city with the user, such user shall pay the city a sum in accordance with Section 1.15.010 for each such installation. If the location of the police department communications center should be changed or modified at any time, the alarm user will move or remove the alarm system or telephone terminal or any part thereof without cost to the city.

SECTION 50. Section 8.16.080 Subsection (B) of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 8.16.080 (B) – False alarms.

B. For each false alarm over one in any calendar month that the police department is requested to respond to, the alarm user shall pay to the police department a fee in accordance with Section 1.15.010.

SECTION 51. Section 8.20.040 of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 8.20.040 – Violation – Penalty.

Any person found guilty of smoking in violation of this chapter is guilty of a violation punishable by a fine in accordance with Section 1.15.010 for each violation. Any person found guilty of failing to post signs as required by this act, is guilty of a violation punishable by a fine in accordance with Section 1.15.010. In addition, the department of health and environment, or local department of health, may institute an action in any court of competent jurisdiction to enjoin repeated violations of this chapter.

SECTION 52. Section 8.24.094 of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 8.24.094 – Penalties.

Any person who violates any of the provisions of the International Fire Code as adopted and amended herein or fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who fails to comply with such an order as affirmed or modified by the El Dorado Board of Appeals, or by a court of competent jurisdiction, within the required time, shall severally for each and every such violation or noncompliance, respectively, be guilty of a misdemeanor, punishable by a fine in accordance with Section 1.15.010 or by imprisonment for not less than one day or more than three hundred sixty four (364) days, or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue: and all such persons shall be required to correct or remedy such violations or defects within a reasonable time: and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

SECTION 53. Section 9.12.070 (B)(8-9) and (F) of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

9.12.070 – Fireworks. (B 8 – 9 & F)

B. Sale of Fireworks. Upon application to the city clerk, a permit to sell fireworks shall be granted upon the following conditions:

8. Payment of a permit fee in accordance with Section 1.15.010 to the city clerk;

9. At the time of the issuance of any permit, each vendor shall deposit with the city clerk a sum in accordance with Section 1.15.010 to reimburse the city for the cost of clean-up. Any amount of the deposit not used shall be returned to the vendor;

F. Penalty. The violation of any provision of this section shall be punishable by a fine in accordance with Section 1.15.010 and/or imprisonment for not more than one year and/or revocation of any permit to sell fireworks. Also, any permit holder violating any provision of this section shall first be issued a warning by the city fire chief and on any second or subsequent violation, the fire chief shall revoke the permit for sale and terminate the sale of fireworks by the violator. Any permit holder whose permit is revoked may appeal to the governing body by notice served upon the city clerk, and a hearing shall be called and held not less than twenty-four (24) hours from the date of the filing of such notice of appeal. In the event of a violation of this section, the fire chief shall have the authority to seize, take, remove or cause to be removed at the expense of the owner, all stocks of fireworks offered or exposed for sale, stored or held in violation of this section or possessed or owned by any person for discharge.

SECTION 54. Section 9.16.130 of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

9.16.130 – Violation – Penalty.

Any person violating any of the provisions of this article shall, upon conviction thereof, be fined in accordance with Section 1.15.010.

SECTION 55. Section 9.20.050 (C) of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

9.20.050 – Unlawful Acts (C) – Penalties.

C. Any citizen because he or she has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, religion, color, sex, national origin or ancestry, in any of the activities, services, organizations or facilities described in subsection (A) of this section, or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate, shall upon conviction be fined in accordance with Section 1.15.010, or imprisoned for not more than six months, or both such fine and imprisonment.

SECTION 56. Section 10.20.050 (D) of the Municipal Code of the City of El Dorado, Kansas shall be removed:

Section 10.20.050 – Posting of bond or driver's license.

D. The offenses for which appearance bonds may be required as provided in subsection (C) of this section shall be as follows:

1. Reckless driving;

2. Driving when privilege is canceled, suspended or revoked;
3. Failure to comply with lawful order of officer;
4. Registration violation (registered for twelve thousand (12,000) pounds or less);
5. Registration violation (registered for more than twelve thousand (12,000) pounds);
6. No driver's license for the class of vehicle operated or violation of restrictions;
7. Spilling load on highway;
8. Overload:
 - a. Gross weight of vehicle or combination of vehicles;
 - b. Gross weight upon any axle or tandem, triple or quad axles;
9. Failure to obtain proper registration, clearance or have current certification as required by KSA 66-1324, and amendments thereto;
10. Insufficient liability insurance for motor carriers pursuant to KSA 66-1128 or 66-1314 and amendments thereto;
11. Failure to obtain interstate motor fuel tax authorization pursuant to KSA 79-34,122 and amendments thereto; Improper equipment (glass or fire extinguishers);
12. No authority as private, contract or common carrier;
13. No current driver's daily log;
14. Invalid or no physical examination card; and
15. Transporting open container of alcoholic liquor or cereal malt beverage accessible while vehicle in motion.

SECTION 57. Section 10.20.070 of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 10.20.070 – Failure to comply with traffic citations.

- C. When the municipal court notifies the division of vehicles of a failure to comply with a traffic citation pursuant to subsection (B) of this section, the court shall assess a reinstatement fee in accordance with Section 1.15.010 for each charge on which the person failed to make satisfaction regardless of the disposition of the charge of which such citation was originally issued. Such reinstatement fee shall be in addition to any fine, or municipal court costs and other penalties. The court shall, at least monthly, remit all reinstatement fees to the state treasurer who shall credit such moneys to the motor vehicle operating fund.

SECTION 58. Section 12.04.100 of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 12.04.100 – Violation—Penalty.

If any property owner, person or contractor constructs any sidewalk in violation of this chapter, he shall, upon conviction thereof, be punished by a fine in accordance with Section 1.15.010; provided, that the sidewalks may be condemned by the governing body and torn out and replaced, and in the case of a contractor no payment shall be due or made for such improperly constructed sidewalk; provided further, that if the governing body believes the sidewalk as constructed is as good as a sidewalk meeting the required specifications of the city for such work, it may accept the sidewalk as constructed, but the same shall not be deemed to relieve the property owner, persons or contractor of the penalty herein imposed.

SECTION 59. Section 12.08.010 (B) of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 12.08.010 (B) – Work adjacent to right-of-way/ permit to close right-of-way.

(B) Permit fees shall be paid to the City of El Dorado prior to permit being issued in accordance with Section 1.15.010.

SECTION 60. Section 12.08.015 of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 12.08.015 – Permit fees.

Permit fees to close, or partially close, any right-of-way owned by the City of El Dorado, under Section 12.08.010, are hereby created in accordance with Section 1.15.010, times the number of days the permit will be valid.

Exemption: Utility companies which are franchised with the City of El Dorado are not required to pay fees for permits to close, or partially close, any right-of-way owned by the City of El Dorado, provided the closing, or partial closing is needed for the service, installation or removal of utilities which are owned by the franchised utility company. The city deems that franchise fees cover these costs.

SECTION 61. Section 12.08.020 of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 12.08.020 – Cellar Entrances.

It is unlawful for any person, firm or corporation to open or construct any entrance into a cellarway in a sidewalk or street without the approval of the city commission. All cellarways or pavement entrances now existing in any sidewalk or street, or which may hereafter be so constructed, shall be protected by a good and substantial iron railing to be approved by the building inspector in accordance with the building code. Any person who shall open or leave unprotected any cellar entrance, cellarway, coal hole or grating in any street or sidewalk in the city or permit the same to remain or be in an unsafe condition shall, upon conviction thereof, be fined in accordance with Section 1.15.010.

SECTION 62. Section 12.08.090 of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 12.08.090 – Posting Political pictures or advertisements.

It is unlawful for any person to post political pictures or political advertisements by putting the same up, affixing, or fastening of either or both a political picture or political advertisement to a telegraph, telephone, electric light or power pole. Any person, firm or corporation violating the terms and provisions of this section shall upon conviction thereof be punished by a fine in accordance with Section 1.15.010.

SECTION 63. Section 12.08.150 the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 12.08.150 - Removal of barricades and lights unlawful.

It is unlawful for any person, firm or corporation to remove, throw down, run down, destroy or otherwise injure any barricades, safety guards and/or lights erected as required by this code, except such person, firm or corporation who shall be in charge of any such barricades, safety guards and/or lights.

Exception: The building official, city engineer, director of public works or city manager may cause to be removed any barricades, safety guards, lights or any other object, from any right-of-way owned by the City of El Dorado for any reason. In the event that city personnel are used to remove any barricades, safety guards, lights or any other object, from any right-of-way owned by the City of El

Dorado a fee in accordance with Section 1.15.010 shall be charged to the person, firm, or corporation responsible for the barricades, safety guards, lights or any other object.

SECTION 64. Section 12.08.170 of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 12.08.170 – Violation—Penalty.

Any person, firm or corporation violating any of the provisions of this chapter, for which another penalty is not specifically provided shall, upon conviction thereof, be punished by a fine in accordance with Section 1.15.010 provided, that if any person shall continue any obstruction or make any unlawful use, as in this chapter provided, of any right-of-way owned by the City of El Dorado after being notified by the chief of police, building official, city engineer, director of public works or city manager, to remove the obstruction or cease to make unlawful use of such place, the same shall constitute a separate offense, for each and everyday on which a violation occurs or continues. The city manager has the right to waive any and all requirements of this chapter.

SECTION 65. Section 12.12.030 (A) of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 12.12.030 (A) – Fees.

A. The fees for the above purpose shall be determined in accordance with Section 1.15.010.

SECTION 66. Section 12.12.120 of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 12.12.120 – Fees

Any person, firm or corporation violating any of the provisions of this chapter for which another penalty is not specifically provided, shall, upon conviction thereof, be fined in accordance with Section 1.15.010.

SECTION 67. Section 12.16.050 of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 12.16.050 – Violation—Penalty.

Any person who shall fail or neglect to comply with the requirements of this chapter shall, upon conviction thereof, be fined in accordance with Section 1.15.010.

SECTION 68. Section 12.20.040 (D) of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 12.20.040 (D) – Application

D. Fee. There shall be paid at the time of filing the application for a parade permit a fee in accordance with Section 1.15.010.

SECTION 69. Section 12.24.280 (B) of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 12.24.280 (B) – Violation – Penalty.

B. Upon such complaint in the municipal court, any person or commercial, private or contracting arborists found to be in violation of the provisions of this chapter shall upon conviction be punished by a fine in accordance with Section 1.15.010, or by imprisonment, for not more than thirty (30) days, or by both such fine and imprisonment, for not more than thirty (30) days, for each offense.

For the purpose of this chapter, a separate offense shall be deemed committed for each tree on which such violation exists.

SECTION 70. Section 12.28.030 of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 12.28.030 – Violation—Penalty.

Any person violating the provisions of this chapter, upon conviction thereof, shall be fined in accordance with Section 1.15.010 for each violation.

SECTION 71. Section 13.02.100 (C) of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 13.02.100 (C)- Enforcement Actions.

- C) The enforcement actions to be taken under this chapter, as provided in Section 13.02.110 are as follows:
- 1) Criminal Penalty. Any person violating any provision of this chapter is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine in accordance with Section 1.15.010. Each and every day during which any violation of any provision of this chapter is committed, continued, or permitted is a separate violation.
 - 2) Stop Work Order. Notwithstanding other penalties provided by this chapter, whenever the director or BI, or their designees, finds that any owner or contractor on a construction site has violated, or continues to violate, any provision of this chapter or any order issued thereunder, the director or BI may after reasonable notice to the owner or contractor issue a stop work order to the owner and contractors by posting such order at the construction site. Said order shall also be distributed to all city departments and divisions whose decisions may affect any activity at the site. Unless express written exception is made, the stop work order shall prohibit any further construction activity at the site and shall bar any further inspection or approval by the city associated with the building permit, grading permit, site development plan approval, or any other approval necessary to commence or to continue construction or to assume occupancy at the site. Issuance of a stop work order shall not be a bar against, or a prerequisite for, taking any other action against the violator. Failure to comply with the requirements of any stop work order is a violation of this chapter.
 - 3) Administrative Penalty Process.
 - a) When the director finds that any stormwater discharger has violated or continues to violate the provisions set forth in this chapter, or the discharger's NPDES permit or any order issued thereunder, the director may issue an order for compliance to the discharger. Such orders may contain any requirements as might be reasonably necessary and appropriate to address noncompliance including, but not limited to, the installation of best management practices, additional self-monitoring, and/or disconnection from the MS4.
 - b) The director is empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any industrial discharger responsible for noncompliance. Such orders shall include specific action to be taken by the discharger to correct the noncompliance within a time period specified by the order.
 - c) Notwithstanding any other remedies or procedures available to the city, any discharger who is found to have violated any provision of this chapter, or any NPDES permit or any order issued under this chapter, may be assessed an administrative penalty in accordance with Section 1.15.010.
 - d) Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. Upon assessment of any administrative penalty, the city will bill the violator for said charge

and the director shall have such collection remedies as are available at law.

SECTION 72. Section 13.02.150 of Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 13.02.100- Enforcement Actions.

Falsifying information is a separate offense and deemed a misdemeanor. Any person who knowingly makes false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter or any NPDES permit, or who falsifies, or tampers with any monitoring device or method required under this chapter shall, upon conviction, be punished by a fine in accordance with Section 1.15.010.

SECTION 73. Section 13.03.050 of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 13.03.050 – Fee established.

Subject to the provisions of this article, there is hereby imposed on each and every residential developed property and nonresidential developed property, other than exempt property, and the owners a stormwater drainage fee. The drainage fee shall be a monthly service charge and shall be assessed in accordance with Section 1.15.010.

SECTION 74. Section 13.03.075 of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 13.03.075 – Maximum fee for developed property.

A maximum fee in accordance with Section 1.15.010 will be set for all properties.

SECTION 75. Section 13.03.140 of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 13.03.140 – Unlawful Acts—Penalty.

It is unlawful for any person or persons to tamper with the stormwater system or to make any connection to the stormwater system of the city without written permission from the city. Any person violating the provisions of this section shall, upon conviction thereof, be in accordance with Section 1.15.010.

SECTION 76. Section 13.04.030 of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 13.04.030 – Service Applications.

Water service shall be supplied by the city upon application made to the city clerk on such forms as may be required by the city manager. Such application and its acceptance by the city shall constitute an agreement on the part of such applicant or customer to abide by the rules and regulations of the waterworks department as may now or hereafter be established. Every applicant for water service shall be required to pay a charge for the service. The fee in accordance with Section 1.15.010 and shall be paid to the city clerk before any utility service is rendered.

SECTION 77. Section 13.04.100 of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 13.04.100 – Connection fees and costs.

Installation for water service in the city shall be as follows:

All charges for water service installation in the amounts as hereinafter fixed shall be paid to the city clerk when application is made for a new service installation

for the supply of water from the city mains. The city shall make such installation when the applicant shall have extended his or her service line to the property location for a meter as determined by the water department. The charges to the customers for making such installation shall be in accordance with Section 1.15.010.

SECTION 78. Section 13.04.210 of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 13.04.210 – Violation—Penalty.

Any person, firm or corporation violating any provisions of this article by doing any of the acts made unlawful by this article shall, upon conviction thereof, be fined in accordance with Section 1.15.010.

SECTION 79. Section 13.08.010 of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 13.08.010– Treated Water Service- Rates.

The rates to be charged each calendar month for treated water service from the water treatment plant are fixed and determined and shall be in accordance with Section 1.15.010.

SECTION 80. Section 13.08.020 of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 13.08.020 – Untreated water—Rates.

The rates to be charged each calendar month for untreated water service are fixed and determined and shall be in accordance with Section 1.15.010.

SECTION 81. Section 13.08.030 of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 13.08.030 – Water Protection Fee.

As of January 1, 1993, a water protection fee is imposed at a rate in accordance with Section 1.15.010, both treated and untreated, sold at retail and delivered through mains, lines or pipes.

- A. Water sold at wholesale (i.e., to other suppliers) is not subject to such fee until the water sold to such other suppliers is sold at retail at which time the city is then responsible for remitting such fee.
- B. Water sold at retail means water sold to the final purchaser or consumer no matter who that final purchaser or consumer may be.
- C. Such fee will be paid quarterly by the city to the Department of Revenue of the state upon forms which are provided to the city by such department.
- D. The city will collect such fee directly from each consumer.

SECTION 82. Section 13.08.050 of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 13.08.050—Water bills—Late Penalty.

All bills for water sold shall be due on the date shown on said bill, and if not paid by said date, the bill shall be considered delinquent, and if the same becomes delinquent, five percent shall be added to the amount thereon as a penalty; provided, that in all cases the minimum penalty shall be in accordance with Section 1.15.010.

SECTION 83. Section 13.12.040 of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 13.12.040—Inspection and Late Fees.

Testing intervals shall not exceed one year beginning with testing on the date of installation of the assembly. If the assembly(ies) is (are) not tested as of July 1 of the current calendar year, a fee shall be charged in accordance with Section 1.15.010.

- A. If in the judgement of the public utilities director, fees or fines are not warranted, the director may waive or refund late fees or fines.
- B. The director of public utilities may also adjust testing due dates based on the sale or transfer of premises to give adequate time for a tester to be scheduled and the assembly(ies) tested.
- C. The testing procedures shall be in accordance with the manufacturer's instructions and nationally accepted practices.
- D. Testing and repair of the backflow assemblies will be done by certified installer/testers. Maintenance workers, trained and certified as installers/testers can service backflow preventers in their place of employment.
 - a. All installer/testers must provide the city with proof of current certification.
 - b. Certified installer/testers shall be tested and recertified every three years.
 - c. Recertification tests shall be to the latest accepted practice methods.
 - d. Testing devices shall be approved by the director of public utilities, and shall be compared for accuracy at least once per year to a manometer located at the El Dorado Water Treatment Plant and recalibrated every three years by an accredited organization.
 - e. Proof of certification of the testing device shall be submitted when the test report and tester certification are submitted.

SECTION 84. Section 13.14.080 (B-C) of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 13.14.080 (B-C)—Violations, disconnections, and penalties.

- B. A fee in accordance with Section 1.15.010 shall be paid for the reconnection of any water service terminated pursuant to subsection (A) of this section. In the event of subsequent violations, the reconnection fee in accordance with Section 1.15.010 for the second reconnection and for any subsequent additional reconnections within a one-year period.
- A. Violations of this chapter shall be a municipal offense and may be prosecuted in municipal court. Any person so charged and found guilty in municipal court of violating the provisions of this chapter shall be guilty of a municipal offense. Each calendar day in which a violation is observed shall constitute a separate offense. The penalty for an initial violation shall be a mandatory fine in accordance with Section 1.15.010. In addition, such customer may be required by the court to serve a definite term of confinement in the city or county jail which shall be fixed by the court and which shall not exceed one day. The penalty for a second or subsequent conviction shall be a mandatory fine in accordance with Section 1.15.010. In addition, such customer shall serve a definite term of confinement in the city or county jail which shall be fixed by the court and which shall not exceed two days.

SECTION 85. Section 13.16.040 (L) of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 13.16.040 (L) –Installation and connection of building sewers and drains.

Where no wye branch is available in the public sewer line, the tap or connection to the opening in the sewer will be made by the public utilities department of the

city. The opening in the sewer is to be made using a mechanical sewer-tapping drill. The tapping saddle is to be of metallic material and secured with epoxy joint material. The invert of the building sewer at the point of connection shall be four inches or more above the invert of the public sewer. A charge, in addition to the inspection fee and other fees, hereinafter provided, is made for connections under this section in accordance with Section 1.15.010.

SECTION 86. Section 13.16.050 (A) of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 13.16.050 (A) - Rural sanitary sewer districts.

A rural sanitary sewer district may be authorized to connect to the city sanitary sewer system upon entering into a contract with the city for treatment services. Connection points shall be determined by the director of public utilities.

- A. A connection permit and fee shall be charged in accordance with Section 1.15.010.

SECTION 87. Section 13.16.190 (A) of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 13.16.190 (A) - Falsifying information—Penalties.

- A. Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan, contract or other document filed or required to be maintained pursuant to this chapter, or wastewater contribution contract, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this chapter, shall, upon conviction, be punished by a fine in accordance with Section 1.15.010 or by imprisonment for not more than six months, or by both.

SECTION 88. Section 13.16.210 (C) of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 13.16.210 (C)—Property within city but not in sewer district—Connection.

Upon receipt of such an application, the city clerk shall submit the same to the city engineer for his or her approval or disapproval. If the city engineer is satisfied that the existing city sanitary sewer can handle the additional sewage and that the plans and specifications of the proposed sewer line are suitable and in accord with sound engineering principles, and that the applicant has fully complied with the foregoing requirements, the city engineer shall endorse his or her approval thereon, and thereupon the city clerk shall issue a permit to the applicant upon payment by the applicant to the city clerk of a special permit fee in accordance with Section 1.15.010.

SECTION 89. Section 13.16.240 (B) of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 13.16.240 (B) —Violation—Penalties.

Any user who shall continue any violation beyond the time limit provided for in subsection (A) of this section shall be guilty of a misdemeanor, and on conviction thereof shall be fined in accordance with Section 1.15.010 for each violation or jail sentence not exceeding thirty (30) days, or both such fine and incarceration. If the conviction is for a violation committed after a first conviction, punishment shall be a fine in accordance with Section 1.15.010 per day of such violation, together with imprisonment of not more than ninety (90) days as may be assessed by the court for each day of violation. Each twenty-four-hour period in which any such violation shall continue shall be deemed a separate offense.

SECTION 90. Section 13.18.070 (B)(2) of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 13.18.070 (B)(2) —General Criteria—Grease interceptor maintenance.

A variance request fee in accordance with Section 1.15.010 may apply to recover the costs the city may incur for the variance study.

SECTION 91. Section 13.18.130 of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 13.18.130—Administrative Penalty.

Notwithstanding any other remedies or procedures available to the city, any user who is found to have violated any provision of this chapter, or any permit or any order issued hereunder, may be assessed an administrative penalty in accordance with Section 1.15.010 per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. Such assessment may be added to the user's next scheduled sewer service charge and the city shall have such other collection remedies as are available at law.

SECTION 92. Section 13.18.160 (A) of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 13.18.130 (A) —Criminal Penalties.

Any person who shall be convicted of violating any provision of this chapter or any permit or order issued hereunder shall be deemed guilty of a misdemeanor and shall be punished by a fine in accordance with Section 1.15.010 or by imprisonment for not more than six (6) months or by both.

SECTION 93. Section 13.20.040 (C, D, & E) of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 13.20.040 C, D, & E—Criminal Penalties.

- C. Each customer having an installed meter shall pay a monthly readiness-to-serve charge in accordance with Section 1.15.010.
 - i. Each contributor shall pay a charge rate for operation and maintenance including replacement and portion of debt service in accordance with Section 1.15.010.
- D. For contributors who contribute wastewater, the strength of which is greater than normal domestic waste as defined in Section 13.20.020 of this chapter, a surcharge in accordance with Section 1.15.010 will be collected.
- E. The readiness-to-serve monthly charge for rural sanitary sewer districts shall be charged in accordance with Section 1.15.010 for users in the city for each customer served by the rural water district. All wastewater through the rural sewer districts metering device shall be charged in accordance with Section 1.15.010 for users inside the city limits.

SECTION 94. Section 13.20.060 of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 13.20.060—Applications for service—Deposit required.

Application for sewage disposal system service to premises never before connected with the city's sewage system shall be made to the utilities department by the owner or occupant of the property to be served, accompanied by a sewer connection permit from the building inspector. The costs of all connections with the sewage disposal system of the city shall be borne by the customer. Each applicant for sewage disposal system service shall be required to deposit with the city clerk, at the time of his or her application, a sum in accordance with Section

1.15.010. The deposit shall be conditioned to hold the city free from loss occasioned by the customer's failure to pay any bills legally rendered against him or her for such service upon his or her premises. The city shall pay the customer simple interest at the rate provided by law, the same to be credited the first day of January of each year; the interest to be payable at the office of the city clerk in cash, on demand of the depositor at any time, but shall not draw interest. Upon discontinuance of the service, the city shall, upon request of the depositor, return the deposit with interest then accrued less any amount then due the city for services rendered.

SECTION 95. Section 13.20.090 of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 13.20.090—Billing—Discontinuance of water service.

Billing for sewer service charges shall be due on the date shown on said bill, and at the option of the city such charges for sewage disposal system services may be billed on statement rendered for the payment of water bills, and if any bill is not paid by fifteen (15) days after the date on said bill, said bill shall be considered delinquent, and if the same becomes delinquent, five percent shall be added to the amount thereof as a penalty; provided, that in all cases the minimum penalty shall not be in accordance with Section 1.15.010. If said bill is not paid within twenty-five (25) days from the date the same becomes due, water service to such customer shall be discontinued and shall not be resumed until all past due bills for sewage disposal systems service are paid in full, together with a termination charge in accordance with Section 1.15.010. It shall be the duty of the representative of the city at the time in charge of collection of sewer service charges to notify the director of public utilities of all delinquencies under this section and said superintendent shall proceed immediately to disconnect the water service of any customer in arrears.

SECTION 96. Section 13.20.120 of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 13.20.120—Rural sanitary districts—Connection permits fee

For each connection made to the said district, the fee shall be in accordance with Section 1.15.010. Before any person, firm or corporation shall connect his premises to the rural sewer district discharging wastewater to the city sanitary sewer system, a permit for such connection must be obtained from the city clerk.

SECTION 97. Section 13.20.170 of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 13.20.170—Rural sanitary districts—Fee Schedule—Time of Payment.

All wastewater discharged through the metering device(s) in Section 13.20.140 of this chapter shall be billed in accordance with Section 1.15.010. Billing will be on the first day of each month for all wastewater received during the preceding calendar month. Payment shall be made within thirty (30) days of the billing date.

SECTION 98. Section 13.20.180 of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 13.20.120—Unlawful acts—Penalty

It is unlawful for any person or persons to tamper with any water main, fire main, water meter or sewer line or to make any connection to the water and sewage systems of the city without written permission from the city, or to reconnect service when it has been discontinued for nonpayment of a bill for service, until

such bill has been paid in full. Any person violating the provisions of this section shall, upon conviction thereof, be fined in accordance with Section 1.15.010.

SECTION 99. Section 13.24.200 of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 13.24.200—Violation—Penalty

Any person violating any of the provisions of this chapter shall, upon conviction thereof, be fined in accordance with Section 1.15.010.

SECTION 100. Section 13.28.120 of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 13.28.120—Transfer a lot

Should the owner or owners of any lot or lots in the cemeteries of the city desire to transfer the same to another, he, she or they shall first execute a certificate therefor to the city and deliver the same to the city clerk, who will in turn execute to the purchaser of such lot or lots a certificate of such purchase under the seal of the city, signed by the mayor and countersigned by the city clerk, conveying the estate which by law is intended to be conveyed for the sole purpose of interment. A transfer fee in accordance with Section 1.15.010 shall be paid to the city clerk by such purchaser for the issuance of the new certificate. No transfer of any kind of any lot or lots shall be recognized by the city for any purpose if done or attempted to be done in any manner other than provided herein.

SECTION 101. Section 13.28.140 of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 13.28.140— Violation—Penalty

Any person violating any of the provisions of this article shall, upon conviction thereof, be fined in accordance with Section 1.15.010

SECTION 102. Section 15.03.020 of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 15.03.020— Fees

All fees for trade licenses, certified tradesman, testing sponsorship and contractor registration for general, building, and residential contractors shall be in accordance with Section 1.15.010.

SECTION 103. Section 15.03.050 of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 15.03.050— Liability Insurance

Before any contractor registration or trade license shall be issued, the applicant shall have filed with the city proof of general liability insurance in the amount in accordance with Section 1.15.010 including but not limited to contractual liability, independent contractors and completed operations with the City of El Dorado as additional insured certificate holder.

SECTION 104. Section 15.03.120 of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 15.03.120— Violation—Penalty

Any person, firm or corporation violating any of the provisions of this chapter shall, upon conviction thereof, be fined in accordance with Section 1.15.010. A separate offense shall be deemed committed upon each and every day during or on which a violation occurs or continues.

SECTION 105. Section 15.04.050 of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 15.04.050— Building Permit Fees

Building permit fees shall be set in accordance with Section 1.15.010.

SECTION 106. Section 15.04.060 of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 15.04.060— Violation—Penalty

It is unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, equip, use, occupy or maintain any building or structure in the city, or cause the same to be done, contrary to or in violation of any of the provisions of this chapter. Any person, firm or corporation violating any of the provisions of this chapter shall, upon conviction thereof, be fined in accordance with Section 1.15.010. A separate offense shall be deemed committed upon each and every day during or on which a violation occurs or continues.

SECTION 107. Section 15.08.100 of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 15.08.100— Violation—Penalty

Any person, firm or corporation violating any of the provisions of this chapter or who shall remove, destroy or in any way injure any number put on any building shall, upon conviction thereof, be fined in accordance with Section 1.15.010.

SECTION 108. Section 15.12.110 of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 15.12.110— Violation—Penalty

Any person, firm or corporation, violating any of the provisions of this chapter shall, upon conviction thereof, be fined in accordance with Section 1.15.010. A separate offense shall be deemed committed upon each and every day during or on which a violation occurs or continues.

SECTION 109. Section 15.20.140 of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 15.20.140— Permit Fees

It is unlawful for any person, firm or corporation to do any electric wiring for light, heat or power within any building or on any premises in the corporate limits of the city without first obtaining a permit from the electrical inspector and paying the inspection fees in accordance with Section 1.15.010.

SECTION 110. Section 15.20.170 of the City Code of the City of El Dorado, Kansas is hereby amended to read as follows:

Section 15.20.170— Violation—Penalty

Any person, firm or corporation violating any of the provisions of this chapter shall, upon conviction thereof, be fined in accordance with Section 1.15.010. A separate offense shall be deemed committed upon each and every day during or on which a violation occurs or continues.

SECTION 111. Section 15.28.140 of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 15.28.140— Permit Fees

It is unlawful for any person, firm or corporation to do any mechanical within any building or on any premises in the corporate limits of the city without first obtaining a permit from the mechanical inspector and paying the inspection fees in accordance with Section 1.15.010.

SECTION 112. Section 15.28.170 of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 15.28.170— Violation—Penalty.

Any person, firm or corporation violating any of the provisions of this chapter shall, upon conviction thereof, be fined in accordance. A separate offense shall be deemed committed upon each and every day during or on which a violation occurs or continues.

SECTION 113. Section 15.32.140 of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 15.32.140— Permit Fees

It is unlawful for any person, firm or corporation to do any plumbing within any building or on any premises in the corporate limits of the city without first obtaining a permit from the plumbing inspector and paying the inspection fees in accordance with Section 1.15.010.

SECTION 114. Section 15.32.190 of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 15.32.190— Violation—Penalty.

Any person, firm or corporation violating any of the provisions of this chapter or the Uniform Plumbing Code as adopted shall upon conviction thereof be fined in accordance with Section 1.15.010.

SECTION 115. Section 15.40.020 of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 15.40.020— Permit Fees and inspections.

Inspection and permit fees for signs and billboards in the city shall be set in accordance with Section 1.15.010.

SECTION 117. Section 15.44.030 of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

Section 15.44.030— Violation—Penalty.

Every person, firm or corporation owning or maintaining a private outdoor swimming pool within the city who shall violate the provisions of this chapter shall, upon conviction thereof, be fined in accordance with Section 1.15.010.

SECTION 118. Section 18.10.010 of the Municipal Code of the City of El Dorado, Kansas shall be amended as follows:

18.10.010 Violation – Penalty.

Any person, firm or corporation violating any of the provisions of this chapter shall, upon conviction thereof, be fined in accordance with Section 1.15.010.

SECTION 119. In all other respects, these sections of the Municipal Code shall remain unchanged.

SECTION 120. REPEAL. All other ordinances or parts of other ordinances in conflict herewith are hereby repealed.

SECTION 121. PUBLICATION. This ordinance must first be published once in the Official City Newspaper.

SECTION 122. EFFECTIVE DATE. This ordinance shall be in full force effect after July 1st, 2024.

PASSED by the Governing Body of the City of El Dorado, Kansas, and APPROVED AND SIGNED by its Mayor, this 1st day of April 2024.

Bill Young, Mayor

ATTEST:

Emerald Ashlock, City Clerk

APPROVED TO FORM:

Ashlyn Lindskog, City Attorney