

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 strays 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 every day 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.

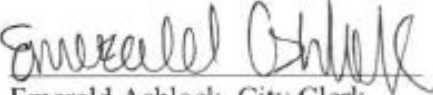
SECTION 122. EFFECTIVE DATE. This ordinance shall be in full force effect after July 1st, 2024.

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.



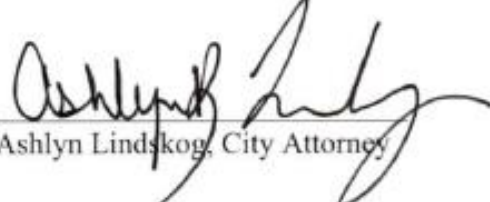
Bill Young, Mayor

ATTEST:



Emerald Ashlock, City Clerk

APPROVED TO FORM:



Ashlyn Lindskog, City Attorney