

STATE OF MISSOURI
In the Recorder's Office
COUNTY OF OSAGE)

FILED FOR RECORD
NO. 209 INDEXED

I, Charlene J. Eisterhold, Recorder of said County, do hereby certify that the within instrument of writing was, on the 29th day of January, 2004, at 8 o'clock 20 minutes A.M., duly filed for record in this office, and is recorded in the Records of this office in Book 336 Page 124-128
In Witness Where of, I have hereunto set my hand and affixed my official seal, at Linn, Missouri.

CHARLENE J. EISTERHOLD, RECORDER
Cindy Hoffman DEPUTY

THE CITY OF WESTPHALIA

ORDINANCE NO. 04-1

AN ORDINANCE PRESCRIBING REGULATIONS AND RATES TO BE CHARGED FOR THE FACILITIES AND SERVICES MADE AVAILABLE BY THE SEWERAGE SYSTEM OF THE CITY OF WESTPHALIA, MISSOURI; PRESCRIBING THE MANNER OF PAYMENTS OF ACCOUNTS WHEN DUE; PROVIDING FOR DISCONNECTION FOR NON-PAYMENT OF ACCOUNTS AND A RECONNECTION CHARGE; PROVIDING THAT SEWAGE CHARGES SHALL BE ADMINISTERED BY THE PUBLIC WATER SUPPLY DISTRICT #2; AND PROVIDING THE MANNER BY WHICH SEWER MAINS SHALL BE EXTENDED.

WHEREAS, the voters of the City at an election held therein on Tuesday, November 3, 1998, authorized the issuance of sanitary sewer system revenue bonds of the City in the principal amount of Five Hundred Thousand Dollars (\$500,000.00), the principal of and interest on said revenue bonds to be payable solely from the revenues derived and to be derived by said City from the operation of its sanitary sewer system;

WHEREAS, the governing body of the City, pursuant to the authority aforesaid, has authorized the issuance and delivery of said sanitary sewer system revenue bonds of the City in the principal amount necessary to complete the project; and

WHEREAS, in order to meet the requirements of the Missouri Statutes under which said revenue bonds were voted and are being issued, it is necessary that the City fix, maintain and collect reasonable rates, fees and charges for the use and services of the sewerage system of the City as herein provided.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WESTPHALIA, MISSOURI AS FOLLOWS:

ARTICLE I. RATES

Section 1. From and after the first day of the month following the delivery of the principal amount of the sanitary sewer system revenue bonds of the City of Westphalia, Missouri, the initial monthly rates required and which shall be charged and collected by the City

of Westphalia, Missouri for sewerage service furnished by the sanitary sewer system of said City shall be the monthly rate of an \$18.50 minimum, plus \$1.70 per 1,000 gallons of water usage per month.

Section 2. The governing body of the City of Westphalia, Missouri hereby binds and determines that the rates, fees, and charges for the use and services of the sewerage system of the City, necessary and adequate at this time to meet the requirements of Section 250.010 to 250.250, inclusive, RSMo, are as hereinbefore specified.

Section 3. All water and meter readings shall be obtained from the City's agent or representative, and bills for sewerage services shall be rendered monthly as such services accrue. An agent or representative of the City, designated to prepare and render bills for sewerage services, shall calculate monthly the amount of each bill and shall render monthly to each customer a bill for such sewerage services.

Section 4. If any bill for sewerage services shall remain due and unpaid after twenty (20) days from the date of the rendition thereof, an additional charge of Five Dollars (\$5.00) shall be added thereto.

Section 5. If any bill for sewerage service or water service, shall be and remain past due and unpaid ninety (90) days after written notice is provided to a sewer customer, water service to such customer shall be discontinued and shall not be reconnected until all past due sewer and water bills are paid in full, together with a reconnection charge of Seventy-Five Dollars (\$75.00) and any and all other outstanding balances including, but not limited to, principal balances and finance charges.

Section 6. The occupant and user of the premises receiving sewerage service and the owner of said premises shall be jointly and severally liable to pay for such services rendered on said premises. The City shall have power to sue the occupant or the owner, or both, of such real estate in civil action to receive sums due for such services, plus a reasonable attorney's fee to be fixed by the court and to recover all costs associated with such action.

Section 7. No free sewerage service shall be furnished to any premises, or the owner or occupant thereof, except to the City itself, and in the event that the revenues derived by the sanitary sewer from the sewerage system shall at any time prove insufficient to pay the interest on the principal of the City system revenue bonds of the City issued to construct, extend, or improve such system or any in the ordinance authorizing the issuance of such bonds, then the City will thereafter pay a fair and reasonable charge for all sewerage services furnished to the City or any of its departments by the sewerage system, and such payments will continue so long as the same may be necessary to prevent default in the payment of the interest on or principal of the sanitary sewer system revenue bonds of the City or while any such default shall exist.

Section 8. This ordinance shall be in full force and effect from and after its passage and approval.

ARTICLE II. SANITARY SEWER EXTENSIONS

This article shall govern requests for extension of sewer mains and collection lines within the City. For purposes of this section, enlargement or expansion of the City's sewer facilities beyond those for which the system was originally designed (those set out on the original bid documents) shall be considered an extension.

Section 1. The owner of any property, whether vacant, improved, residential, commercial or industrial, within the City may submit an application with the City for construction of an extension of the City's sewer mains to such property. The application shall contain:

- a. A statement by the owner of the reasons why the extension is justified;
- b. An estimate of the anticipated volume and description of the strength of wastewater the extension is expected to carry;
- c. The specifications for the proposed extension and its location; and
- d. The owner's unconditional offer to dedicate the extension to the City upon the conclusion of construction and installation of the extension.

The City may charge a reasonable fee to cover its expenses in reviewing and processing the application.

Section 2. It shall be the obligation of the applicant to obtain all other governmental approvals for construction of the proposed extension, including but not limited to the Missouri Department of Natural Resources; and to obtain any easements or rights of way over private property needed for construction of the proposed extension, and its operation and maintenance by the City. All easements or rights of way so obtained must be assignable to the City, and must be assigned to the City after construction and installation.

Section 3. The application may be denied by the City if:

- a. The applicant fails to complete the application;
- b. The applicant fails to supply the specifications or any additional information reasonably requested by the City, or its engineers, to evaluate the proposed extension or process the application;
- c. The volume or strength of the wastewater anticipated through the extension would exceed the treatment capacity of existing treatment facilities;
- d. Applicant lacks the required easements or rights of way for the extension; and
- e. Construction, operation and maintenance of the extension is not cost justified.

Section 4. Construction and installation of the extension shall not commence unless and until the City approves the application and all other governmental approvals have been obtained by the applicant.


Section 5. Construction and installation of the extension shall be the responsibility of the applicant and at applicant's expense. Construction and installation of the extension as stated herein shall include the installation of any and all lift stations required to be added to the City's sewer facilities in order for the City's sewer system to serve applicant's property. Construction and installation of the extension shall be in accord with applicable construction standards and government regulations. During the construction phase, all work done shall be subject to periodic inspection and approval by representatives of the City and other agencies having jurisdiction thereof. Upon completion of construction and installation of the extension, it shall be unconditionally dedicated to the City by the owner thereof.

Section 6. Whenever a sanitary sewer is extended and dedicated to the City, the City shall charge a permit and inspection fee for the privilege of connecting to the public sewer to all persons and/or entities in the area benefited by the extension.

ARTICLE III. ADMINISTRATION

The City of Westphalia, Missouri is authorized to employ Public Water Supply District #2, a public water supply district established under Chapter 247, RSMo, as its billing and collection agent for all payments of sewer charges implemented by the City and to enter into a contract with the Public Water Supply District #2 related to its acting as such agent.

PASSED by the Board of Aldermen of the City of Westphalia, Missouri, this 27th day of January, 2004.



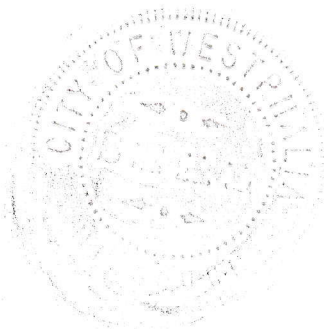
Christopher Dickneite, Mayor

ATTEST:



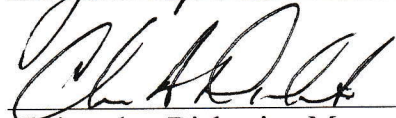
Kerry Bax, City Clerk

(SEAL)



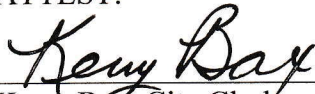
STATEMENT OF THE AYES AND NAYS:

APPROVED this 27th day of January, 20007



Christopher Dickneite, Mayor

ATTEST:



Kerry Box, City Clerk