

(Summary Published in the McPherson Sentinel \_\_\_\_\_, 2018, once)

**ORDINANCE NO. 3274**

**AN ORDINANCE OF THE CITY OF MCPHERSON, KANSAS AMENDING SECTION 86-163 TO ARTICLE IV OF THE CODE OF THE CITY OF MCPHERSON, KANSAS, REGARDING TRANSITIONING MULTIPLE PROPERTIES ON A COMMON SEWER SERVICE LINE TO SEPARATE SERVICE LINES OR PROPERTIES THAT DO NOT HAVE DIRECT ACCESS TO A CITY SEWER MAIN.**

**WHEREAS**, the City Commission of the City of McPherson (the "City") has reviewed the existing provisions of the Code of the City of McPherson, Kansas (the "Code") pertaining to sewage and sewage disposal; and

**WHEREAS**, the City Commission desires to provide safe and efficient sewage disposal to all residential properties within the city limits; and

**WHEREAS**, some residential properties within the City limits do not have direct access to a city sewer main and cross adjoining property without permanent easements filed with the register of deeds including running underneath other homes and structures; and

**WHEREAS**, the governing body believes it to be in the public's best interest to address direct access problems to City sewer services.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF MCPHERSON, KANSAS:**

Section 1. **Amendment to Code Section 86-163.** From and after the effective date of this ordinance, Section 86-163 of the Code is deleted in its entirety and in its place the following shall be inserted:

The governing body hereby declares that the common use of one sewer service line by multiple residential properties ("Common Sewers") or properties that do not have direct access or formal easements to a City sewer main ("Informal Sewers") are injurious to the health and safety of the citizens of the City due to increased likelihood of failure, multiple properties subject to sewer back-up by any one failure and the difficulty of repair and maintenance of such service lines. The City acknowledges that there are multiple residential properties in the City with Common Sewers or Informal Sewers and that as the opportunity arises, such residences should be switched in an orderly way to separate service lines with direct formal access so that each property meets the requirements for new residential construction.

(A) **Common Sewers.** After an affected property owner reports two or more sewer problems with a Common Sewer to the City Public Works Department or at the discretion of the Director of Public Works, the City will notify the owners of each property with

service connected to the Common Sewer of the issue. Thereafter, the City shall extend the main sewer line, if necessary, and take sure further steps so that property owners on Common Sewers have direct access to attach service lines to the City main sewer line. The City shall pay the cost of the installation of the main sewer line and notify all involved property owners. At the time the main sewer line is installed, all property owners must connect directly to the City sewer main at their expense and the use of the Common Sewer must cease. Failure to connect shall be declared a public nuisance pursuant to Code section 50-31 and failure to abate such nuisance shall carry the penalties provided by Code section 50-37.

(B) **Informal Sewers**. After an affected property owner reports two or more sewer problems with an Informal Sewer, the City Public Works Department may send written notice to all affect property owners indicating the presence of the Informal Sewer. The City may maintain a listing of Informal Sewers and provide access to property owners, realtors, lenders, potential buyers and other interested parties, but will not warrant the completeness or accuracy of such index. Property owners may have their residence removed from such index by demonstrating to the satisfaction of the Public Works Department that direct access or acceptable easements have been obtained for any service line. The City reserves the right to declare a particular Informal Service as a public nuisance and take such further acts as authorized by law.

(C) **Discretion of Work on Common and Informal Sewers**. The timing and priority of such improvement work shall be at the discretion of the City, trying to balance the risk of harm, the number of residences affected and the availability of City resources. The City retains the sole discretion to determine which properties with Common Sewers will be addressed in any given year.

**Section 2. Repeal.** All parts of the Code or other ordinances conflicting with the provisions of this Ordinance are hereby repealed.

**Section 3. Publication and Effective Date.** This ordinance shall take effect and be in full force and effect from and after its passage, signature and publication of a summary of this ordinance in the official City newspaper and posting of the full text of the ordinance on the City's website in compliance with K.S.A. 12-3007(b).

**PASSED BY THE GOVERNING BODY AND SIGNED BY THE MAYOR** this 2<sup>nd</sup> day of July, 2018.

[SEAL]

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Thomas A. Brown, Mayor

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Tamra K. Seely, City Clerk

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Ordinance No. 3274, Summary

On July 2, 2018 the City of McPherson, Kansas adopted Ordinance No. 3274 amending Section 86-163 to Article IV of the code of the City of McPherson, Kansas, regarding common and/or informal sewer service lines to separate service lines. A complete copy of this Ordinance may be obtained or viewed free of charge at [www.mcpcity.com](http://www.mcpcity.com) or at the City Clerk's office in the Municipal Center, 400 E. Kansas, McPherson, Kansas. Jeffrey A. Houston, City Attorney, certified this summary as legally accurate and sufficient.