

(Published in the Haskell County Monitor Chief the 10th day of February, 2021)

ORDINANCE NO. 450

AN ORDINANCE ADDING SECTION 15-308 TO THE CITY CODE FOR THE CITY OF SUBLETTE, KANSAS REGULATING THE REQUIRED CONNECTION TO CITY SEWER & ALLOWANCE OF SEPTIC TANKS IN CERTAIN SITUATIONS WITHIN THE CITY OF SUBLETTE, HASKELL COUNTY KANSAS, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

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

Section 1:

- a.) Purpose. In order to maintain the safety and the health of the residents of the City of Sublette, Kansas the regulation of all wastewater treatment within the City of Sublette is necessary. Improper septic/sewer systems can lead to public health issues as well as the potential contamination of the City water supply. In order to address potential health issues and for the proper treatment of wastewater, the City has spent and continues to spend resources for the proper removal and treatment of wastewater in the City of Sublette, Kansas.
- b.) City Sewer Required. When readily available, every business, residence, building, person or otherwise shall utilize the City of Sublette's sewer system. There shall be no use of private wastewater disposal systems including but not limited to septic tanks within the City limits except for when the City's sewer system is not readily available.
- c.) Fee and Application. In addition to any other applications as required by law, there shall be an application process prior to any installation of any private wastewater treatment within the City of Sublette. The application shall be filled out at City Hall prior to any work being done and shall be approved by the City Superintendent. Said application and approval shall require a \$500 fee, pictures, site map, and any and all other required items on said application. Prior to approval of the application the City Superintendant shall observe the location in person. After the application is approved the installer shall have the wastewater treatment system inspected and approved by the City Superintendent prior to the filling and covering of the system. In the event, the installer fails to obtain said approval then the installer shall uncover the system for a proper inspection; failure to do either is punishable by the penalty provision as contained herein.
- d.) Readily Available Defined. As used in this section the term "Readily Available" shall mean "when a City sewer line is one hundred (100) linear feet or closer from the property line of the applicable parcel in need of a sewer system."
- e.) When City Sewer Later Becomes Readily Available. After the passage of this ordinance and in the event a private wastewater treatment system is then put into place (such as a

septic tank) and City sewer becomes readily available, then, in such event, the private treatment system shall be abandoned and removed or filled and City sewer shall be utilized. Such abandonment of the private treatment system shall occur as set out by Kansas Department of Health and Environment rules and regulations and other regulations set out by law and done in a safe manner. Connection to the City sewer system shall occur within 90 days of actual notice from the City that City sewer is available. Actual notice shall occur either by personal service or certified mail. Failure to connect to City sewer and abandon the private sewer system after the expiration of the 90 days shall constitute a violation of this ordinance and punished as provided herein. Each and every day thereafter shall constitute a distinct and separate offense.

- f.) Previously Existing Private Wastewater Treatment Systems. In the event a private wastewater treatment system is in place prior to the passage of this ordinance, then said system shall not be affected by this ordinance unless the owner of the same takes any action to improve the system in any way whatsoever. In the event improvements are made on the system and City sewer is readily available, then said system shall be abandoned as provided herein and City sewer shall be utilized.
- g.) Severability Clause. In the event any portion of this ordinance is deemed invalid or unenforceable, then the City declares its intention to have all other provisions not in conflict thereof remain in full force and effect.
- h.) Penalty. The penalty for violation of 15-308 shall be as provided for in 15-307 and shall further include but not be limited to the forced abatement and closing of a septic system or other private sewer treatment system found in violation of section 15-308. Each and every day noncompliance occurs shall constitute a separate and distinct offense.

Section 2.

- a.) Publication and Effective Date. The Ordinance shall become effective upon its publication one time in the Haskell County Monitor Chief, the official City Newspaper of Sublette, Kansas

PASSED AND APPROVED BY THE GOVERNING BODY OF THE CITY OF SUBLETTE, KANSAS THIS 1st DAY OF FEBRUARY, 2021.

LAWRENCE HOERMAN-MAYOR

(SEAL)

ATTEST:

JEANNIE TRIGG-CITY CLERK