ORDINANCE NO. G-1202

AN ORDINANCE OF THE CITY OF JUNCTION CITY, KANSAS RELATED TO TITLE VII "UTILITIES", CHAPTER 705 "SEWERS", ARTICLE I "PUBLIC AND PRIVATE SEWERS–GENERAL PROVISIONS" OF THE CODE OF ORDINANCES OF JUNCTION CITY, KANSAS, REPEALING CURRENT SECTIONS 705.050 "BUILDINGS MUST HAVE TOILET FACILITIES" AND 705.060 "PRIVATE SEWAGE DISPOSAL" AND ENACTING AND ADOPTING NEW SECTIONS 705.050 AND 705.060.

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

Section 1. Section 705.050 of the Code of Ordinances of the City of Junction City, Kansas is hereby repealed and replaced with the following provisions:

SECTION 705.050: - BUILDINGS MUST HAVE TOILET FACILITIES

A. Subject to Sections 705.060(H), the owner of all houses, buildings, or properties used for human employment, recreation, or other purposes, situated within the City and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the City, is hereby required at his/her expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Article, within ninety (90) days after date of official notice to do so, provided that said public sewer is within either two hundred fifty (250) feet of the property line or four hundred (400) of the dwelling or building.

B. If any person shall fail to connect any dwelling or building with the public sewer system after being notified to do so, the City may cause such buildings to be connected with the sewer system and the costs and expense of such connection, including inspection fees, shall be paid by the City and assessed against the property as authorized by K.S.A. 12-631.

Section 2. Section 705.060 of the Code of Ordinances of the City of Junction City, Kansas is hereby repealed and replaced with the following provisions:

SECTION 705.060: - PRIVATE SEWAGE DISPOSAL

A. Where a public sanitary or combined sewer is not available under the provisions of Section 705.050, the building sewer shall be connected to a private onsite wastewater treatment system complying with the provisions of this Article; provided, said building shall be connected to a public water system. No new private onsite wastewater treatment systems shall be permitted within the City of Junction City that are served only by private water wells, unless the property in question is in excess of ten (10) acres

and the only use of the property is for one (1) single-family residential dwelling and no further land divisions to create new lots shall be permitted unless connection to a public water system is made.

B. Before commencement of construction of a private onsite wastewater treatment system, the owner shall first (1st) obtain a written permit signed by the Administrative Agency. The application for such permit shall be made on a form furnished by the Administrative Agency, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Administrative Agency. In addition to the permit fees required by the Administrative Agency, a permit and inspection fee shall be paid to the City at the time the application is filed. Said fee shall be as established by resolution by the governing body of the City of Junction City, Kansas. The City Codes Administrator, or his/her representative, shall inspect the property in question to determine whether the property qualifies for installation of a private onsite wastewater treatment system because of the lack of existing public sanitary sewer system within the distance limitations as stated herein, and to assure all adequate measures have been taken to protect public utility services extended to said property.

C. A permit for private onsite wastewater treatment system shall not become effective until the installation is completed to the satisfaction of the Administrative Agency. The Administrative Agency representative shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Administrative Agency when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within twenty-four (24) hours of the receipt of notice by the Administrative Agency. In addition to the inspection performed by the Administrative Agency representative, an inspection shall be required by the Codes Administrator of the City, or his/her representative, to confirm proper installations and connections as required by the applicable Building and Construction Codes of the City.

D. No permit shall be issued for any private onsite wastewater treatment system employing subsurface soil absorption facilities on any newly created lot where the area of the lot is less than forty thousand (40,000) square feet. For newly created lots between forty thousand (40,000) square feet and ninety thousand (90,000) square feet in size, only an advanced private onsite wastewater treatment system shall be permitted. The type of private onsite wastewater treatment system used for newly created lots larger than ninety thousand (90,000) square feet in size shall be determined by the Administrative Agency following the requirement of the Geary County Sanitary Code.

E. At such time as a public sewer becomes reasonably available to a property served by a private onsite wastewater treatment system as provided in subsection (D) above, a direct connection shall be made to the public sewer within one hundred eighty (180) days of availability of the public sanitary sewer system, or upon a failure of the existing onsite system as required herein. All existing onsite systems shall be abandoned in the manner required by the Administrative Agency.

F. The owner shall operate and maintain the private onsite wastewater treatment facilities in a sanitary manner at all times, at no expense to the City.

G. Except as provided in subsection (H) below, all existing onsite systems, whether septic/lateral disposal systems or any other onsite system, in existence as of the September 1, 2013, may remain in place; provided, all systems shall be inspected by the Administrative Agency by December 31, 2018, to determine said system is properly working and in compliance with all applicable rules, regulations, codes, laws and requirements of the City, Administrative Agency, State of Kansas or any other applicable governmental entity having jurisdiction. Said inspection shall henceforth be required by December 31 of each succeeding fifth year for all said onsite systems. The Administrative Agency shall provide a copy of the inspection report to the City Manager of the City of Junction City, Kansas, or his/her representative. If the report indicates an existing onsite system has failed, the property owner of said system shall be notified of such failure in writing by the City and, within ninety (90) days of said written notice, shall (a) connect to the public sanitary sewer system if the property conforms to the provisions of Section 705.050 herein, or (b) if no public sanitary sewer system is available to such property, shall install a private onsite wastewater treatment system conforming to the standards established herein. All homes with existing onsite systems shall also be subject to the mandatory Real Estate Inspection requirements of the Administrative Agency as applicable in Geary County, Kansas.

H. If a public sanitary sewer is extended to an area served by systems described in subsection (G) above, the Governing body shall, by separate ordinance, require the owners of properties served by such existing onsite systems to connect to the available public sanitary sewer either upon failure of the existing private onsite sewer system, or by a date certain, whichever occurs first. The City Clerk shall provide a copy of such ordinance to the owners of such properties and shall cause a certified copy of such ordinance to be filed with the Register of Deeds of Geary County, Kansas.

I, For purposes of determining whether all existing onsite systems are properly working and in compliance with all applicable rules, regulations, codes, laws and requirements of the City, Administrative Agency, State of Kansas or any other applicable governmental entity having jurisdiction, the person performing the inspection referenced above shall have the authority to take all reasonable and acceptable measures appropriate in determining the viability of said system. All authority established in Section 705.190 herein shall be applicable to all persons conducting the inspections required herein.

I. The disposal of the effluent from any existing onsite system within the City of Junction City shall only be permitted at one of the Wastewater Treatment Plants of the City.

J. No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the Administrative Agency.

Section 3. All ordinances and parts thereof that are inconsistent with any provision of this Ordinance are hereby repealed.

Section 4. This ordinance shall take effect and be in full force and effect immediately following its adoption and publication as provided by law.

Passed by the Governing Body of the City of Junction City on November 15, 2016 and signed by the Mayor.

Mick McCallister, Mayor

Attest:

Shawna Settles, City Clerk

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