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ORDINANCE NO. 1776

AN ORDINANCE REGULATING WASTE DISPOSAL SYSTEMS UPON THE COUNCIL GROVE LAKE PARK AND REGULATING THE USE THEREOF; PRESCRIBING RULES AND REGULATIONS; AND PRESCRIBING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE AND REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES THAT MAY BE IN CONFLICT HEREWITH COVERING THE SAME SUBJECT MATTER.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF COUNCIL GROVE, MORRIS COUNTY, KANSAS, that:

Section 1: Repealing Prior Ordinances. Any and all ordinances or parts of ordinances that may be in conflict with this ordinance be and the same are hereby repealed.

Section 2: Inspection Prior to Transfer. Prior to the City of Council Grove approving a transfer of a cabin site at the Council Grove City Lake, the City Council does require all waste disposal systems be inspected by the City Building Inspector. The inspection will require the pumping out the existing tank and a visual inspection of the disposal system by the City Building Inspector.

Section 3: Older Systems. Any sewer waste disposal system ten (10) years or older will require inspections at least once every two years unless the City Building Inspector should waive the right for the inspection.

Section 4: Newer Systems. Waste Disposal Systems less than ten (10) years of age, as verified by the records of the Office of the City of Council Grove, are not required to be inspected unless the City Building Inspector believes it to be necessary.

Section 5: Pumping costs and inspection. When the City Building Inspector inspects the waste disposal system, the system is to be pumped empty and the owner will be responsible for payment of the costs and expenses of the pumping of the waste disposal system. No fee is to be paid when payment is made for a transfer fee.

Section 6: Inspection Fee. When the City Building Inspector inspects the waste disposal system, when no transfer fee has been paid, the system is to be pumped empty and the owner will be responsible for payment of the cost of pumping the waste disposal system and will pay the City of Council Grove an inspection fee of \$25.00.

Section 7: Purpose of Inspection. The purpose of the inspection is to determine the condition of the holding tank or disposal system. The inspection by the City Building Inspector is done for the benefit and assistance for the City of Council Grove and does not and can not be constituted as any warranty or guarantee to any person, firm or corporation that the waste disposal system is operating properly and is not to be relied upon by anyone other than for the City of Council Grove.

Section 8: Noncompliance. Any waste disposal system that is not working satisfactorily as determined by the City Building Inspector, then the owner or owners of the waste disposal system will be required to make the necessary improvements,

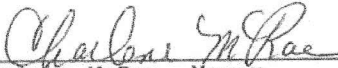
prior to transfer of the site, or within ninety (90) days from the time the City Building Inspector sets out in writing the requirements and modifications to be made to the waste disposal system.

Section 9: Penalties. Any person, firm or corporation violating any of the terms and provisions of this ordinance may be punished by a fine of not less than \$50.00 nor more than \$200.00 for each offense. Each and every day there is noncompliance of this ordinance shall constitute a separate offense.

Section 10: Severability. If any provision of this ordinance is held invalid the constitutionality of the remainder of the ordinance shall not be affected thereby.

This ordinance shall take effect and be in full force from and after its publication in the official City newspaper.

PASSED AND APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF COUNCIL GROVE, this 4 day of ~~March~~<sup>April</sup>, 1994.

  
Charlene McRae, Mayor

ATTEST:

  
Mark Abeles-Allison, City Clerk