

AN ORDINANCE REGULATING SEPTIC TANKS AND DETERMINING WHEN SUCH TANK MUST BE REPLACED AT THE COUNCIL GROVE LAKE PARK.

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

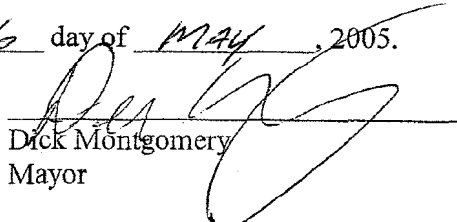
Section 1. PURPOSE. This Ordinance is for the purpose of determining when the City of Council will require replacement of a septic tank placed on property at the Council Grove Lake Park, and shall be construed in conjunction with Sections 12-605 through 12-605e inclusive of Ordinance No. 1820.

Section 2. REPLACEMENT REQUIRED. Any septic tank located at the Council Grove Lake Park must be replaced under the following circumstances:

- A. If the system is failing.
- B. If the septic tank is within 100 feet of the high water shore line of the Council Grove Lake.
- C. When required by Federal or State laws, rules, or regulations.

Section 3. EFFECTIVE DATE. This Ordinance shall be effective upon its publication in the official city newspaper.

PASSED BY THE CITY COUNCIL ON THIS 16 day of MAY, 2005.



Dick Montgomery
Mayor

ATTEST:



Danny Matthews
City Clerk-City Administrator

ORDINANCE NO. _____

AN ORDINANCE REGULATING SEPTIC SYSTEMS AND DETERMINING WHEN SUCH SYSTEMS MUST BE REPLACED AT THE COUNCIL GROVE LAKE PARK.

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

Section 1. PURPOSE. This Ordinance is for the purpose of determining when the City of Council Grove will require replacement of a septic system placed on property at the Council Grove Lake Park, and shall be construed in conjunction with Sections 12-605 through 12-605e inclusive of Ordinance No. 1820.

Section 2. REPLACEMENT REQUIRED. If any part of the septic system fails and the system was installed prior to 1995, the total system will require replacement. If the system was installed in 1995 or later, replacement of the failed part will be allowed (ie., septic tank, laterals, etc.) if it meets all of the following:

- A. The system is farther than 100 feet to the lake;
- B. The system meets required Federal or State laws, rules and regulations.

Section 3. REPEAL. Ordinance 1957 is hereby repealed.

Section 4. EFFECTIVE DATE. This ordinance shall be effective upon its publication in the official city newspaper.

PASSED AND APPROVED BY THE GOVERNING BODY OF THE CITY OF COUNCIL GROVE, KANSAS ON THIS _____ day of September, 2009.

Cynthia Engle
Mayor

ATTEST:

Danny Matthews
City Clerk
(SEAL)

D. RANDALL HEILMAN
ATTORNEY AT LAW
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March 1, 2007

William L. Frost
Morrison, Frost, Olsen & Irvine, LLP
Suite 204, 323 Poyntz Ave.
Manhattan, KS 66502-6003

Dear Mr. Frost:

The governing body of the City of Council Grove has asked that I contact you about the City's ability to govern at the Council Grove City Lake. Either on the Lake Association's website, or in an e-mail disseminated by the Lake Association, they have stated that you have told them you do not believe that the City of Council Grove has jurisdiction to enact ordinances which are applicable at the lake park.

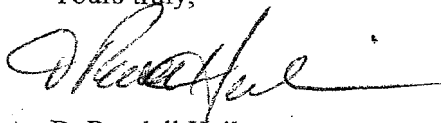
Obviously, I do not know if you have disseminated that opinion or not. The governing body is, however, alarmed that that is being disseminated and there is a fear that this could lead to some level of chaos at the lake.

I am not sure if you are aware of K.S.A. 12-851. It extends the city's police jurisdiction over all lands and grounds upon which waterworks and property owned by the city in connection with waterworks and allows all ordinances to extend to and include such property. The lake is the City's water source.

I have personally viewed Lake Association mailings where they have boasted about the \$26,000.00 that they have raised for their legal defense fund and their willingness to litigate issues if necessary. This is something I certainly don't think is conducive to any negotiations between the City and the Lake Association.

If you have any thoughts about this matter that you would like to share, please contact me.

Yours truly,



D. Randall Heilman