

(Published In *The Iola Register*, September \_\_ , 2013)

## **GENERAL ORDINANCE 3426**

AN ORDINANCE BY THE CITY OF IOLA REGULATING CONNECTIONS TO THE SANITARY SEWER SYSTEM.

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

Section 1: Chapter 94 UTILITIES, Sections 84, 112-115, and 524 of the Iola Municipal Code are changed to read as follows:

### **Sec. 94-84. - Plat and voluntary annexation required.**

All sewer, water and gas extensions outside city limits will be extended only if land serviced is platted, recorded and annexed. Land not platted shall apply in writing to such extension to the city governing body for consideration of an exception to this policy. The letter of application should show the following:

- (1) Type of service requested;
- (2) Quantity of gas, water or sewer desired based on monthly usage;
- (3) Type of business or size of house to be served; and
- (4) Willingness to request voluntary annexation.

### **Sec. 94-112. - Sewers outside sewer district.**

- (a) Owners of property outside the city limits who desire to connect to the sanitary sewer system of the city will be required to voluntarily annex prior to being allowed to connect to the sanitary sewer system.
- (b) No sewer connection will be permitted outside the city limits until the developer plats the area and presents a voluntary annexation application to the planning commission and the governing body and obtains their approval. The plat, once approved by the governing body, must be recorded with the county register of deed's office. Any sewer lines needed to connect with existing city sewer mains and laterals must conform to city and state specifications for such lines. In order to obtain sewer service the city reserves the privilege of furnishing, at their option, any or all other utilities, namely gas, water or electricity.

### **Sec. 94-113. - Application outside sewer district.**

Any person desiring to make a connection with the sewer and drains of the city and coming within the provisions of this article, shall make an application for voluntary annexation, in writing, to the code services office. The application shall state:

- (1) The name and address of the applicant;
- (2) A description of the property upon which a connection is intended to be made;
- (3) The name of the contractor or plumber who will do the work; and
- (4) The amount of servitude intended to be placed on the connection (servitude being described as the number of outlets intended to be made on the sewer line), or an estimate of the volume of sewage to be discharged into the sewer or drain.

~~Sec. 94-114. -- Section deleted, section 115 renumbered to 114.~~

~~Sec. 94-114. - Fees for sewer use.~~

The following fees shall be charged for the privilege of using the city sewer, for properties connected to the sanitary sewer system prior to September 2013, by persons outside the city or outside a sewer benefit district if not originally assessed as part of that benefit sewer district:

- (1) For each sanitary sewer connection made for the use of a housing unit utilizing a sewer connection no greater in size than four inches the charge shall be a sum equal to the average cost to each of the other benefit district properties assessed for such service. Should records be unavailable to accurately determine such cost, the charges shall be as set by the governing body but in no case shall such amount be less than that established in section 34-773
- (2) Should multiple dwelling units be constructed outside a regularly assessed benefit sewer district so that each dwelling unit should be served separately, the charges shall be as set by the governing body but in no case shall such amount be less than that established in section 34-773
- (3) For each such connection for each factory, plant or other commercial or business user, the fee shall be between the city and such user, but in no case in an amount less than that established in section 34-773

~~Sec. 94-524. - Use of public sewers required.~~

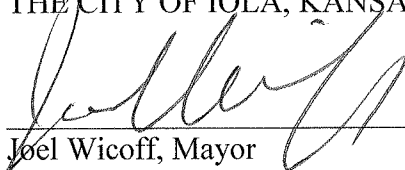
(e). As a condition of permitting sewer service for areas outside the city limits, the owners of property served must agree to voluntary annexation prior to extension of utilities.

Section 2: REPEAL: All ordinances in conflict herewith are hereby repealed.

Section 3: This ordinance shall take effect and be in force from and after its publication in the Iola Register as provided by law.

PASSED by the City Council and signed by the Mayor this 23<sup>rd</sup> day of September, 2013.

THE CITY OF IOLA, KANSAS

  
\_\_\_\_\_  
Joel Wicoff, Mayor

ATTESTS  
(City seal)

  
  
\_\_\_\_\_  
Roxanne Hutton, City Clerk

### Summary

On September 23, 2013, the City of Iola, Kansas adopted Ordinance 340\_\_ adding a requirement for voluntary annexation prior to connection to the city sanitary sewer system. Chapter 94, UTILITIES, sections 84, 112-115, and 524 have been changed to reflect that requirement.

A complete copy of this ordinance is available at City Hall, 2 W. Jackson Ave., Iola, Kansas or may be viewed on the City's website at [www.cityofiola.com](http://www.cityofiola.com). This summary has been certified by Robert E. Johnson II, Iola City Attorney.