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**ORDINANCE NO. 3390**

**AN ORDINANCE OF THE CITY OF MCPHERSON, KANSAS  
ADDING TO CHAPTER 18, ARTICLE XII, NEW SECTIONS 827  
AND 828 OF THE CODE OF THE CITY OF MCPHERSON,  
KANSAS REGARDING WHEN USE OF POTABLE WATER  
SUPPLY REQUIRED.**

**WHEREAS**, the City of McPherson, Kansas provides a tested and quality potable water supply;

**WHEREAS**, the increase of private wells that are untested puts the citizens of McPherson at risk to contamination from inadequately monitored and maintained water supplies;

**WHEREAS**, a fresh and safe water supply is critical to the success of McPherson; and

**WHEREAS**, the governing body of the City believes it is in the best interest of the City to require all potable water sources be connected to the City water supply.

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE  
CITY OF MCPHERSON, KANSAS:**

**Section 1. Addition of New Code Sections.** From and after the effective date of this ordinance, Section 827 is deleted in its entirety and in its place new Sections 827 and 828 are hereby added to Chapter 18, Article XII of the City Code.

**18-827. - Limitation on Private Wells within the City of McPherson, Kansas.**

- (a) The owner of any house, building or property used for human occupancy, employment, recreation or any other purposes, situated within the City and abutting any street, alley or right-of-way in which potable water line of the City is or maybe located is hereby required, at the landowner's expense, to install suitable connections to the City's potable water supply and to connect such facilities directly for any non-irrigating or thermal heating/cooling use of water on the property within one hundred eighty days after the date of the official notice to do so. Owners of any private residence who have not had previous water service through the McPherson Board of Public Utilities may continue using the private well for potable use of that personal residence unless such properties are annexed

into the City after January 1, 2024, or are used for non-residential purposes.

- (b) No private well shall be connected to the public water supply system.
- (c) Any private well drilled within the City limits for any purpose shall be inspected by the McPherson Board of Public Utilities to ensure compliance with this section and proper installation under the Kansas Department of Health and Environment's Water Well Construction and this Code to ensure no contamination of the aquifer by surface contaminates.

18-828. – Penalties.

Any violation of this Code, shall be punishable as follows:

- (1) The owner of the property may be fined up to \$1,000.00 per well;
- (2) The City or BPU may undertake any and all corrective action deemed necessary to correct any deficiency including but not limited to plugging the well at the property owner's cost. If not paid within 30 days of demand, the cost may be either collected as restitution or charged against the parcel and certified to the county clerk as a nuisance abatement under section 50-40; and/or
- (3) The City may fine the third party driller up to \$2,000.00 per well and prohibit the third party from providing drilling services within the city up to 24 months after the date of determining the violation.

The penalties provided for in this section shall be cumulative and not exhaustive of other relief available.

**Section 3. Repeal.** All or parts of the Code conflicting with the provisions of this Ordinance are hereby repealed.

**Section 3. Publication and Effective Date.** This ordinance shall take effect and be in full force and effect from and after its passage, signature and publication in the official city newspaper and posting of the full text of the ordinance on the city's website in compliance with K.S.A. 12-3007(b).

**ADOPTED** by the governing body this 31st day of January, 2023.

CITY OF MCPHERSON, KANSAS



Thomas A. Brown

Thomas A. Brown, Mayor

Britta Erkelenz, City Clerk