

ORDINANCE NO. 25-3468

AN ORDINANCE ESTABLISHING NEW SECTIONS 7-214, 7-404, 7-405, AND 7-811 OF THE ABILENE CITY CODE, AND AMENDING EXISTING SECTIONS 7-102, 7-401, 7-402, 7-403, PERTAINING TO EXTRATERRITORIAL CONNECTIONS TO THE CITY OF ABILENE'S WATER AND SEWER SYSTEMS, AND REQUIREMENTS AND PROCEDURES FOR THE SAME.

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

SECTION 1. Section 7-102 of the City Code of the City of Abilene, Kansas is hereby amended to read as follows:

7-102. Application.

Application for water and sewer service, or either, shall be made to the water and sewer department by the owner or the occupant of the property to be served. All applications for water and sewer service, or either, from applicants that require service outside the city limits shall be processed in accordance with Article 4 of this Chapter and shall be referred to the Governing Body for approval or disapproval thereof. No extraterritorial water or sewer connections shall be approved unless the applicant complies with the requirements of Sections 7-404 and 7-405.

SECTION 2. Section 7-214 of the City Code of the City of Abilene, Kansas is hereby established to read as follows:

7-214. Extraterritorial sewer connections.

Any sewer connection or extension outside the city limits is subject to the requirements of Article 4 of this Chapter. No extraterritorial sewer connection shall be constructed, connected, or served unless approved by the Governing Body in accordance with Article 4, including any applicable No-Protest Annexation Agreement and review procedures.

SECTION 3. Section 7-401 of the City Code of the City of Abilene, Kansas is hereby amended to read as follows:

7-401. Extraterritorial water and sewer connections; Governing Body approval.

No water or sewer connection will be permitted for areas outside the city limits until the developer or owner obtains approval from the Governing Body. Any water or sewer lines needed to connect with existing city water and sewer mains and laterals must conform to city and state specifications for same and to the technical standards set forth in Articles 2 and 8 of this Chapter. All extraterritorial connections shall be reviewed and approved in accordance with the procedures in Sections 7-404 and 7-405.

SECTION 4. Section 7-402 of the City Code of the City of Abilene, Kansas is hereby amended to read as follows:

7-402. Application.

Any person residing outside the city desiring to make a connection with the water or sewer and drains of the city shall make an application in writing to the City Clerk. Said application shall state:

- (a) The name and address of the applicant
- (b) A description of the property upon which a connection is intended to be made
- (c) The name of the contractor or plumber who will do the work
- (d) The amount of service intended to be placed on said connection, and the number of outlets intended to be serviced by the water and/or sewer line
- (e) Any additional information, plans, or supporting documentation required by Section 7-405.

SECTION 5. Section 7-403 of the City Code of the City of Abilene, Kansas is hereby amended to read as follows:

7-403. Connection fee.

Any person whose property is situated outside the city shall pay a water and/or sanitary sewer connection charge as prescribed in section 1-310. All installations shall be done by the applicant under the supervision of an authorized representative of the city.

SECTION 6. Section 7-404 of the City Code of the City of Abilene, Kansas is hereby established to read as follows:

7-404. No-Protest Annexation Agreement for extraterritorial utility service.

- (a) As a condition of receiving new or expanded water or sewer service outside the city limits, the property owner shall execute a No-Protest Annexation Agreement in a form acceptable to the city, and such executed No-Protest Annexation Agreement shall be recorded against the subject property.
- (b) The agreement shall state that the property owner and successors in interest will not protest the annexation of the property into the city limits if and when the Governing Body determines the annexation is in the public interest.
- (c) The requirement of this section shall be administered consistent with the City's Comprehensive Development Plan and any applicable annexation policies adopted by the Governing Body.

SECTION 7. Section 7-405 of the City Code of the City of Abilene, Kansas is hereby established to read as follows:

7-405. Administrative procedures for extraterritorial water and sewer connections.

- (a) Application Materials. In addition to the information required by Section 7-402, the applicant shall provide:
 - (1) A site plan showing existing and proposed utility extensions;
 - (2) Confirmation of available capacity and proposed route from the Director of Public Works;
 - (3) Documentation of the executed No-Protest Annexation Agreement required by Section 7-404; and

- (4) Any additional technical information reasonably required by the City to evaluate the request.
- (b) Evaluation Criteria. In reviewing requests for extraterritorial utility service, staff and the Governing Body shall consider, at a minimum:
 - (1) System capacity and impacts
 - (2) Proximity of the property to existing city limits and future annexation areas identified in the Comprehensive Development Plan;
 - (3) Cost of extension, maintenance, and replacement to the City and ratepayers; and
 - (4) Consistency with long-term growth and land-use objectives.
- (c) Recommendation and approval. City staff shall prepare a written recommendation to the Governing Body summarizing the application, evaluation, and proposed conditions of the approval or denial. The Governing Body's action shall be documented by motion, resolution, or ordinance as appropriate.
- (d) Conditions. The Governing Body may impose reasonable conditions on extraterritorial connections, including but not limited to oversizing requirements, cost-sharing, easements, and timing of improvement construction.

SECTION 8. Section 7-811 of the City Code of the City of Abilene, Kansas is hereby established to read as follows:

7-811. Extraterritorial water connections.

Any water connection or extension outside the city limits is subject to the requirements of Article 4 of this Chapter. No extraterritorial water connection shall be constructed, connected, or served unless approved by the Governing Body in accordance with Article 4, including any applicable No-Protest Annexation Agreement and review process.

SECTION 9. Existing Sections 7-102, 7-401, 7-402, 7-403 of the City Code of the City of Abilene, Kansas are hereby repealed.

SECTION 10. This ordinance shall be in full force and effect following its adoption and publication once in the official city newspaper by the following summary:

Ordinance No. 25-3468 Summary

On December 22, 2025, the City Commission passed Ordinance No. 25-3468. The ordinance establishes Sections 7-214, 7-404, 7-405, and 7-811 of the Abilene City Code, and amending existing Sections 7-102, 7-401, 7-402, 7-403, pertaining to extraterritorial connections to the City of Abilene's water and sewer systems, and requirements and procedures for the same. A complete copy of the ordinance is available online at www.abilenecityhall.com or in the office of the City Clerk, 419 N. Broadway Street in Abilene, Kansas, free of charge. This summary is certified by the City's legal counsel.

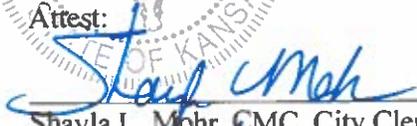
APPROVED AND PASSED by the Governing Body of the City of Abilene, Kansas, this 22nd day of December, 2025.





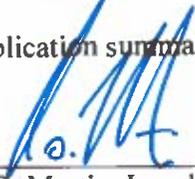
Brandon Rein, Mayor

Attest:



Shayla L. Mohr, CMC, City Clerk

The publication summary set forth above is certified this 22nd day of December, 2025.



Aaron O. Martin, Legal Counsel