

(Published at www.mcpcity.com beginning on August 19, 2025.)

ORDINANCE NO. 3443

**AN ORDINANCE OF THE CITY OF MCPHERSON, KANSAS
AMENDING SECTION 34-6 OF THE CODE OF THE CITY OF
MCPHERSON, KANSAS REGARDING COST RECOVERY FOR
RESPONSE TO HAZARDOUS MATERIAL RELEASES.**

WHEREAS, the McPherson Fire Department routinely responds to hazardous material releases; and

WHEREAS, the costs incurred mediating hazardous material releases can be significant; and

WHEREAS, the governing body believes that it is in the best interest of the citizens of McPherson, Kansas to seek cost recovery in hazardous material release situations under certain circumstances.

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

Section 1. Amendment of Code section. From and after the effective date of this Ordinance, Code Section 34-6 is repealed and replaced as follows:

Section 34-6. Cost Recovery for Hazardous Material Releases.

(a) *Definitions.* The following words and phrases when used in this section shall have the following definition.

- (1) **“Responsible Party”** means person or organization which has been placed or assumes control of hazardous material, including the vehicle or facility, where the hazardous material is located immediately before the release;
- (2) **“Hazardous Materials”** or **“Hazardous Substances”** means those elements and compounds and hazardous wastes designated in 40 CFR 304.4 as amended;
- (3) **“Release”** means any event required to be reported to proper state officials under K.A.R. 28-48-2 and K.A.R. 28-48-3.

(b) When a City emergency response team is activated to respond to a Release, the Responsible Party for the Hazardous Materials shall be responsible for paying the costs incurred as a result of the emergency response. The costs shall be set from time to time by resolution of the governing body. The Responsible Party shall be billed by the McPherson Fire Department. If the Responsible Party fails to pay the bill in full within thirty (30) days of its issue, a second billing shall be

issued by the McPherson Fire Department. The second billing and any subsequent billings shall include interest on the unpaid balance equal to the statutory rate on unpaid judgments as published from time to time by the Kansas Secretary of State's office. If payment is not made in full within sixty (60) days of the initial billing, legal action may be brought to recover the costs of the response, reasonable attorneys' fees and costs, and any other related expenses.

- (c) Within thirty (30) days of the original billing issued, any Responsible Party who disagrees with a billing for costs incurred as a result of an emergency response may request a hearing before the governing body. The request for a hearing shall specifically identify the portion of the billing that is disputed and the factual basis of that dispute. Any remaining portion of the bill that is undisputed shall be paid in accordance with subsection (b). The decision of the governing body shall be final.

Section 2. 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 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 19th day of August 2025.

CITY OF MCPHERSON, KANSAS



Thomas A. Brown, Mayor




Leah Kawanguzi, City Clerk