

## RESOLUTION 2023-13

### **A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF LEAVENWORTH, KANSAS, PURSUANT TO THE HOME RULE POWERS GRANTED THEM BY THE PROVISIONS OF K.S.A. 19-101 AND 19-101a, ADOPTING CERTAIN REGULATIONS REGARDING HIGH PRESSURE NATURAL GAS PIPELINES LOCATED WITHIN LEAVENWORTH COUNTY, KANSAS.**

**WHEREAS** the board of county commissioners of the county of Leavenworth, Kansas (“County”), has the power to transact all county business and perform all powers of local legislation and administration it deems appropriate; and

**WHEREAS** the County has a duty and obligation to exercise those powers granted it to protect the safety and welfare of the citizens of the county; and

**WHEREAS** the County has the authority to, when circumstances warrant, to adopt local legislation, to include regulatory control, in order to protect the safety and welfare of the citizens of the county; and

**WHEREAS** the county has determined that the regulatory control and supervision currently exercised by state and federal agencies over high-pressure natural gas pipelines located within Leavenworth county, Kansas, is insufficient to ensure the safety and welfare of the citizens of the county,

#### **NOW BE IT THEREFORE RESOLVED:**

1. That this Resolution is adopted pursuant to the authority granted the County by K.S.A. 19-101 and 19-101a.
2. That the provisions and regulations adopted herein are supplementary to those state and federal laws and regulations relating to high pressure natural gas pipelines located within the county.
3. That the County adopts herein, by reference, the provisions of CFR 40, § 192.327, and 35 FR 13248, subject to the interpretation of those provisions by the County as needed to protect the safety and welfare of the citizens of the county.
4. That the County hereby interprets the provisions of CFR 40 § 192.327 and 35 FR 13248, as adopted by the County herein, to require that all pipelines originally installed as buried shall be maintained by the operator of said pipeline (“operator”) as a buried pipeline. This requirement shall include the acceptance by the operator of a buried pipeline of reports of the pipeline losing its covering and the prompt reburial of said pipeline by the operator.
5. That “prompt reburial” shall mean the completion of the reburial of the pipeline by the operator within five (5) business days of notice to the operator that the pipeline has lost its covering. In recovering said pipeline, the operator shall rebury the pipeline to the depth of its original installation.
6. That for the purpose of this Resolution notice to the operator shall be provided by notice to the operator of the location of the pipeline requiring reburial, that notice sent by e-mail

and registered letter sent via the U.S. Mails and addressed to the agent for the operator as listed by the Kansas Corporation Commission or the Kansas Secretary of State.

7. That any violation of this Resolution shall be subject to prosecution by the County under the provisions of K.S.A. 19-101d and 19-4701, et eq., and upon conviction considered to constitute and be punishable as a class C misdemeanor offence.

8. That the County may seek injunctive relief to enforce the provisions of this Resolution.

The County Administrator and other County officers, agents, and employees are hereby authorized and directed to take such further action, and execute such other documents, certificates, and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution.

ADOPTED the 7<sup>th</sup> day of June, 2023.

BOARD OF COUNTY COMMISSIONERS  
OF LEAVENWORTH COUNTY, KANSAS

  
\_\_\_\_\_  
VICKY KAAZ, CHAIR

  
\_\_\_\_\_  
JEFF CULBERTSON, MEMBER

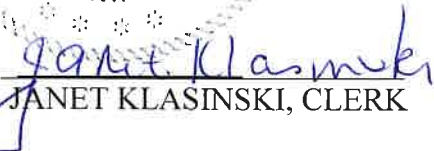
  
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MIKE SMITH, MEMBER

  
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DOUG SMITH, MEMBER

  
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MIKE STIEBEN, MEMBER



ATTEST:

  
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JANET KLASINSKI, CLERK