

# 19-3701

## Chapter 19.--COUNTIES AND COUNTY OFFICERS

### Article 37.--SANITATION CONTROLS

**19-3701. Sanitary codes in certain counties; definitions.** The term "sanitary code" as used in this act shall mean rules and regulations designed to minimize or control those environments and environmental conditions that may adversely affect the health and well-being of the public. Such environments and environmental conditions may include, but are not restricted to: Sewerage and sewage disposal; water supply; food and food handling; insects and rodents; refuse storage, collection and disposal; housing, trailers and trailer courts.

The term "local health department" as used in this act shall mean any county, city-county, or multi-county health department created or organized by the county commissioners in this state for the purpose of protecting the public health and welfare of the citizens of the county and enforcing public health laws in the county and employing one or more full-time sanitation personnel.

**History:** L. 1955, ch. 292, §§ 1; June 30.

# 19-3702

## Chapter 19.--COUNTIES AND COUNTY OFFICERS

### Article 37.--SANITATION CONTROLS

**19-3702. Same; adoption of code by county commissioners; contents; fees.** For the purpose of promoting the public health, comfort and well-being of the public, the county commissioners of any county in this state which is served by a local health department may by resolution adopt a sanitary code or codes to apply to such parts of the county as set forth in this act as they deem necessary, for the control of those environments and environmental conditions that may adversely affect the health and well-being of the public. Each sanitary code may provide for permits, licenses and fees. The county commissioners as set forth in this act may adopt reasonable fees for permits, licenses or other activities as required in the sanitary codes.

**History:** L. 1955, ch. 292, §§ 2; L. 1961, ch. 160, §§ 1; L. 1965, ch. 193, §§ 1; June 30.

# 19-3703

## Chapter 19.--COUNTIES AND COUNTY OFFICERS

### Article 37.--SANITATION CONTROLS

**19-3703. Same; administration of.** Unless otherwise provided by the board of county commissioners, the local health department shall have the authority and responsibility for administering all sanitary codes. The board of county commissioners may designate a county agency other than the local health department to administer sanitary code regulations concerning sewage and sewage disposal.

**History:** L. 1955, ch. 292, §§ 3; L. 1984, ch. 110, §§ 1; July 1.

# 19-3704

## Chapter 19.--COUNTIES AND COUNTY OFFICERS

### Article 37.--SANITATION CONTROLS

**19-3704. Same; submission to secretary of health and environment; notice; hearing; resolution; publication.** Whenever the county commissioners of such a county as set forth in this act deems it necessary to adopt a sanitary code, they shall prepare such sanitary code and submit it to the secretary of health and environment for review and approval. After such approval, the county commissioners shall hold at least one public hearing thereon and shall afford interested parties an opportunity to be heard either in favor or in protest of the proposed code. Such public hearing may be continued at the discretion of the county commissioners. Notice of the public hearing, including the date, time, place of the meeting, the purpose of the sanitary code, and in reasonable detail, the boundaries of the areas to be subjected to the code, shall be published in the official county newspaper once a week for three consecutive weeks. The notice also shall state that copies of the proposed sanitary code are available for public inspection at the local health department or at a place designated by the board of county commissioners. The date of the public hearing shall be not less than 10 nor more than 30 days after the date of the last notice published. After the final adjournment of such hearing or hearings, the county commissioners, to adopt the sanitary code, shall by resolution declare such code as necessary for the protection of the health and welfare of the public, and shall publish once in the official county newspaper the resolution, the purpose of the sanitary code, and in reasonable detail the boundaries of the areas to be subjected to the sanitary code. The resolution also shall state that copies of the sanitary code are available for public inspection at the local health department or at a place designated by the board of county commissioners.

**History:** L. 1955, ch. 292, §§ 4; L. 1975, ch. 462, §§ 27; L. 1984, ch. 110, §§ 2; July 1.

# 19-3705

## Chapter 19.--COUNTIES AND COUNTY OFFICERS

### Article 37.--SANITATION CONTROLS

**19-3705. Same; adoption of changes or amendments.** Any change or amendment of a sanitary code shall be adopted by following the same procedure as set forth in this act for the initial adoption of the sanitary code.

**History:** L. 1955, ch. 292, §§ 5; June 30.

# 19-3706

## Chapter 19.--COUNTIES AND COUNTY OFFICERS

### Article 37.--SANITATION CONTROLS

**19-3706. Same; inapplicability of act or codes.** This act or any sanitary codes adopted as provided in this act shall not apply to incorporated cities or to any premises under one ownership which exceeds 10 acres in area, unless such code specifically provides for a greater acreage limitation, and which is used only for agricultural purposes. For the purposes of this act, "agricultural purpose" means a purpose related to the production of livestock or crops.

**History:** L. 1955, ch. 292, §§ 6; L. 1965, ch. 193, §§ 2; L. 1984, ch. 110, §§ 3; July 1.

# 19-3707

## Chapter 19.--COUNTIES AND COUNTY OFFICERS

### Article 37.--SANITATION CONTROLS

**19-3707. Sanitary code; penalties; prosecution.** (a) Except as provided in subsection (b), any violation of any provision of a sanitary code shall be deemed to be a misdemeanor and punishable by a fine not to exceed \$200 for each offense, and each day's violation shall constitute a separate offense. It shall be the duty of the county attorney of each county to prosecute any person who shall violate any provision of a sanitary code.

(b) In counties where the prosecution of the violation of the sanitary code is conducted in accordance with the provisions of the code for enforcement of county codes and resolutions, the penalties prescribed pursuant to such code shall apply. The county counselor or the county counselor's designee shall conduct such prosecution.

**History:** L. 1955, ch. 292, §§ 7; L. 1991, ch. 81, §§ 2; April 18.

# 19-3708

## Chapter 19.--COUNTIES AND COUNTY OFFICERS

### Article 37.--SANITATION CONTROLS

**19-3708. Same; invalidity of part.** If any clause, sentence, paragraph, section or subsection of this act shall, for any reason, be adjudged by any court of competent jurisdiction, to be unconstitutional and invalid, such judgment shall not affect, repeal or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or subsection thereof so found unconstitutional and invalid.

**History:** L. 1955, ch. 292, §§ 8; June 30.

# 19-3709

## Chapter 19.--COUNTIES AND COUNTY OFFICERS

### Article 37.--SANITATION CONTROLS

**19-3709. Septic tank cleaning and hauling of sewage; licensing; fees; regulations; penalties for violation.** In any county where any person, firm, corporation or association is engaging in the business of the cleaning of septic tanks and the hauling of sewage the board of county commissioners may provide by resolution for the licensing of such cleaners of septic tanks and haulers of sewage. The board of county commissioners may provide for licensing procedures, fees, bonding, inspection, removal of licenses, assignment of routes and other procedures and provisions related to the cleaning of septic tanks and hauling of sewage necessary to implement the administration of this act.

Except as provided by this section, any person violating such resolution adopted by the board of county commissioners shall be guilty of a class C misdemeanor. In counties where the prosecution of the violation of any such resolution is conducted in accordance with the provisions of the code for the enforcement of county codes and resolutions, the penalties prescribed pursuant to such code shall apply.

**History:** L. 1971, ch. 98, §§ 1; L. 1991, ch. 81, §§ 3; April 18.