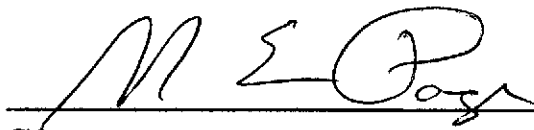


The enclosed Linn County Sanitary Code has been officially adopted by the Linn County Board of Commissioners.



Signature

Chairman, Board of County Commissioners

08-17-15

Date

Return to:

KDHE-Watershed Management Section
1000 SW Jackson, Suite 420
Topeka, KS 66612-1367



SANITATION CODE

(adopted May 11, 2015)

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CHAPTER 1 ADMINISTRATIVE PROCEDURES

Article 1 AUTHORITY AND POLICY

Section 1-1.1 LEGAL AUTHORITY: This code is adopted under the authority granted to the Board of County Commissioners by K.S.A. 19-3701 through 19-3709 as amended.

Section 1-1.2 DECLARATION OF FINDING AND POLICY: The County Commissioners find that provisions for adequate and reasonable control over the environmental conditions in unincorporated areas of the county are necessary and desirable; and that it is necessary to adopt a sanitation code to:

- a. Eliminate and prevent the development of environmental conditions that are hazardous to health and safety, and
- b. Promote the economical and orderly development of the land and water resources of the county.

For these reasons and objectives, it will be the policy of the Board of County Commissioners to amend this code from time to time with respect to any matter affecting environmental sanitation and safety.

Section 1-1.3 PURPOSE: The purpose and intent of this Code is:

- a. To prescribe the administrative procedures to be followed in administering this Sanitation Code or any amendments thereto;
- b. To prescribe rules and regulations for controlling practices to minimize health and safety hazards;
- c. To establish administrative procedures to facilitate fair and equitable regulation while recognizing the rights of affected persons to receive reasonably prompt processing and to appeal administrative decisions

Section 1-1.4 COMPATIBILITY WITH OTHER LAWS: Nothing contained in this Code shall be deemed to alter or modify the application of any other laws, codes, or regulations which are or may be applicable to the property, use, or activity. Any permit, approval, or other condition given or acknowledged, under this Code, shall be limited to the requirements of this Code and shall not relieve the holder from compliance with all other applicable laws, codes, regulations, or requirements.

Section 1-1.5 TITLE: This Code shall be known and referred to as the Linn County Sanitation Code.

Section 1-1.6 APPLICABILITY: The administrative procedures prescribed in this chapter shall be followed in administering this Code and any amendments thereto.

Section 1-1.7 EFFECTIVE DATE: This Code shall become effective on and after its adoption by County Resolution.

Article 2 ADMINISTRATIVE POWERS AND ENFORCEMENT

Section 1-2.1 RIGHT OF ENTRY: Representatives of the Administrative Agency and/or its designees shall have the right to enter upon private property to inspect, examine, and/or to survey for any purpose, reasonably related to enforcement of this Code.

Section 1-2.2 OBSTRUCTION OF ADMINISTRATIVE AGENCY: No person shall willfully and knowingly impede or obstruct representatives of the Administrative Agency in the discharge of official duties under the provisions of this Code. Any representative denied access to any premises for the purposes authorized in this Code shall have authority to seek such injunctive or other legal or equitable relief from the District Court as is necessary to ensure access and compliance with this Code.

Section 1-2.3 ENFORCEMENT: Unless otherwise specifically designated by this Code, the Linn County Planning/Zoning Office shall have the primary authority and responsibility for the administration of this Code; and is herein referred to as the Administrative Agency.

The County Attorney or County Counselor shall enforce the provisions of this Code and is hereby authorized and directed to file appropriate actions for such enforcement within sixty (60) days of receipt of a request from the Administrative Agency.

Section 1-2.4 PENALTIES: Any violation of any provision or requirement of this Code or the commission of any unlawful act or conduct specified in this Code shall be deemed to be a misdemeanor under the Codes and Regulations of Linn County, Kansas, and punishable upon conviction by a fine of not less than five hundred dollars (\$500) for each offense. Each day's violation shall constitute a separate offense.

Section 1-2.5 VESTED INTERESTS: Nothing contained in this Code or any regulations shall be deemed or construed to grant any vested interest or protected right to any person beyond the express limited terms of any permit or ruling issued under this Code, and the Code and regulations are expressly declared to be subject to amendment, change, or modification.

Section 1-2.6 DISCLAIMER OF LIABILITY: This Code shall not be construed or interpreted as imposing upon Linn County or its officials or employees any guarantee or assurance that any system installation or portion thereof constructed or repaired under permits, licenses, or inspections required by this Code will function properly.

Section 1-2.7 SEPARABILITY: No decision of a court of competent jurisdiction declaring any section, subsection, paragraph, sentence, clause, or phrase of this Code invalid, shall affect the remaining portion of this Code, which shall remain in full force and effect; and to this end, the provisions of this Code are hereby declared to be severable and shall be presumed to have been adopted knowing that the part of section declared invalid would be so declared.

Article 3 DEFINITIONS

Section 1-3.1 DEFINITIONS OF TERMS

All terms used in this Code shall be interpreted and given meaning to provide reasonable application of the purpose and intent of this Code according to their common usage. Whenever the context requires, the terms and phrases used shall be interpreted in the following manner:

- a. Words appearing in the singular shall include the plural, and those appearing in the plural shall include the singular.
- b. Words used in the present tense shall include the past tense and future tense, and words used in the future tense shall include the present and past tense.
- c. Words appearing in the masculine gender shall include the feminine and neutral genders.
- d. The word “shall” is mandatory; the word “may” is permissive.
- e. The phrase “this Code” shall refer to the Code and all authorized rules, regulations, restrictions, and requirements authorized by the Code.
- f. Unless the context requires or specifies otherwise, the following words, terms, or phrases as used in this Code shall be given meaning defined as follows:
 1. Access: Entry into or upon any real estate, structure, or including any part thereof.
 2. Administrative Agency: The agency or official designated to administer the provisions of this Code, specifically, the Linn County Planning/Zoning office.
 3. Administration Rules: Any regulation adopted by the Administering Agency, which the Agency determines to be necessary and appropriate to enable it to fulfill its duties and responsibilities under this Code.
 4. Alternative Wastewater System: A wastewater system other than a septic tank soil absorption system that is used or designed to be used to collect, treat, hold, or discharge domestic wastewater from residential, industrial, or commercial property into a soil absorption field. This includes such systems as evapo-transpiration fields and mechanical treatment systems.
 5. Applicant: Any person who submits an application or requests permission to do some act regulated by this Code.
 6. Application: The application form provided by the Administering Agency, including the filing fee and any other supporting documents required by the Agency.
 7. Authorized Representative: A person who is designated by the Administering Agency to administer the provisions of this Code or any Chapter therein.
 8. Board of Health: The County Health Department Director.
 9. Board of County Commissioners: The Board of County Commissioners of Linn County, Kansas.
 10. Domestic Sewage: Sewage which is normally characterized as, and is similar to, residential wastewater, which originates primarily from kitchen, bathroom, and laundry sources, including waste from food preparation, dishwashing, garbage grinding, toilets, baths, showers, and sinks.
 11. Dwelling: Any building or structure occupied by a human being on either a full time or part time basis.
 12. Effluent: The liquid waste discharged from a sewage disposal system.

13. Engineer: A licensed professional engineer registered with the State of Kansas.
14. Establishment: Any structure or self-contained unit therein, including single and multiple family dwellings, commercial and industrial buildings, schools, churches, and public institutions.
15. Flood Plain: Land this is subject to inundation as a result of flooding, having one percent (1%) chance of annual occurrence. Also known as the 100-year Flood Plain.
16. Ground Water Table: The upper surface of ground water in the zone of saturation of a geologic formation.
17. Industrial and Commercial Wastes: Any wastes produced as a by-product of any industrial or commercial process or operation, other than domestic sewage. Uses involving industrial or commercial wastewater must comply with regulations involving industrial and commercial wastes as approved and permitted by the Kansas Department of Health and Environment.
18. Industrial and Commercial Private Sewage Disposal System: Any approved wastewater collection and/or treatment system for industrial and commercial sewage, not domestic wastewater, and certain nonhazardous waste material when approved by the Kansas Department of Health and Environment.
19. KDHE: The Kansas Department of Health and Environment.
20. Permit: The written authorization to perform some act regulated by this Code, including, for example, authorization to construct or authorization to operate.
21. Person: An individual, corporation, partnership, association, state or political subdivision thereof, federal agency, state agency, municipality, commission, interstate body, or other legal entity.
22. Point Source: Any discernible, confined, and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, vessel or other floating crafts, from which pollutants are or may be discharged.
23. Pollution: Any induced alteration of the physical, chemical, biological, and radiological integrity of water, air, soils (both surface and subsurface), or contamination of food or foodstuffs.
24. Premises: Any lot or tract of land and all buildings, structures, or facilities located thereon.
25. Private Sewage Disposal System: A wastewater collection and treatment system designed exclusively for the use of a single residential structure or commercial structure solely for domestic sewage not discharged into a stream or waterway.
26. Sanitary Privy: A facility with a water-tight concrete receptacle designed to receive, store, and provide for periodic removal of non-water carried wastes from the human body.
27. Sanitary Service: The pumping and/or removal of wastes, sludge, or human excreta from privies, septic systems, or alternative wastewater systems, and the transportation of such material to a point of final disposal.
28. Sanitary Sewerage System: Any system of pipes, tanks, conduits, structures, or other devices for the collection, transportation, storage, treatment, and disposal of sewage.

29. Sanitation Department: The department of the Linn County Planning/Zoning office responsible for enforcing this Code.
30. Sanitation Inspector: An official designated by the Planning/Zoning office to enforce the regulations set forth in this Code.
31. Schedule of Compliance: A schedule of remedial measures and times, including an enforceable sequence of actions or operations leading to compliance with any regulations or limitation.
32. Septic System: A septic tank soil absorption system used for the collection, treatment, and disposal of domestic wastewater.
33. Sewage: A combination of liquid wastes, which may include chemicals, house wastes, laundry wastes, human excreta, animal or vegetable matter in suspension or solution, and other solids in suspension or solution, which is discharged from a dwelling or building, or other establishment.
34. Sewer district: Any special district duly formed, authorized, and empowered to plan, construct, and operate a public sewer system in accordance with K.S.A. 19-27a01.
35. Subdivision: Any land, vacant or improved, which is divided or proposed to be divided into two (2) or more lots, parcels, sites, units, plots, or interests for the purpose of sale, lease, or financing of development, either on the installment plan or upon any and all other plans, terms and conditions, including re-subdivision. "Subdivision" includes the division or development of residential and nonresidential zones land, whether by deed, metes and bounds description, map, plat, or other recorded instrument.
36. Wastewater: Liquid or water carrying pollutants or water contaminants from industrial, municipal, agricultural, or other sources.

Article 4 PERMITS, LICENSES, AND PROCEDURES

Section 1-4.1 **PERMITS AND LICENSES REQUIRED:** No private sewage disposal system shall be installed, removed, altered, repaired, or replaced except subject to a permit or license as required by this Code.

- a. Private Sewage Disposal System – Permit Required: Every person who installs, removes, alters, repairs or replaces, or causes to be installed, removed, altered, repaired, or replaced any private sewage disposal system or part thereof shall apply for and obtain a permit to perform such work.
- b. Private Sewage Disposal System Contractor – License Required: Every person who contracts for the activity of installing, removing, altering, repairing, or replacing a private sewage disposal system shall apply for, obtain, and maintain a valid license to perform that activity.

Section 1-4.2 **APPLICATION FORMS AND PROCEDURES:** All persons required by this Code to obtain a permit or license shall make application for such permit or license to the Administrative Agency on standard forms provided for that purpose by the Administrative Agency.

- a. Content: The application shall give a description of the character of the work proposed to be done, or activity to be engaged in, the locations, ownership, occupancy, and use of the premises in connection therewith. The Administrative Agency shall require plans, specifications, or drawings and such other information as deemed necessary.

- b. Filing: an application for any permit or license required under this Code shall be filed with the Linn County Planning/Zoning Office.
- c. Verification: An application for a permit or license must be signed by the person for whose benefit the permit or license is being required or his/her authorized representatives. The Administrative Agency may require proof of such authorization.
- d. The applicant shall be responsible for compliance with the requirements as further set out in this Code.

Section 1-4.3 ISSUANCE OF PERMIT OR LICENSE: Within three (3) working days after receipt of an application for a permit or license required by this Code, the Administrative Agency shall begin such investigations and inspections as he/she shall deem necessary to determine whether the permit or license should be issued or denied, and shall issue or deny the permit or license within ten (10) working days.

If the permit or license is denied, the Administrative Agency shall send the applicant a written notice with the reason(s) for the rejection stated thereon.

Section 1-4.4 PERMIT NON-TRANSFERABLE: No permit or license shall be transferable, nor shall any fees required and paid therefore be refunded.

Section 1-4.5 STANDARD FEES: For the purpose of defraying all or part of the costs of administration of this Code, The Board of County Commissioners shall establish a schedule of fees for all permits, licenses, and inspections required by the Code, payable upon submission of the application for such permit or license.

Section 1-4.6 RECEIPTS FOR FEES AND DEPOSITS: The Administrative Agency shall issue receipts for all fees and deposits required by the Sanitation Code, and the money received shall be deposited with the Linn County Treasurer.

Section 1-4.7 PROPERTY RESALE: Whenever any property connected to or served by a private sewage disposal system is offered for or subject to a contract of sale, an inspection of the sewage disposal system is mandatory. The system must pass inspection prior to occupancy. Any inspection for property resale is subject to fees as established by the Board of Commissioners, as in Section 1-4.5 of this Code. This shall not constitute nor be deemed a warranty, and neither the Administrative Agency nor any other official of the County shall be liable for any future failures of the system or for other claims arising out of the inspection. Upon completion of the inspection, a report shall be issued to the property owner reporting the results. Issuance of the report shall not relieve any person of compliance with the requirements of this Code.

Article 5 NOTICES, ORDERS, AND APPEALS

- Section 1-5.1 NOTICE OF VIOLATIONS: Whenever the Administrative Agency determines that there has been or is likely to be a violation of any provisions of this Code, he/she shall give notice of such violation. The notice:
- a. Shall be in writing,
 - b. Shall identify the Code violation and the factual basis therefore,
 - c. Shall specify necessary corrective action,
 - d. Shall specify a reasonable period of time for performance of any corrective action and/or work required by the notice, and
 - e. Shall be properly served upon the occupant and/or owner of the premises; provided that such notice shall be deemed properly served upon such owner or occupant, when a copy thereof has been sent by registered mail to the last known address of the owner or occupant as identified on the latest county tax rolls.
- Section 1-5.2 APPEAL HEARING: Any person aggrieved by any notice or order issued by the Administrative Agency under the provisions of this Code shall be entitled to a hearing on the matter before the Linn County Board of Commissioners; provided, such person shall have filed with the Administrative Agency within ten (10) working days after the date of issuance of the notice or order, a written petition requesting a hearing and setting forth the grounds upon which the objection is made. The filing of the request for hearing shall operate as a stay of the notice or order, except as provided in Section 1-5.4 to follow. Upon receipt of such petition, the Administrative Agency shall set a time and place for such hearing and shall give the petitioner seven (7) working days written notice thereof. Upon request of the petitioner, and for good cause shown, the Commissioners may continue the hearing from its original setting.
- Section 1-5.3 REPORT OF HEARING: Within three (3) working days after the hearing, the Hearing Officer shall prepare a written decision containing findings of fact. Said decision may reaffirm, in whole or in part, the corrective action specified in the notice provided in Section 1-5.1 or may set aside the same. The Board of Commissioners' decision shall be effective upon delivery of the same to the mailing address provided by the petitioner at the hearing. Any appeal from a finding and determination of the Commissioners shall be to the District Court.
- Section 1-5.4 EMERGENCY ORDERS: Whenever the Administrative Agency finds that an emergency exists which requires immediate action to protect the public health, he/she may, without notice or hearing, issue an order reciting the existence of such an emergency and require that such action be taken as he/she may deem necessary to meet the emergency, including suspension of the permit. Notwithstanding any other provisions of this Code, such order shall be effective immediately and shall be enforceable in Linn County District Court.

CHAPTER 2 WASTEWATER AND DISPOSAL

Article 1 PURPOSE AND INTENT

Section 2-1.1 PURPOSE AND INTENT OF CODE: The provisions of this chapter are adopted for the purpose of regulating and controlling the location, construction, maintenance, and use of septic systems, holding tanks, wastewater stabilization ponds (lagoons), alternative wastewater systems, and privies, and the removal and disposal of materials from such systems in order to protect the health of the citizens and the environment of Linn County, Kansas.

Article 2 APPLICABILITY

Section 2-2.1 APPLICABILITY: Pursuant to K.S.A. 19-3706, the provisions of this chapter shall apply to all premises containing less than 640 acres under one ownership and located in the unincorporated land located in Linn County, Kansas.

Article 3 PROHIBITED PRACTICES

Section 2-3.1 USE OF NON-APPROVED WASTEWATER SYSTEMS: No person shall sell, use, lease, or rent for use any alternative wastewater system, septic system, holding tank, wastewater stabilization pond (lagoon), or privy:

- a. Until it has been inspected and approved by the Sanitation Inspector and a permit for use issued;
- b. That has been temporarily or permanently enjoined as a public health nuisance by a court of competent jurisdiction;
- c. That fails to comply with the provisions of this Sanitation Code, and written notice thereof has been given by the Sanitation Inspector to the owner or responsible person;
- d. That discharges treated wastes onto the surface of the ground into watercourses, lakes, ponds, or any impoundment; or
- e. That causes fly breeding, produces offensive odors or any other condition that is prejudicial to health and comfort.

Section 2-3.2 USE OF PRIVATE SEWAGE DISPOSAL SYSTEM WITHIN 400 FEET OF PUBLIC WASTEWATER SYSTEMS (SEWER): No alternative wastewater system, septic system, holding tank, wastewater stabilization pond (lagoon), or privy shall be constructed within 400 feet of an existing public sewer, unless the Sanitation Inspector finds that connection to such sewer is not feasible and that a wastewater system, meeting the requirements of this Code, can be constructed on the property.

- Section 2-3.3 LOCATION OF PRIVATE SEWAGE DISPOSAL SYSTEM BELOW FULL FLOOD POOL: No portion of an alternative wastewater system, septic system, holding tank, wastewater stabilization pond (lagoon), or privy shall be located below the full flood elevation of any federal reservoir or full pool elevations of any pond, lake, or water supply reservoir.
- Section 2-3.4 LOCATION OF PRIVATE SEWAGE DISPOSAL SYSTEM WITHIN 100 FEET OF WELL: No portion of an alternative wastewater system, septic system, holding tank, wastewater stabilization pond (lagoon), or privy shall be located less than 100 feet from a private water well or a pump suction line from a private water well, unless the wastewater line be of watertight construction. No wastewater line, regardless of construction, shall be located less than 10 feet from a private water well or a suction line from a private water well.
- Section 2-3.5 CONNECTION TO NON-APPROVED PUBLIC WASTEWATER SYSTEM: No premises shall be permitted to connect to any public wastewater system that does not hold a valid permit from KDHE as required in Section 2-4.2.
- Section 2-3.6 APPROVAL OF PLATS: No township or county planning commission or zoning board, authorized to review plats of subdivisions of land, shall recommend for approval any plat containing one or more lots or building sites having less than three (3) acres of land each, unless a public wastewater system is provided to serve all properties within the subdivision or a surety bond in an amount stipulated by the Board of County Commissioners is filed with the County Treasurer to guarantee the installation of such public system.

Article 4 REQUIREMENTS FOR PUBLIC WASTEWATER SYSTEMS

- Section 2-4.1 APPROVAL OF PLANS AND SPECIFICATIONS: Plans and specifications for all public wastewater systems shall be submitted to and approved by the KDHE prior to starting any construction of such systems. Copies of such approved systems shall be filed with the Sanitation Department.
- Section 2-4.2 PERMIT: The owner of every public wastewater system shall obtain a permit for operation of the system from KDHE and no public wastewater system shall be operated or put in operation until the owner has obtained the required permit.
- Section 2-4.3 RESPONSIBILITY OF OPERATION: Responsibility for operation of all public wastewater systems must be vested in:
- a. A sewer district, improved district, or similar public agency authorized to operate public wastewater systems, or
 - b. A private corporation incorporated under Kansas laws and legally bound and authorized by a charter and bylaws to operate and maintain the public wastewater system until such time as the responsibility is transferred to a duly constituted public agency.

Article 5 REQUIREMENTS FOR ALTERNATIVE WASTEWATER SYSTEMS

- Section 2-5.1 APPROVAL OF PLANS: No person shall construct or permit to be constructed any alternative wastewater system until the plans and specifications for such system have been submitted to and approved by the Sanitation Inspector, who may require the system to be designed by a professional engineer and who may ask for review of the proposal by KDHE.
Additional monitoring and reporting requirements of alternative systems may be required by the Sanitation Inspector. (Single family lagoons are to be approved by the County Sanitation Inspector.)
- Section 2-5.2 PERMIT: No person shall use or permit to be used any alternative wastewater system until he/she has applied for and obtained a permit to use such system from the Administrative Agency.
- Section 2-5.3 PROPER MAINTENANCE AND OPERATION: All alternative wastewater systems shall be maintained in good working condition and shall not discharge onto the surface of the ground or drain into any stream or roadside ditch, produce offensive odors, or become a breeding place for flies, mosquitoes, or rats. Whenever the Sanitation Inspector shall find any alternative wastewater system malfunctioning and causing any of the above prohibited conditions, he/she shall order the owner and/or user to correct the condition within thirty (30) calendar days.

Article 6 REQUIREMENTS FOR SEPTIC SYSTEMS AND LATERAL FIELD INSTALLATION

- Section 2-6.1 REQUIREMENTS: No permit shall be issued in accordance with Section 2-3.1 until a suitable site has been approved by the Sanitation Inspector. No one shall occupy a residence until the Sanitation Inspector has approved the installed septic tank system. Before a permit shall be issued, the site must meet the following requirements:
- a. There must be a minimum of three (3) acres of ground, no more than one-half acre of which may be roads, streets, lakes, or waterways;
 - b. The natural slope of the land shall be such as to accommodate installation of a wastewater system as approved by the County Sanitation Inspector;
 - c. The septic tank shall have at least a 1000-gallon capacity or more (residential use) and be constructed of concrete. It shall be provided with a 20-inch manhole and a 4-inch stand pipe for use in transferring sewage out of the septic tank into the transport truck and also as a locator for the septic tank. Inlet and outlet baffles shall be required on all tanks to optimize settling and reduce the flow of solids to the lateral field. Inspection holes shall be required over the inlet and outlet for inspection of the baffles. There shall be six (6) inches of gravel bedding placed beneath the tank. The septic tank shall be set at least ten (10) feet from any house or structure, at least 100 feet from any public water supply, at least fifty (50) feet from any private water well, and at least twenty-five (25) feet from private water lines;
 - d. If a sequential lateral system is not used, another approved method of distributing the sewage flow must be provided. If a sequential lateral system is used, the overhead distribution line must be connected at the center of each lateral line, and at an elevation so the bottom of the overhead line is two (2) inches above the crushed rock in the lateral trench;

- e. Each lateral shall not exceed 100 feet in length from where it is fed. All pipe shall be four (4) inches in diameter. Most lots are not level; installation of laterals shall be along contour lines so that level trenches of uniform depth can be constructed. A trench bottom slope of less than four (4) inches per 100 feet will be acceptable. Filter fabric shall be used to cover lateral rock and a 16-inch depth of washed or clean lateral rock shall be required. The earth cover over the lateral rock shall be of uniform depth. Only 8-inch minimum to 18-inch maximum shall be acceptable for lateral cover. All lateral trenches shall be 24-inch minimum to 36-inch maximum width. Depth of trenches shall be a 24-inch minimum to a 36-inch maximum;
- f. The laterals shall be eight (8) feet or more apart; ten (10) feet from the house, septic tank, other buildings, property lines, driveways, private service lines, buried utility lines, foundation drains, and drop-offs, etc.; twenty-five (25) feet from basements, cellars, public water supply lines, house service lines, etc.; fifty (50) feet from cisterns, ponds, and creek banks; and 100 feet from the water wells. All sewage lateral pipe shall meet ASTM standards.
- g. All sewage must go into the septic tank, unless a variance is granted for a KDHE approved grey water system.
- h. The following criteria shall be used to determine the amount of lateral required:
 - 1) SINGLE FAMILY RESIDENCE: The minimum area for tracts of land provided with a septic tank absorption type system is three (3) acres. The septic tank size shall be based upon the number of bedrooms within the dwelling. The lateral field size shall be calculated based on the maximum wastewater loading rate for different soil types.
 - A. Two to three bedrooms: shall be 1,000 gallon size septic tank.
 - B. Four to five bedrooms: shall be 1,500 gallon size septic tank.

The size of the lateral field of perforated pipe shall be a minimum of 800 square feet. All lateral pipe in this lateral field shall be either capped or enjoined, and there shall be no open ended lateral pipe. A minimum of 100 linear or 200 square feet of lateral shall be required for each 1,000 gallons of water used per month.

- 2) COMMERCIAL SEPTIC SYSTEM: (1200-gallon concrete tank or more) Commercial septic systems shall be designed on loading and anticipated water usage and sewage produced. A minimum of 100 linear or 200 square feet of lateral shall be required for each 1,000 gallons of water used per month. A minimum of 1,200 square feet of lateral will be required. The size of commercial lateral field shall be determined by the County Sanitation Inspector.

All commercial food establishments must have a grease trap installed and approved by the County Sanitation Inspector.

- Section 2-6.2 **APPROVED PLANS:** A septic system shall not be constructed, reconstructed, or modified after the effective date of this Code without the plans for the same first having been submitted to and approved by the Sanitation Inspector. The plans shall include a drawing indicating the following: (See Appendix for example drawing.)
- a. Name, address, and phone number of the applicant/owner;
 - b. Location of building site, including legal description of property;
 - c. Size of house or building in square feet, number of bedrooms (for residential), locations of water-using appliances, and anticipated water usage;
 - d. Location of buildings, driveways, and other features near the proposed lateral field;
 - e. Location and type of water supply, and location of water service lines;
 - f. Layout of entire disposal system, tank, distribution box (if used), laterals and interconnecting lines;
 - g. A cross-section of lateral trench, with dimensions.
- Section 2-6.3 **APPROVAL OF CONSTRUCTION:** All septic systems constructed, reconstructed, or modified after the effective date of this Code must be inspected and approved by the Sanitation Inspector for compliance with the approved plans, and no portion of the system shall be covered or made inaccessible to inspection prior to approval.
- Section 2-6.4 **PRIOR NOTICES:** Every sanitation inspection shall be required to have a 24-hour notice prior to inspection.
- Section 2-6.5 **PROPER MAINTENANCE AND OPERATION:** All septic systems shall be maintained in good working condition and shall not discharge onto the surface of the ground or drain into any stream or roadside ditch, produce offensive odors, or become a breeding place for flies, mosquitoes, or rats. Whenever the Sanitation Inspector shall find any septic system malfunctioning and causing any of the above prohibited conditions, he/she shall order the owner and/or user to correct the condition within thirty (30) days.

Article 7 WASTEWATER STABILIZATION PONDS (LAGOONS)

- Section 2-7.1 **LAGOONS:** The use of individual waste stabilization ponds, usually referred to as “lagoons”, will be considered only if the installation of a septic tank lateral field disposal system is not approved by the County Sanitation Inspector. The site, design, and construction shall be approved by the County Sanitation Inspector. Permits are required from the Linn County Administrative Agency.
- Section 2-7.2 **APPROVAL OF CONSTRUCTION:** KDHE recommended design standards on wastewater stabilization ponds shall be accepted by Linn County Sanitation. Construction design for “lagoons” will be supplied by the Administrative Agency upon approval of this type of system.
- Section 2-7.3 **PROPER MAINTENANCE:** Maintenance of a “lagoon” system is necessary for its proper operation. A list of maintenance requirements shall be supplied by the Sanitation Department for this system.

Article 8 WATERLESS TOILETS (SANITARY PRIVIES)

Section 2-8.1 The use of sanitary privies and other types of dry or chemical toilets will be allowed only as a temporary measure subject to the approval of the Linn County Sanitation Inspector. All other waterless toilets shall be prohibited.

Article 9 SEWAGE HOLDING TANKS

Section 2-9.1 SCOPE: For purposes of this Article, the term “holding tank” refers to a watertight receptacle to retain sewage on-site prior to removal from the site by a licensed Sanitary Disposal Contractor.

Section 2-9.2 AUTHORIZED USAGE: A holding tank may be used for the on-site retention of sewage for commercial or industrial uses, for RV parks, mobile home parks, or campgrounds where it has been determined that no other private sewage disposal system will work or is available.

Any holding tank which serves more than one (1) commercial or industrial use or more than one (1) RV, mobile home, cabin, or camp site shall be considered a public sewage disposal system and shall not be permitted under this Code.

Section 2-9.3 PERMIT REQUIRED: It shall be unlawful for any person, firm, or corporation to construct, perform any structurally significant alteration, convert, or use any holding tank without first obtaining a permit from the Administrative Agency. Said permit application must include evidence of a service contract with a licensed Sanitary Disposal Contractor prior to approval of a permit.

No permit shall be issued to any person, property, or establishment that does not comply with the specifications prescribed in this Article and all applicable terms, conditions, and requirements of this Code.

Permits for holding tanks are not transferable.

Section 2-9.4 GENERAL REQUIREMENTS: The system shall be designed to consist of a holding unit and required connection(s). The design of the system shall ensure that waste discharged into the system:

- a. Does not contaminate any groundwater or drinking water,
- b. Does not contaminate the waters of any stream,
- c. Is not a danger by being exposed or accessible to animals or children,
- d. Does not give rise to a nuisance due to odor or unsightly appearance

Section 2-9.5 SPECIFICATIONS: Any holding tank system authorized under this Article shall be designed, constructed, and operated to comply with specifications deemed necessary and advisable by the Administrative Agency, including the minimum requirements specified in this Section.

- a. Capacity: Tanks serving commercial or industrial establishments shall have a minimum five (5) day holding capacity, but not less than 2,500 gallons. Tanks serving non-commercial or industrial uses shall have a minimum seven (7) day capacity, but not less than 1,500 gallons.
- b. Site Location: Tanks shall be located at least ten (10) feet from any part of a building. Holding tanks shall be located with access to an all-weather road or drive to provide access for pumping equipment.
- c. Warning Device: A high water warning device shall be installed so that it activates one (1) foot below the inlet pipe. This device shall be either an audible or an illuminated alarm.
- d. Access Opening: Each tank shall have an access manhole with a minimum twenty (20) inch diameter opening.

Section 2-9.6 OTHERS: Cesspools and seepage pits shall be prohibited for new or permanent installations. However, portable holding tanks serving camping, recreational vehicles, and boats are acceptable as long as there is access to a dumping station. Portable toilets equipped with holding or storage tanks, chemical or otherwise, shall be prohibited except on a temporary basis as determined acceptable by the Linn County Administrative Agency.

Article 10 SANITARY SERVICES

Section 2-10.1 LICENSE REQUIRED: No person shall remove, haul, or transport, or offer to remove, haul, or transport, any domestic wastes, industrial or commercial wastes, or human excreta from any alternative wastewater system, septic system, or privy without a valid license from the Administrative Agency. A valid sanitary service license issued to a sole proprietor, a partnership, or a corporation shall be valid to all its agents and employees.

Section 2-10.2 MINIMUM STANDARDS FOR SANITARY SERVICE VEHICLES: All sanitary service vehicles used for rendering of sanitary service shall be of water-tight construction, maintained in good working condition, and provided with hoses, couplings, valves, pumps, and other necessary equipment to ensure that all material removed from the systems will be transported to a point of disposal approved by the Sanitation Inspector without spillage of the waste onto the road or street. All hoses and valves shall be capped or plugged. All equipment shall be in good workable condition, and the operator shall demonstrate that the equipment is in good operating condition and will perform its function without leakage or spillage.

Section 2-10.3 APPLICATION AND INSPECTION FEE: Every person wishing to obtain a sanitary service license shall make application for a license on forms provided by the Administrative Agency for this purpose and shall pay the inspection fees for sanitary service vehicles prescribed in Section 2-10.4 before filing the application with the Sanitation Department. A receipt showing such payment shall be attached to the application form. If the license is denied, no portion of the inspection fee will be refunded. A copy of a written contract between the applicant and a public wastewater system shall be attached to the application.

Section 2-10.4 LICENSE AND INSPECTION FEES: For the purpose of defraying all or part of the cost of administration of a sanitation code, fees shall be assessed for each inspection, permit, or license required pursuant to this Code, including the following:

- a. Licenses: Contractors doing any type of sanitation work in Linn County shall have a valid license. This license shall be renewed each year. Every contractor shall furnish evidence of either a cash bond or surety bond in an amount established by the County Commissioners to insure consumers against poor and careless workmanship.
- b. Inspections: A fee will be assessed for each inspection visit. Every sanitation vehicle must be inspected each year. The owner will pay an inspection fee according to the fee schedule established by the County Commissioners.

Article 11 UNLICENSED CONTRACTING PROHIBITED

Section 2-11.1 PROHIBITED: Any person responsible for hiring a contractor, for any type of sanitation work, shall not contract with any contractor that does not have a valid license with the Linn County Sanitation Department.

Article 12 WAIVER OF REQUIREMENTS

Section 2-12.1 EXCEPTIONS: Requests for exception to any of the foregoing rules and regulations set forth in this Code shall be submitted to the Sanitation Inspector in writing and shall contain all information relevant to the request, including why such exception(s) should be considered. The Sanitation Inspector may grant an exception when he/she determines that such waiver does not and will not impair the potability of the ground water or otherwise endanger the health and safety of the individuals involved and/or the general public. The Sanitation Inspector may, when necessary, obtain the written consent of KDHE prior to granting an exception. Appeal procedure found in Section 1-5.2 shall apply to this Section.

CHAPTER 3 WATER SUPPLIES

Article 1 PURPOSE AND INTENT

Section 3-1.1 PURPOSE: The provisions of this Chapter are for the purpose of regulating and controlling the development, maintenance, and use of private or nonpublic water supplies in the unincorporated areas of Linn County, Kansas, in order that public health will be protected and the contamination and pollution of the water resources of the County will be prevented.

Section 3-1.2 APPLICABILITY: This Chapter shall apply to all unincorporated land located in Linn County of less than 640 acres.

Article 2 COMPLIANCE REQUIRED

Section 3-2.1 After the effective date of this Code, no person shall construct on any property subject to the provisions of this Code, any nonpublic, or private water supply that does not comply with the requirements of this Code.

Article 3 DEFINITIONS

Section 3-3.1 In addition to the definitions provided in Chapter 1 of this Code, the words, terms, and phrases listed below, for purpose of this Chapter, are defined as follows:

- a. DOMESTIC PURPOSE: means the use of water by any person or family unit or household for household purposes, or for the watering of livestock, poultry, farm, and domestic animals used in operating a farm, for the irrigation of lands not exceeding a total of two acres in area for the growing of gardens, orchards, and lawns.
- b. PUBLIC WATER SUPPLY WELL: means a well that provides groundwater to the public for human consumption, if such system has at least ten (10) service connections or serves an average of at least twenty-five (25) individuals daily, at least sixty (60) days out of the year.
- c. NONPUBLIC WATER SUPPLY: A water supply that is used for domestic purposes serving two (2) to nine (9) residential units (rental or under separate ownership) on a piped system and serving less than twenty-five (25) persons a year.
- d. PRIVATE WATER SUPPLY: A water supply used for domestic purposes which serves, or will serve, not more than one (1) dwelling on a piped system.
- e. WATER DISTRICT: Any special district authorized and empowered by state statutes to plan, construct, and/or operate a public water supply system.
- f. ABANDONED WATER WELL: A well:
 1. Which has been permanently discontinued from use,
 2. From which the pumping equipment has been permanently removed,
 3. Which is either in such a state of disrepair that it cannot be used to supply water, or has the potential for transmitting surface contaminants into the aquifer, or both;
 4. Which possesses potential health and safety hazards.

- g. TEST HOLE OR "HOLE": means any excavation constructed for the purposes of determining the geologic and hydrologic characteristics of underground formations.
- h. TREATMENT: shall be defined as the stimulation of production of groundwater from a water well, through use of Hydrochloric Acid, Muriatic Acid, Sulfamic Acid, Calcium or Sodium Hypochlorite, Polyphosphates, or other chemicals, and mechanical means, for the purpose of reducing or removing Iron and Manganese Hydroxide and Oxide deposits, Calcium and Magnesium Carbonate deposits, and slime deposits associated with Iron or Manganese bacterial growths which inhibit the movement of groundwater into the well or water quality characteristics.
- i. RECONSTRUCTED WATER WELL: An existing well that has been deepened or has had the casing replaced, repaired, added to, or modified in any way for the purpose of obtaining groundwater.
- j. ACTIVE WELL: A water well which is an operating well used to withdraw water, or monitor or observe groundwater conditions.
- k. INACTIVE STATUS: A water well which is not presently operating but is maintained in such a way it can be put back into operation with a minimum of effort.
- l. GROUNDWATER: That part of the subsurface water which is in the zone of saturation.
- m. WATER WELL: Any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed, when the intended use of such excavation is for the location, diversion, artificial recharge, or acquisition of groundwater.
- n. CONSTRUCTION OF WATER WELL: All acts necessary to obtain groundwater by any method for any use including, without limitation, the location of and excavation for the well.

Article 4 REQUIREMENTS FOR PUBLIC WATER SUPPLIES

- Section 3-4.1 STATE PERMIT: No person shall operate a public water supply without obtaining a permit from KDHE. A copy of the permit shall be filed with the County Sanitation Inspector.
- Section 3-4.2 STATE APPROVED PLANS: No person shall construct any public water supply on any property subject to the provisions of this Code until the plans and specifications have been submitted to and approved by KDHE. A copy of the approved plans and specifications shall be filed with the County Sanitation Inspector.

Article 5 REQUIREMENTS FOR NONPUBLIC WATER SUPPLIES

- Section 3-5.1 No person shall operate or maintain a nonpublic water supply system that has been:
 - a. Constructed or reconstructed after the effective date of this Code, until it has been inspected and a permit issued by the Sanitation Inspector.
 - b. Temporarily or permanently enjoined as a public health nuisance by a court of competent jurisdiction.
 - c. Found by the Sanitation Inspector not to comply with the provisions of this Code and a written notice thereof has been given to the owner or his/her agent.

Section 3-5.2 **USE OF A NONPUBLIC WATER SUPPLY:** In addition to the requirements of Article 6 of this Chapter, the following analyses shall be conducted by a KDHE Certified Laboratory and the results reviewed by the Administrative Agency prior to the issuance of a permit, to assure water quality for the public:

- a. An initial and at least annual Bacterial Analysis;
- b. A partial Chemical Analysis shall be done initially and every three (3) years thereafter;
- c. Other tests such as a screen for pesticides, volatile organic chemicals, and heavy metals shall be required when, at the discretion of the Sanitation Inspector, it is necessary to protect the public's health;

The water samples shall be collected by the Sanitation Inspector and sent to a KDHE certified laboratory for analysis. All costs incurred shall be paid for by the well owner.

The owner will be charged a fee for the investigation and cost of analysis. This fee is the responsibility of the owner of the water supply or his representative and is to be paid to the Linn County Sanitation Department.

Article 6 REQUIREMENT FOR PRIVATE WATER SUPPLY

Section 3-6.1 **PERMIT:** No person shall drill, develop, or construct any private water supply well on any premises subject to the regulations of this Code until he/she has obtained a permit from the Administrative Agency.

Section 3-6.2 **APPROVED PLANS:** No permit to construct or develop a private water supply on premises subject to the regulations of this Code shall be issued until the plan showing the location and construction of the supply has been approved by the Sanitation Inspector.

Section 3-6.3 **USE LIMITATION:** No use of surface water (lakes, ponds, or streams) as a source of water for private water supply shall be permitted:

- a. Where a satisfactory ground water source is available;
- b. Where adequate treatment is not provided (in no case shall surface water be used without filtration and chlorination);
- c. Where the pond or lake receives any drainage or discharge from septic tanks or sewage treatment plants.

Article 7 MINIMUM STANDARDS FOR ALL GROUNDWATER SUPPLIES

- Section 3-7.1 **LOCATION:** The horizontal distance between the well and the potential sources of pollution or contamination, such as septic tanks, lateral fields, pit privy, seepage pits, fuel or fertilizer storage, pesticide storage, feed lots, or barnyards shall be 100 feet or more.

- Section 3-7.2 **CONSTRUCTION:** All wells that are to serve as a source of private or nonpublic water shall be constructed in accordance with all Kansas State Administrative Regulations.

- Section 3-7.3 **PLUGGING OF ABANDONED WELLS AND TEST HOLES:** All water wells abandoned by the well owner on or after July 1, 1979, and all water wells that were abandoned prior to July 1, 1979, which pose a threat to groundwater supplies, shall be plugged or caused to be plugged by the landowner.

- Section 3-7.4 **POLLUTION SOURCES:** Well locations shall be approved by the Sanitation Inspector with respect to distances from pollution sources and compliance with wastewater and disposal regulations.

- Section 3-7.5 **WATER WELL DISINFECTION FOR WELLS USED FOR HUMAN CONSUMPTION:** Disinfection standards set forth in K.A.R. 28-30-10 are hereby adopted by Linn County and shall apply to all water wells used for public consumption or food processing.

- Section 3-7.6 **WAIVER OF REQUIREMENTS:** Requests for exception to any of the foregoing rules and regulations set forth in Chapter 3 shall be submitted to the Sanitation Inspector in writing and shall contain all information relevant to the request, including why such exception(s) should be considered. The Sanitation Inspector may grant an exception when geologic or hydrologic conditions warrant an exception and when such an exception is in keeping with the purposes of the Kansas Groundwater Exploration and Protection Act; provided, however, no such exception shall be granted without the prior written consent of KDHE.

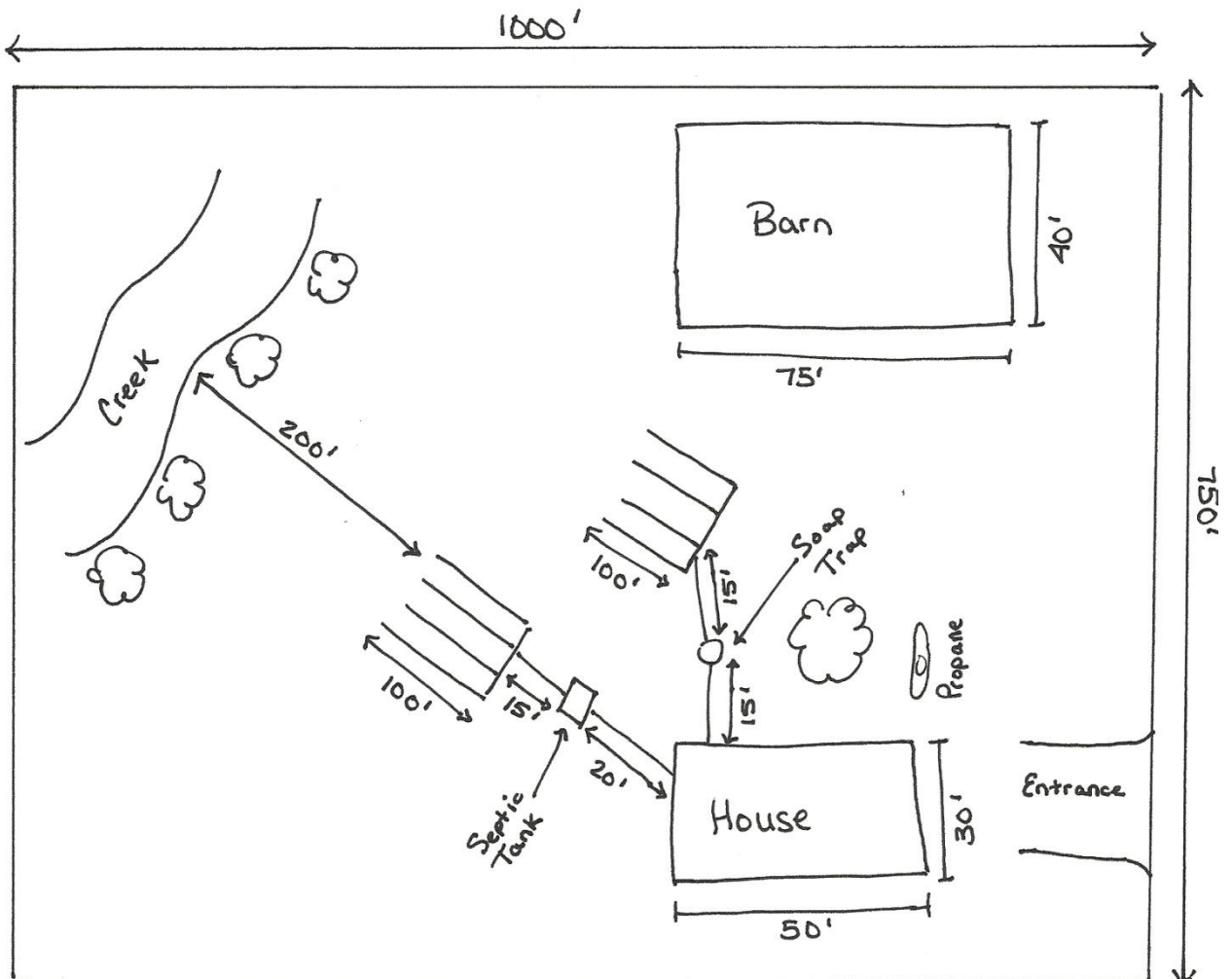
APPENDIX

**SAMPLE OF AN ACCEPTABLE DRAWING/SKETCH
TO ACCOMPANY PERMIT APPLICATION**

John & Jane Doe
12345 W 3000 Rd
Anytown, KS 66000
(913) 555-1212

House = 1500 ft²
2 Bedroom, 3 occupants

Legal Description:
SW 1/4 of NE 1/4
Section 99 Township 33 Range 88



BEFORE THE BOARD OF COUNTY COMMISSIONERS
of
LINN COUNTY, KANSAS

RESOLUTION NO. 2015-11

A RESOLUTION ADOPTING THE SANITATION CODE OF LINN COUNTY, KANSAS, PROVIDING FOR RULES AND REGULATIONS FOR SANITATION PRACTICES TO MINIMIZE HEALTH AND SAFETY HAZARDS IN THE UNINCORPORATED AREAS OF LINN COUNTY, KANSAS

WHEREAS, the Board of County Commissioners finds that provisions for adequate and reasonable control over the environmental conditions in the unincorporated areas of the County are necessary and desirable in the interest of public health and safety and the orderly development of land and water resources;

Now therefore, be it resolved by the Board of County Commissioners of Linn County, Kansas:

1. The new Sanitation Code of Linn County, Kansas, is hereby adopted under the authority granted to the Board of County Commissioners pursuant to K.S.A. 19-3701 through 19-3709 as amended.
2. This Code was prepared in book form by the Board of Commissioners of Linn County, Kansas, following a public hearing as required by state law, and it is hereby declared to be approved and incorporated by reference as if fully set out herein.
3. Not less than three (3) copies of the Sanitation Code of Linn County, Kansas, marked, "Official Copy as Incorporated by Resolution Number 2015-11" and to which there shall be attached a published copy of this Resolution, shall be filed with the County Clerk to be open for inspection and available to the public at all reasonable hours.
4. Pursuant to K.S.A. 19-3707, violation of any provision of the Sanitation Code of Linn County, Kansas, shall be deemed a misdemeanor, and any person, firm association, partnership, or corporation convicted thereof shall be punished by a fine not to exceed \$200.00 and that each days violation shall constitute a separate offense. The Governing Body shall further have the authority to maintain suite or actions in any court of competent jurisdiction for the purpose of enforcing any provisions of these regulations and to abate nuisances maintained in violation thereof; and, in addition to other remedies, institute injunction, mandamus, or other appropriate action or proceeding to prevent unlawful construction, erection, reconstruction, alteration, conversion, maintenance, or use, or the correct or abate such violation, or to prevent the occupancy of any building, structure, or land.
5. Any provision of this Resolution which shall be declared invalid shall not affect the validity and authority of any other sections.

6. Previous resolutions and any parts of resolutions in conflict with this Resolution are hereby repealed.
7. This Resolution shall be in full force and effect from and after its publication once in the official county newspaper.

This Resolution is passed and approved by the Board of County Commissioners of Linn County, Kansas, this 11th day of May, 2015.

BOARD OF COMMISSIONERS
LINN COUNTY, KANSAS




MIKE PAGE, Chair

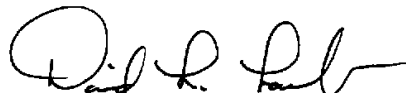


RICK JAMES, Vice Chair





VICKI LEONARD, Member



DAVID LAMB, County Clerk