

**The enclosed Franklin County Code has been officially adopted by the Franklin County Board of Commissioners.**

*Colton M. Wayne*

**Signature**

**Chairman, Board of County Commissioners**

*4.19.2017*

**Date**

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**Kansas Department of  
Health and Environment**





**FRANKLIN COUNTY**  
**2017**  
**ENVIRONMENTAL SANITATION CODE**

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Health and Environment**



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# CHAPTER I. POLICY, ADMINISTRATION AND ENFORCEMENT

## ARTICLE 1: GENERAL PROVISIONS

### Section 1. Title.

This Code shall be known and referred to as the Franklin County Environmental Health Sanitary Code.

### Section 2. Legal Authority.

This Code is adopted under the authority granted to the Board of County Commissioners under application of Federal Law and the Laws of the State of Kansas, including K.S.A. 19-3701 et seq., as amended, and pursuant to the powers and authorities of the Board of County Commissioners under K.S.A. 19-101a; and Section 5 of Article 12 of the Kansas Constitution and by K.S.A. 12-3301 et seq.

### Section 3. Findings and Declaration of Policy.

A fundamental duty of government is the protection of the health and safety of its citizens and to thereby promote the public welfare as well as the economical and planned development of the land and water resources of the County. Pursuant to K.S.A. 19-3702 the Board of County Commissioners hereby finds, determines, and declares that it is necessary to adopt a uniform system of rules, regulations and standards to eliminate and prevent environmental conditions that are or may be hazardous to the public health, safety and welfare and to thereby promote the safe, economical and orderly development and conservation of the land and resources of the County.

### Section 4. Purpose.

The purpose of this Code is:

- A. To promote the public health, safety, comfort and well-being of the public; and
- B. To protect the integrity of water, air, soil and natural resources, including aquatic, biota, flora, fauna and wildlife through the prevention of pollution and degradation of the environment by regulation of activities, which may affect environmental conditions; and
- C. To prescribe rules, regulations, standards and enforcement procedures to minimize, control or eliminate potential or actual sources or causes of disease, infection, contamination or pollution; and
- D. To prescribe the procedures to be followed in administering this Code.

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**Section 5. Jurisdiction and Application.**

This Code and all authorized rules, regulations, restrictions and requirements shall apply from and after the effective date of adoption, to and throughout the unincorporated areas of Franklin County, Kansas, and to all persons, property, establishments and business activities located or conducted, regardless of ownership and acreage, within Franklin County, Kansas and outside the municipal boundaries of any City.

**Section 6. Public Health Jurisdiction and Application.**

This Code and any or all rules, regulations, restrictions and requirements shall apply to and throughout all areas of Franklin County, Kansas, including those areas located within the municipal boundaries of any City, whenever authorized or required under application of the Laws of the State of Kansas or of the United States, whether by statute, contract, rule or regulation, or pursuant to the jurisdiction of the Franklin County Board of County Commissioners.

**Section 7. Severability.**

If any clause, sentence, paragraph, section or subsection of this Code shall be adjudged invalid for any reason whatsoever, such judgment shall not affect, repeal or invalidate the remainder thereof, but shall be confined to the clause, sentence, paragraph, section or subsection thereof found to be invalid.

**Section 8. Disclaimer of Liability.**

This Code shall not be construed or interpreted as imposing upon the County, or its officials or employees: (1) any liability or responsibility for damages to any property; or (2) any warranty that any installation, system, or portion thereof that is constructed or repaired under permits or inspections required by this Code will function properly. In addition, any employee charged with the enforcement of this Code, who acts in good faith and without malice in the discharge of his or her duties, shall not thereby be personally liable and is hereby relieved from personal liability for damage which may occur to any person or property as a result of the discharge of his or her duties.

**Section 9. Amendments and Additions.**

This Code may be supplemented or its provisions may be amended by Resolution adopted by the Board of County Commissioners, as provided by K.S.A. 19-3705, and any such amendments or additions shall be incorporated within and codified as a part of this Code. Any changes, modifications or additional provisions adopted and imposed by State or Federal Law, rule or regulation which are applicable to and administered through the jurisdiction of Franklin County, Kansas, shall be incorporated within and made a part of this Code with or without notice and hearing, as authorized or required by State or Federal law.

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## **Section 10. Repeal and Supersede Effect.**

This Code shall supersede any and all previously adopted resolutions or regulations, which are, in whole or part, in conflict with any provision of this Code, where applicable, and any rule, regulation or resolution which is or was in effect upon the effective date of this Code shall be repealed to the extent necessary to give this Code full force and effect, and in the case of any conflict of provisions, whether real or apparent, then the provisions of this Code shall govern wherever applicable.

## **Section 11. Effective Date.**

This Code shall become effective from and after the date of adoption by the Board of County Commissioners and publication of notice as required by law.

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## ARTICLE 2: ADMINISTRATION

### Section 1. Administering Authority.

Unless otherwise specifically designated within a separate and particular Chapter or Article of this Code, the Administering Agency under the supervision of the Director of the Franklin County Planning & Building Department, shall have the primary authority and responsibility for the administration of this Code.

Under the authority of any particular Chapter or Article of this Code, the Director of the Franklin County Planning & Building Department may implement such administrative procedures, consistent with this Code, as deemed necessary for the effective administration of any regulations or which may be required or imposed under application of the laws of the State of Kansas or the United States.

### Section 2. Administrative Actions and Decisions.

It is the intent of this Code to establish regulations and standards for the protection of the public health and safety. To the extent possible, all administrative actions and decisions required or authorized for the administration of this Code shall be made solely in accordance with the standards of the Kansas Administrative Regulations. Whenever, in the course of administration, it is necessary to make an administrative decision or take action for which standards are not provided, then the decision or action shall be made according to the purpose and intent of this Code so that the result will best serve the public health and safety.

### Section 3. Interpretation of Terms or Words.

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

- A. Words appearing in the singular number shall include the plurals 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 tense and past tense.
- C. Words appearing in the masculine gender shall include the feminine and neuter genders.
- D. The word “shall” is mandatory; and the word “may” is permissive.
- E. The phrase “this Code” shall refer to the Code and all authorized rules, regulations, restrictions and requirements and the phrase “the regulations” shall include rules, regulations, restrictions and requirements authorized by the Code.

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## Section 4. Definitions.

The following words, terms and phrases appear throughout this Code and, thus, have general application and usage. Words, terms and phrases appropriate or applicable to specific Sections within this Code are defined, where necessary, within those Chapters. Unless the context requires or specifies otherwise, the following words, terms or phrases as used in this Code shall be given the meaning defined in this Section.

- A. **Access:** Entry into or upon any real estate, structure or vehicle including any part thereof.
- B. **Administering Agency:** The Franklin County Environmental Health Department or such other Agency or official designated by the Board of County Commissioners to administer the provisions of this code.
- C. **Administrative Rules:** Any regulations adopted by Franklin County, which are determined to be necessary and appropriate to enable the Administering Agency to fulfill its duties and responsibilities under this Code.
- D. **Agricultural Purpose:** A land use in excess of twenty (20) acres or more related to the production of livestock or crops, including growing crops or pasture and functions immediately and necessarily related thereto, and the feeding of livestock by the resident on the land, as provided by Franklin County Zoning Regulations, but does not include any structure used as a dwelling or the wastewater disposal or water well system servicing such dwelling.
- E. **Applicant:** Any person who submits an application or requests permission to do some act regulated by this Code.
- F. **Application:** The application form provided by an Administering Agency, including the filing fee and any other supporting documents required by the Agency.
- G. **Authorized Representative:** A person who is designated by the Board of County Commissioners or the Director of the Franklin County Planning and Building Department to administer the provisions of this Code or any Section therein.
- H. **Board of Health:** The Board of County Commissioners acting as the Board of Health.
- I. **Board of County Commissioners:** The Board of County Commissioners of Franklin County, Kansas.
- J. **Domestic Wastewater:** Wastewater which is normally characterized as residential wastewater, not commercial or industrial activity, and which originates primarily from kitchen, bathroom and laundry sources, including waste from food preparation, dishwashing, garbage grinding, toilets, baths, showers and sinks.

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- K. Effluent: Sewage water, or other liquid, partially or completely treated or in its natural state, discharging from a septic tank, subsurface wastewater infiltration system, aerobic treatment unit, or other treatment system or system component.
- L. Engineer: A licensed professional civil engineer and registered with the State of Kansas.
- M. Engineered: Plans, drawings, designs and calculations prepared by a professional engineer licensed by the State of Kansas.
- N. Environmental Health Handbook (EHH): A technical resource for professionals, service providers and technicians who work with private wastewater and private water systems. First published in 1992 by the Kansas Department of Health and Environment.
- O. Establishment: Any structure or self-contained unit therein, including single and multiple family dwellings, commercial and industrial buildings, schools, churches, and public institutions.
- P. Flood Plain: Land which is subject to inundation as a result of flooding having a one percent (1%) chance of occurrence in any given year and identified on the Flood Insurance Rate Maps for Franklin County, Kansas.
- Q. Ground Water Table: The upper surface of a ground water in the zone of saturation of a geologic formation.
- R. Law: Includes Federal, State and local statutes, ordinances, regulations and resolutions.
- S. Permit: The written permission to perform some act regulated by this Code, including, for example, permission to construct or permission to operate.
- T. Person: An individual, corporation, partnership, association, state or political subdivision thereof, federal Agency, states Agency, municipality, commission or interstate body or other legal entity.
- U. Planning & Building Director: The legally appointed Planning & Building Director of Franklin County, appointed in accordance with the Franklin County Position Classification and Pay Plan.
- V. 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 craft, from which pollutants are or may be discharged.
- W. Pollution: Any induced alteration of the physical, chemical, biological, and radiological integrity of water, air, soil (both surface and subsurface) or contamination of food or foodstuffs.

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- X. Premises: Any lot or tract of land and all buildings, structures or facilities located thereon.
- Y. Regulatory Authority: The Board of County Commissioners or their appointed representative.
- Z. Sanitarian: A County employee determined by the County to be trained in the sanitary sciences (i.e. biology, chemistry, geology, physics and mathematics) who act as an inspector or health official.
- AA. 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.
- BB. Sewer District: Any County-operated municipal sewer system duly formed, authorized and empowered to plan, construct and operate a public sewer system in accordance with K.S.A. 19-27a01
- CC. 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-zoned land, whether by deed, metes and bounds description, map, plat or other recorded instrument.
- DD. Toilet, Composting: A biological composting unit used for the disposal of human excreta.
- EE. Variance: A Rule or exception or exemption granted by the Planning Commission from the specific terms of this Code which will not be contrary to the public interest and where owing to special conditions a literal enforcement of this Code will, in an individual case, result in an unnecessary hardship.

**Section 5. Technical and Scientific Term.**

Unless otherwise defined, any technical or scientific term used within this Code or within any rule, regulation, restriction or requirement shall be given the meaning most commonly known and applied within the appropriate literature of manuals applicable for that science, industry or technological skill.

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**Section 6. 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 7. Compatibility With Other Laws.**

Nothing contained in this Code or any regulations 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, business activity or other object or matter regulated under this Code, and any permit, approval or other condition given or acknowledged under this Code shall be limited in effect to the requirements of this Code and shall not, under any circumstance, relieve the holder from compliance with all other applicable laws, codes, regulations or requirements.

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## ARTICLE 3: PERMITS AND LICENSES

### Section 1. Permits and Licenses Required.

No person shall conduct, carry-on or perform any business or activity identified in this Section without first having obtained a valid permit in conformance with the requirements of this Code.

- A. **Private On-Site Wastewater 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 on-site wastewater disposal system or part thereof, as defined in Chapter II, Article I of this Code, shall, prior to commencement of any work, apply for and obtain a permit to perform such work and no private on-site wastewater disposal system shall be installed, removed, altered, repaired or replaced except pursuant to a permit issued under this Article.
- B. **Installer – License Required.** Every person who conducts the activity of an Installer as defined in Chapter II of this Code, shall apply for, obtain and maintain a valid Installer's license to perform that activity.
- C. **Sanitary Disposal Contractor – License Required.** Every person who engages in or conducts the activity of a Sanitary Disposal Contractor, as defined in Chapter II, Article 1 of this Code, shall apply for, obtain and maintain a valid license to perform that activity.
- D. **Wastewater and Waterwell Inspector – License Required.** Every person who engages in or conducts the activity of a Wastewater and Waterwell Inspector, as authorized in Chapter II, Article 12 of this Code, shall apply for, obtain and maintain a valid license to perform that activity.

### Section 2. Application Forms and Procedures.

- A. **Content:** Application for a permit or license shall be made on forms provided for that purpose. The application shall give a description of the character of the work proposed to be done, or activity to be engaged in, and, if appropriate, the locations, ownership, occupancy and use of the premises in connection therewith. The Administering Agency shall require plans, specifications or drawings and such other information as deemed necessary. Plans for all public sewer systems shall be stamped with a registered engineer's seal.
- B. **Filing:** An application for any permit or license required under this Code shall be filed with the Franklin County Environmental Health Department.
- C. **Verification:** An application for a permit must be signed by the person for whose benefit the permit is being required or his or her authorized representatives. The Administering Agency may require proof of such authorization.

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- D. **Compliance:** The applicant shall be responsible for compliance with the permit requirements as further set out in this Code. Only a person who complies with the requirements of this Code shall be entitled to receive or retain a permit or license.

### **Section 3. Permit Issuance; Investigations.**

If the Administering Agency determines that the application complies with the requirements of this code, a permit shall be issued.

In making its determination on whether to issue a permit, the Administering Agency shall perform or cause to be performed an investigation to determine the compliance with this Code.

Within two (2) days, Saturdays, Sundays and Holidays excepted, after receipt of an application for a permit, the Administering Agency shall begin such investigations and inspections as it 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 of receipt of the application provided all requirements for soil profile, site assessment, system designs, and license qualifications have been completed. If the application is denied, the Administering Agency shall give the applicant written reason for denial.

It shall be the duty of the person performing the work authorized by a permit to notify the Administering Agency when work is ready for any required inspection. Such notification shall be given not less than eight (8) hours during normal office hours before the work is to be inspected.

### **Section 4. Permit Conditions.**

Every permit and license issued under this Code shall be subject to the terms and conditions specified in this Section.

- A. **Right of Access:** Application for, and acceptance of, any permit issued under this Code shall grant to any inspector, code or law enforcement officer, and any representative of the Administering Agency the right to enter upon any property subject to the permit, at any reasonable time during standard business hours, with or without notice, for the purpose of inspection to determine and ensure qualifications for and compliance with the permit, and shall allow for reasonable access to and review of records, property or other materials necessary to perform the inspection.
- B. **Authorized Activity:** Each permit or license issued under the authority of this Code shall be limited to and expressly provide for the type and manner of activity permitted for the holder and shall not be used nor applied for any other purpose, type or manner of activity. The permit or license shall specifically refer to the activity description contained within the permit or license application, and any change in the type, manner, scope or location of any activity shall require application for and modification of the permit or license.
- C. **Permit Non-Transferable:** No permit or license required by this Code shall be transferable to another person or premises, and the holder of the permit or license

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shall notify the Administering Agency prior to any change in ownership or location of any permitted or licensed activity.

- D. **Term Expiration:** Each permit or license issued under the authority of this Code shall clearly state the date of issuance, the term of the permit or license, and the expiration date. The term of each permit or license issued under this Code shall be for a period not to exceed one (1) year, unless otherwise specified.
- E. **Renewal:** Any permit or license issued under the authority of this Code may be renewed for one or more additional terms upon application for renewal filed with the Environmental Health Department on a form authorized for that purpose. No permit or license which has been expired for more than thirty (30) days or which is subject to revocation, for any reason, may be renewed, and such permits or licenses may be reissued only upon filing of a complete application for a new permit or licensee.
- F. **Errors and Omissions:** The issuance of a permit or license shall not prevent the Administering Agency from thereafter requiring the correction of errors in plans and specifications or from preventing construction activity being carried on thereunder when such activity would be in violation of this Code or of any other code or resolution or from revoking any permit or license when issued in error.

The Administering Agency may, in writing, suspend or revoke a permit issued under provisions of this Code whenever the permit is issued in error or on the basis of incorrect information provided by the applicant.

## **Section 5. Standard Fees.**

For the purpose of defraying all or part of the cost of administration of this Code, the Board of County Commissioners shall establish, by Resolution, a schedule of fees for all permits and licenses required by this Code. The fees required under this Code may be adjusted or changed by Resolution adopted by the Board of County Commissioners, after publication of notice and hearing. Said fees shall be paid to the Administering Agency, and the receipt issued therefore, a copy of which shall be attached to the application for such permit or license. The Environmental Health Department shall not process any application for a permit or license until the required fee has been paid.

- A. **Multiple Uses or Services:** Whenever any person conducts more than one activity or whenever more than one activity is conducted at a single property or establishment, the fee imposed under the schedule for each separate permitted or licensed activity shall be assessed and paid as required.
- B. **Fee Payment:** The fee imposed under this Code shall be paid by the applicant prior to the issuance of any permit or license authorized by the Code and all annual fees shall be paid prior to the anniversary or expiration date of any permit or license.
- C. **Failure to Pay:** Failure to pay any fee imposed by this Code may be cause for suspension or revocation of any permit or license.

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- D. **Double Fee for Unauthorized Practices:** Any person who shall commence any activity for which a permit is required by this Code without first having obtained the permit shall, if subsequently allowed to obtain a permit, pay double the permit fee fixed by Resolution of the Board of County Commissioners for such activity. Provided, however, that this provision shall not apply to emergency work when such work was urgently necessary to protect public health and safety and it was not practical to obtain a permit before commencement of such emergency work. In all such cases, a permit must be obtained as soon as possible after the performance of such work, and if there is a delay of more than three (3) working days in obtaining such permit, a double fee as herein provided shall be charged.

## **Section 6. Supplemental to State Regulations.**

The permits or license, and all fees, conditions and regulations imposed under this Code shall be supplemental to and in addition to any permits, licenses, fees or regulations imposed or required by any other law, including those administered by the Kansas Department of Health and Environment.

## **Section 7. Administration of State Requirements.**

In the event that any rule, regulation or requirement arising under the Laws of the State of Kansas is assumed or administered through the jurisdiction of the Board of County Commissioners of Franklin County, and/or the Environmental Health Department, acting under any lawful executive or administrative order or pursuant to a contract agreement, whereby the jurisdiction of any state authority is delegated to or administered by Franklin County, then any permit or license issued or issuable by the State authority shall apply and shall satisfy the permit or license requirements imposed by this Article subject to the following conditions and exceptions:

- A. **Permit or License Fees:** The permit or license fees required by this Article, Section 5, shall apply and be required for payment if greater than or equal to any state imposed fees. The state imposed fee shall apply whenever it is greater, but only one fee shall be imposed and required for payment.
- B. **Conflict in Regulations or Requirements:** All rules, regulations, restrictions and requirements of this Code shall remain in effect and shall apply to any activity or condition covered by this Code except when in direct conflict with a provision of the State rules or regulations, in which case the state imposed rule or regulation shall apply. Terms and conditions, rules, requirements, regulations or limitations which are supplemental to those imposed by the State and which are not specifically or expressly excluded or prohibited, shall not be considered conflicting and shall be imposed and in effect.
- C. **Additional Regulations:** Rules, regulations and requirements applicable to any conduct, activity, condition or standard which is not expressly regulated by the State, but which is regulated by this Code, shall be and remain in full force and effect as specifically applied under this Code for and within Franklin County Kansas.

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## ARTICLE 4: INSPECTIONS AND INVESTIGATIONS

### Section 1. Inspections Required.

Physical site inspections shall be authorized and performed for all permitted or licensed activities under this Code.

- A. **Construction Activity:** Whenever plans and specifications are required by this Code to be submitted to an Administering Agency as part of a permit application, the Agency shall review the plans prior to the start of construction to determine compliance of the approved plans and specifications with all requirements of this Code.
- B. **Private On-site Wastewater Disposal Systems:** Private on-site wastewater disposal systems, as defined in Chapter II, Article 1 of this Code, shall be inspected by the Administering Agency prior to being placed in operation to ensure compliance with this Code. Such systems shall be inspected thereafter as often as necessary to ensure compliance with this Code.
- C. **Industrial / Commercial Wastewater Systems:** Each industrial or commercial wastewater system hereafter permitted shall be inspected at least once annually to ensure compliance with this Code, and shall be subject to annual renewal, upon inspection, of the operating permit.
- D. **Repairs and Replacements:** Any replacement of or repair to an on-site wastewater disposal system regulated by this Code, other than normal maintenance, which constitutes a structurally significant alteration shall be inspected prior to undertaking and completing the repairs and replacements.
- E. **Minor Repairs and Emergencies:** All minor repairs, as defined in this Code require inspection. Minor repairs, which are conducted during normal business hours, require pre-notification to the Administering Agency. Emergency repairs conducted during evening hours or on the weekend require notification to the Department within twenty-four (24) hours.

### Section 2. Inspection Reports.

An inspection report shall be made for all inspections conducted under the authority of this Code, stating the name of the inspector, the date and time of the inspection, the type of inspection and the property inspected. The report shall indicate compliance or non-compliance with the approved system design.

Whenever a private on-site wastewater disposal system, as defined in Chapter II, Article 1 of this Code, is inspected after a permit is issued, the findings of the inspector shall describe any determined violations, the Code section violated and the correction to be made. A copy of the complete report shall be issued to the owner of the premises and, if different than the owner, to the holder of the permit. The report is a public document.

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### **Section 3. Inspection Scheduling and Reinspections.**

Whenever inspections are required under this Code to be scheduled for any installation, construction, initial activity or for correction of any violation or other non-conforming condition, it shall be the duty of the holder of the permit or license or the operator of the establishment to promptly notify the Administering Agency and schedule the time and date for the inspection.

A reinspection fee may be assessed if the work for which an inspection was scheduled is not then complete or if the correction required is not made and a subsequent inspection is required.

### **Section 4. Access and Right of Entry.**

The Administering Agency shall have the right to make inspections of establishments, premises, places, localities and investigations for the purpose of determining compliance with this Code. Inspections shall be done at a reasonable time. The Agency may examine the water usage records of any establishment, which uses a private wastewater disposal system for information pertaining to the amount of water used by the establishment.

If the building, premises or establishment to be inspected is occupied, the Agency representative shall first present proper identification and request entry; if such building or premises be unoccupied, he or she shall first make a reasonable effort to locate the owner, or other persons having charge or control of the building or premises, to request entry. If entry is refused, the Agency shall have recourse to all remedies provided by law to secure entry.

The Agency shall have reasonable access to the business records of any person licensed to perform any activity under this Code where the records, daily logs or other documents are reasonably necessary to determine compliance with the requirements of this Code.

### **Section 5. Property Resale Inspections**

Whenever any building or use requiring sanitation is connected to or is served by a private on-site wastewater disposal system, as defined in Chapter II, Article 1 of this Code, or when any use or building requiring a potable water service is connected to a private on-site water supply, as defined in Chapter III, Article 1 of this Code, and is offered for sale, including Contract for Deed, leasing or renting, the Seller/Owner shall have such system/s inspected by a licensed inspector approved by the Administering Agency.

1. The protocol for inspection of private on-site wastewater disposal systems, as defined in Chapter II, Article 1 of this Code, shall include, but not be limited to:
  - A. Septic Tank with Lateral Field Systems: Pumping and inspection of the septic tank to determine volume, tank composition, baffles or tees at the inlet and outlet and the septic tank's general structural integrity, location, measurement and mapping of the lateral lines.

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- B. Pump Tanks with Lateral Field Systems: Pumping and inspection of the septic tank to determine volume, tank composition, baffles or tees at the inlet and outlet and the septic tank's general structural integrity. Location, measurement and mapping of the lateral lines. Pump operation and high water alarms.
  - C. Aerated Tanks: Aerator operation, manufacturer and maintenance contract. Pumping and inspection of the septic tank to determine volume, tank composition, baffles or tees at the inlet and outlet and the septic tank's general structural integrity. Location, measurement and mapping of the lateral lines. Pump operation and high water alarms.
  - D. Composting Toilets: Operation and design standards of the specific system.
  - E. Drip Irrigation System: Operation and design standards of the specific system.
  - F. Holding Tanks: Structural integrity, alarm system, pumping records and verification of use.
  - G. Mound System: Design Standards and operation of the individual system.
  - H. Wastewater Stabilization Pond (Lagoon): Dimensions; Type of Fencing; Vegetation (growth such as cattails, trees and duckweed); Evidence of erosion; Evidence of seepage; Any structures over 10 ft. tall within 50 ft. of the operating level; Color of the water; and Cleanouts every 100 ft. or less.
2. The protocol for inspections of private on-site water supplies, as defined in Chapter III, Article 1 of this Code, shall include, but not be limited to:
- A. Identify type of system, i.e. drilled well, hand-dug well, cistern or holding tank.
    - 1. If the private on-site water supply is a drilled or driven well, determine if it is properly sealed and complies with the minimum standards of K.A.R. 28.30-6, all connections are properly sealed, pump/s and well pipes are one (1) foot above the Base Flood Elevation of the computed elevations to which floodwater is anticipated to rise during a 1 percent (1%) flood.
    - 2. If the private on-site water supply is a hand-dug well, give notice to the seller/owner that Franklin County does not recognize hand dug wells as a potable water supply and they shall be considered as defined in Kansas Administrative Regulation 28-30-2(c) and plugged pursuant to the provisions of Kansas Administrative Regulation 28-30-2, et seq.
    - 3. If the private on-site water supply is a cistern or holding tank, determine if all connections and inlets are properly sealed.

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4. Determine if the cistern or holding tank complies with the requirements for a private on-site water supply as set forth in Chapter III, Article 1, Section 5.C.2 of this Code. Where it is determined that such holding tank or cistern does not comply with the requirements for a private water supply, the County Sanitarian shall give notice to the Seller/Owner that the system should be replaced with a water supply (public or private) that meets KDHE minimum standards.

Any sign of failures, past or present, shall be noted on the inspection form.

In the event the system is found to be inadequate, failing or in need of repair, it must be corrected prior to the selling, leasing or renting of said property or arrangements made with the Administering Agency for the required corrections. When the system is approved by the Administering Agency, the Agency will issue an Operational Certificate.

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## ARTICLE 5: ENFORCEMENT PROCEEDINGS

### Section 1. Emergency Orders.

The Administering Agency, may issue such orders or directives as the Agency deems necessary upon a determination that such action is required to prevent, contain or eliminate an obvious violation of this Code or an imminent threat to the health or safety of the public.

- A. **Health Risk:** Whenever the Administering Agency determines that a condition exists which requires immediate action to protect public health, the Agency may, without prior notice or hearing, issue an emergency order stating the nature of the threat to public health and directing that action be taken as he or she may deem necessary to eliminate or minimize such condition. Notwithstanding any other provisions of this Code, such order shall be effective immediately upon issuance and shall be reduced to writing as soon as practicable.
- B. **Work Stoppage:** Whenever any work is being performed on an on-site wastewater disposal system, or on-site water supply system, contrary to the provisions of this Code, the Administering Agency representative may order the work stopped immediately by issuing an emergency order and serving it on any persons engaged in the doing or causing such work to be done, and any such person shall forthwith stop work until authorized by the Agency to proceed with the work.
- C. **Compliance:** Any person, to whom an emergency order is directed, shall comply therewith immediately, but upon written request filed within five (5) days of issuance, shall be afforded a review of the order by the Planning and Building Director. Such review shall be held within five (5) days of the issuance of such emergency order.

### Section 2. Suspension of Permit or License.

The Planning and Building Director may suspend any permit or license issued if the holder thereof does not comply with the requirements of this Code. The suspension shall become effective ten (10) days after the holder of the license or permit, or the person in charge of such establishment or premises subject to the permit or license, receives written notice of such suspension. The holder or other aggrieved party may request an appeal hearing in accordance with Article 6 of this Code. After a hearing, the Planning Commission may uphold the suspension as originally ordered or modify it, but in no event shall the Planning Commission enter an order of suspension for a period longer than that set out in the original order. The original order, or any order entered after an appeal, may condition the length of time of the suspension upon correction of the conditions upon which the suspension is based.

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### **Section 3. Revocation of Permit or License.**

The Planning and Building Director may revoke a permit or license for violations of any of the requirements of this Code or for interference with the Environmental Health Department in the performance of its duties.

Prior to revocation, the Planning and Building Director shall notify, in writing, the holder of the permit or license, or the person in charge of the establishment or premises subject to the permit or license, of the specific reason(s) for which the permit or license is to be revoked and that the permit or license becomes final. Any holder of the license or permit, or the person in charge of the establishment or premises which is subject to the notice of violation, may request an appeal hearing as provided in Article 6 of this Code. If no request for an appeal hearing is filed within ten (10) days of the notice of violation, the revocation of the permit or license becomes final.

Whenever a revocation of a permit has become final, the holder of the revoked permit may make a written application for a new permit and pay the fee required.

Whenever a revocation of a license has become final, the holder of the revoked license shall not be eligible for a new license unless or until the Administering Agency is assured that such licensee is qualified to perform all duties in compliance with the requirements of this code.

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## ARTICLE 6: APPEALS/VARIANCES

### Section 1. Appeal.

Except as provided in Article 5 of this Chapter, any person aggrieved by a notice, final order or denial of a permit or license may request an appeal hearing on the matter before the Planning Commission provided such person files the request with the Planning and Building Director within ten (10) days after the date of the notice, final order or denial. Said request for a hearing shall be in writing setting forth the grounds in which the appeal request is made. The filing of the request for a hearing shall operate as a stay of any notice, final order or denial except an emergency order.

### Section 2. Conduct of Hearing.

Upon receipt of the appeal request, the Planning and Building Director shall place such request on the next regular meeting of the Planning Commission. A copy of the meeting date, time and place shall be mailed to each part of the appeal request and to the applicant, interested person, governmental agency or other appropriate party.

At the conclusion of the appeal hearing, the Planning Commission shall issue a written decision to the petitioning party. The decision may sustain, modify or deny the decision of the Planning Director.

A summary of all proceedings of the hearing, including the findings and the decision of the Planning Commission, together with a copy of the appeal request, every notice and order related thereto, shall be filed with the Administering Agency.

### Section 3. Variance/Rule Exception:

The owner of any land, or the user of any private on-site waste disposal system, as defined in Article II, Section 1 of this Code, or on-site water supply, as defined in Article III, Section 1 of this Code, regulated by this Code may file a request for a Variance/Rule Exception to the Planning Commission for any standard, specification, rule or regulation prescribed by this Code which is not otherwise discretionary under the authority of the Planning and Building Director.

A. Application: Applications for any Variance or Rule Exception shall be filed with the Planning and Building Director on forms approved and authorized by the Board of County Commissioners and shall contain the following information:

1. The name and address of the applicant.
2. The name and address of the property owner if different than the applicant.
3. Copy of the deed or legal description of the property.
4. The Zoning and land use, existing and/or proposed for the property.
5. The express, rule, regulations or requirement for which the Variance or Rule Exception is requested.

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6. A detailed description of the plan, design or other specification, which is proposed as an alternative to the rule or requirement of this Code.
- B. **Application Fee:** A fee shall be charged and paid for each separate tract, lot or sub-part of a tract or lot subject to the Variance or Rule Exception and for each rule, regulation or requirement for which a Variance or Rule Exception requested. Fees shall be in the amount established by the Resolution of Franklin County Board of County Commissioners in accordance with the provisions of Chapter I, Article 3, Section 5 of this Code.
  - C. **Public Hearing Required:** Upon receipt of any application submitted in accordance with the requirements of this Section, the Planning Director shall prepare a Notice stating the Variance or Rule Exception being requested and the date, time and place of the hearing. The Notice shall be published in a newspaper of general circulation at least twenty (20) days prior to the hearing date. In addition, a copy of the Notice shall be mailed to owners of real property within one-thousand (1,000) feet of the site location.
  - D. **Standards for Review:** After receipt of an application, the Planning and Building Director shall prepare a report and recommendation regarding the application to the Planning Commission for their review and consideration. A copy of the report and recommendation shall be sent to the applicant and to any appropriate Planning or Governing body or interested person or party requesting such report. The report shall include substantiate reasons or purpose for a recommendation of approval or denial.
  - E. **Decision:** The Planning Commission, after reviewing all testimony, the Staff Report and the applicants alternative proposal at the Public Hearing, shall issue its decision in writing and such decision shall be final upon publication in the official County newspaper unless appealed to the District Court as provided in Article 6, Section 3.G of this Code. No Variance or Rule Exception shall be granted unless the Planning Commission determines that all of the following findings have been satisfied:
    1. That the Variance or Rule Exception for which the application is requested can not practically be met due to the features or limitations of the site without extreme and undue hardship; and
    2. That an alternate method is available which will attain the objectives of this Code; and
    3. That granting the Variance or Rule Exception will not adversely affect the proper and efficient operation of a private wastewater system or private water well nor require extraordinary monitoring, care or maintenance; and
    4. That granting the Variance or Rule Exception will not adversely affect the public health, safety, general welfare or the surrounding environment.
  - F. **Performance:** In making any decision varying or granting an exception of the rules or modifying any provision of this Code, the Planning Commission may impose such restriction terms, time limits and other appropriate safeguards as deemed necessary to protect the public interest and assure compliance with the purpose and intent of this Code, including performance bonds, or other surety acceptable to the County, guaranteeing the completion of any required improvement. Such surety shall be in favor

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of the County and properly executed prior to the granting of any permit. The amount of the surety shall be based on a general estimate of the cost of said improvement as determined by the Planning Commission.

- G. Appeal of Planning Commission Decision: Any person, official, department of government jointly or separately, aggrieved by the decision of the Planning Commission may bring an action in the District Court to determine the legality of such decision. Such action must be filed with the Clerk of the District Court within thirty (30) days after the date that the decision of the Planning Commission was rendered.

#### **Section 4. Application of State Law Procedures.**

The appeal of any final decision or action of the Planning Commission which is taken under authority of a State Administrative Agency in application of the laws of the State of Kansas shall be subject to and conducted in accordance with the Kansas Administrative Procedures Act, K.S.A. 77-501, et seq. and the provisions of that Act shall supersede any and all time limitations and procedures otherwise specified in this Code.

The Kansas Administrative Procedures Act shall not apply to any proceedings arising out of an appeal from any decision or action taken solely under the authority of the Board of County Commissioners.

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## ARTICLE 7: VIOLATIONS AND PENALTIES

### Section 1. Unlawful Conduct.

The following acts shall be unlawful:

- A. **Obstruction of Administering Agency.** No person shall willfully impede or obstruct a representative of an Administering Agency in the discharge of his official duties under the provisions of this Code.
- B. **Operation without a Permit or License.** No person shall do any act or engage in any activity for which a permit or license is required by this Code unless first obtaining such permit or license.
- C. **Failure to Comply with Emergency Order.** No person shall fail or refuse to comply with an emergency order of the Administering Agency issued under Article 5 of this Chapter.
- D. **Failure to Comply with Permit or License:** No person shall fail to comply with the specified terms or conditions of any permit or license issued under this Code nor do any act or engage in any activity or conduct regulated by this Code without a valid permit or license, nor continue activities or conduct subject to any permit or license which has expired, been suspended or been revoked under this Code.
- E. **Failure to Comply with Regulations:** No person shall do any act or engage in any activity which is regulated by any Article, Section or Chapter of this Code except as authorized and permitted under the Code, and no person shall knowingly operate any activity regulated by this Code in any manner which does not comply with the requirements of the conditions and regulations specified in this Code.
- F. **Falsification and Misrepresentation:** No person shall falsify nor misrepresent any fact, information, product or data provided, required or submitted for any application, permit, license, inspection, examination, investigation, report, record, test or other determination required under this Code.
- G. **Improper Discharges:** No person shall cause nor permit any wastewater to be discharged to or upon the ground surface, the ground water or other natural water course which creates or causes a health hazard or unlawful pollution, and no person shall cause nor permit any effluent from any private on-site wastewater disposal system, as defined in Chapter II, Article 1 of this Code, to be so discharged, or to leak, seep or otherwise escape from the system such as to create or cause a health hazard or unlawful pollution.
- H. **Failure to Repair or Correct:** No person shall fail or refuse to repair or correct any defect, deficiency or other condition, whether natural or otherwise, in any private on-site wastewater disposal system, as defined in Chapter II, Article 1 of this Code, or private on-site water system, as defined in Chapter III, Article 1 of this Code, which has caused, or which the Planning & Building Director has determined is likely to cause, within reasonable certainty, any improper discharge or other health hazard, unsanitary condition, or unlawful pollution. If the violation is not corrected within the time frame set forth by

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the Planning and Building Director may issue an order requesting the property to be vacated until corrections have been made and any fines have been paid.

## **Section 2. Notice of Violations.**

Whenever the Planning and Building Director determines that there has been, or is likely to be, a violation of any provisions of this code, the Planning and Building Director shall give notice of such alleged violations to the person responsible therefore. The notice:

- (1) shall be in writing;
- (2) shall identify the code violation and the factual basis therefore;
- (3) shall specify necessary corrective action;
- (4) shall specify a reasonable period of time for performance of any corrective action and/or work required by the notice; and
- (5) Shall be properly served upon the owner or occupant 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 Certified Mail to the last known address of the owner or occupant as identified on the latest County tax roles.

## **Section 3. Penalties.**

Any violation of any provision or requirement of this Code or the commission of any unlawful act or conduct specified in this Article shall be deemed to be a Class "C" misdemeanor pursuant to K.S.A. 19-3707 and punishable upon conviction by a fine not to exceed two hundred dollars (\$200.00) for each offense. Each day's violation shall be a separate violation.

## **Section 4. Prosecution.**

The County Attorney, as provided by K.S.A. 19-3707, shall prosecute violations of this code and is hereby authorized and directed to file appropriate actions for such prosecution upon request of the Administering Agency. Actions of injunction, mandamus, and quo warranto may be utilized for enforcement of these codes and shall be governed by the provisions of the Kansas Code of Civil Procedure. The County Attorney shall act within thirty (30) days of receipt of documentation of this violation.

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# CHAPTER II. WASTEWATER DISPOSAL

## ARTICLE 1: GENERAL PROVISIONS

### Section 1. Purpose.

Wastewater is a potential source of disease and a potential hazard to the health, safety and welfare of the public. It also poses a direct threat to the environment as a potential pollutant of the air, water and soil, and presents a hazard to all forms of plant and animal life. It is the purpose of this Chapter to provide minimum standards for the sanitary disposal of all wastewater generated or transported within Franklin County unless otherwise regulated by competent authority.

### Section 2. Scope.

All wastewater must be disposed of by the use of an approved wastewater system as defined in this Article. A sanitary wastewater system may be classified as either a public wastewater disposal system or a private on-site wastewater disposal system, as defined in this Article.

### Section 3. Requirement for Subdivision Development.

After the adoption of this Code, no person shall develop any subdivision until the plans and specifications for the wastewater system have been approved by the Franklin County Planning & Building Department, the Franklin County Planning Commission and the Franklin County Public Works Department and, when required, by the Kansas Department of Health and Environment. A subdivision is defined as any plat creating two (2) or more lots pursuant to the provisions and requirements set forth in the Franklin County Subdivision Regulations.

### Section 4. Definitions.

Unless the context requires or specifies otherwise, the following words, terms or phrases, as used in this Code, shall be given the meaning defined in this Section.

- A. Absorption System: A on-site wastewater disposal system for the treatment of wastewater by means of a leaching field and adjacent soil or by other means of absorption into the ground.
- B. Absorption Trenches: One or more trenches of varying length and depth and of fixed horizontal separation in which effluent is percolated into the soil.
- C. Aerated Wastewater Treatment System: A on-site wastewater disposal system employing biological action, which is enhanced by the addition of air or oxygen.

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- D. **Alternative On-site Wastewater System:** Any on-site wastewater system, which has proven reliability and performance in field use, but differs in design or operation from conventional septic tank and absorption systems.
- E. **Aquifer:** A subsurface water-bearing bed or stratum of sand, gravel or bedrock which stores or transmits water in recoverable quantities or is capable of yielding water to, or transmitting water contaminants or pollutants to, wells or springs.
- F. **Base Flood:** Flood having a one percent chance of being equaled or exceeded in any given year.
- G. **Base Flood Elevation (BFE):** The computed elevation to which floodwater is anticipated to rise during the base flood.
- H. **Bedrock:** A soil horizon, which contains greater than 50% consolidated material, by volume.
- I. **Blackwater:** Wastewater generated from toilets. Blackwater has the potential to be pathogenic.
- J. **Cesspool:** A drywell that receives untreated wastewater and which may have an open bottom and /or perforated sides. Prohibited by this Code.
- K. **Conventional On-site Wastewater System:** A System consisting of a Septic Tank and an Absorption System.
- L. **Distribution Box:** A watertight chamber below the outlet level of a septic tank or treatment unit and from which wastewater enters the absorption system.
- M. **Greywater:** Wastewater generated from sinks, showers, laundry and water treatment devices. Greywater is similar to toilet discharges and has the potential to be pathogenic.
- N. **Holding Tank:** A watertight receptacle for the retention of wastewater before, during or after treatment.
- O. **Industrial and Commercial Wastes/Wastewater Systems:** Any wastewater produced as a by-product of any industrial and commercial process or operation, other than domestic wastewater. 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.
- P. **Installer:** Any person duly licensed to construct, install and/or repair any private on-site wastewater disposal systems authorized by this Code.
- Q. **Minor Repair:** When used in reference to private on-site wastewater disposal systems, as defined in this Section, the term “minor repair” shall be defined as a replacement or repair of any solid pipe component of the system or the replacement or repair of septic tank components such as tees or baffles or such similar type of

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work as designated by the Sanitarian of the Franklin County Environmental Health Department or his/her designee.

- R. **Mound System:** An alternative above ground on-site wastewater system used to absorb wastewater from septic tanks in cases where seasonably high water table zones, high bedrock considerations, slowly permeable soils, or limited land areas prevent conventional subsurface absorption systems.
- S. **Private On-site Wastewater Disposal System:** A sanitary wastewater system which retains wastewater generated by an individual establishment on the same premises as the establishment that is not required to hold a Kansas Department of Health and Environment Water Pollution Control Permit and such wastewater is either:
  - 1. Treated on site by a septic tank and absorption field; or
  - 2. Transported for treatment at another site by means other than pipes or conduits connected to a public wastewater disposal system.
  - 3. Collected in a wastewater stabilization pond (lagoon) serving less than 2500 gallons per day of domestic wastewater.
- T. **Privy (Sanitary):** A facility designed for the retention of non-water carried wastes from the human body. No sanitary privy shall be constructed or modified on any site. Prohibited by this Code
- U. **Public Wastewater Disposal System:** A sanitary wastewater system which collects untreated or partially treated wastewater from individual establishments or premises or recreational areas and transports it from the establishment or premises by means of pipes or conduits to a plant or location for treatment, and which is available for use by any person within the geographic area served by such a system.

This includes, but is not limited to:

- (1) Systems built, served or operated by public sewer districts and municipal sewer systems (Public).
  - (2) Systems built within subdivisions that are operated, maintained and processed within the subdivision. (County Sewer District). The initial installation of these systems is financed by the developer.
- V. **Sanitary Disposal Contractor:** Any person duly licensed to perform sanitary disposal services.
  - W. **Sanitary Disposal Service:** The pumping out and removal of wastewater from on-site wastewater disposal systems and the transportation of such material to another location for treatment or disposal.
  - X. **Sanitary Wastewater System:** Any system of pipes, tanks, conduits, structures or other devices for the collection, transportation, storage, treatment and disposal of wastewater.

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- Y. Seepage Pit: A subsurface excavation three (3) feet or deeper which may be filled or lined with rock or gravel and receives untreated wastewater. Prohibited by this Code.
- Z. Septic Tank: A watertight, accessible, covered receptacle designed and constructed to receive wastewater either before, during or after treatment. All septic tanks shall be designed and constructed according to specifications set forth by the Kansas Department of Health and Environment Bulletin 4-2.
- AA. Soil Mottles: Spots or streaks of contrasting soil colors, which indicate the presence of a seasonal water table zone.
- BB. Structurally Significant Alteration: When used in reference to on-site wastewater disposal systems, the term “structurally significant alteration” means any of the following:
  - (1) Replacement, repair or extension of any portion of the lateral field of the system, and/or
  - (2) Replacement, repair or reconstruction of any one or more of the critical parts of the system, as designated by the Administering Agency; and/or
  - (3) Any replacement, repair or reconstruction which, upon review of the Administering Agency, is determined to be an essential repair in order to correct or prevent an improper discharge or imminent health hazard or unlawful pollution.
- CC. Trunk Line: The solid pipe from which the laterals extend in a septic tank system.
- DD. Wastewater: Wastewater which is normally characterized as, and is similar to, residential wastewater, not a commercial or industrial activity, and which originates primarily from kitchen, bathroom and laundry sources, including waste from food preparation, dishwashing, garbage grinding, toilets, baths, showers and sinks.
- EE. Wastewater Stabilization Pond (Lagoon): A pond designed and constructed to exclude surface water and receive domestic wastewater through a submerged sewer line for biological decomposition.
- FF. Water Table Zone: A zone in the soil, which is either continually or seasonally saturated with water.

## **Section 5. Rules of Application.**

The provisions of Bulletin 4-2 “Minimum Standards for Design and Construction of Onsite Wastewater Systems” published by KDHE and Kansas State University Agricultural Experiment Station and Cooperative Extension Service, March 1997, and as may be amended, is hereby adopted and incorporated into this as if set forth herein to assure protection of the public health and environment from all designed, constructed and installed onsite wastewater systems. Requirements established by the KDHE, Bulletin 4-2 and the Franklin County Sanitation Code shall apply and be applicable to any and all privately owned on-site wastewater treatment systems now or hereafter installed, used or operated for any facility located within the unincorporated area of Franklin County Kansas.

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Sections of the Franklin County Environmental/Sanitation Code may be more stringent than the requirements of KDHE Bulletin 4-2 and have been adopted based on available research and technology.

- A. **General Rule:** Unless otherwise provided or excepted in accordance with this Section, as of the effective date of the Code, no person shall design, install, replace, alter, repair, use or operate, nor cause or allow the installation, replacement, alteration, repair, use or operation of any on-site wastewater disposal system except as permitted under and as which complies with the established requirements of this Code.
  
- B. **Existing Systems Treating Domestic Wastewater:** Any private on-site wastewater disposal system lawfully installed prior to the effective date of this Code and used exclusively for domestic wastewater and **not industrial nor commercial wastes**, may remain in use if, and as long as, it continues to operate in accordance with the original design and location, does not experience any system failure, and does not present any hazard to the public health, safety or welfare. However, any replacement, alteration, enlargement, repair, removal, conversion, improvement or demolition shall comply with the requirements of this Code or any later amendments, revisions or versions. Temporary hardship manufactured homes, as permitted by the Franklin County Zoning Regulations, may be connected to existing on-site sanitation systems. Such connections shall be subject to an inspection and compliance with the requirements of this Code.
  
- C. **Existing Systems of Industrial and Commercial Wastewater Systems:**
  - 1. Discharge of industrial or commercial waste to a soil absorption system is prohibited. Any soil absorption system in use at the time of passage of this Code shall be referred to the Kansas Department of Health and Environment to assure compliance with state and federal requirements.
  - 2. Those systems, which are used exclusively for domestic wastewater, may remain in use, as long as the system is used only for domestic wastewater treatment and satisfies the requirements of this Code.
  
- D. **Existing Tracts and Lots of Record:** The owner of any land, which is a tract or lot of record, on or before the effective date of this Code may apply for and receive a permit under the applicable provisions of this Chapter if:
  - 1. The tract or lot size is at least one (1) acre; and
  - 2. The installation and use of the system shall be exclusively for on-site wastewater disposal and will comply with all other requirements of this Code; and
  - 3. The lot is located in a plat which has received final plat approval on or before the effective date of this Code or the lot or tract is not platted but was duly recorded as a lot or tract of record prior to the effective date of this Code; and
  - 4. The lot or tract is not located within the boundaries of any sewer district operated by Franklin County.

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## ARTICLE 2: PUBLIC WASTEWATER DISPOSAL SYSTEMS

### Section 1. Regulation of Municipal or Public Systems.

Any public wastewater system which is maintained and operated by a municipality, by a lawfully created public sanitary sewer district, or by a lawfully organized public improvement district authorized under application of the Laws of the State of Kansas and located in whole or part within Franklin County, Kansas, shall be built and operated only as permitted by the rules and regulations of the Kansas Department of Health and Environment.

### Section 2. Policy Regarding Public Wastewater Systems.

Due to unsuitable soil conditions, high ground water table, bedrock being close to the surface of the ground, the density of development permitted by Franklin County Zoning and Subdivision Regulations, and the relationship of development to community growth areas, the Franklin County Board of County Commissioners may require public wastewater districts to be established in accordance with K.S.A. 19-27a.01. The cost of installation, maintenance and operation of the public wastewater district facilities shall be borne by those properties and persons being served by the system.

### Section 3. Types of Public Wastewater Systems.

Public wastewater systems shall be of the following types:

- A. Conventional Gravity Flow Collection Systems. Collection of waste from the point of origin for delivery to a place of treatment. Treatment could include a number of standard and alternative options prescribed by professional engineering practices and approved by the Kansas Department of Health and Environment.
- B. Alternative Wastewater Treatment/Disposal. The use of Septic Tank Effluent Pump (STEP) system may be approved by Franklin County for use as an alternative wastewater collection system. Treatment from STEP systems may involve the use of lagoons, sand filtration beds, constructed wetlands, a package treatment plan or other treatment methods as recommended by a professional engineer and approved by the Kansas Department of Health and Environment.
- C. Other. Any other type of public wastewater disposal system acceptable to the Kansas Department of Health and Environment shall be considered.

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# ARTICLE 3: PRIVATE ON-SITE WASTEWATER DISPOSAL SYSTEM

## Section 1. Types.

Private On-site Wastewater Disposal Systems are classified as being one the following types:

- (1) Septic Tank & Absorption System
- (2) Aerated Septic Tank & Adsorption System
- (3) Mound System
- (4) Drip Irrigation
- (5) Holding Tank
- (6) Wastewater Stabilization Pond (Lagoon)
- (7) Alternative System

## Section 2. Proper Maintenance and Operation.

All private on-site wastewater disposal systems shall be maintained in good working condition and shall not discharge onto the surface grade or into the groundwater or drain into any stream or roadside ditch or produce any offensive odors or become a breeding place for flies, mosquitoes or rats and other disease vectors. Surfacing of effluent in pools or streams or groundwater contamination will indicate system failure. Whenever the Administering Agency shall find any private on-site wastewater disposal system malfunctioning and causing any prohibited condition, it shall order the owner and/or user to correct the condition within thirty (30) days.

Some alternative wastewater systems may require additional maintenance in order to function properly. The installation of an aerobic septic tank as a method of pretreatment shall require a maintenance agreement for the life of the system with a qualified service provider.

## Section 3. Location of a On-site Wastewater System.

All private on-site wastewater disposal systems must meet the minimum separation distances outlined in Table 1 unless a variance or rule exception is granted pursuant to Chapter 1, Article 6, Section 6 of this Code.

Septic tank to foundation of house or other buildings	10'
Lateral Field to foundation	25'
Any part of a wastewater system to:	
Public potable water line	25'
Private potable water line	10'
Property line	25'
Public water supply, well or suction line	100'
Private water supply well or suction line	50'
Surface water course	50'
Public Utility Lines (not water)	50'

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Table 1- Minimum Separation Distances for Private on-site Wastewater Disposal Systems Continued	
Wastewater Stabilization Pond (Lagoon):	
Property Line	100' operational water level
Dwelling foundation	100' operational water level
Private or public water line	100' operational water level
House, structure, cistern, water main or property line including right of way	100' operational water level
Water wells, ponds or creeks	100' operational water level

**Section 4. Location of Private on-site Wastewater Disposal Systems Below Flood/Full Pool.**

- A. No portion of a private on-site wastewater disposal system shall be located below the flood pool elevation of any reservoir or full pool elevation of any pond, lake or water supply reservoir with the potential to inundate the wastewater system.
- B. No pond or swimming pool shall be constructed or maintained so as to discharge or have the potential to discharge water or grey water into a private on-site wastewater disposal system which could result in the failure of that system, unless a structure or suitable arrangement approved by the Administrative Agency is constructed to protect the private on-site wastewater disposal system from such discharge or potential discharge of water.

**Section 5. Location of Private on-site Wastewater Disposal Systems Within a 100-Year Floodplain.**

Except for wastewater stabilization ponds (lagoons), no portion of a private on-site wastewater disposal system shall be constructed within the one percent (1%) floodplain as identified on the Flood Insurance Rate Map for Franklin County. This does not preclude repairs of existing systems, provided other requirements of this Code are met. Berms of a wastewater stabilization pond (lagoon) shall be constructed a minimum of one (1) foot above the base flood elevation. Where base flood elevations have not been established, the base flood for the levee shall be determined and certified by a registered professional engineer or licensed surveyor.

**Section 6. Connections to Public Wastewater Disposal Systems.**

To the extent feasible, public wastewater disposal systems shall be used for the disposal of all wastewater in Franklin County, and no private on-site wastewater disposal system shall be permitted under this Article whenever a public wastewater disposal system is within four hundred feet (400') of the property line. Any property served by a private on-site wastewater disposal system authorized under this Article shall connect to a public system as provided in this Section.

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- A. Existing Systems: After the effective date of this Code, no permit for construction or for a structurally significant alteration of a private on-site wastewater disposal system shall be issued for any lot or tract of land any part of which is located within four hundred feet (400') of a main or lateral sewer line which is part of a public wastewater disposal system which can serve the lot or tract, and when it is determined that connection to the public system is feasible and reasonably available to the property owner.
- B. New Systems. The use of any private on-site wastewater disposal system for which a permit to construct was issued prior to the effective date of this Code shall be prohibited three (3) years after a public main or lateral sewer line first becomes available for service within four hundred feet (400') of the lot or tract served by the private on-site wastewater disposal system.
- C. Extension or Waivers. The requirement for connection to a public wastewater disposal system for any particular tract or lot may be waived, or the time extended, by official action of the Planning Commission as provided in Article 6, Section 3 of this Code, if shown that the required connection would result in undue hardship.

## **Section 7. Repairs and Corrections.**

Any private on-site wastewater disposal system that cannot connect to a public wastewater system and does not function properly as designed and permitted shall be replaced or repaired. Plans and specifications for the replacement or repairs shall be submitted to and reviewed by the Administering Agency, and no repairs or replacements, other than ordinary maintenance, shall be performed without a permit and inspection as required under this Code.

## **Section 8. General System Requirements.**

The system shall be designed to consist of a building connection, treatment unit such as a septic tank and absorption field. An "absorption field" means a configuration of on-site trenches know as laterals, installed to absorb wastewater effluent from a septic tank or other solids removal device. The system shall receive all domestic wastewater including laundry waste. The design of the system shall ensure that the wastes discharged to the private on-site wastewater disposal system:

- A. Does not contaminate any drinking water.
- B. Is not accessible to insects, rodents or other possible carriers of disease, which may come in contact with food or drinking water.
- C. Does not contaminate surface water or groundwater aquifers.
- D. Does not surface above ground level.
- E. Is not a danger by being exposed and accessible to animals or children.
- F. Does not give rise to a nuisance due to odor or unsightly appearance.

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## Section 9. Application Procedure.

The person applying for the wastewater disposal system permit shall first file an application in writing on a form furnished for that purpose by the Administering Agency. The application shall:

- A. Identify and describe the activity for which permission is requested (e.g, construction, repair, etc.)
- B. Identify the location of the activity for which permission is requested by legal description and street address.
- C. Indicate the type of establishment, which the sanitary wastewater system will serve.
- D. Be accompanied by a completed soil profile analysis and site assessment for each site location as specified in, and performed, according to the procedures described in Section 10 of this Article.
- E. Be accompanied by a system design to be done in conformance with the recommendations of the site assessment. The system design shall include a legal description of the site, the required laterals, septic tank size, number of bedroom in the home and be prepared by an installer licensed by this Code or a registered professional engineer.
- F. Be signed by the owner of the premises where the activity is to be conducted, or his or her duly authorized representative. The representative may be required to submit evidence of such authority.

## Section 10. Field Data Requirements.

- A. **Site and Soil Evaluation.** Although the septic tank is important for removing solids from the wastewater, most wastewater treatment is provided by the soil. Microorganisms living in the soil profile use organic matter in the wastewater as food, thus treating and purifying the water as they grow. Four feet (4') of soil beneath the bottom of the soil absorption field is required to assure adequate treatment before wastewater reaches the water table or flows laterally due to the presence of a restrictive layer. An evaluation of the soil and a soil profile are required to assess the ability of a site to provide proper wastewater treatment.
- B. **Soil Profile.** A soil profile shall be required by the Administering Agency and shall consist of an on-site visual examination of the soil in location of the proposed absorption field. The applicant shall be responsible for digging a minimum of two (2) three foot by five foot by five-foot (3'W x 5'L x 5'D) inspection pits prior to completing the analysis of the soil capabilities evaluation.

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- C. **Water Table Borings.** Borings to determine underground water elevation in low areas may be required by the Administering Agency. Borings shall be made to a minimum of seven feet (7'). Water table elevations shall not be recorded until sufficient time has elapsed for the stabilization of groundwater (such stabilization in clay soils may require several hours or overnight). Evidence of the presence of water in the borings shall negate the use of conventional wastewater systems in that area. Location, identification number and depth to water table shall be recorded on the site plan. Other records of the water table elevation, including seasonable peaks, may be submitted or required.
- D. **Rock Borings.** Where surface outcroppings on subsurface rock exists or are suspected, a sufficient number of borings to a depth greater than four feet (4') may be required by the Administering Agency to determine if such condition may interfere with installation, performance or repair of the proposed wastewater treatment system. Evidence of rock in the borings may negate the use of a conventional wastewater treatment system in that area. Boring locations and data shall be recorded by number on the site plan.

## **Section 11. Plans and Specifications.**

Plans and specifications shall be drawn to scale, no greater than one inch to fifty feet 1" – 50'), and shall include but not be limited to the following information:

- A. Location of the soil profile sites in the area of the proposed on-site wastewater disposal system.
- B. Size of lot, dimensions and relative location of structures.
- C. Proposed location of the on-site wastewater disposal system.
- D. Alternative systems require submittal of all design specifications.
- E. Retention of Plans: One set of approved plans shall be retained by the Administering Agency and one set of approved plans shall be returned to the applicant.

## **Section 12. Inspection Required for System Approval.**

No private on-site wastewater disposal system shall be placed into service and no occupancy permit may be issued to any person for use of any establishment to be connected to such system until the system has been inspected and approved by the Administering Agency.

- A. No inspection or system approval will be initiated until and unless the applicant or property owner has fully complied with the permit and application requirements of this Code. Any required permit must be posted and displayed at the property job site.
- B. The applicant, property owner or installer shall provide a minimum of one (1) working day notice to the Administering Agency to perform any required inspection.

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An inspection will be conducted only when proper notice is given and only where the site address is posted and visible from the road.

- C. **Inspection Procedures.** There will be at least one (1) inspection required for each wastewater system. A second inspection may be required when determined necessary by the inspector.

### **Section 13. Applicable Building Codes.**

In addition to the standards and requirement established under this Chapter, the installation, alteration, construction, reconstruction, repair, replacement or other work for or upon any private on-site wastewater disposal system regulated under this Code shall comply with and satisfy the specifications and requirements, whenever applicable, of the International Building Code and the International Plumbing Code, or similar codifications, as adopted by and in effect in Franklin County, Kansas. The Administering Agency shall have available copies of any such code specifications and shall delineate those parts and requirements, which are applicable to private wastewater systems.

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## Article 4: REQUIREMENTS FOR SEPTIC SYSTEMS

### Section 1. Permits Required.

It shall be unlawful for any person, firm, or corporation to erect, construct or perform any structurally significant alteration, remove, convert or demolish any wastewater system regulated by this Code, without first obtaining a wastewater system permit from the Franklin County Environmental Health Department. Permits issued under this Article shall be subject to the following qualifications:

- A. **Property Use.** Permits may be issued under this Article only for single-family residences.
- B. **Minimum Lot Size.** A minimum lot or tract size of three (3) acres per living unit shall be required for any permit issued under this Article except as provided in Chapter II, Article 1, Section 5.D.
- C. **Terms and Renewals.** A permit issued under this Article shall be valid for a period of twelve (12) months following the date of issuance and may be renewed annually by order of the Planning & Building Director.
- D. **Transfer.** A permit issued under this Article shall not be transferable.
- E. **Standards.** No permit shall be issued to any person, property or establishment, which does not comply with and satisfy the specified requirements of all applicable Sections of this Code.

### Section 2. General System Requirements

The system shall be designed to consist of a building connection, treatment unit, such as a septic tank and absorption field. An “absorption field” means a configuration of on-site trenches installed to absorb wastewater effluent from a septic tank or other solids removal device.

### Section 3. Application Requirements

The system design shall include the required laterals, and septic tank size as set forth in Section 4 of this Article.

### Section 4. Construction Specifications.

All tanks shall meet the design and construction specifications as set forth in the State of Kansas Department of Health and Environment Bulletin 4-2 and amendments thereto. Septic tanks shall be constructed of sound, durable materials, not subject to excessive corrosion or decay and shall be watertight, such as concrete, fiberglass or polyethylene. Each such tank shall be structurally designed to withstand all anticipated earth or other loads and shall be installed level and on a solid bed. Steel septic tanks shall not be permitted.

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A. Tank Requirements. Residential septic tanks shall be a minimum of one thousand (1000) gallon capacity tanks.

B. Pump Tanks.

(1) Septic Tank Effluent Pump (STEP) This method involves a two-compartment septic tank with the pump assembly in the second compartment. An approved pump assembly shall be used.

(2) Single Compartment Pump Tank. Single compartment pump tanks shall be precast concrete, fiberglass or polyethylene. The pump tank shall have a minimum capacity of 500 gallons.

All pump tanks shall be equipped with an approved manhole and lid-to-finished grade and shall also be equipped with an approved high water alarm.

C. Depth. The access manhole cover must be extended to the finished grade and shall consist of a cast iron ring and lid, or other material, which meets the Environmental Health Department approval.

D. Location. The location of the septic system shall be such as to maintain not less than the stated distances as shown in Chapter II, Article 3, Section 3.

E. Site Preparation. The area proposed to be occupied by the private on-site wastewater disposal system shall not be disturbed or compacted prior to system installations. Fencing or other appropriate barriers shall be used to designate this area. During and after installation, care shall be taken to avoid compaction or destruction of the soil profile.

Excavation for construction of the system shall not be done when soil moisture is so great that soil from the site rolled between the hands will form a soil wire.

F. Lateral Size The linear footage required for lateral system shall be determined based on loading rates and the number of bedrooms water usage as provide in Table 1 of this Article.

G. Lateral Trench The acceptable absorption trench width shall be from twenty-four to thirty-six inches (24"-36") with an 8 foot separation distance between the edges of each trench and with a maximum depth not to exceed thirty (30) inches.

H. Lateral Field. Standard perforated distribution pipe, with a minimum four inch (4") internal diameter (10' length of rigid PVC) shall be used. There shall be a minimum of one-eighth inch (1/8") pipe of slope from outlet end of tank to first lateral trench. Individual distribution pipe shall have a maximum slope of four inches (4") per one hundred feet (100'). Individual distribution pipe should not exceed one hundred feet (100') from end of lateral trench to trunk line. Distribution lines shall be installed on top of minimum of six inches (6") of washed gravel sized from three quarter inch (3/4") to two inches (2"). Distribution pipe will be covered with a minimum of two

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inches (2") of washed gravel sized from three quarter inch (3/4") to two inches (2"). The Environmental Health Department shall approve the fabric material that will be placed over the gravel before backfilling. Serial or "step-down" distribution may be required for excessively sloping yards. Valves or drop boxes may be required on all serial or step-down distribution systems. Depth of the trenches should be a minimum of twenty-four inches (24") and shall not exceed thirty-six inches (36").

No part of the lateral field shall be covered by more than twenty-four inches (24") of backfill. No septic tank lateral field or any portion thereof shall be placed in fill material unless approved by the Administering Agency. All lateral fields shall meet design and construction specifications set forth in the State of Kansas Department of Health and Environment Bulletin 4-2 and amendments thereto.

The lateral field shall be constructed and installed according to requirements approved by the Environmental Health Department and shall be designed and installed with some method of detection, acceptable to the Department, which allows for and assists in locating the lateral lines in the future.

#### I. Field Layout Methods.

- (1) Level Field Method. On flat terrain, the level field method may be used. When this method is used, all distribution trenches shall be installed level at the same elevation and shall not exceed one hundred feet (100') in length. A standard tee fitting shall be used to distribute treated wastewater. A standard tee fitting should be used to affect a juncture of the ends of any three (3) distribution lines. All laterals on the same elevation shall be connected at each end with a level manifold or connector pipes so there is no dead end.
- (2) Sequential Step-down or "Overhead" Systems. This method is well suited to terrain with a slope. In this system, effluent is not distributed equally to all the lateral lines. Instead, the lines are filled sequentially and diversions to the next line do not occur until the fluid level in the preceding trench reaches slightly above the top of the rock fill. The installation of laterals must be along contour lines so that level trenches of uniform depth can be constructed. The bottom of the lateral trenches shall be level. The overhead distribution line must be connected at the lateral line, and at any elevation so that the bottom of the overhead line is two inches (2") above the lateral rock in the absorption trench. The overhead distribution line must be set on a firm foundation of undisturbed earth.
- (3) Distribution Box Method. On level or moderately sloping topography, the distribution box method may be used. A level concrete foundation shall be provided to insure against tilting and it shall extend six inches (6") beyond the box in both dimensions. Extreme care must be exercised in backfilling around and over the distribution box. Influent lines from the septic tank shall terminate inside the distribution box. When this method is used, absorption trenches shall be of equal lengths and not exceeding one hundred feet (100'). While such absorption trenches may be installed at the same or different elevations, all lines leading from the distribution box to absorption trenches

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must be installed level and at the same elevation, shall be watertight and, for the remainder of their sealed length, the grade of such lines shall not be more than one-eighth inch (1/8") per foot. All perforated distribution lines shall be laid on a level grade. The absorption trench shall meet all the minimum design and construction criteria as set forth under Table 2 of this Article.

- J. Connections: Inlet and outlet pipe connected to the septic tank shall be four inch (4") solid pipe with a minimum rating of Schedule 40. Solid lines from the outlet pipe of the septic tank shall be four inch (4") solid pipe with a minimum rating of SDR 35. Rigid or corrugated plastic approved by the American Society for Testing and Materials (ASTM) will be required for use as open joint or perforated distribution lines.
- K. Prohibited Connections. No roof, driveway, or floor drain shall be connected to a septic tank system.
- L. Additional Requirement for Absorption Field Utilizing Chamber System: The following requirements are in addition to all other requirements noted within this Code:
  - (1). Inspection ports may be required by the Environmental Health Department for monitoring purposes;
  - (2). The end plates of each chamber trench shall be constructed of plastic, made by the manufacturer.
  - (3). The overhead distribution pipe shall be fed into the top of the chamber (unless otherwise specifically approved by the Environmental Health Department) with a standard PVC tee fitting. The PVC tee shall extend downward midway into the depth of the chamber.
- M. Other Requirements. Any additional construction specification guidelines necessary shall be approved by the Environmental Health Department.

## Section 5. Inspection Requirements

An inspection shall be made when the system is installed. The tank and pipe shall be in the ground but must be uncovered for the inspector to check the following:

- A. Tank size and inside structure , including inlet and outlet baffles or tees
- B. Connections to the house, influent and effluent side of the tank.
- C. The width and depth of trenches for lateral lines.
- D. All solid, un-perforated trunk lines trunk lines on undisturbed soil and no rock material in the trunk line ditch.
- E. Depth of gravel in laterals.
- F. Level of pipes and the end of each lateral line capped or interconnected.
- G. Filter material over laterals.
- H. Anticipated depth of fill over laterals.

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- I. Quality of all construction materials to assure compliance with minimum standards set forth by the Environmental Health Department.

A second inspection may be made after final grading has occurred, but before occupancy, when determined necessary by the inspector. The inspector will check the following:

- A. Depth of soil over septic tank
- B. Depth of soil cover over lateral lines
- C. Contour of soil to assure allowance for water diversion around the lateral field.
- D. Operation of aeration unit (when installed)

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TABLE 2: MINIMUM DESIGN AND CONSTRUCTION STANDARDS FOR LATERALS \*USING UNTREATED EFFLUENT\*

Loading Rate for soils	# Bedrooms / gallons per day		3	4	Add 150g per each additional bedroom
	1	2			
Loamy Sand, Sandy Loam, Silt Loam 0.40 gpd/sq.ft. [Group V.]	150 gpd	300 gpd	450 gpd	600 gpd	750 gpd
	375 sq. ft. Total Area	750 sq. ft. Total Area	1350 sq. ft. Total Area	1500 sq. ft. Total Area	1875 sq. ft. Total Area
	300 sq. ft. Chambers	600 sq. ft. Chambers	1080 sq. ft. Chambers	1200 sq. ft. Chambers	1500 sq. ft. Chambers
	187.50 lf. (2 ft. wide)	480 lf. (2 ft. wide)	675 lf. (2 ft. wide)	750 lf. (2 ft. wide)	937.50 lf. (2 ft. wide)
	150 lf. (3 ft. wide)	300 lf. (3 ft. wide)	450 lf. (3 ft. wide)	500 lf. (3 ft. wide)	625 lf. (3 ft. wide)
Clay loams, Silty clay loams, 0.25 gpd/sq.ft. [Group VI.]	150 lf. / 36" chambers (26 ea.)	240 lf. / 36" chambers (29 ea.)	360 lf. / 36" chambers (38 ea.)	700 lf. / 36" chambers (51 ea.)	500 lf. / 36" chambers (64 ea.)
	150 lf. / 24" chambers (29 ea.)	300 lf. / 24" chambers (43 ea.)	540 lf. / 24" chambers (43 ea.)	600 lf. / 24" chambers (57 ea.)	750 lf. / 24" chambers (72 ea.)
	600 sq. ft. Total Area	1200 sq. ft. Total Area	18000 sq. ft. Total Area	2400 sq. ft. Total Area	3000 sq. ft. Total Area
	480 sq. ft. Chambers	960 lf. Chambers	1440 sq. ft. Chambers	1920 sq. ft. Chambers	2400 sq. ft. Chambers
	300 lf. (2 ft. wide)	600 lf. (2 ft. wide)	900 lf. (2 ft. wide)	1200 lf. (2 ft. wide)	1500 lf. (2 ft. wide)
Silty Clays, Clays 0.10 gpd/sq.ft. [Group VII.]	200 lf. / 36" chambers (41 ea.)	400 lf. / 36" chambers (46 ea.)	600 lf. / 36" chambers (61 ea.)	800 lf. / 36" chambers (82 ea.)	1000 lf. / 36" chambers (102 ea.)
	240 lf. / 24" chambers (46 ea.)	480 lf. / 24" chambers (69 ea.)	720 lf. / 24" chambers (69 ea.)	970 lf. / 24" chambers (92 ea.)	1200 lf. / 24" chambers (115 ea.)
	Not Suitable with respect to texture.	Not Suitable with respect to texture.	Not Suitable with respect to texture.	Not Suitable with respect to texture.	Not Suitable with respect to texture.
	Not Suitable with respect to texture.	Not Suitable with respect to texture.	Not Suitable with respect to texture.	Not Suitable with respect to texture.	Not Suitable with respect to texture.
	Not Suitable with respect to texture.	Not Suitable with respect to texture.	Not Suitable with respect to texture.	Not Suitable with respect to texture.	Not Suitable with respect to texture.

TABLE 2-B: MINIMUM DESIGN AND CONSTRUCTION STANDARDS FOR LATERALS \*USING TREATED EFFLUENT\* (I.E. AEROBIC UNIT, SAND FILTER, ETC.)

Loading Rate for soils	# Bedrooms / gallons per day		3	4	Add 150 g per each additional bedroom
	1	2			
Loamy Sand, Sandy Loam, Silt Loam 0.48 gpd/sq.ft. [Group V.]	150 gpd	300 gpd	450 gpd	600 gpd	750 gpd
	312.5 sq. ft. Total Area	666 sq. ft. Total Area	937.5 sq. ft. Total Area	1250 sq. ft. Total Area	1562.5 sq. ft. Total Area
	250 sq. ft. Chambers	532.80 lf. Chambers	750 sq. ft. Chambers	1000 sq. ft. Chambers	1250 sq. ft. Chambers
	156.25 lf. (2 ft. wide)	266.4 lf. (2 ft. wide)	468 lf. (2 ft. wide)	625 lf. (2 ft. wide)	781.25 lf. (2 ft. wide)
	104.16 lf. (3 ft. wide)	177.3 lf. (3 ft. wide)	312 lf. (3 ft. wide)	417 lf. (3 ft. wide)	520.83 lf. (3 ft. wide)
Clay loams, Silty clay loams, 0.30 gpd/sq.ft. [Group VI.]	83.3 lf. / 36" chambers (26 ea.)	141.81 lf. / 36" chambers (29 ea.)	250.00 lf. / 36" chambers (32 ea.)	331.25 lf. / 36" chambers (43 ea.)	416.6 lf. / 36" chambers (53 ea.)
	125 lf. / 24" chambers (29 ea.)	213.00 lf. / 24" chambers (36 ea.)	375.00 lf. / 24" chambers (36 ea.)	500.00 lf. / 24" chambers (48 ea.)	625 lf. / 24" chambers (60 ea.)
	500 sq. ft. Total Area	1000 sq. ft. Total Area	1500 sq. ft. Total Area	2000 sq. ft. Total Area	2500 sq. ft. Total Area
	400 sq. ft. Chambers	800 lf. Chambers	1200 sq. ft. Chambers	1600 sq. ft. Chambers	2000 sq. ft. Chambers
	250 lf. (2 ft. wide)	500 lf. (2 ft. wide)	750 lf. (2 ft. wide)	1000 lf. (2 ft. wide)	1250 lf. (2 ft. wide)
Silty Clays, Clays 0.15 gpd/sq.ft. [Group VII.]	166.6 lf. (3 ft. wide)	333.3 lf. (3 ft. wide)	500 lf. (3 ft. wide)	667 lf. (3 ft. wide)	1000 lf. (3 ft. wide)
	133.2 lf. / 36" chambers (41 ea.)	266.4 lf. / 36" chambers (46 ea.)	400 lf. / 36" chambers (51 ea.)	535.23 lf. / 36" chambers (68 ea.)	667 lf. / 36" chambers (85 ea.)
	200 lf. / 24" chambers (46 ea.)	400 lf. / 24" chambers (69 ea.)	600 lf. / 24" chambers (69 ea.)	800 lf. / 24" chambers (92 ea.)	1000 lf. / 24" chambers (115 ea.)
	1000 sq. ft. Total Area	2000 sq. ft. Total Area	3000 sq. ft. Total Area	4000 sq. ft. Total Area	5000 sq. ft. Total Area
	800 sq. ft. Chambers	1600 lf. Chambers	2400 sq. ft. Chambers	3200 sq. ft. Chambers	4000 sq. ft. Chambers

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## ARTICLE 5: REGULATIONS FOR MOUND SYSTEMS

### Section 1. Permits Required.

It shall be unlawful for any person to erect, construct or perform any structurally significant alteration, remove, convert or demolish any mound system without first obtaining a permit from the Franklin County Environmental Health Department.

### Section 2. Permit Qualification.

A permit authorized under this Article shall be issued, and any mound system operated under the provisions of this Code, shall be approved subject to the qualifications specified in this Section.

- A. Land Use. A mound system may be permitted or operated **only** for single-family residences.
- B. Minimum Lot Size. A minimum lot or tract size of three (3) acres per living unit shall be required for use, operation or permittance of any mound system under this Article except as provided in Chapter I, Article 6 of this Code.
- C. Standards. Any mound system permitted or operated under authority of this Article shall comply with the standards prescribed in this Article and all applicable terms, conditions and requirements of this Code.

### Section 3. General Requirements and Standards.

Mound systems shall be permitted only after a thorough site evaluation has been made, and landscaping, dwelling, placement, effect on surface drainage and general topography have been considered. Mound systems shall not be utilized on soils where high groundwater level or bedrock occurs within twenty-four inches (24") of the surface.

### Section 4. Design.

All mound systems shall be designed by a registered professional engineer, licensed designer, registered sanitarian or professional soils scientist, and approved by the Franklin County Environmental Health Department. Required distances from the system, as provided in Article 3, Table 1, shall apply to the design of mound systems. Construction specifications of septic tanks and laterals, etc. used in a mound system shall comply with the construction standards as provided in Article 4, Section 6.

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# ARTICLE 6: REGULATIONS FOR COMPOSTING TOILETS/WATERLESS TOILETS

## Section 1. Permits Required.

It shall be unlawful for any person, firm or corporation to construct, install or perform any modifications to composting or waterless toilets without first obtaining a permit from the Administering Agency.

## Section 2. Permit Qualifications.

A permit authorized under this Article, and any composting or waterless toilet operated under the provisions of this Code, shall be approved subject to the qualifications specified in this Section:

- A. Land Use: A composting or waterless toilet system may be permitted or operated **only** for such uses as seasonal cabins or camping facilities and similar temporary activities where no water supply is available and is approved by a Special Use Permit as provided in the Franklin County Zoning Regulations.
- B. Minimum Lot Size: The minimum lot size for the use of composting or waterless toilets shall be determined by the Franklin County Planning Commission when considering the approval of the Special Use Permit.
- C. Standards: All composting shall have the National Sanitary Foundation Seal of Approval and Testing and comply with the requirements of the Kansas Department of Health and Environment Regulations. The unit may be electric or non-electric but must be installed with fans for required ventilation.
- D. Maintenance: Composting toilets shall be maintained and cleaned per manufactures standards and recommendations. Maintenance records shall be submitted annually to the Franklin County Environmental Health Department.

## Section 3. Privies and Waterless Toilets.

The use of privies for on-site sanitation is prohibited. However, the temporary use of chemical and dry toilets may be allowed in special cases including, but not limited to, public and private events, and construction/repair sites. All waste must be disposed in an approved disposal site. The installation and removal of such facilities shall be subject to the regulations for Sanitary Disposal Contractors set forth in Article 11 of this Code.

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## ARTICLE 7: REGULATIONS FOR HOLDING TANKS

### Section 1. Permits Required.

It shall be unlawful for any person, firm or corporation to install, perform any modification or structural alteration, convert or use any holding tank without first obtaining a permit from the Administering Agency.

### Section 2. Permit Qualifications.

A permit authorized under this Article, and any holding tank used for sanitation purposes operated under the provisions of this Code, shall **only** be approved subject to the following qualifications:

- A. Land Use:. Holding tanks may only be used for private on-site retentions of wastewater before the contents are removed by a Sanitary Disposal Operator.
  - 1. Holding tanks may be permitted or operated for such uses as seasonal cabins, camping facilities, auctions, public or private schools, golf courses and other recreational activities when such uses are approved by a Special Use Permit as provided in the Franklin County Zoning Regulations.
  - 2. Holding tanks may be permitted or operated for commercial and industrial tracts or parcels that were in existence prior to the effective date of this Code and subject to the approval of a Variance or Rule Exception as provided in Chapter I, Article 6, of this Code.
- B. Minimum Lot Size: The minimum lot size required for use, operation or permittance of any holding tank under this Code shall be three (3) acres or subject to the approval as provided in Chapter 1, Article 6 of this Code.
- C. Standards: Holding tank systems shall **only** be permitted after a thorough site consideration and evaluation has been made by the Franklin County Planning Commission as provided in Article 19 (Special Use Permits) of the Franklin County Zoning Regulations, or Chapter 1, Article 6 of this Code.

### Section 3. General Requirements and Design.

Prior to the approval for any holding tank system, an analysis of the site shall be prepared by a registered engineer, professional soils scientist or licensed systems designer to include the soil capability, water table, depth to rock, is subject to 100 Year Flooding, lot/parcel size and lot/parcel configuration. Any holding tank system authorized under this Article shall be designed, constructed and operated to comply with the following standards and specifications:

- A. Capacity Requirements: The minimum liquid capacity of a holding tank for commercial or industrial uses shall be 1,500 gallons or a minimum five (5) day holding capacity, whichever is greater. Holding capacity shall be determined on average daily water use.

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- B. **Site Location:** Holding tanks shall be located at least ten (10) feet from any part of a building or structure and a minimum of twenty-five (25) feet from any property boundary. Holding tanks shall be located so as to provide access to an all-weather road or driveway wherein the pumper may drive equipment to within ten (10) feet of the servicing manhole.
- C. **Warning Devices:** A high water warning device shall be installed so that it activates when water levels reach one (1) foot below the inlet pipe. Such device shall be an audible and illuminated alarm.
- D. **Access Opening:** Each tank shall have an access manhole which is extended to finished surrounding grade and shall consist of a circular cast iron ring and lid or other material subject to the approval of the Franklin County Department of Environmental Health where a holding tank is accessible to the general public, such manhole lids or covers shall be secured.

#### **Section 4. Change In Use**

The permit holder shall notify the Administering Agency in writing within five (5) working days of any change in the use of the premises served by the holding tank, including change of ownership or occupancy.

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# ARTICLE 8: REGULATIONS FOR WASTEWATER STABILIZATION PONDS (LAGOONS)

## Section 1. Permits Required.

It shall be unlawful for any person, firm or corporation to erect, construct or perform any structurally significant alteration, remove, convert or demolish any wastewater stabilization pond (lagoon) regulated by this Code, without first obtaining a permit from Administering Agency. Permits issued under this Article shall be subject to the following qualifications:

- A. Land Use. Permits may be issued under this Article only for single-family residences. Any wastewater stabilization pond (lagoon) for commercial/industrial uses must be approved by the Kansas Department of Health and Environment.
- B. Minimum Lot Size. Unless a waiver or variance is granted pursuant to Chapter 1, Article 6 of this Code, a minimum lot or tract size of five (5) acres shall be required for any permit issued under this Article.
- C. Standards. No permit shall be issued to any person, property or establishment, which does not comply with and satisfy the specified requirements of all applicable Sections of this Code.

## Section 2. Lagoon Design Requirements.

Plans for all wastewater stabilization ponds (lagoons) shall be submitted to the Environmental Health Department of Franklin County Planning and Building Department for approval. All wastewater stabilization ponds (lagoons) shall meet design and construction specifications as set forth in the Kansas Environmental Health Handbook.

- A. All wastewater stabilization ponds (lagoons) must be designed and maintained so as not to overflow or discharge.
- B. The completed construction of the facility shall conform to the plans and specifications approved by the Franklin County Environmental Health Department.
- C. The facility shall be operated in such a manner that a public health nuisance or water pollution problem will not arise.
- D. The normal ground water elevation shall be at least ten feet (10') below ground surface and four feet (4') below the bottom of the lagoon.
- E. A separation distance of one hundred feet (100') between the proposed water's edge of the lagoon at the normal pond water depth and the property line of another owner shall be provided.

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- F. When the wastewater stabilization pond (lagoon) excavation penetrates or terminates in either a rock strata or a porous (sand or gravel) strata, the excavation shall be extended a distance of one foot (1') on both the bottom and side slopes. The area of supplemental excavation shall be filled with a nonpermeable earthen material to limit seepage from the pond. This normally may be accomplished by using a clay soil, which is free of rocks. If a clay soil is not available, the fill soil shall be mixed with bentonite clay at the manufacturers recommended rate and compacted.
- G. Placement of a septic tank of a size no less than one thousand (1,000) gallons may be installed. Effluent from the septic then shall drain by sewer pipe to the wastewater stabilization pond (lagoon).
- H. If a septic tank is used, the sewer line shall be a four inch (4") solid pipe with a minimum rating of SDR thirty-five (35) with a minimum slope of one-eighth inch (1/8") per foot. A clean out wye must be installed before entering the septic tank.
- I. After construction of the wastewater stabilization pond (lagoon), the builder shall smooth the dike so that no clods, rocks or ruts will interfere with mowing.
- J. A stand of grass shall be established on the dike. This grass should be short-rooted, perennial, such as blue, fescue or brome, and shall be mowed regularly.
- K. The entire lagoon area shall be fenced with a minimum four feet (4') high woven or welded wire fencing with two inch by four-inch (2" x 4") maximum openings. This fence is to discourage entry by unauthorized persons (especially children), pets and livestock.
- L. A gate of sufficient size and location to accommodate the entrance of a mower must be provided.
- M. Roof drains may not be discharged to the wastewater stabilization pond (lagoon) unless an approved control arrangement is provided to readily facilitate a diversion from the sewer system.
- N. Construction of the wastewater stabilization pond (lagoon) must be approved by the Environmental Health Department before a final occupancy permit will be issued.
- O. Wastewater stabilization ponds (lagoons), where more than 2500 gallons per day of domestic wastewater is processed, may be considered a Public Wastewater Disposal System.
- P. Maintenance is required to remove vegetation at the water's edge, to mow vegetation on embankments and remove trees which shade the pond.

**Section 3. Wastewater Stabilization Pond (Lagoon) Separation Distances. SEE Table 1, Chapter II, Article 3, Section 3**

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## ARTICLE 9: REGULATIONS FOR OTHER SYSTEMS

### Section 1. Permits Required.

A permit shall be required for any alternative system authorized or approved under this Article.

### Section 2. Permit Qualifications.

Any permit approval or authorized under this Article shall be issued subject to the qualifications specified in this Section.

- A. Land Use. Permits may be issued under this Article only for single-family residences.
- B. Standards. No permit shall be issued to any person, property or establishment which does not comply with and satisfy standards prescribed for the alternative system by the Environmental Health Department consistent with standards imposed for the systems designated in this Chapter, and all applicable terms, conditions and requirements of this Code.

### Section 3. Approval.

Alternative systems such as the At-grade, Low Pressure Pipe, Intermittent Sand Filter, or similar systems, may be approved by the Franklin County Environmental Health Department upon submission of plans and specifications.

Minimum Lot Size: Unless a Variance or Rule Exception is granted pursuant to Chapter I, Article 6, a minimum lot or tract size of three (acres) per living unit or otherwise provided by this Code, shall be required for any permit issued under this Article.

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# ARTICLE 10: REGULATIONS FOR INSTALLER

## Section 1. License Required.

No person shall install, engage in the installation of, or repair a private on-site wastewater disposal system unless that person holds a valid Installer License issued by the Franklin County Environmental Health Department. Employees of a validly licensed Installer are not required to be separately licensed. To receive a license:

- A. Contractors wishing to work in Franklin County must pass an examination. Multiple employees of a contractor may be licensed. Only the primary owner or manager of the business is required to pass the test. However, if only the primary owner or manager of the business is the only individual who obtains a license, then he or she must be present and on the job site during the installation of the wastewater system.
- B. The examination will test the contractors knowledge of the KDHE Bulletin 4-2 (Appendix, Bulletin 4-2) and the Franklin County Environmental/Sanitation Code requirements.
- C. The test is a “take home” test with a minimum passing score of eighty-five percent (85%). All contractors passing the test will be placed on a list that is sorted alphabetically.
- D. In the event the contractor receives less than an eighty-five percent (85%), the contractor will be provided the opportunity to re-test at the Franklin County Environmental Health Office, after thirty (30) days. The re-test will not be open book.

## Section 2. License Term and Renewal.

Any license issued under this Article shall expire on December 31 of each year and must be renewed annually, on or before January 15 of the following year. Applications for licenses and renewals shall be filed on forms supplied by the Franklin County Environmental Health Department. All required license fees shall be paid at the time of the application for the license or renewal, and no fee required under this Code shall be prorated or refunded for any partial term or part year application.

## Section 3. Standards of Performance.

Prior to the issuance or renewal of a license under this Article, the applicant shall be required to demonstrate adequate knowledge of the regulations pertaining to on-site wastewater systems and general engineering principles pertaining to such systems. The administering authority may consider actual experience, education or professional licensing of the applicant in the granting or denial of an application for an initial license or renewal, including prior revocations or disciplinary action.

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Attendance by any applicant at an appropriate training workshop, conducted or sponsored by the Environmental Health Department or other recognized governmental, educational or professional institution, and satisfactory completion of a written examination administered by or on behalf of the Environmental Health Department covering subjects related to public health concerns, wastewater disposal techniques, standards for design or construction or installation of wastewater disposal systems, wastewater treatment theory, and/or hydraulics shall satisfy the requirements of this Section.

#### **Section 4. Installation Bonds.**

The Administering Agency may establish a requirement for bonding of any installer licensed under this Article and may prescribe reasonable terms and conditions for those bonds.

#### **Section 5. Certificate of Insurance.**

A licensed Installer shall have and maintain insurance for liability and workmanship in amounts and forms as designated by the Administering Agency, and a copy of the certificate of insurance shall be filed with the Agency.

#### **Section 6. Code Compliance.**

The installation, relocation or repair of any on-site wastewater disposal system shall be in compliance with the provisions of this Code.

#### **Section 7. License Revocation.**

A license may be revoked for failure to comply with this Code. The revocation procedure shall comply with the provisions of Chapter I, Article 5, Section 3 of this Code.

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# ARTICLE 11: REGULATIONS FOR SANITARY DISPOSAL CONTRACTORS

## Section 1. License Required.

No person may engage in the pumping of holding tanks, septic tanks, pump tanks, portable toilets or grease traps or transport wastewater to a disposal site unless that person holds a valid Sanitary Disposal Contractor's License. Employees of a validly licensed Sanitary Disposal Contractor are also required to be separately licensed. The license shall also designate the vehicles to be used by the licensee.

## Section 2. License Term and Renewal.

Any license issued under this Article shall expire on December 31 of each year and must be renewed annually, on or before January 15 of the following year. Applications for licenses and renewals shall be filed on forms supplied by the Franklin County Environmental Health Department. All required license fees shall be paid at the time of application for the license or renewal, and no fee required under this Code shall be prorated or refunded for any partial term or part year application.

## Section 3. Standards of Performance.

Every person licensed as a Sanitary Disposal Contractor under this Article shall comply with the performance requirements specified in this Section.

- A. **Cleaning.** A license holder, when cleaning a septic tank, shall remove the liquid, sludge and scum, leaving no more than three inches (3") depth of wastewater.
- B. **Equipment.** A license holder shall maintain his equipment so as to ensure that no spillage of wastewater will occur during transportation, and that his employees are not subjected to undue health hazards. All wastewater shall be transported in an enclosed tank.
- C. **Vehicles.** Wastewater shall be transported only in vehicles approved for that purpose by the Franklin County Environmental Health Department. Each such vehicle must be inspected prior to issuance or renewal of a license to a Sanitary Disposal Contractor. Each vehicle shall bear permanent identification in five-inch (5") letters identifying the name of the company, the owner and the address of the business.
- D. **Disposal and Reporting.** A license holder shall dispose of the collected wastewater only at approved locations designated by the Franklin County Environmental Health Department, and shall submit to the Director, or his designee, not later than the 10<sup>th</sup> day of each month, a report on a form furnished by the Environmental Health Department, stating the dates, sources, volume and disposal sites of each load or partial load of wastewater or waste transported during the preceding calendar month.

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The report form must contain the signature of the person submitting the report and must bear the signature or signature of the responsible person operating the disposal site for each load or partial load received at the site from the contractor.

- E. Experience. Prior to the issuance or renewal of a license the applicant shall be required to demonstrate adequate knowledge of the regulations pertaining to Sanitary Disposal Contractors. The administering authority may consider prior conduct of the applicant in localities not subject to this Code in the granting or renewal of a license as well as any prior violations of this Code.
- F. The license holder shall comply with any applicable federal, state and local regulations or laws including, but not limited to, those set forth now or hereafter adopted in Standards for the Use or Disposal of Wastewater Sludge, Volume 58, Number 32, Page 9388, of the Federal Register, February 19, 1993, as amended.
- G. Installation Bonds. The Administering Agency may establish a requirement for bonding of any disposal contractor licensed under this Article and may prescribe terms and conditions for those bonds.
- H. Certificate of Insurance. A licensed disposal contractor shall have and maintain insurance for liability and workmanship in amounts and forms as designated by the Administering Agency, and a copy of the Certificate of Insurance shall be filed with the Administering Agency.

#### **Section 4. License Revocation.**

A license may be revoked for failure to comply with this Code. The revocation procedure shall comply with the provisions of Chapter 1, Article 5, Section 3 of this Code.

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# ARTICLE 12: REGULATIONS FOR ONSITE WASTEWATER AND WATERWELL INSPECTORS

## **Section 1. License Required.**

No person shall engage in the inspection of a private on-site wastewater disposal system or water well unless that person holds a valid Wastewater and/or Water Well Inspector License issued by the Administering Agency.

## **Section 2. License Term and Renewal.**

Any license issued under this Article shall expire on December 31 of each year and must be renewed annually, on or before January 15<sup>th</sup> of the following year. Applications for licenses and renewals shall be filed on forms supplied by the Franklin County Environmental Health Department. All required license fees shall be paid at the time of the application for the license or renewal, and no fee required under this Code shall be prorated or refunded for any partial term or part year application.

## **Section 3. Standards of Performance.**

Prior to the issuance or renewal of a license under this Article, the applicant shall be required to demonstrate ample knowledge of the various kinds of private onsite wastewater disposal systems and/or water wells used within Franklin County and how they relate to the Franklin County Environmental/Sanitary Code. The Inspector must be knowledgeable in the general and specific engineering principals of these systems. The Administering Authority may consider actual experience, education or professional licensing of the applicant in granting or the denial of an application for a license or renewal, including prior revocations or disciplinary action.

## **Section 4. Inspector's Bonds.**

The Administering Agency may establish a requirement for bonding of any Inspector licensed under this Article and may prescribe reasonable terms and conditions for those bonds.

## **Section 5. Certificate of Insurance.**

A licensed Inspector shall have and maintain insurance for liability in amounts and forms as designated by the Administering Agency and a copy of the Certificate of Insurance shall be filed with the Agency.

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## **Section 6. Code Compliance.**

Inspections of private on-site wastewater disposal systems installed and water wells drilled after the adoption of this Code shall comply with the provisions of this Code. Inspections of wastewater systems installed and water wells drilled prior to the adoption of this Code shall be in compliance with the provisions of any previous Code(s). Wastewater systems installed or water wells drilled before any Code was adopted in Franklin County shall be considered to be acceptable for as long as such system does not exhibit any sign of failure.

## **Section 7. License Revocation.**

A license may be revoked for failure to comply with this Code. The revocation procedure shall comply with the provisions of Chapter 1, Article 5, Section 3 of this Code.

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# CHAPTER III. WATER SUPPLY

## ARTICLE 1: WATER SUPPLIES

### Section 1. Purpose and Intent.

The provisions of this Code are for the purpose of regulation and controlling the development, maintenance and use of private on-site water supplies, as defined in this Article, in the unincorporated area of Franklin 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 2. Area of Applicability.

This Code shall apply to all unincorporated land located in Franklin County.

### Section 3. Compliance Required.

After the effective date of this Code, no person shall construct on any property subject to this Code, any private on-site water supply, as defined in this Article, that does not comply with the requirements of this Code.

### Section 4. Definitions.

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

A. Abandoned Water Well:

1. A water well that has been permanently discontinued from use;
2. A water well from which the pumping equipment has been permanently removed;
3. A water well that either is in such a state of disrepair that it cannot be used to supply water or it has the potential for transmitting surface contaminants into the aquifer or both;
4. A water well that poses potential health and safety hazards; or
5. A water well that is in such a condition it cannot be placed in active or inactive status.

B. Active Well. A water well, which is an operating well used to withdraw water, monitor or observe groundwater conditions.

C. Construction of Water Wells. All acts necessary to obtain groundwater by any method for any use including, without limitation, the location of and excavation for the well.

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- D. **Domestic Purpose.** Water used or consumed by any person, family unit or household for household purposes including the watering of livestock, poultry, farm and domestic animals used in operating a farm or the irrigation of lands not exceeding a total of 2 acres in area for the growing of gardens, orchards and lawns.
- E. **Groundwater.** That part of the subsurface water which is in the zone of saturation.
- F. **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 amount of effort.
- G. **Potable Water.** Water free from impurities in amounts sufficient to cause disease or harmful psychological effects in humans and conforming with the latest KDHE regulations.
- H. **Private on-Site Water Supply:** A water supply with fewer than ten (10) service connections or serving fewer than twenty-five (25) individuals less than sixty (60) days out of the year and is located within the legal description of the property for which it serves.” As used in the Franklin County Environmental Sanitation Code shall be privately owned water well that serves as the source of a potable water supply solely for the property on which it is located and shall be constructed in accordance with Kansas Administrative Regulations K.A.R. 28-3-6 et seq. unless otherwise provided by Section 5 of this Article.
- 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. **Test Hole.** Any excavation constructed for the purposes of determining the geologic, hydrologic and water quality characteristics of underground formations.
- K. **Treatment.** The stimulation of production of groundwater from a water well, through use of Hydrochloric Acid, Murtic 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 growth which inhibit the movement of groundwater into the well.
- L. **Water District.** Any special district authorized and empowered by state statutes to plan, construct and/or operate a public water supply system.
- M. **Water Supply/Private.** A water supply used for domestic purposes, which serves not more than one (1) dwelling on a pipe system.
- N. **Water Supply/Public.** A system for delivery to the public of piped water for human consumption that has at least ten (10) service connections or regularly serves at least twenty-five (25) individuals daily at least sixty (60) days out of the year.

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- O. 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.

## **Section 5. Requirement for Private Water Supplies.**

- A. License. No person shall drill, develop or construct any private on-site water supply well on any premises subject to the regulations of this Code until he/she has obtained a license from the Kansas Department of Health and Environment.
- B. Permit. No permit to construct or develop a private on-site water supply on premises subject to the regulations of this Code shall be issued until the plans showing the location and construction of the supply has been approved by the Administering Agency.
- C. Use Limitation.
  - 1. The use of surface water, including lakes, ponds, streams, as a source of private on-site water supply shall be prohibited.
  - 2. The use of cisterns or holding tanks shall not be permitted for new developments. However, the use of existing cisterns or holding tanks in continuous use prior to July 15, 2015 may be continued provided that: 1) evidence is submitted by a licensed water well contractor, or other qualified person, that a ground water supply is not available; 2) the affected property is not within the boundary of a public water district; 3) or a letter has been submitted by a public water district which currently provides water service to the general area that water service is not available.
  - 3. Permits for drilling a well for private on-site water supply shall not be issued to any person when in the discretion of the Administering Agency, that the property can be served at a reasonable cost by a public water supply or when the water supply constitutes a significant health risk.

## **Section 6. Minimum Standards for all Groundwater Supplies.**

- A. Construction. All wells that are to serve, as a source of a private on-site water supply shall be constructed in accordance with Kansas Administrative Regulations 28-30-6.
- B. Location. The horizontal distance between the well and existing or potential sources of pollution or contamination, such as wastewater stabilization ponds (lagoons), fuel or fertilizer storage, pesticide storage, feed lots or barnyards shall be fifty feet (50') or more. The well casing for wells located within the 100 Year Floodplain, as identified on the Federal Insurance Rate Maps (FIRM) for Franklin County, Kansas, shall terminate not less than one foot (1') above the Base Flood Elevation. The elevation of the well casing shall be certified by a licensed surveyor or professional engineer.

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Permits for new wells shall not be granted unless any prohibited practices, i.e. cesspools, seepage pits, privies, are remediated or removed.

- C. **Plugging of Abandoned Wells and Test Holes.** All water wells abandoned by the landowner 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 in accordance with Kansas Administrative Regulations 28-30-7.
- D. **Pollution Sources.** Well locations shall be approved by the Administering Agency with respect to distances from pollution sources and compliance with wastewater and disposal regulations. The minimum standards set forth in Kansas Administrative Regulations 28-30-8 are hereby adopted by Franklin County.
- E. **Water Well Disinfection for Wells Used for Human Consumption or Food Processing.** Disinfection standards set forth in Kansas Administrative Regulations 28-30-10 are hereby adopted by Franklin County and shall apply to all water wells used for public consumption or food processing.

## **Section 7. Appeals.**

Any person, official, corporation, partnership, association or other legal entity aggrieved by a notice, final order or denial of a permit required by this Chapter may request an appeal hearing, or variance, with the Administering Agency pursuant to the provisions of Chapter 1, Article 6 of this Code.

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