

**JOHNSON COUNTY
ENVIRONMENTAL SANITARY CODE
ADOPTED JANUARY 29, 2004
BY RESOLUTION 008-04**

JOHNSON COUNTY ENVIRONMENTAL SANITARY CODE

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JOHNSON COUNTY ENVIRONMENTAL SANITARY CODE

CHAPTER I

POLICY, ADMINISTRATION AND ENFORCEMENT

ARTICLE 1: GENERAL PROVISIONS

Section 1. Title. This Code shall be known and referred to as the Johnson County Environmental Sanitary Code, 2004 Edition.

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 Sec. 5 of Article 12 of the Kansas Constitution and by K.S.A. 12-3301 et seq., if adopted by any city.

Section 3. Findings and Declaration of Policy. A fundamental duty of every government is the protection of the health and safety of its citizens and to thereby promote the public welfare. Consequently, 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 prescribe the procedures to be followed in administering this Code; 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, whether in food, solid waste, sewage, air, water or other media; and
- (d) 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.

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 area of Johnson County, Kansas, including all land which is or in the future becomes under the jurisdiction of the Board of County Commissioners by operation of law or action of the state or federal governments (e.g., the Sunflower Army Ammunition Plant), and to all persons, property, establishments and business activities located or conducted, regardless of ownership and acreage, within Johnson County, Kansas and outside the municipal boundaries of any city; except that the provisions of Chapter 2 (Sewage Treatment) shall not apply to any premises which exceeds seventy-five (75) acres in size, which is under one ownership, and which is used exclusively for agricultural purposes.

Section 6. Applicability within City Boundaries. This Code and any or all of the authorized rules, regulations, restrictions and requirements shall apply within and throughout any city in Johnson County, Kansas and to all persons, property, establishments and business activities located or

conducted within the municipal boundaries of any city from and after the effective date of adoption of this Code, by appropriate ordinance, by the governing body of the City.

Section 7. Public Health Jurisdiction and Application. This Code and any or all rules, regulations, restrictions and requirements shall apply to and throughout all areas of Johnson 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 Johnson County Board of Health.

Section 8. 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 9. Disclaimer of Liability. This Code shall not be construed or interpreted as imposing upon the County, or any city which adopts this Code, 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 10. Amendments and Additions. This Code may be supplemented or its provisions may be amended by Resolution adopted by the Board of County

Commissioners, after notice and hearing, as required by law, 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 Johnson 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.

Section 11. Repeal and Supersede Effect. This Code shall supersede any and all previously adopted Resolutions or regulations, which are, in whole or in 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 12. Effective Date. This Code shall become effective from and after the date of adoption by the Board of County Commissioners, or other appropriate jurisdiction, and publication of notice as required by law.

ARTICLE 2: ADMINISTRATION

Section 1. Administering Authority. Unless otherwise specifically designated within a separate and particular Chapter or Article of this Code, the Director of the Johnson County Environmental Department, and/or his designees, 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 Johnson County Environmental Department may implement such administrative procedures, consistent with this Code, as he deems 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.

The Board of County Commissioners, or appropriate authority of any city which adopts this Code, may designate code enforcement officers who shall be responsible for the enforcement of all provisions of this Code in coordination with the Director of the Johnson County Environmental Department or his designees.

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 enumerated in the Code. 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 plural, and those appearing in the plural shall include the singular.
- B. Words used in the present tense shall include the past tense and future tense, and words used in the future tense shall include the present tense and past tense.
- C. Words appearing in the masculine gender shall include the feminine and neuter genders.
- D. The word "shall" is mandatory; the word "may" is permissive.
- E. The phrase "this Code" shall refer to the Code and all authorized rules, regulations, restrictions and requirements, and the phrase "the regulations" shall include rules, regulations, restrictions and requirements authorized by the Code.

Section 4. Definitions. The following words, terms and phrases appear in more than one Chapter of this Code and, thus, have general application and usage. Words, terms, and phrases appropriate or applicable to specific Chapters 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 agency or official designated in any of the Chapters contained in this Code to administer the provisions of that Chapter or any Section therein.
- C. Administrative Rules: Any regulation adopted by an administering agency, which the agency determines to be necessary and appropriate to enable it to fulfill its duties and responsibilities under this Code.
- D. Agricultural Purpose: A land use 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, but does not include any structure used as a dwelling or the sewage treatment 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 an administering agency to administer the provisions of this Code or any Chapter 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 Johnson County, Kansas.

- J. Class V Well: Those wells defined in the Federal Underground Injection Control (UIC) program as Class V [40 C.F.R. 146.5] and regulated by the Kansas Department of Health and Environment.
- K. County: Johnson County, Kansas.
- L. Domestic Sewage: Sewage which is normally characterized as and is similar to 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 of a residential dwelling.
- M. Effluent: The liquid waste discharged from a sewage treatment system.
- N. Establishment: Any structure or self-contained unit therein, including single and multiple family dwellings, commercial and industrial buildings, schools, churches, and public institutions.
- O. Flood Plain: Land that may be submerged by flood waters, but is not normally submerged.
- P. Ground Water Table: The upper surface of ground water in the zone of saturation of a geologic formation.
- Q. Health Officer: The legally appointed Health Officer of Johnson County, appointed in accordance with K.S.A. 65-201 or his duly authorized representative.
- R. Hearing Officer: Any person designated in this Code, or by an administering agency, to hear appeals from decisions made by an agency representative relating to the enforcement and administration of this Code.

- S. Industrial and Commercial Wastes: Any wastes produced as a by-product of any industrial or commercial process or operation, other than domestic sewage.
- T. Industrial and Commercial On-Site Wastewater System:
Class A: Used for or designated as having the potential for the use or discharge of industrial or commercial waste, or a Class V well used exclusively for domestic waste which serves twenty (20) or more fulltime equivalents per day. A fulltime equivalent is a person who occupies a building during a 24-hour day.
Class B: Used solely for domestic waste located at a commercial or industrial site, and determined not to have potential for the discharge of industrial or commercial waste.
- U. Law: Includes Federal, State, and local statutes, ordinances, regulations and resolutions.
- V. Permit: The written permission to perform some act regulated by this Code, including, for example, permission to construct or permission to operate.
- W. Person: An individual, corporation, partnership, association, state, or political subdivision thereof, federal agency, state agency, municipality, commission, or interstate body or other legal entity.
- X. 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, or vessel or other floating craft, from which pollutants are or may be discharged.

- Y. 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.
- Z. Premises: Any lot or tract of land and all buildings, structures or facilities located thereon.
- AA. Privy: A biological composting facility used for the disposal of human excreta.
- BB. Sanitary Sewage System: Any system of pipes, tanks, conduits, structures or other devices for the collection, transportation, storage, treatment and disposal of sewage.
- CC. Schedule of Compliance: A schedule of remedial measures and times including an enforceable sequence of actions or operations leading to compliance with any regulation or limitation.
- DD. Sewage: A combination of liquid wastes which may include chemicals, house wastes, laundry wastes, human excreta, animal or vegetable matter in suspension or solution, and other solids in suspension or solution, which is discharged from a dwelling, building, or other establishment.
- EE. Sewer District: Any quasi-municipal corporation duly formed, authorized and empowered to plan, construct and operate a public sewer system.
- FF. 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 offer, sale, lease or 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.

GG. Wastewater: Liquid or water carrying pollutants or water contaminants from industrial, municipal, agricultural or other sources.

Section 5. Technical and Scientific Terms. 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 or manuals applicable for that science, industry or technological skill.

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 circumstances, relieve the holder from compliance with all other applicable laws, codes, regulations or requirements.

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 Sewage Treatment System.

1. Installation: Every person who installs, removes, alters, repairs or replaces or causes to be installed, removed, altered, repaired or replaced any private sewage treatment system or part thereof shall, prior to commencement of any work, apply for and obtain an installation permit to perform such work, and no private sewage treatment system shall be installed, removed, altered, repaired or replaced except pursuant to an installation permit issued under this Article.

2. Use: Every person who purchases or otherwise acquires a possessory interest of ownership in any real property connected to or served by a private sewage treatment system shall, within sixty (60) days of the purchase or acquisition, apply for a use permit. Such systems shall be subject to inspection by the administering agency as part of the permitting process.

B. Installer: 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 operator's license to perform that activity.

C. Designer: Every person who conducts the activity of a Designer, as defined in Chapter II of this Code, shall apply for, obtain and maintain a valid license to perform that activity; provided, however, that any person licensed under this Code as

an Installer shall be deemed a licensed designer for the design of those conventional and shallow-in-ground systems which are pumped or gravity-fed, as determined by the administering agency.

- D. Sanitary Disposal Contractor: Every person who engages in or conducts the activity of a Sanitary Disposal Contractor, as defined in Chapter II of this Code, shall apply for, obtain, and maintain a valid operator's license to perform that activity.

- E. Swimming Pool: The operator of any public or semi-public swimming pool, spa pool, or public bathing place, as defined in Chapter III of this Code, shall apply for, obtain, and maintain a valid operating permit. The permit must be posted in a conspicuous place on the premises.

- F. Industrial or Commercial On-Site Wastewater System - Operation:
 - 1. Every property owner or other responsible agent or person who has installed for use or who uses and operates an industrial or commercial on-site wastewater system shall, prior to its use, apply for and obtain a valid operations permit for the system. No industrial or commercial on-site wastewater system shall be installed, used, operated, altered, replaced or repaired except pursuant to a permit issued under this Article and pursuant to the requirements of Chapter II of this Code.

 - 2. Any underground holding tank and Class V well shall comply with and satisfy all requirements and regulations now or hereafter adopted by the Kansas Department of Health and Environment.

3. Discharge of industrial or commercial waste to a sewage treatment system is prohibited. Any such system in effect at the time of passage of this Code shall cease and desist immediately.

G. Industrial or Commercial On-Site Wastewater System - Annual Inspection: Every property owner or other responsible agent or person who has installed for use or who uses and operates any industrial or commercial on-site wastewater system shall apply for and obtain an annual renewal of the operation permit. Such systems shall be subject to inspections, at least once a year, as part of the permitting process.

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 may require plans, specifications or drawings and such other information as deemed necessary.

B. Filing: An application for any permit or license required under this Code shall be filed with the Director of the Johnson County Environmental Department, or such other administering agency as the Director may designate or acknowledge.

C. Verification: An application for a permit must be signed by the person for whose benefit the permit is being requested or his or her authorized representative. The administering agency may require proof of such authorization.

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 may perform an inspection to determine compliance with this Code.

Within five (5) 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 thirty (30) days of receipt of the application. If the application is denied, the 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 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. The administering agency may include conditions in any permit or license as needed to meet the specific requirements and general purpose of this Code.

- 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 issued 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 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, if applicable. Except for private sewage treatment system use permits, the term of each permit or license

issued under this Code shall be for a period not to exceed one (1) year unless the Director of the Johnson County Environmental Department determines, for cause shown, that the permit or license should be issued for a period of time other than one (1) year; in which case, the Director may designate a lesser time when the activity can or will be fully completed within the shorter period, or may designate a greater time, but in no event more than three (3) years, subject to annual review and payment of any required fee, where the activity is reasonably known or contemplated for continuation beyond one year. The term of each private sewage treatment system use permit shall be for a period consisting of the time that the system is owned by the permit holder and operated in compliance with this Code. The use permit shall expire upon the transfer of the property to any other owner.

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 Director of the Environmental 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 the filing of a complete application for a new permit or license.

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 Director of the Environmental Department 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 and to assist in the regulation of matters affecting the public health, there shall be and hereby is imposed a standard fee for and upon the issuance and administration of any permit or license under this Code.

A. Fee Schedule: From and after the effective date of this Code, the following schedule of fees shall be assessed and collected for each permitted or licensed activity, establishment or person.

Private Sewage Treatment System Installation Permit	\$280.00
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Private Sewage Treatment System Permit for Structurally Significant Alteration	\$280.00
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Private Sewage Treatment System Permit for a Minor Repair	\$ 50.00
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Industrial or Commercial On-Site
Wastewater System Annual Operations
Permit

Class A: Used for or designated
as having the potential
for the use or discharge
of industrial or
commercial waste;
or a Class V well

	used exclusively for domestic waste which serves twenty (20) or more fulltime equivalents per day. A fulltime equivalent is a person who occupies a building during a 24-hour day.	\$125.00
Class B:	Used solely for domestic waste located at a commercial or industrial site, and determined not to have potential for the discharge of industrial or commercial waste.	\$ 75.00
	Installer License (Annual)	\$100.00
	Designer License (Two-Year Term)	\$200.00
	Soil Profile Analysis	\$330.00
	Private Sewage Treatment System Use Permit	\$150.00
	Property Resale Courtesy Inspection	\$150.00
	Private Sewage Treatment System Recording Fee	\$ 25.00
	Sanitary Disposal Contractor License (Annual)	\$ 50.00
	Sanitary Disposal Truck License (Annual, Each Truck)	\$200.00
	Swimming Pool Program	
	First time indoor	\$302.50
	First time seasonal	\$253.00
	First time whirlpool	\$148.50
	Annual Fee (per site)	\$250.00
	Operator License (Three-Year Term)	\$ 70.00
	Reinspections(Each)	\$ 50.00

Inspections outside of normal business hours: \$75.00 per hour (minimum charge of 2 hours) in addition to the fees above stated.

B. 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, then the fee imposed under the schedule for each separate permitted or licensed activity shall be assessed and paid as required.

C. Fee Reductions:

1. A private sewage treatment system recording fee may be paid in lieu of a use permit fee whenever the administering agency conducted a property resale courtesy inspection less than one hundred twenty (120) days prior to submittal of a use permit application pertaining to the same real property. The fee to apply for an installation or structurally significant alteration permit may be reduced by the amount of any fee already paid for a courtesy inspection or use permit whenever the administering agency requires that an installation or structurally significant alteration permit is needed to correct violations of this Code discovered during a courtesy or use permit inspection conducted at the same real property.

2. Notwithstanding any other provision of this Code to the contrary, if any, the swimming pool program annual fee for calendar year 2004 shall be assessed in the amount of \$200.00, rather than \$250.00.

D. 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.

- E. Failure to Pay: Failure to pay any fee imposed by this Code may be cause for suspension or revocation of any permit or license.

- F. 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 permitted to obtain a permit, pay double the permit fee fixed by this section 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 working days in obtaining such permit, a double fee as herein provided shall be charged.

- G. Adjustments to Fee Schedule: The fees imposed under this Code may be adjusted or changed by Resolution adopted by the Board of County Commissioners, after publication notice and hearing, and upon adoption, the adjusted fees shall be appended to this Code and shall supersede the fee schedule established in this Section. In addition, the Director of the Environmental Department may adjust or change the fees established under this Code, by an amount not exceeding ten percent (10%) of the then published fee schedule, annually, without the requirement for a Resolution of the Board, by filing with the Board a proposed adjustment of the fee schedule and publication of a notice in the official county newspaper of the intent

to adjust or change the fees. If within thirty (30) days after the filing and publication, the Board does not rescind, modify or defer the proposed fee changes, then the fees shall be adjusted as proposed and shall be and become effective upon final publication of the fee schedule. The Director of the Environmental Department shall publish annually the applicable fee schedule and shall provide copies to all interested persons.

Section 6. Supplemental to State Regulations. The permits or licenses, and all fees, conditions and regulations imposed under this Article or any other Article of 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 State Department of Health and Environment.

Section 7. Administration of State Requirements. In the event that any rules, regulations or requirements arising under the Laws of the State of Kansas are assumed or administered through the jurisdiction of the Board of County Commissioners by the Johnson County Environmental 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 the Johnson County Environmental Department, 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 imposed 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 law operation 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 Johnson County, Kansas.

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 inspect the premises prior to the start of operations to determine compliance with the approved plans and specifications and with any other requirements of this Code.

B. Private Sewage Treatment Systems: All private sewage treatment systems may be inspected as often as necessary to determine compliance with this Code.

1. New Private Sewage Treatment Systems: Private sewage treatment systems shall be inspected by the Environmental Department prior to being placed in operation to determine compliance with this Code.

2. Private Sewage Treatment Systems That Change Ownership: Private sewage treatment systems shall be inspected by the Environmental Department prior to issuing a use permit to a property owner to determine compliance with this Code. A property resale courtesy inspection performed under authority of this Code and conducted no more than one hundred twenty (120) days prior to submittal of the use permit application may satisfy this requirement.

C. Industrial/Commercial On-Site Wastewater Systems: Each industrial or commercial on-site wastewater system, whether now installed or 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 operations permit.

- D. Repairs and Replacements: Any replacement of or repair to a private sewage treatment 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 Chapter II of this Code, require inspections. Minor repairs which are conducted during normal business hours require pre-notification to the Johnson County Environmental Department. Emergency repairs conducted during evening hours or on the weekend require notification to the Department within 24 hours.
- F. Swimming Pools: Swimming pools shall be inspected on a periodic basis during the times and hours of established operation, as deemed reasonable and necessary by the Director of the Environmental Department. The inspector shall inspect and have reasonable access to the pool, equipment, and bath house facilities.

Section 2. Inspection Reports. A written 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 enumerate all findings made during the inspection and shall describe any determined violations, the Code section violated, and the correction to be made. A copy of the completed report shall be issued to the owner of the premises and, if different than the owner, to the holder of or applicant for the permit. The report is a public document.

Section 3. Inspection Scheduling and Reinspections. Whenever inspections are required under this Code to be scheduled for any installation, construction, initial activity, or use, or for correction of any violation or other non-conforming condition, it shall be the duty of the holder of or applicant for the permit or license or the operator of the establishment to timely notify the administering agency and schedule the time and date for the inspection.

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

It shall be the duty of the property owner to uncover and pump the septic or holding tank prior to or at the time of any property resale courtesy or use permit inspection conducted under authority of this Code. The property owner shall use a sanitary disposal contractor that holds a valid license issued by the Environmental Department to pump the septic or holding tank.

Section 4. Access and Right of Entry. The administering agency shall have the right to make inspections of establishments, premises, places and localities 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 sewage treatment 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 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 Courtesy Inspections. Whenever any property connected to, or served by, a private sewage treatment system is offered for or subject to a contract of sale, upon the request of the property owner or contract buyer, the administering agency may provide a courtesy inspection, upon terms established by the Director of the Johnson County Environmental Department and subject to the fees provided in this Code, to inspect and determine the condition of the system. Any inspection provided under this section shall be performed as a courtesy only and shall not constitute nor be deemed a warranty, and neither the administering agency nor any other official of the County or municipality shall be liable for any failures of the system or for other claims arising out of the inspection. Upon completion of the inspection, a certificate shall be issued to the property owner reporting the results, but issuance of the certificate shall not relieve any person of compliance with the requirements of this Code.

ARTICLE 5: ENFORCEMENT PROCEEDINGS

Section 1. Emergency Orders. The Director of the Environment Department, or other authorized code enforcement officer or representative of the administering agency, may issue such orders or directives as he 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 a duly appointed representative of an administering agency determines that a condition exists which requires immediate action to protect public health, he or she 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 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 a private sewage treatment 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 such 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 hearing before a Hearing Officer as soon as possible. Such a hearing shall

be held within ten (10) days of the issuance of such emergency order.

Section 2. Suspension of Permit or License. The administering agency may suspend any permit or license that it issues if the holder thereof does not comply with the requirements of this Code. The suspension shall become effective 10 days after the holder of the license or permit, or the person in charge of such establishment or premises subject to the permit, receives written notice of such suspension. The holder or other aggrieved party may request a hearing in accordance with Article 6 of this Chapter. After a hearing, the hearing officer may uphold the suspension as originally ordered or modify it as he sees fit, but in no event shall he enter an order of suspension for a period longer than that set out in the original order. Both the original order and any order entered after an appeal may condition the length of suspension upon correction of the conditions upon which the suspension is based.

Section 3. Revocation of Permit or License. The administering agency may revoke a permit or license for serious or repeated violations of any of the requirements of this Code or for interference with the administering agency in the performance of its duties.

Prior to revocation, the administering agency shall notify, in writing, the holder of the license or permit, or the person in charge of the establishment or premises subject to the permit, of the specific reason(s) for which the permit or license is to be revoked and that the permit shall be revoked at the end of the ten days following service of such notice unless a written request for hearing is filed with the regulatory authority by the holder of the permit or license within the 10-day period. If no request for hearing is filed within the 10-day period, the revocation of the permit becomes final.

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

Section 4. Abatement of Nuisances. The administering agency may maintain a civil action in injunction, in the name of the Board of County Commissioners of Johnson County, or any municipality in which this Code is applicable, to abate and enjoin a nuisance.

ARTICLE 6: APPEALS

Section 1. Appeal for Hearing. Except as otherwise provided in Article 5 of this Chapter, any person aggrieved by any notice, final order, or denial of a permit or license by an administering agency may request a hearing on the matter before the Hearing Officer appointed by the administering agency if such person files with the agency within ten (10) days after the date of issuance of the notice, order, or denial a written request for a hearing setting forth the grounds on which the request is made. The filing of the request for hearing shall operate as a stay of any notice or order except an emergency order.

Section 2. Hearing Officer. Every administering agency shall designate, in writing, one or more officials to act as that agency's hearing officer to hear appeals under this Code. The officer may be an employee of the agency but shall not be the person who, in the name of that agency, made the determination or issued the order upon which the appeal is based.

Section 3. Conduct of Hearing. Upon receipt of the appeal request, the Hearing Officer shall set a time and place for a hearing, and shall give the petitioner written notice thereof. The hearing shall be commenced not later than ten (10) days after the date on which the request for hearing was filed; provided, that upon request of the aggrieved party the hearing may be postponed for a reasonable time beyond such ten-day period.

A record shall be made at the hearing, and the aggrieved party may be represented by counsel or other authorized person. The administering agency shall have the burden to sustain any notice, final order, or other decision subject to the appeal.

Section 4. Decision. Within ten (10) days after the conclusion of the appeal hearing, the hearing officer shall issue a written decision to the petitioning

party. That decision may sustain, modify or deny the decision of the agency.

Section 5. Proceedings of Hearings. A summary of all proceedings of hearings, including the findings and the decision of the Hearing Officer, together with a copy of every notice and order related thereto, shall be filed with the administering agency.

Section 6. Application of State Law Procedures. The appeal of any final decision or action of the administering agency which is taken under the 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 proceeding arising out of an appeal from any decision or action taken solely under the authority of the Board of County Commissioners or the governing body of any city.

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. The existence of emergency conditions may be a defense to this provision.
- C. Failure to Comply with Emergency Order: No person shall fail or refuse to comply with an emergency order of an 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 or sewage 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 sewage treatment system 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 sewage treatment system which has caused, or which the Director of the Johnson County Environmental Department or his designees determine is likely to cause, within reasonable certainty, any improper discharge or other health hazard, unsanitary condition, or unlawful pollution.

Section 2. 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 G infraction under the Johnson County, Kansas, Code of Regulations for Procedure and Enforcement, and punishable upon conviction by a fine of not less than \$100.00 and not more than \$500.00. Each day's violation shall constitute a separate offense.

Section 3. Prosecution. The County Counselor shall prosecute violations of this Code in the name of the Board of County Commissioners of Johnson County, Kansas. Prosecution shall be in accordance with the Johnson County, Kansas, Code for Procedure and Enforcement, Resolution No. 116-88, or any amendments or subsequent enactments, and shall be commenced in the County Codes Section of the District Court of Johnson County, Kansas, unless a municipality adopting this Code provides otherwise for the prosecution of violations arising within its municipal jurisdiction.

In that event, the City Attorney of the municipality adopting this Code may prosecute violations of this Code in the name of the city in the municipal court of that city.

JOHNSON COUNTY ENVIRONMENTAL SANITARY CODE

CHAPTER II

SEWAGE TREATMENT

ARTICLE 1: GENERAL PROVISIONS

- Section 1. Purpose. Sewage 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 sewage generated or transported within Johnson County unless otherwise regulated by competent authority.
- Section 2. Scope. All sewage must be disposed of by the use of a sanitary sewer system as defined in this Article. A sanitary sewer system may be classified as either a public sewage treatment system or a private sewage treatment system.
- Section 3. 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 private sewage treatment system for the treatment of sewage 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. Aerobic Sewage Treatment System: A private sewage treatment system employing biological action which is maintained by the addition of air or oxygen.
- D. 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.
- E. Bedrock: A soil horizon which contains greater than 50% consolidated material, by volume.
- F. Distribution Box: A watertight chamber below the outlet level of a septic tank or treatment unit and from which effluent enters the absorption system.
- G. Installer: Any person duly licensed to construct, install and/or repair private sewage treatment systems and to design conventional and shallow-in-ground systems that are pumped or gravity fed, as determined by the administering agency.
- H. Designer: Any person duly licensed to plan or design private sewage treatment systems, including alternative systems, such as a mound, low pressure pipe, or at-grade system, as well as conventional systems.
- I. Holding Tank: A watertight receptacle for the retention of sewage either before, during or after treatment.
- J. Minor Repair: When used in reference to private sewage treatment systems, 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 work as designated by the Director of the Johnson

County Environmental Department or his designee.

K. Mound System: An alternative above-ground system used to absorb effluents from septic tanks in cases where either seasonally high water table zones, high bedrock considerations, slowly permeable soils, or limited land areas prevent conventional subsurface absorption systems.

L. Industrial and Commercial On-Site Wastewater System:

Class A: Used for or designated as having the potential for the use or discharge of industrial or commercial waste; or a Class V well used exclusively for domestic waste which serves twenty (20) or more fulltime equivalents per day. A fulltime equivalent is a person who occupies a building during a 24-hour day.

Class B: Used solely for domestic waste located at a commercial or industrial site, and determined not to have potential for the discharge of industrial or commercial waste.

M. Private Sewage Treatment System: A sanitary sewage system which retains sewage generated by an individual establishment on the same premises as the establishment and such sewage is either:

(a) treated on site, or

(b) transported for treatment at another site by means other than pipes or conduits connected to a public sewage treatment system. Neither treatment facilities operated under an NPDES, or other state or federal permits, nor holding tanks serving commercial, retail or industrial establishments are included in this definition.

N. Public Sewage Treatment System: A sanitary sewer system which collects untreated or partially treated sewage 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:

- (a) systems built, served, or operated by public sewer districts and municipal sewer systems;
- (b) for regulatory purposes, holding tanks serving commercial, retail or industrial establishments; and
- (c) systems which are privately owned and operated but which are required to obtain a permit under the National Pollutant Discharge Elimination System (NPDES).

- O. Sanitary Disposal Contractor: Any person duly licensed to perform sanitary disposal services.
- P. Sanitary Disposal Service: The pumping out and removal of sewage from private sewage treatment systems and the transportation of such material to another location for treatment or disposal.
- Q. Septic Tank: A watertight, accessible, covered receptacle designed and constructed to receive sewage in which two processes take place; settling of the solids, and the digestion of some of the accumulated solids by anaerobic action.
- R. Soil Mottles: Spots or streaks of contrasting soil colors which indicate the presence of a seasonal water table zone.

S. Structurally Significant Alteration: When used in reference to private sewage treatment 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 Director of the Johnson County Environmental Department, or his designee; 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.

T. Trunk Line: The solid pipe from which the laterals extend in a septic tank system.

U. Water Table Zone: A zone in the soil which is either continually or seasonally saturated with water.

Section 4. Rules of Application. The requirements established by Chapter II of the Johnson County Environmental Sanitary Code shall apply and be applicable to any and all Private Sewage Treatment Systems now or hereafter installed, used or operated upon any property located within Johnson County, Kansas subject to the provisions of this Code, and shall apply for regulatory purposes to holding tanks as described in Section 3.N.(b).

A. General Rule: Unless otherwise provided or excepted in accordance with this Section, from and after 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 private sewage treatment system except as permitted under and as which complies with the established requirements of this Code.

B. Existing Systems Treating Domestic Waste:

Any private sewage treatment system lawfully installed prior to the effective date of this Code and used exclusively for domestic sewage, 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.

C. Existing Systems for Industrial and Commercial On-Site Wastewater Systems:

1. Discharge of industrial or commercial waste to a soil absorption system is prohibited. Any such systems in effect at the time of passage of this code shall cease and desist immediately.

2. A sewage treatment system lawfully installed prior to the effective date of this Code which is used as an industrial and/or commercial on-site wastewater system shall, within 120 days after the effective date of this Code, apply for and obtain an operations permit.

a. Thereafter, such systems which have a valid Class A permit as defined in Section 3.L., above, may continue in operation, subject to annual inspections, for a

period of twenty-four (24) months if, and as long as, the system operates in accordance with its original design and location and does not experience any failure or pose any hazard to the public health, safety or welfare. Upon expiration of the twenty-four (24) month period, such private sewage treatment systems shall comply with all other requirements of this Code.

- b. Thereafter, such systems which have a valid Class B permit as defined in Section 3. L., above, may continue in operation, subject to annual inspections, for as long as the system is used solely for the permitted purposes and satisfies all other requirements of this Code.
- 3. Industrial and/or commercial wastes collected and retained on site using underground holding tanks shall be subject to all Kansas Department of Health and Environment permit and inspection requirements, and shall comply with or satisfy all requirements and regulations now or hereafter adopted by the Kansas Department of Health and Environment, pursuant to Kansas Administrative Regulations, Article 28.
 - 4. Subsection 2. above shall also apply to holding tanks as described in Section 3.N.(b).
 - 5. Those systems which are used exclusively for domestic wastes may remain in use, subject to at least one annual inspection, as long as the system is used only for domestic waste 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 the effective date of this Code but which does not contain sufficient size or acreage to satisfy the minimum lot size requirements for any permit specified under 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 domestic wastes 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 is 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 subdistrict operated by the Johnson County Unified Wastewater Districts or other municipalities; and
- (5) The application for a permit under this exception is filed with the Environmental Department on or before December 31, 1998.

From and after December 31, 1998 all applications for a permit for a system treating domestic wastes, including those for existing lots and tracts of record, shall comply with the minimum lot size requirement of two (2) acres.

Section 5. Variances. Any person who owns a lot or tract of land which has been recorded or platted as a lot or tract of record prior to October 27, 1994, may apply for and receive a variance from the minimum lot size requirements established by this Code for the installation, use or operation of any type of private sewage treatment system if, after inspection and evaluation, the code official of the Johnson County Environmental Department determines, in coordination with the Johnson County Planning Office, that the system can and will comply with all other applicable requirements of this Code and the applicable zoning and subdivision regulations of the County. The Environmental Department shall adopt standards to apply in granting such variances.

Section 6. Rule Exceptions. The owner of any land or the user of any on-site sewage treatment system regulated by this Chapter may apply for an exception to any standard, specification, rule or regulation prescribed in this Chapter, which is not otherwise discretionary, under the authorities granted to the Director of the Environmental Department or other administering agency.

A. Application: Application for any rule exception under this Section shall be filed with the Director of the Environmental Department on approved and authorized forms and shall contain the following information:

1. The name of the applicant;
2. The name of the property owner if different than the applicant;
3. The address and legal description of the property;
4. The zoning and land use, existing and proposed, for the property;
5. The express rule, regulation or requirement for which exception is sought;

6. A detailed description of the plan, action, or other specification which is proposed in alternative to the rule or requirement.
- B. Application Fee: There shall be and hereby is imposed a fee of one hundred fifty dollars (\$150.00) for and upon each application for a rule exception filed under this Section. The fee shall be charged and paid for each separate tract, lot or subpart of a tract or lot subject to the application and for each rule, regulation or requirement for which exception is sought.
- C. Report and Recommendation: Upon receipt of any application for a rule exception under this Section, the Director of the Environmental Department or his designee shall evaluate the application and may conduct such site inspections or other investigations as he deems appropriate, and may require, the applicant to submit additional facts, information or tests as may be reasonably necessary to render a decision on the application. The Director or his designee shall prepare a report and recommendation on the application within seven (7) days after receipt of the application and of all required additional information. A copy of the report and recommendation shall be sent to the applicant, to any appropriate planning or governmental body, to the Johnson County Unified Wastewater Districts, and to any other interested person or party.
- D. Final Decision: The report and final recommendation of the Director, or his designee, shall be and become the final decision on the application unless, within fourteen (14) days after the date of the report and final recommendation, the applicant or other interested party or governmental body requests in writing a formal review of the application or final

recommendation. Any final decision of the Director, or his designee, shall be issued in the form of a written administrative order, and the order shall be certified and recorded with the County Register of Deeds.

E. Review Proceeding: Whenever a timely request for a review of any application or final recommendation is filed with the Director, a review proceeding shall be conducted in accordance with this subsection.

1. Review of Design, Specifications or Standards: If the application requests an exception to any design criteria or technical specification or standard required under this Article, then the review shall be conducted by the Board of Code Review for Johnson County. The Board of Code Review shall hold its meeting to consider the application or recommendation within fourteen (14) days after a request for review is filed with the Director. Notice of the meeting shall be provided in writing to the applicant, the party seeking review, the Director, and any other interested person or governmental body.

2. Review of Land Use Considerations: If the application requests an exception to any land use consideration, including but not limited to minimum lot sizing, then the review shall be conducted by the Board of County Commissioners. A notice stating the exception requested and the date, time and place of the review proceeding shall be published by the applicant in a newspaper of general circulation in the area where the site is located at least seven (7) days, but not more than fourteen (14) days, prior to the proceeding date. A copy of the notice shall be mailed by the applicant to the owner of any property located within

1000 feet of the site location and to any appropriate planning or governing body at least seven (7) days prior to the date set for the review proceeding.

F. Standards for Review: The report and recommendation of the Director, or his designee, shall be given substantial deference upon any review, but the person applying for any rule exception shall have the responsibility, in all instances, to demonstrate that the exception is justified and necessary. No rule exception shall be granted, either by final decision of the Director, or his designee, or upon any order of a review proceeding unless it is found and determined that:

1. The rule or requirement for which an exception is sought cannot practically be met as applied to the property without extreme and undue hardship; and
2. The rule exception will not adversely affect the proper and efficient operation of the private sewage treatment system nor require extraordinary monitoring, care or maintenance; and
3. The system as proposed will comply with all other applicable rules, regulations or requirements and will not cause nor result in any identifiable risk to the environment or public health.

G. Decision on Review: The decision in any review proceeding authorized in this Section shall be issued, in writing, within seven (7) days after completion of all review proceedings. A copy of the final decision shall be certified and recorded with the County Register of Deeds. Any final decision on any application for a rule exception under this Article shall be solely within the discretion of the Director or the reviewing board and shall not be subject to

review by nor overturned in any court or other jurisdictional body in the absence of demonstrated fraud or deliberate, capricious action.

ARTICLE 2: PUBLIC SEWAGE TREATMENT SYSTEMS

- Section 1. Regulation of Municipal or Public District Systems. Any public sewage treatment 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 or the United States and located in whole or part within Johnson County, Kansas, shall be built and operated only as permitted by the rules and regulations of the Kansas State Department of Health and Environment and the United States Environmental Protection Agency and shall comply with and be governed by such laws, rules, regulations and administrative actions.
- Section 2. Privately Owned NPDES Systems. Any sanitary sewage treatment system which is maintained and operated by any private person, and not by an authorized public entity, pursuant to a National Pollutant Discharge Elimination System (NPDES) permit issued by any federal or state authority, or which by law would be required to obtain such permit, and which is located within Johnson County, Kansas, shall comply with and be regulated by the terms and conditions of the permit and all rules, regulations and requirements imposed by the applicable federal or state regulatory authority. Any system covered by this Section shall operate within Johnson County, Kansas, only pursuant to a valid and effective NPDES permit, and no person shall build, maintain or operate any such system without a valid permit. Any such facility which does not have a lawfully issued permit, or for which the permit is suspended or revoked, may then be regulated by the provisions of this Code after consultation and in cooperation with the Kansas Department of Health and Environment.
- Section 3. Systems Serving Commercial or Industrial Users. Every premises or property which is used as or occupied by a commercial or industrial establishment and which is not connected to a public sewage treatment system as identified by

Section 1 or Section 2 of this Article must install, use, and maintain a holding tank facility, and no other type of on-site sewage treatment system, for sewage treatment (except as provided in Section 4 of Article 1 of this Chapter.) The holding tank facility shall meet the specifications and requirements of Article 8 of this Chapter.

- A. Prior to the installation of the holding tank for such commercial or industrial waste usage, the operator or property owner of the premises or property which is licensed as a Class A Industrial and Commercial On-Site Wastewater System and which is not a Class V well, shall petition for and create an authorized regulatory sanitary sewer district under the jurisdiction and authority of the Johnson County Unified Wastewater Districts. Thereafter, in order to maintain a valid permit, the use, maintenance, and operation shall comply with and be regulated by the applicable rules, regulations, and requirements of the Unified Wastewater Districts, including its Sewer Use Regulations or other such requirements contained in the agreement.

- B. Prior to the installation of the holding tank for such commercial or industrial usage, the operator or property owner of premises or property which is licensed as a Class B Industrial and Commercial On-Site Wastewater System, or the operator or property owner of premises or property which is properly licensed Class V well, may petition for and create an authorized regulatory sanitary sewer district as provided for in Section A., above, and shall thereafter, comply with and be regulated by the applicable rules, regulations, and requirements of the Unified Wastewater Districts, including its Sewer Use Regulations or other such requirements contained in the agreement.

In the alternative, said premises or property which has a valid Class B permit as defined in Section 3. L., above, may continue in operation, subject to annual inspections, for as long as the system is used solely for the permitted purposes and satisfies all other requirements of this Code.

ARTICLE 3: PRIVATE SEWAGE TREATMENT

Section 1. Types. Private Sewage Treatment Systems are classified as being one of the following systems:

- A. Septic Tank
- B. Aerobic
- C. Mound System
- D. Privy
- E. Holding Tank
- F. Other

Section 2. Proper Maintenance and Operation. All private sewage treatment systems shall comply with applicable provisions of K.A.R. 28-5-6 and 28-5-7, 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 sewage treatment system malfunctioning and causing any prohibited condition, it shall order the owner and/or user to correct the condition within thirty (30) days.

Section 3. Location of a Private Sewerage or Private Sewage Treatment System Within One Hundred (100) Feet of Well. No portion of a private sewage treatment system shall be located within one hundred (100) feet of a water well or a pump suction line from a water well.

Section 4. Connections to Public Sewage Treatment Systems. To the extent feasible, public sewage treatment systems shall be used for the disposal of all sewage within Johnson County, and no private

sewage treatment system shall be permitted under this Chapter whenever a public sewage treatment system is available to serve the property. Any property served by a private sewage treatment system authorized under this Chapter shall connect to a public system as provided in this Section.

- A. Existing Systems: After the effective date of this Code, no permit for construction or for a structurally significant alteration of a private sewage treatment system shall be issued for any lot or tract of land any part of which is located within 200 feet of a main or lateral sewer line which is part of a public sewage treatment 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 sewage treatment system for which a permit to construct was issued after the effective date of this Code shall be prohibited two years after a main or lateral sewer line first becomes available for service within 200 feet of the lot or tract served by the private sewage treatment system, and when it is determined that connection to the public system is feasible and reasonably available to the property owner.
- C. Extensions or Waivers: The requirement for connection to a public sewage treatment system for any particular tract or lot may be waived, or the time extended, by official action of the Board of County Commissioners, or other applicable governing body, for cause shown that the required connection would result in undue hardship.

Section 5. Repairs and Corrections. Any private sewage treatment system which, for any reason, 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.

ARTICLE 4: REGULATIONS FOR SEPTIC TANKS

Section 1. Permits Required. It shall be unlawful for any person, firm, or corporation to erect, construct, perform any structurally significant alteration, remove, convert, or demolish any septic tank system regulated by this Code, without first obtaining a septic system permit from the Johnson County Environmental 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 or duplexes, where each unit is occupied as a residence and where each unit shall be served by a separate septic tank and system.
- B. Minimum Lot Size: Unless a waiver or rule exception is granted pursuant to Article 1 of this Chapter, a minimum lot or tract size of two (2) acres per living unit shall be required for any permit issued under this Article.
- C. Term and Renewals: A permit issued under this Article shall be valid for a period of twelve (12) months following the date of issuance unless a shorter period is specified, and may be renewed by order of the Director of the Environmental Department.
- 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 Article including any applicable provisions of K.A.R. 28-5-6 and 28-5-7.

Section 2. General System Requirements. The system shall be designed to consist of a building connection,

treatment unit such as a septic tank, and treatment field. The system shall receive all domestic sewage including laundry waste. Use of a distribution box is optional. The design of the system shall ensure that the wastes discharged to the private sewage treatment systems:

- (1) Do not contaminate any drinking water.
- (2) Are not accessible to insects, rodents or other possible carriers of disease which may come in contact with food or drinking water.
- (3) Do not contaminate the waters of any bathing beach or streams used as a water supply or for recreational purposes.
- (4) Do not surface above ground level.
- (5) Are not a danger by being exposed and accessible to animals or children.
- (6) Do not give rise to a nuisance due to odor or unsightly appearance.

Section 3. Application Procedure. The person applying for the septic system permit shall first file an application in writing on a form furnished for that purpose by the Environmental Department. The application shall:

- (1) Identify and describe the activity for which permission is requested. (e.g., construction, repair, etc.)
- (2) Identify the location of the activity for which permission is requested by legal description and street address.
- (3) Indicate the type of establishment which the septic system will service (e.g., single family residential, commercial, etc.).
- (4) Be accompanied by a request for a soil profile analysis for each site location as specified in, and to be performed according

to the procedures described in, Section 8 of this Article.

- (5) Be accompanied by two (2) sets of plans and specifications as defined in Section 4 of this Article.
- (6) Be accompanied by a set of building blueprints, including site elevations (front, side and rear.)
- (7) 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 4. 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:

- (1) Location of the soil profile analysis sites for the sewage treatment system.
- (2) Size of lot, dimensions, and relative location of structures.
- (3) Proposed location of the sewage treatment system.
- (4) Proposed location of a replacement area for the sewage treatment system, consisting of at least 5,000 square feet.

Retention of Plans: One set of approved plans shall be retained by the Johnson County Environmental Department and one set of approved plans shall be returned to the applicant.

Section 5. Inspections Required for System Approval. No septic tank or 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 Director of the Environmental Department or his designee.

- A. Pre-conditions: 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 Section 1 and Section 3 of this Article. Any required permit must be posted and displayed at the property job site.

The applicant or property owner shall provide a minimum of one working day's notice to the Johnson County Environmental Department to perform any required septic system inspection. An inspection will be conducted only when proper notice is given, only where the site address is posted and visible from the road, and only where the foundation and structure are finished before installation of the system.

- B. Inspection Procedures: There will be at least three (3) separate inspections required for each septic system.

1. The first site inspection shall be performed before issuance of any septic system permit and includes the following:

- a. Verification that, if required, a minimum of three (3) soil exploration holes, six feet in depth each, have been dug.
- b. Performance or review of three soil profile analyses in the proposed seepage lateral area.
- c. Inspection of the proposed area for the size requirement of an additional replacement system.
- d. Inspection of the surface grade for the slope requirements.

2. The second inspection is 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 the inlet and outlet baffles or tees.
 - b. Depth of gravel in laterals.
 - c. Level of pipes.
 - d. Trunk line on undisturbed soil.
 - e. Anticipated depth of fill over laterals.
 - f. Quality of all construction materials to assure compliance with minimum standards set forth by the Environmental Department.
3. The third inspection is made after final grading has occurred, but before occupancy. The inspector will check for the following:
 - a. Depth of soil cover over septic tank.
 - b. Depth of soil cover over lateral lines.
 - c. Contour of soil to assure allowance for water diversion around lateral field.

Section 6. Construction Specifications. Plans for all septic tanks shall be submitted to the Environmental Department for approval. Such plans shall show all dimensions, reinforcements, structural calculations, and such other pertinent data as may be required. Septic tanks shall be constructed of sound durable materials, not

subject to excessive corrosion or decay and shall be watertight. 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.

- A. Tank Requirements: Multiple compartments are mandatory for all septic systems and single compartments are not allowed. The inlet compartment shall have a capacity of not less than two-thirds of the total capacity. The access manhole shall be located directly over the compartment divider to allow easy access for pumping and inspection.

- B. 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 with Department approval.

- C. Location: The location of the septic system shall be such as to maintain not less than the stated distances as shown in Table 1:

TABLE 1: REQUIRED DISTANCES FROM THE SYSTEM

	Septic Tank	Lateral Field
Property Line	10 feet	10 feet
Well	100 feet	100 feet
Pond or Lake Not Used For Drinking Water	50 feet	50 feet
Public Water Line	25 feet	25 feet
Private Water Line	10 feet	10 feet
Building	10 feet	25 feet

C. Capacity: The liquid capacity of a septic tank serving a dwelling shall be based primarily on the number of bedrooms in the dwelling served and shall conform to capacities given in the following table:

TABLE 2: BEDROOM/TANK CAPACITY RATIOS

No of Bedrooms	1	2	3	4	5	6	*
Capacity (gallons)	1000	1200	1200	1500	1500	1800	

*In the event that any installation serves more than a six-bedroom home or its equivalent, or serves a facility other than a home with the equivalent of twelve persons or more, approval of septic-tank capacity and design must be obtained from the Johnson County Environmental Department/Sanitation Division Director.

- E. Lateral Size: All laterals shall be sized in accordance with the results of the soil profile analysis to determine the rate of absorption for the trench bottom area. (Refer to Tables 3 and 4). The number of square feet of laterals to be installed will be determined by the results of the test which indicates the greater number required.

<u>TABLE 3: BEDROOM/LOAD RATE/SQUARE FOOTAGE REQUIREMENTS</u>				
Wastewater Load Rate (gpd/ft ²)	Two-Bedroom	Three-Bedroom	Four-Bedroom	Five-Bedroom
0.8	1000	1200	1300	1625
0.6	1100	1300	1400	1750
0.5	1200	1400	1600	2000
0.4	1300	1500	1800	2250
0.3	1400	1600	2000	2500

TABLE 4

GUIDE TO ESTIMATING
WASTEWATER INFILTRATION RATES
FOR BELOW-GRADE SOIL ABSORPTION SYSTEMS

<u>SOIL HORIZON CHARACTERISTICS</u>	Wastewater Loading (gpd/ft ²)
1. Gravelly coarse sand; moderate or strong platy structure; sandy clay loam or silty clay loam with weak platy structure; cemented consistence or any consistence stronger than firm (moist), or hard (dry); sandy clay, clay or silty clay with massive or weak structure; silt loam, clay loam or silty clay loam with massive structure.	0.0
2. Sandy clay, clay or silty clay of low clay content with moderate or strong structure; sandy clay loam, clay loam or silty clay loam with weak structure.	0.1 - 0.2
3. Sandy clay loam, clay loam or silty clay loam with moderate or strong structure; sandy loam, loam or silt loam with weak structure.	0.3 - 0.4
4. Sandy loam, loam or silt loam with moderate or strong structure; fine sand, very fine sand, loamy fine sand or loamy very fine sand.	0.5 - 0.6
5. Coarse sand, sand, loamy sand or loamy coarse sand with single-grain structure.	0.7 - 0.8

F. Lateral Trench: The acceptable lateral trench width shall be from 24 inches to 36 inches with the following minimum distances between trenches observed:

Table 5: DISTANCES BETWEEN TRENCHES

Trench Width Minimum Distances Between
Center Line of Trenches

24-36 inches	9.0 feet
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An approved standard trench pipe (10' length of rigid PVC) shall be used. The end of each lateral shall be capped or plugged. There shall be a minimum of 4 inches of slope from outlet end of tank to first lateral. Individual trenches shall have a maximum slope of 4 inches per 100 feet. Individual trenches shall have a maximum of 100 feet from end of lateral to trunk line. Drainage lines shall be installed on top of at least 6 inches of washed gravel or other approved material sized from 3/4 inch to 2 1/2 inches. The Environmental 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 approximately 24 inches. (At least 12 inches of backfill dirt, 2 inches of gravel, 4 inches of trench pipe, 6 inches of gravel. Total about 24 inches).

- G. Lateral Field: No septic tank lateral field or any portion thereof shall be placed in filled material unless approved by the administering agency.

No part of the lateral field shall be covered by more than twenty-four (24) inches of backfill.

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

H. Site Preparation: The area proposed to be occupied by the private sewage treatment system shall not be disturbed or compacted prior to system installation. Fencing or other appropriate barriers shall be used to designate this area. During and after installation, care shall be taken to avoid excessive 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.

I. Prohibited Connections: No roof, driveway, area, or foundation drains shall be connected to a septic tank system.

J. Other Requirements: Any additional construction specification guidelines necessary shall be approved by the Director of the Environmental Department.

Section 7. Applicable Building Codes. In addition to the standards and requirements established under this Chapter, the installation, alteration, construction, reconstruction, repair, replacement, or other work for or upon any private sewage treatment 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 Johnson County, Kansas, or other codes or ordinances, as adopted by any city adopting this Code. The administering agency shall have available copies of any such codes and code specifications and shall delineate those parts and requirements which are applicable to private sewage treatment systems.

Section 8. Soil Profile Analysis Procedure. A soil profile analysis is necessary to determine the existence and location of formations and to determine the suitability of the soil for a septic tank system. Such profile analysis shall be performed by the

Johnson County Environmental Department/
Sanitation Division or its authorized
representative. The soil profile analysis shall
be performed substantially in conformance with
this Section.

A. Site Conditions: The following conditions
shall be noted:

1. The soil texture and structure shall be analyzed to a depth of five (5) feet.
2. The depth to the ground water table, if encountered.
3. The depth to soil mottles, if encountered, which indicate a seasonal water table zone.
4. The depth to the bedrock, if encountered.

B. Site Tests: At least three soil profile analysis holes will be conducted at the proposed sewage treatment site.

C. Suitability of Soil: The purpose of the analysis is to determine the suitability of the soil for the absorption of effluent and the leaching area required. The soil must have an acceptable drainage rate without interference from ground water or bedrock below the level of the absorption system. In general, the following conditions shall be met:

1. There shall be a maximum of twenty-four (24) inches of coverage over lateral lines.
2. The minimum distance to the ground water table shall be at least four feet below the bottom of the absorption trench.
3. Bedrock shall be at a depth greater than four feet below the bottom of the absorption trench.

4. The natural slope of the land shall be less than twenty (20) percent.

ARTICLE 5: REGULATIONS FOR AEROBIC TREATMENT SYSTEMS

Section 1. Compliance Standards. All individual mechanical aerobic wastewater treatment plants shall meet the standards prescribed in Standard No. 40 of the National Sanitation Foundation and the American National Standards Institute.

Section 2. Permit Required. It shall be unlawful for any person to erect, construct, perform any structurally significant alteration, remove, convert, or demolish any aerobic treatment system regulated by this Code without notifying, in writing, or, if required, obtaining a permit from the administering agency.

Section 3. Application Procedure. The person applying for the permit shall first file an application in writing on a form furnished for that purpose by the Director of the Environmental Department. The application shall:

1. Identify and describe the activity for which permission is requested (e.g., construction, repair, etc.)
2. Identify the location of the activity for which permission is requested by legal description and street address.
3. 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 4. Permit Qualifications. A permit 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 or duplexes, where each unit is occupied as a residence and where each unit shall be served by a separate system.
- B. Minimum Lot Size: Unless a waiver or rule exception is granted pursuant to Article 1

of this Chapter, a minimum lot or tract size of two (2) acres per living unit 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 standards specified in this Article and all applicable terms, conditions, and requirements of this Code.

Section 5. General Requirements and Standards. All individual mechanical aerobic wastewater treatment plants shall be installed, operated, and maintained in accordance with the manufacturer's instructions and the requirements of the Johnson County Environmental Department. The effluent from individual aerobic wastewater treatment plants shall receive additional treatment through the use of a subsurface absorption system which complies with the standards and specifications provided for septic tank systems under Section 6 of Article 4 of this Chapter. No plant shall discharge any effluent into or onto surface waters, ground water, air, or surface grade.

ARTICLE 6: REGULATIONS FOR MOUND SYSTEMS

Section 1. Permits. It shall be unlawful for any person to erect, construct, perform any structurally significant alteration, remove, convert, or demolish any mound treatment system without notifying in writing or, as required, obtaining a permit from the Johnson County Environmental Department.

Section 2. Permit Qualifications. 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 or duplexes, where each unit is occupied as a residence and where each unit shall be served by a separate system.

B. Minimum Lot Size: Unless a waiver or rule exception is granted pursuant to Article 1 of this Chapter, a minimum lot or tract size of two (2) acres per living unit shall be required for use, operation or permittance of any mound system under this Article.

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 the high groundwater level or bedrock occur within 12 inches of natural grade.

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 Johnson
County Environmental Department.

ARTICLE 7: REGULATIONS FOR PRIVIES

Section 1. Permit. No privy shall be constructed or erected on any premises.

ARTICLE 8: REGULATIONS FOR HOLDING TANKS

- Section 1. Scope. For purposes of this Article, the term "Holding Tank" refers to a watertight receptacle to retain sewage on-site prior to removal from the site by a Sanitary Disposal Contractor licensed under Article 11 of this Chapter.
- Section 2. Authorized Usage. A holding tank may only be used for the temporary, on-site, retention of sewage before the contents are removed by a Sanitary Disposal Contractor.
- A. Residential Properties. One holding tank may be used to service only one residence or dwelling unit. A holding tank which services more than one residence or dwelling unit shall be considered a public sewage treatment system and will not be permitted under this Code.
- B. Commercial and Industrial Properties. A holding tank shall be the only type of system authorized under this Chapter which may be used to retain any commercial and/or industrial wastewater, and which may include domestic sewage, generated by a commercial or industrial establishment, and such holding tank system shall comply with all provisions of this Article but shall be administered and regulated as provided under Article 2 of this Chapter. Any underground holding tank retaining such wastes must also meet all requirements and regulations adopted by the Kansas Department of Health and Environment.
- Section 3. Permit Required. It shall be unlawful for any person, firm or corporation to construct, perform any structurally significant alteration, convert or use any holding tank without first obtaining a permit from the Johnson County Environmental Department. Prior to issuance of a permit, the owner of the holding tank shall provide a copy of his service contract with a Sanitary Disposal Contractor licensed pursuant to Article 11 of this Chapter.

Section 4. Permit Qualifications. Any permit authorized under this Article shall be issued subject to the qualifications specified in this Section.

A. Term and Renewal: Permits for holding tanks used for commercial, domestic, or industrial wastes are valid for twelve months from the date of issuance and are renewable annually. Applications for renewals shall be submitted no later than thirty days prior to permit expiration with the applicable fee. Upon receipt of the application and fee, a permit will be issued for the following year.

B. Minimum Lot Size: Unless a waiver or rule exception is granted pursuant to Article 1 of this Chapter, a minimum lot or tract size of two (2) acres per occupied unit shall be required for the use, operation, or permittance of any holding tank for any property usage under this Article.

C. Standards: No permit shall be issued to any person, property, or establishment which does not comply with and satisfy the standards prescribed in this Article and all applicable terms, conditions, and requirements of this Code.

D. Transfer. Permits are not transferable.

Section 5. General Requirements. The system shall be designed to consist of a building connection and tank. The design of the system shall ensure that waste discharged to the system:

a. Does not contaminate any groundwater or 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 the waters of any bathing beach or streams used as a water supply or for recreational purposes.

- d. Is not a danger by being exposed or accessible to animals or children.
- e. Does not give rise to a nuisance due to odor or unsightly appearance.

Section 6. Standards and Specifications. Any holding tank system authorized under this Article shall be designed, constructed and operated to comply with standards and specifications deemed necessary and advisable by the Director of the Environmental Department, or his designee, including the minimum requirements specified in this Section.

A. Capacity Requirements: The minimum liquid capacity of a holding tank for one residence shall be:

Number of Bedrooms	Holding Tank
1	2,000
2	2,000
3	2,000
4	2,500
5	3,000
6	3,500
7	4,000
8	4,500

Tanks serving commercial, retail, or industrial establishments shall have a minimum 5-day holding capacity, but not less than 2,000 gallons.

B. Site Location: Tanks shall be located at least 10 feet from any part of a building. Holding tanks shall be so located to an all-weather access road or drive so that the pumper may drive pumping equipment to within 10 feet of the servicing manhole.

C. Warning Device: A high water warning device shall be installed so that it activates 1 foot below the inlet pipe. This device shall be either an audible or illuminated alarm.

D. Access Opening: Each tank shall have an access manhole extended to finished grade, and shall consist of a circular cast iron ring and lid or other material which meets with the approval of the Environmental Department.

Section 7. Changes in Use. The permit holder shall notify the administering agency in writing within five working days of any change in the use of the premises which are serviced by the holding tank or any change in ownership or occupancy of the premise.

ARTICLE 9: REGULATIONS FOR OTHER

- Section 1. Approval. Other systems such as the At-Grade, Low Pressure Pipe, Evapotranspiration Bed, or similar systems, may be approved by the Johnson County Environmental Department/Sanitation Division Director upon submission of plans and specifications and upon proof that any other type of private sewage treatment system is not adequate or feasible for the property or establishment.
- Section 2. Permit Required. A permit shall be required for any alternative system authorized or approved under this Article.
- Section 3. Permit Qualifications. Any permit or approval 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 or duplexes, where each unit is occupied as a residence and where each unit shall be served by a separate system.
- B. Minimum Lot Size: Unless a waiver or rule exception is granted pursuant to Article 1 of this Chapter, a minimum lot or tract size of two (2) acres per living unit 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 standards prescribed for the alternative system by the Director of the Environmental Department, or his designee, consistent with standards imposed for the systems designated in this Chapter, and all applicable terms, conditions and requirements of this Code.

ARTICLE 10: REGULATIONS FOR INSTALLER

- Section 1. License Required. No person shall install, engage in the installation of, or repair a private sewage treatment system unless that person holds a valid Installer License issued by the Johnson County Environmental Department. Employees of a validly licensed Installer are not required to be separately licensed. Persons licensed under this Code as an installer may, without separate license, design conventional and shallow in-ground systems that are pumped or gravity fed.
- 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 any following year. Applications for licenses and renewals shall be filed on forms supplied by the Johnson County Environmental 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. Standard 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 private sewage treatment 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. Attendance by any applicant at an appropriate training workshop, conducted or sponsored by the Environmental Department or other recognized governmental, educational or professional institution, and satisfactory completion of a written examination administered by the Environmental Department covering subjects related to public health concerns, sewage treatment techniques, standards for design or construction or installation of sewage treatment

systems, sewage treatment theory, and/or hydraulics shall satisfy the requirements of this Section. Any applicant who fails to satisfactorily complete the written examination may retake the examination after thirty (30) days.

Section 4. Continuation Training. Every person licensed as an Installer under the authority of this Article must obtain a minimum of three (3) hours of approved continuation training each calendar year, and no license issued under this Article will be renewed without submission of a certification of the training to the Director of the Environmental Department. The training, to be approved, must be directly related to the knowledge requirements necessary for issuance of the license under Section 3. Attendance at any workshop conducted, sponsored or approved by the Environmental Department or any applicable professional association shall satisfy the requirements of this Section.

Section 5. 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 6. 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 7. Code Compliance. The installation, relocation, or repair of any private sewage treatment system shall be in compliance with the provisions of this Code.

Section 8. 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 of this Code.

ARTICLE 11: REGULATIONS FOR SANITARY DISPOSAL CONTRACTORS

Section 1. License Required. No person may engage in the pumping or cleaning of a private sewage treatment system or transport sewage to a disposal site unless that person holds a valid Sanitary Disposal Contractor's License. Employees of a validly licensed Sanitary Disposal Contractor are not 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 any following year. Applications for licenses and renewals shall be filed on forms supplied by the Johnson County Environmental 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. Standard 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 (3) inches depth of sewage.

B. Equipment: A license holder shall maintain his equipment so as to ensure that no spillage of sewage will occur during transportation, and that his employees are not subjected to undue health hazards. All sewage shall be transported in an enclosed tank.

C. Vehicles: Sewage shall be transported only in vehicles approved for that purpose by the Johnson County Environmental Department. Each such vehicle must be inspected prior to issuance or renewal of a license to a Sanitary Disposal Contractor. The vehicle

must be kept in good working condition and both the name of the licensee and the Sanitary Disposal Contractor license number shall be clearly displayed on both sides of the vehicle in bold letters not less than five inches high.

- D. Disposal and Reporting: A license holder shall dispose of the collected sewage only at a site designated by the Johnson County Environmental Department, and shall submit to the Director, or his designee, not later than the 10th day of each month, a report on a form furnished by the Environmental Department stating the dates, sources, volume, and disposal site of each load or partial load of sewage or waste transported during the preceding calendar month. The report form must contain the signature of the person submitting the report and must bear the signature or signatures 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 Sewage Sludge, 40 C.F.R. 503.

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 I of this Code.

ARTICLE 12: REGULATIONS FOR DESIGNER

Section 1. License Required. No person shall conduct or perform the services of designer for any private sewage treatment system regulated under this Chapter or for other purposes of this Code, unless that person holds a valid license issued by the Johnson County Environmental Department. Employees of a validly licensed Designer are not required to be separately licensed. A licensed professional engineer shall be deemed licensed for the purposes of this Section. A person licensed as an installer under this Code shall be deemed licensed under this section for the purpose of designing conventional and shallow in-ground systems that are pumped or gravity fed, as determined by the administering agency, but no others, and a license shall be required for the design of any alternative system such as mound, low pressure pipe, or other permitted alternative systems.

Section 2. License Term and Renewal. Any license issued under this Article shall be valid for a term of two (2) years, running concurrently with the calendar year, and shall expire on December 31 of each succeeding calendar year. Any license issued under this Article may be renewed, on or before January 15 of any succeeding year. Applications for licenses and renewals shall be filed on forms supplied by the Johnson County Environmental 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. Standard of Performance. Prior to the issuance or renewal of a license under this Article, the applicant shall be required to demonstrate adequate knowledge consistent with the provisions of Section 3 of Article 10 of this Chapter.

Section 4. Continuation Training. Every person licensed as a Designer under the authority of this Article must obtain a minimum of three (3) hours of approved continuation training each calendar year, and no license issued under this Article

will be renewed without submission of a certification of the training to the Director of the Environmental Department. Any training shall be consistent with the provisions of Section 4 of Article 10 of this Chapter.

Section 5. License Revocation. A license issued under this Article may be revoked for any failure to comply with this Code. The revocation procedure shall comply with the provisions of Chapter I of this Code.

JOHNSON COUNTY ENVIRONMENTAL SANITARY CODE

CHAPTER III

SWIMMING POOLS

ARTICLE 1: GENERAL PROVISIONS

Section 1. Purpose. The purpose of this chapter is to protect, promote, and preserve the public health, safety and general welfare by providing for the establishment and enforcement of minimum standards for safety, cleanliness, and general sanitation for all swimming pools, spa pools, and public bathing places now in existence or hereafter constructed or developed, and to provide for inspection and licensing of all such facilities.

Section 2. Definitions: Unless the context requires or specifies otherwise, the following words, terms or phrases, as used in this Chapter, shall be given the meaning defined in the Section.

- A. Bather Load: The maximum number of persons that may use the pool at one time without creating undue health or safety hazards.
- B. Bath House: A structure which contains dressing rooms, showers, and toilet facilities for use with an adjacent public pool, semi-public, spa pool, or public bathing place.
- C. Department: The Johnson County Environmental Department or its authorized representative.
- D. Director: The Director of the Johnson County Environmental Department or his/her authorized representative.
- E. Inlet: An opening or fitting through which filtered water enters the pool.

- F. Licensed Operator: Any person schooled and certified in a training course in swimming pool operation by the Johnson County Environmental Department or any equivalent course approved by the Director. Certification is valid for three years.
- G. Lifeguard: A person schooled and certified in a senior course of instruction in life saving and water safety, equivalent to that offered by the American Red Cross.
- H. Main Drain: The outlet or outlets at the deep portion of the pool through which the main flow of water leaves the pool.
- I. Overflow Gutter: A trough or gutter around the inside of the perimeter of the pool walls with the overflow lip effecting a skimming action to clean the pool water surface.
- J. Pool Deck: The unobstructed area around the outside of the pool curb, diving boards, and/or pool slides.
- K. Pool Depth: The distance measured from the floor of the pool to either the midpoint of the vertical dimension of the skimmer box or the lip of the overflow gutter.
- L. Public Pool: Any swimming or wading pool owned or operated by a city, county, state, federal, or any other public agency or any other swimming or wading pool, other than a private residential pool or semi-public pool, operated by any person as defined herein, whether he be owner, lessee, operator, licensee, or concessionaire, regardless of whether or not a fee is charged.
- M. Public Bathing Place: A body of water, natural or modified by man, for swimming, diving, and recreational bathing, together with adjacent shoreline or land area, buildings, equipment, and appurtenances pertaining thereto, used by consent of the

owner or owners and by being held out to the public by an individual, group, firm, corporation, organization, governmental agency, municipality or political subdivision, irrespective of whether a fee is charged for the use thereof. The bathing water areas of public bathing places include, but are not limited to, lakes, ponds, rivers, streams, and artificial impoundments.

- N. Recirculating System: The pump, piping, and appurtenances provided for conveying swimming pool water to, through, and from the filter.
- O. Semi-public Pool: Any swimming and wading pool serving a private club, motel, hotel, apartment building, or any cooperative living type project of three or more living units, the use of which is limited to members or residents and their guests.
- P. Skimmer: A mechanical device connected to the recirculation piping which is used to skim the pool surface.
- Q. Spa Pools: A pool, not used under medical supervision, that contains water of elevated temperature and incorporates a water jet system, an aeration system, or a combination of the two systems.
- R. Swimming Pool: A watertight basin, chamber, or tank containing an artificial body of water for swimming, diving, or recreational bathing.
- S. Turnover: The time required to recirculate the volume of water the pool contains through the filtration system and back to the pool.
- T. Wading Pools: Any constructed or prefabricated public pool two (2) feet or less in depth which is designed to be used exclusively for wading purposes.

Section 3. General Requirements. The monitoring and inspection of public or semi-public swimming pools, spa pools, or public bathing places is considered by the Department to be significant in prevention of disease, sanitary nuisances, and accidents by which the health or life of an individual or individuals may be threatened or impaired.

No provision of this Code shall be deemed to require a construction change in any portion of the facility regulated by this Code when such facility was installed and is maintained in accordance with law in effect prior to the effective date of this Code, except when any such construction regulated by this Code is determined by the Director to be in fact dangerous, unsafe, unsanitary or a nuisance, and a menace to life, health or property.

Animals are prohibited in public or semi-public swimming pools, spa pools, or public bathing places and on pool decks.

Any water discharged from any pool, or from any portion of the recirculation system, shall be disposed of through a sanitary sewer system according to law.

Section 4. Operating Permit. No person shall cause to be operated, managed, or maintained, a public or semi-public swimming pool, spa pool, or public bathing place, unless the facility holds a current valid operating permit from the Director. Operating permits are not transferable.

Permit applications for public, semi-public pools, pool spas, or public bathing places shall be submitted no later than April 1st of each year and shall be in effect for one (1) year following the date of issuance. A pool or public bathing place permit fee shall be paid to the Johnson County Environmental Department to help defray the cost of administration and service.

The Director shall issue an operating permit for a public or semi-public swimming pool, spa pool,

or public bathing place which complies with the provisions of this Code.

Section 5. Inspections, Operational Requirements and Violations. The Department is authorized to conduct such inspections as it deems necessary to determine compliance with all provisions of these rules and shall have the right to enter the pool or public bathing place facilities at any reasonable hour for this purpose.

A. Equipment: All items of equipment designed for recirculation, filtration, disinfection, and pool water treatment shall be in good repair at all times and shall be properly maintained to perform the functions of the units and protect the swimming pool water from contamination.

B. Water Quality: The pool water level shall be maintained at an elevation suitable for continuous skimming flow into the surface overflow system without flooding during quiescence. Chemical, bacteriological, and physical water quality in the pool shall meet the minimum standards set forth by this Code.

C. Posted Closing: Any public or semi-public pool or spa pool can be immediately posted closed by the Department as not being in compliance with this Code whenever any of the following conditions occur:

1. The free active chlorine residual in the pool water is less than one (1) part per million or the bromine residual is less than two (2) parts per million.

2. The pH of the pool water is below seven point two (7.2) or above eight point zero (8.0).

3. The clarity of the pool water is such that the main drain grate is not readily visible from the pool deck or a black disc six (6) inches in diameter

placed at the deepest point is not clearly visible from the deck of the pool.

4. The recirculation system or the pool disinfection feeding equipment is missing or not functioning.
5. Any other conditions exist which may endanger the health, safety, or welfare of the persons using the pool.

ARTICLE 2. PLAN APPROVAL

Section 1. Plan Requirement. No person shall construct, install, extend, alter, or modify a public or semi-public swimming pool, spa pool, or public bathing place unless the plans and specifications for such work have been submitted to and approved by the Department.

Section 2. Application. Application for approval of such plans and specifications shall be made on forms to be provided by the Director and shall be accompanied by duplicate sets of plans and specifications fully describing the proposed swimming pool or extension or alteration.

Section 3. Specifications. Plans shall be drawn to scale, be a minimum size of eighteen (18) by twenty-four (24) inches and a maximum size of thirty-six (36) by forty-two (42) inches, and be accompanied by all specifications to clearly illustrate what is to be constructed. These plans shall include:

- a. Plan and sectional view dimensions of both the pool and the area enclosed by the barrier fence, to include the bathhouse and the equipment room.
- b. Specifications and layout of all treatment equipment used.
- c. One piping schematic showing piping, pipe size, inlets, main drains, skimmer, gutter outlets, vacuum fittings, and all other appurtenances connected to the pool piping system.
- d. Layout of the chemical storage room.
- e. Specifications for the water supply and wastewater disposal systems. This includes aspects such as well location and backwash water disposal where applicable.
- f. Plans must bear the seal and signature of a licensed professional engineer or architect registered to practice in Kansas. They shall certify that all building plan

requirements and standards have been met. They shall also certify that the licensed professional engineer or architect has completed a final inspection.

Section 4. Approval. The Director shall approve the plans and specifications only if they comply with the standards of construction, design, and equipment as required by this Code. The Director shall retain one (1) set of the plans and specifications and shall return the other set to the applicant. Upon completion of construction, the contractor and/or owner shall notify the Director for a final inspection. At or prior to the time of the final inspection, the contractor shall furnish the Department and the owner with a complete set of drawings, which show, as built, the location of all pipes and the connections of all equipment.

Section 5. Terms and Modifications. If construction is not commenced within one (1) year from the date of approval, the approval shall be void. Any modifications of the plan review requirements must be approved in writing by the Director.

ARTICLE 3. CONSTRUCTION SPECIFICATIONS

Section 1. Materials. Swimming pools and all appurtenances thereto shall be constructed of materials which are inert, nontoxic, impervious, permanent, and enduring; which can withstand the design stresses; which will provide a tight tank with a smooth and easily cleaned surface, or to which a smooth, easily cleaned surface finish can be applied.

Sand, clay, or earthen bottoms are not permitted in swimming pool construction.

Swimming pool finish, including bottoms and sides, must be of white or light colored materials, with a smooth finished surface.

Section 2. Depth Markings and Lines. Depth of water shall be plainly marked with numerals or letters at least four (4) inches high on the vertical wall of the swimming pool; on the edge of the deck or walk next to the swimming pool at maximum and minimum points; and at the points of break between the deep and shallow portions. The depth in the diving areas will be appropriately marked.

When provided, the lifeline shall be securely fastened to wall anchors. Wall anchors shall be of corrosive-resistant materials and shall be recessed or have no projections which constitute safety hazards when the lifeline is removed. It shall be marked with visible floats at not greater than seven foot intervals. The line shall be of sufficient size and strength to offer a good handhold and to support loads normally imposed by bathers.

Section 3. Inlets and Outlets. Inlets and outlets for all swimming pools regulated by this Chapter shall be designed and constructed in accordance with this section.

A. Outlets. All swimming pools shall be provided with an outlet at the deepest point to permit the pool to be completely and easily emptied. Openings must be covered by

proper grating which is not readily removable by bathers. Pools shall not be operated with broken, damaged, or missing drain covers. Outlet openings of the grating in the floor of the pool shall be at least four (4) times the area of discharge pipe. The minimum width of grate shall be one-half (1/2) inch, and the maximum not more than one (1) inch.

In swimming pools with deep water at or near one end, multiple outlets shall be provided where the width of the pool is more than thirty (30) feet. In such cases, outlets shall be spaced not more than thirty (30) feet apart, with the outermost outlets not more than fifteen (15) feet from side walls.

B. Drain devices. Devices used for draining swimming pools shall be sized to prevent the surcharging of the sanitary sewer.

C. Inlets. Inlets for fresh and/or re-purified water shall be located to produce uniform circulation of water and to facilitate the maintenance of a uniform disinfectant residual throughout the entire swimming pool without existence of dead spots. Where water from the public water system is added to the pool, cross-connections between the public water system and the pool water shall be prohibited. Inlets shall be placed around the pool perimeters so that ample recirculation of fresh water is assured.

Each inlet shall be designed to permit adjustment of water volume to obtain the best circulation.

Section 4. Floor Slope. The slopes at the bottom of any portion of the swimming pool having a water depth of less than five (5) feet shall not be more than one (1) foot in ten (10) feet and said slope shall be uniform. In portions with a depth of greater than five (5) feet, the slope shall not exceed one (1) foot in three (3) feet.

Section 5. Side Walls. Walls of a swimming pool shall be either (a) vertical for water depths up to at least six (6) feet; or (b) vertical for a distance of at least three (3) feet below the water level, below which the wall may be curved to the bottom with a radius equal to the difference between the depth at that point and the depth at the vertical sidewall, provided that the vertical is interrupted to permit slopes not greater than one (1) foot horizontally for each five (5) feet of depth of sidewall eleven (11) degrees from vertical.

Safety ledges, when provided on vertical walls in the deep portion of the swimming pool, shall not be more than six (6) inches wide, shall be at least four (4) feet below the water surface, and shall slope one-half (1/2) inch in six (6) inches toward the pool.

Section 6. Overflow Gutters. Overflow gutters shall be required on all swimming pools having a surface area of more than 1,600 square feet. Pools having a surface area of less than 1,600 square feet shall be provided either with overflow gutters or skimmers.

A. Gutters: Overflow gutters shall extend completely around the swimming pool, except at steps or recessed ladders. The overflow gutter shall also serve as a handhold. This gutter shall be capable of continuously removing 50% or more of the recirculated water and returning it to the filter. All overflow gutters shall be connected to the recirculation system through a properly designed surge tank. The gutter, drains, and return piping to the surge tank shall be designed to rapidly remove overflow water caused by recirculation displacement, wave action, or other causes produced from the maximum pool bathing load. The opening into the gutter beneath the coping shall be not less than three (3) inches wide with a depth of at least three (3) inches. Where large gutters are used, they shall be designed to prevent entrance or entrapment of bathers arms or legs. The overflow edge or lip

shall be rounded and not thicker than two and one half (2-1/2) inches for the top two (2) inches. The overflow outlets shall be provided with outlet pipes which shall in any case be at least two (2) inches in diameter. The outlet fittings shall have a clear opening in the grating at least equal to one and one-half (1-1/2) times the cross-sectional area of the outlet pipe.

B. Skimmers: Skimmers are permitted on public swimming pools with not more than 1,600 square feet of water area, providing approved handholds are installed and sufficient motion to the pool water is induced by the pressure return inlets. At least one skimming device shall be provided for each 500 square feet of water surface area or fraction thereof. Where two or more skimmers are required, they shall be so located as to minimize interference with each other. The handholds must be no more than nine (9) inches above the normal water line. Skimming devices shall be built into the pool wall and shall meet the following general specifications:

- (1) The skimmer weir shall be automatically adjustable and shall operate freely with continuous action to variations in water level over a range of at least four (4) inches. The weir shall operate at all flow variations.
- (2) An easily removable and cleanable basket or screen through which all overflow water must pass shall be provided to trap large solids.
- (3) The skimmer shall be of sturdy, corrosion-resistant materials.
- (4) The skimmer weir and basket shall be maintained in a clean and sanitary condition.

Section 7. Depth. The minimum depth of water in the swimming pool shall be three (3) feet.

Section 8. Ladders, Recessed Treads, and Stairs. Steps or ladders shall be provided at the shallow end of the pool. Recessed steps or ladders shall be provided at the deep portion of the swimming pool; and, if the pool is more than thirty (30) feet wide, such steps or ladders shall be installed on each side.

- A. Steps: Steps leading into the swimming pool shall be of nonslip design, have a minimum tread length of twenty-four (24) inches, a minimum tread width of twelve (12) inches, a maximum rise or height of ten (10) inches.
- B. Ladders: Swimming pool ladders shall be corrosion-resistant and shall be equipped with nonslip treads. All ladders shall be designed to provide a handhold and shall be rigidly installed. There shall be a clearance of not more than five (5) inches nor less than three (3) inches between any ladder and the pool wall. If steps are inserted in the walls or if step-holes are provided, they shall be of such design that they may be cleaned readily and shall be arranged to drain into the pool to prevent the accumulation of dirt thereon. Step-holes shall have a minimum tread width of five (5) inches and a minimum length of twelve (12) inches.
- C. Handrails: Where steps, step-holes, or ladders are provided within the swimming pool, there shall be a handrail at the top of both sides thereof, extending over the coping or edge of the deck.
- D. Diving Boards: Supports, platforms and steps for diving boards shall be of substantial construction and of sufficient structural strength to safely carry the maximum anticipated loads. Steps shall be of corrosion-resistant material, easily cleanable, and of non-slip design. Handrails shall be provided at all steps and ladders leading to diving boards more than one (1) meter above the water, except those

set at fifteen (15) degrees or more from the vertical. Platforms and diving boards which are over one (1) meter high shall be protected with guard railings.

Section 9. Decks and Walkways. A continuous deck at least five (5) feet (and preferably eight [8] or more feet) wide shall extend completely around the swimming pool. The deck shall be sloped away from the pool to drain at a grade of one-fourth (1/4) inch to three-eighths (3/8) inch per lineal foot and shall have a non-slip surface. Deck drains shall not be connected to the recirculation system.

Decks shall be maintained in a sanitary condition and free from litter. Carpeting, if used, should not be installed within eight (8) feet of the pool and shall be wet vacuumed frequently so as to keep it clean and free of accumulated moisture.

Section 10. Enclosures. All outdoor swimming and wading pool areas shall be enclosed by a protective wall, fence, or other effective barrier. The entire barrier shall be at least five (5) feet in height.

Each entrance shall be equipped with a door or gate that is self-closing and self-latching with hardware provided for padlocking.

ARTICLE 4. WATER QUALITY

Section 1. Disinfectant Residual. Chlorine residual shall be maintained between one (1) part per million and three (3) parts per million as free available chlorine.

Bromine residual shall be maintained between two (2) parts per million and five (5) parts per million as free available bromine.

Section 2. pH Control. The pH of the pool water shall be maintained in a range of seven point two (7.2) to eight point zero (8.0). The Department may allow the maintenance of a higher pH in conjunction with maintenance of a higher disinfectant residual in special cases where corrosive water supplies dictate the need for such measures for protection of equipment.

Section 3. Turbidity. The pool water shall be sufficiently clear so that the main drain is readily visible from the pool deck or a black disc six (6) inches in diameter placed at the deepest point is clearly visible from the deck of the pool.

Section 4. Bacteriological Quality. When there is reason to believe that the pool water poses a potential health hazard, water samples for bacteriological analysis shall be taken to ascertain the sanitary quality of the pool water and to aid in proper control.

ARTICLE 5. RECIRCULATION SYSTEMS

- Section 1. General Requirements. A recirculation system, consisting of pumps, piping, filters, water conditioning and disinfection equipment, and other accessory equipment, shall be provided. This recirculation system must clarify and disinfect the swimming pool volume of water in eight (8) hours or less, thus providing a minimum turnover of at least three (3) times in twenty-four (24) hours, except that the recirculation rate shall be increased to provide a six-(6) hour turnover for swimming pools subjected to heavy bather loads as determined by the Department. The recirculation equipment shall be operated continually except for periods of routine maintenance.
- Section 2. Pipes. Piping shall be of nontoxic material, resistant to corrosion, and able to withstand operating pressures. Pipes shall be identified by a color code or tags.
- Section 3. Strainer. The recirculation system shall include a strainer to prevent hair, lint, etc., from reaching the pump. Strainers shall be corrosion resistant with openings not more than one-eighth (1/8) inch in size providing a free flow area of at least four (4) times the area of pump suction line and shall be readily accessible for frequent cleaning. Strainers shall be maintained in a clean and sanitary condition at all times.
- Section 4. Cleaning Systems. A vacuum cleaning system shall be provided. Vacuum fittings shall be mounted approximately twelve (12) inches below the lip of the gutter, flush with the pool walls, and shall be provided with plugs or covers which shall be in place at all times when the pool is not being vacuumed.
- Section 5. Flow Indicating. A rate of flow indicator, reading in gallons per minute, shall be installed and located so that the rate of recirculation and backwash will be indicated. The indicator shall be capable of measuring flows from a few gallons

per minute up to at least one and one half (1-1/2) times the design flow rate.

Section 6. Pumps. Pumps shall be of adequate capacity to provide the required number of turnovers of swimming pool, spa pool, or wading pool water as specified in Section 5(1), Section 19(1), and Section 8(3) of this Chapter. The pump or pumps shall be capable of providing the flow adequate for the backwashing of filters.

Section 7. Heater. Pools equipped with heaters shall have a fixed thermometer mounted in the pool recirculation line downstream from the heater outlet. Thermometers mounted on heater outlets do not meet this requirement.

ARTICLE 6. FILTERS

Section 1. Rapid Sand Type Filters. Rapid sand filters shall meet the specifications prescribed in this section.

- A. Design Rate: Rapid sand filters shall be designed for a filter rate not to exceed three (3) gallons per minute per square foot of bed area meeting the design rate of flow required by the prescribed turnover.
- B. Pressure Gauges: The filter system shall be provided with influent and effluent pressure gauges to indicate the condition of the filters. Also, air-relief valves shall be provided at or near the high point of the filter or piping system.
- C. Piping: The filter system shall be designed with necessary valves and piping which permit the following requirements:
 - (1) The system shall have filtering to the swimming pool.
 - (2) The system shall have individual backwashing of filters to waste at a rate of not less than fifteen (15) gallons per minute per square foot of filter area.
 - (3) The system shall be able to be throttled to ensure that the backwash rate is not greatly exceeded.
 - (4) Rapid sand filters' backwash water must discharge to the sanitary sewer.
 - (5) Isolation of individual filters for repairs while other units are in service shall be required.
 - (6) The system shall be capable of complete drainage of all parts of the system.

(7) Necessary maintenance, operation and inspection shall be provided in a convenient manner.

- D. Access: Each pressure type filter tank shall be provided with an access opening of not less than a standard eleven (11)-inch by fifteen (15)-inch manhole and cover.
- E. Materials: On pressure type filters, the tank and its integral parts shall be constructed of substantial material capable of withstanding continuous anticipated usage.

Section 2. Hi-rate Sand Type Filters. Hi-rate sand type filters shall meet the specifications prescribed in this Section.

- A. Rate: Hi-rate sand filters shall be designed for a filter rate not to exceed fifteen (15) gallons per minute per square foot of bed area with sufficient area to meet the design rate of flow required by the prescribed turnover.
- B. Installation: The filter tank and all components shall be installed in compliance with the manufacturers' recommendations.
- C. Relief Valve: An air-relief valve shall be provided at or near the high point of the filter or piping system.
- D. Pressure Gauges: The filter system shall be provided with influent and effluent pressure gauges as are required to indicate the condition of the filter.
- E. Backwash: The filter system shall have individual backwashing of filters to waste at a rate of not less than fifteen (15) gallons per minute per square foot of surface area.
- F. Piping: The pumping and piping arrangement shall be able to be throttled to ensure that the backwash rate is not greatly exceeded.

G. Discharge: Hi-rate sand filter backwash water must discharge to the sanitary sewer.

Section 3. Diatomaceous Earth Type Filters. All diatomaceous earth type filters, whether of the vacuum or pressure type, shall meet the design pump capacity as required by Article 5, Section 1, of this Chapter and the specifications prescribed in this Section.

A. Design Rate: The design rate of filtration shall not be greater than two (2) gallons per minute per square foot of effective filtering surface without continuous feed, and not greater than two and one half (2 1/2) gallons per minute per square foot with continuous feed.

B. Filter Area: Filtering area, where fabric is used, shall be determined on the basis of effective filtering surface, with no allowances for areas of impaired filtration, such as broad supports, folds, or portions which may bridge.

C. Materials: The filter and all component parts shall be of such materials, design, and construction as to withstand normal continuous use without significant deformation, deterioration, corrosion, or wear which could adversely affect filter operations.

D. Pre-coating: A suitable pre-coating device, equipped with a water supply delivered through an approved air gap, shall be provided, and the filter shall be so designed and constructed, or provision made, to preclude the introduction of appreciable quantities of filter-aid into the pool during pre-coating operations.

E. Tank: The tank containing the filter elements shall be constructed of steel, plastic or other suitable material, which will satisfactorily provide resistance to corrosion, with or without coating. The

septa, or elements which support the filter-aid, shall be of corrosion-resistant material. The septa shall be constructed to be resistant to rupture under conditions of the maximum differential pressure between influent and effluent which can be developed by the circulating pump and of adequate strength to resist any additional stresses developed by the cleaning operation.

- F. Maintenance: The filters shall be designed in such a manner that they may be easily disassembled, with allowances made for adequate working space above and around the filter to allow the removal and replacement of any part and to allow for proper maintenance.
- G. Gauges: The filter system shall be provided with such pressure, vacuum, or compound gauges as are required to indicate the condition of the filter. In vacuum-type filter installations where the circulating pump is two (2) horsepower or higher, an adjustable high vacuum automatic shut-off shall be provided to prevent damage to the pump. Also, air-relief valves shall be provided at or near the high point of the piping system.
- H. Cleaning: All filters shall be easily cleanable, and provision shall be made for completely and rapidly draining the filter.
- I. Discharge: Diatomaceous earth filter backwash water must discharge to the sanitary sewer system through a separation tank. The separation tank must have a visible precautionary statement warning the user not to start up the filter pump without first opening the air release.
- J. Monitoring: All types of filters must have a visible means of observing the discharge backwash water in order to determine if the filter cells are relatively clean.

ARTICLE 7. DISINFECTANT AND CHEMICAL FEEDERS

Section 1. General Requirements. The swimming pool shall be equipped with a chlorinator, hypochlorinator, brominator, or other disinfectant feeder or feeders which meet the following requirements:

- (1) The feeder shall be of sturdy construction and materials which will withstand wear, corrosion, or attack by disinfectant solutions.
- (2) The feeder shall be capable of supplying a sufficient amount of chlorine or bromine for adequate disinfection as required by Section 4(1) of this Chapter.
- (3) The feeder shall have a graduated and clearly marked dosage adjustment to provide adequate disinfectant flow.
- (4) When the disinfectant is introduced at the suction side of the pump, a device or method shall be provided to prevent air lock of the pump or recirculation system.

Section 2. Chlorine Gas. When compressed chlorine gas is used, the following additional features shall be provided:

- (1) The chlorine and chlorinating equipment shall be in a separate, enclosed well-ventilated area. Such area shall not be below ground level; and when tightly enclosed in a room, it shall be provided with vents near the floor which terminate at a suitable location out-of-doors and shall be so located as not to contaminate air inlets to any buildings or areas used by people.
- (2) Forced air ventilation shall be provided which will give one complete air change per minute.

- (3) The chlorinator equipment shall be of rugged design, capable of withstanding wear without developing leaks.
- (4) Chlorine cylinders shall be anchored to prevent their falling over. A valve stem wrench shall be maintained on the chlorine cylinder so the supply can be shut off quickly in case of an emergency. Valve protection hoods shall be kept in place except when the cylinder is connected.
- (5) The chlorine feeding device shall be designed so that, during accidents or interruptions of the water supply, leaking chlorine gas will be conducted to the out-of-doors.
- (6) The chlorinator shall be a solution feed, capable of delivering chlorine at its maximum rate without releasing chlorine gas to the atmosphere.
- (7) The chlorinator shall be designed to prevent the backflow of water into the chlorine solution container.
- (8) A bottle of concentrated ammonium hydroxide (approximately 28 to 30 percent) shall be available for chlorine leak detection.
- (9) A gas mask or self-contained breathing apparatus, approved for use in chlorine gas contaminated air, shall be provided and shall be located out of the area of possible contamination.
- (10) Installation of chlorinator equipment, and the operation thereof, shall be carried out under the supervision of personnel experienced with installation and operation of such equipment.
- (11) The Johnson County Environmental Department shall be notified immediately of any escape of chlorine gas.

Section 3. Other Method. Bactericidal agents, other than chlorine, and their feeding apparatus shall be acceptable if approved by the Director.

Hypochlorinators or other adjustable output rate chemical feeding equipment shall be capable of permanently and precisely feeding the required quantity of disinfecting agent to the pool water.

Equipment and piping used to apply other chemicals to the water shall be of such size, design, and material that they may be cleaned and will be free from clogging. All material used for such equipment and piping shall be resistant to the action of chemicals to be used therein.

ARTICLE 8. WATER QUALITY TESTING EQUIPMENT FOR PUBLIC AND SEMI-PUBLIC SWIMMING POOLS

Section 1. Disinfectant. A disinfectant residual testing device shall be provided at each public swimming pool. Where chlorine is used as a disinfectant, an indicator capable of measuring residual chlorine in the pool water shall be graded between zero point one (0.1) parts per million and three point zero (3.0) parts per million. Where bromine is used as a disinfectant, an indicator capable of measuring residual bromine in the pool shall be graded between one point zero (1.0) parts per million and three point zero (3.0) parts per million.

Section 2. pH Measurement. A testing device for measuring the pH of pool water shall be provided at each public pool. The device shall have a minimum range from six point eight (6.8) to eight point four (8.4).

ARTICLE 9. EQUIPMENT AREAS

- Section 1. Sheltering. Chlorinators, brominators, filters, pumps, and other electrical equipment shall be sheltered in a weather-proof enclosure.
- Section 2. Drainage. Drainage in and around the enclosure shall be such as to preclude the possibility of water entering or accumulating on any interior surface of the enclosure.
- Section 3. Access. A permanent means of access will be provided to all equipment areas. There will be adequate clearance between the walls, ceilings, and floor, and each piece of equipment, to allow for inspection, maintenance, and repair operations. The entrance to the equipment enclosure shall be kept locked.
- Section 4. Ventilation. Natural or forced ventilation is recommended.

ARTICLE 10. DIVING AREAS

Section 1. Dimensions. The dimensions of the swimming pool in the diving area shall conform to the following table:

Height of Board		Minimum Water Depth At End of Board and 12 Feet Beyond		Minimum Pool Width At End of Board with 12 Feet Beyond	
		Meters	Feet	Meters	Feet
0.0-1.0	0-3'3"	2.6	8'6"	6.1	20'0"
1.1-3.0	3'7"-9'10"	3.0	10'0"	9.1	30'0"
3.1 plus	10'1" or more	3.5	13'0"	9.1	30'0"

Section 2. Head Room. At least fifteen (15) feet (4.6 meters) free and unobstructed head room shall be provided above diving board.

Section 3. Spacing. Horizontal separation of at least ten (10) feet (3.0 meters), measured from the plummet line, shall be provided between adjacent diving boards, and diving boards and side walls.

ARTICLE 11. LIGHTING, VENTILATION AND ELECTRICAL REQUIREMENTS

Section 1. Lighting. Where underwater lighting is used, such lights shall be spaced to provide illumination so that all portions of the pool, including the bottom, may be readily seen without glare.

Area lighting shall provide at least zero point six (0.6) watts per square foot of deck area.

Section 2. Electrical Wiring. All electrical wiring shall conform with the National Electrical Code of the National Underwriters Laboratory and local ordinances and codes. No overhead electrical wiring shall pass within twenty (20) feet of the swimming pool enclosure.

Section 3. Ventilation. All indoor swimming pools, bathhouses, dressing rooms, shower rooms, and toilet spaces shall be adequately ventilated, either by natural or mechanical means.

ARTICLE 12. BATHER LOAD

Section 1. Capacity. For the purposes of computing user loading, those portions of the swimming pool five (5) feet or less in depth shall be designated as "non-swimmer" areas. Portions of the pool over five (5) feet in depth shall be designated as the "swimming" area.

In order to compute swimmer and non-swimmer capacity, swimming pool areas shall be determined as follows:

- A. Non-swimmer: Fifteen (15) square feet of pool water surface area shall be provided for each non-swimmer expected at time of maximum load.
- B. Swimmer: Twenty-four (24) square feet of pool water surface area shall be provided for each swimmer expected at time of maximum load.
- C. Diving: Three hundred (300) square feet of pool water surface area shall be reserved around each diving board or diving platform, and this area shall not be included in computing the area of the swimming section.

ARTICLE 13. BATHHOUSES, TOILETS AND SHOWERS

Section 1. Requirement. Semi-public pools shall not be required to provide bathhouses, toilets, and showers. When these facilities are provided, they shall be in conformance with this section.

A. Partitions: Bathhouses to be used simultaneously by both sexes shall be divided into two parts separated by a tight partition, each designated for men or women. The entrances and exits shall be screened to break line of sight.

B. Floors: Floors of bathhouses shall be of smooth-finished material with non-slip surface, impervious to moisture, and sloped to drain. Junctions between walls and floors shall be sealed.

C. Walls: Walls and partitions shall be smooth, impervious material, free from cracks or open joints. Partitions between dressing rooms shall terminate at least ten (10) inches above the floor or shall be placed on continuous raised masonry or concrete bases at least four (4) inches high. Lockers shall be set either on solid masonry bases four (4) inches high or on legs with the bottom of the locker at least ten (10) inches above the floor. Lockers shall be properly vented.

D. Facilities: Toilet and shower facilities shall be provided on the basis of the following fixture schedules:

	<u>Males</u>	<u>Females</u>
Water Closets	1/75	1/50
Urinals	1/75	-
Lavatories	1/100	1/100
Showers	1/50	1/50
Drinking Fountain - Minimum of one (1) to be located in swimming pool area.		

ARTICLE 14. SAFETY REQUIREMENTS - LIFESAVING EQUIPMENT

- Section 1. Lifeguard Area. Swimming pools operated primarily for unorganized use and having an area of more than 2,250 square feet of water surface area shall be provided with an elevated lifeguard platform or chair. In pools with 4,000 square feet or more of water surface area, additional elevated chairs or stations shall be provided, on the basis of one (1) for each additional 2,250 square feet, and located so as to provide a clear unobstructed view of the pool bottom in the areas under surveillance.
- Section 2. Equipment. One unit of lifesaving equipment shall consist of the following: a ring buoy not more than fifteen (15) inches in diameter to which shall be attached a sixty (60)-foot length of three-sixteenth (3/16)-inch manila rope; a life pole or shepherd's crook type of pole having blunted ends with a minimum length of twelve (12) feet. Not less than one unit of equipment, as above, shall be provided at every public swimming pool and semi-public swimming pool. One unit shall be presumed to be adequate for 2,000 square feet of water surface area, and one additional unit shall be provided for each additional 2,000 square feet, or major fraction thereof, of water surface area.
- Section 3. First Aid. Every public swimming pool shall be equipped with a standard twenty-four (24) unit first aid kit which shall be kept filled and available and ready for use.
- Section 4. Location. Lifesaving equipment shall be mounted in conspicuous places, distributed around the swimming pool deck, at lifeguard chairs, or elsewhere, readily accessible, its function plainly marked, and kept in repair and ready condition. Bathers or others shall not be permitted to tamper with such equipment, use such equipment for any purpose other than its intended use, or remove such equipment from its established location.

Section 5. Warning Signs. Where no lifeguard service is provided, a warning sign shall be placed in plain view and shall state, "WARNING - NO LIFEGUARD ON DUTY," with clearly legible letters, at least four (4) inches high. In addition, the sign shall also state "CHILDREN SHOULD NOT USE POOL WITHOUT AN ADULT IN ATTENDANCE."

Section 6. Care Area. Where lifeguard service is a requirement, the swimming pool shall have a readily accessible area designated and equipped for emergency care.

ARTICLE 15. SUPERVISION OF SWIMMING POOLS

- Section 1. Operator. Every swimming pool shall be operated under the close supervision of a licensed operator.
- Section 2. Records. A written record shall be kept of all information pertinent to proper operation, maintenance, and sanitation of each pool and its equipment and appurtenances, and shall be recorded daily. This record shall include disinfectant residual in the pool water, pH and temperature of the pool water, quantities of chemical aid used, filter washing schedule, the cleaning and disinfecting schedule for pool decks and bathhouses, bather load, and such other information as may be required.
- Section 3. Loads. Bather load standards shall be maintained at all times as necessary to insure adequate safety of bathers and suitable pool water quality.
- Section 4. Maintenance. When a pool is not in use it shall be maintained in a sanitary condition in order to avoid stagnation and septic conditions developing. It is the responsibility of the pool owner to prevent unsightly or unsanitary conditions and/or noxious odors in the pool.

ARTICLE 16. SUPERVISION OF BATHERS

Section 1. Lifeguard. Where the lifeguard service is provided, the number of lifeguards shall be adequate to continuously maintain surveillance over the bathers. A lifeguard shall be on duty at all times when the public swimming pool is open to use by bathers. A lifeguard shall be in full charge of bathing and have authority to enforce all rules of safety and sanitation. When the swimming pool is not open for use, access to the pool shall be prohibited.

Section 2. Hygiene. The following personal regulations shall be enforced:

A. Showers: All persons using the swimming pool shall take a cleansing shower bath before entering the swimming pool. A bather leaving the pool to use the toilet shall take a second cleansing bath before returning to the swimming pool room.

B. Diseases: Any person having an infectious or communicable disease shall be excluded from a public swimming pool, semi-public swimming pool, spa pool, and public bathing place. Persons having any considerable area of exposed sub-epidermal tissue, open blisters, cuts, etc., shall be warned that these are likely to become infected and advised not to use the pool.

C. Conduct: No running, boisterous or rough play, except supervised water sports, shall be permitted in the pool, on the decks, diving boards, floats, platforms, or in dressing rooms, shower rooms, etc.

D. Notices: Suitable placards embodying the above personal regulations and instructions shall be conspicuously posted.

ARTICLE 17. PUBLIC SWIMMING POOLS - DRINKING WATER AND FOOD

Section 1. Drinking Water. Potable water shall be provided at pools where wet sanitary facilities are located at poolside. The water shall be obtained from a community, or non-community public water supply. An angle jet type drinking fountain or other acceptable drinking water facility shall be provided at such pools.

Section 2. Food or Drink. Food or drink is prohibited in the pool or on the wet pool deck area within four (4) feet of the pool curb. Food or drink service facilities shall not be located within twelve (12) feet of the inner edge of the pool deck.

ARTICLE 18. WADING POOL REQUIREMENTS

Section 1. General Requirements. Wading pools shall be made of concrete or other inert, non-toxic, impervious, permanent and enduring materials with a smooth slip-resistant finish.

These pools shall be of such shape and size as to be operated and maintained in a safe and sanitary manner. In addition to the requirements of this Section, compliance is required with all other applicable articles of this chapter.

Section 2. Depth. Wading pools shall have a maximum depth of two (2) feet, and the operating water level shall be at the same elevation as the operating water level of other pools on the same recirculation system. The pool floor shall slope to the main drain and the slope shall not exceed one (1) foot in twelve (12) feet.

Section 3. Recirculation. Wading pools shall have a minimum of one (1) turnover every two (2) hours. Unless a separate recirculation system is provided for the wading pool, the main pool recirculation system shall be designed for the additional flow. All recirculation piping to and from the wading pool shall be valved. Rate of flow indicators shall be installed on wading pool return lines.

Section 4. Skimmers. Surface skimmers may be used in lieu of perimeter overflow gutters on wading pools. The minimum number of surface skimmers required shall be designed for a total capacity of at least 80% of the required filter flow of the recirculation system. The resultant number of skimmers shall be equally spaced around the pool perimeter.

Section 5. Drainage. All wading pools shall have drainage to waste disposal system (without a cross-connection) through a quick opening valve to facilitate emptying the wading pool should accidental bowel or other discharge occur.

Section 6. Vacuuming. All wading pools shall have provisions for vacuuming.

Section 7. Deck. Wading pools shall have a minimum five (5)-foot wide deck around their perimeters. An adjacent swimming pool deck may be included as part of the wading pool deck. The deck of a wading pool shall slope a minimum of one-fourth (1/4) inch to three-eighths (3/8) inch per foot away from the pool to drainage or to deck drains.

ARTICLE 19. SPA POOLS

Section 1. General Requirements. Spa pools shall be subjected to the same design and operation criteria which apply to public swimming pools with the following additional provisions:

- (1) Recirculation equipment should provide a turnover rate for the entire water capacity at least once every 30 minutes.
- (2) Maximum water depth shall not exceed four (4) feet.
- (3) Surface skimmers required shall be based on one (1) skimmer for each one hundred (100) feet of water surface area. Skimmers shall be equally spaced around the perimeter of the spa.
- (4) A main drain outlet shall be provided in the deepest part of the spa pool.
- (5) Deck surfaces shall be slip-resistant. Wooden decks are prohibited.
- (6) The maximum depth of any seat or sitting bench shall be two (2) feet measured from the water line.
- (7) Depth markings shall be placed on the deck edge.
- (8) There shall be at least one (1) ladder, recessed steps, or a stairway for each fifty (50) feet of spa pool perimeter. Handrails must be provided on steps or stairways.
- (9) The recirculation system shall be a two (2)-pump system. One pump will provide the required turnover rate, filtration, and disinfection for the spa water.

The second pump shall provide the water for the hydrotherapy turbulence of the water. The second pump shall operate on a timer which will not exceed fifteen (15) minutes.

Spa pool recirculation systems shall be separate from companion swimming pools.

(10) Temperature should not exceed 104 degrees Fahrenheit.

Section 2. Maintenance. Spa pools shall be drained, cleaned and superchlorinated routinely.

Section 3. Hygiene. No person suffering from a communicable disease transmissible via water shall use the spa pool.

Section 4. Supervision. All children under fourteen (14) years of age shall be accompanied by a responsible adult observer.

ARTICLE 20. PUBLIC BATHING PLACES

- Section 1. Permit Required. Approval for the development of a public bathing place and a permit to operate a public bathing place shall be obtained from the Johnson County Environmental Department.
- Section 2. Sanitary Conditions. The bathing area shall be free of sludge deposits, solid refuse, floating waste solids, oils, grease, scum, and any other physical or chemical hazards that may be dangerous to the health and welfare of the bather.
- Section 3. Water Quality. The fecal coliform content of the water shall not exceed a geometric mean of 200 colonies per 100 mL. The calculation shall be based on not less than five (5) samples taken during five (5) separate 24-hour periods, during not more than a 30-day period.
- Section 4. Safety. The wading, swimming, and diving areas shall be separated by lines securely anchored and buoyed. Within these bathing areas there shall be no boating, underwater obstructions, or other hazards which may be dangerous or injurious to swimmers. Signs shall be provided on the beach describing such markers and stating that they indicate the limits of safe bathing.
- Section 5. Diving Area. The design and layout of the diving facilities and associated depths shall be in accordance with Article 10 of this Chapter.
- Section 6. Facilities. Bather preparation facilities shall be provided unless the public bathing place is intended to serve a residential development located around the lake. Bathhouses shall be designed in accordance with the requirements of Article 13 of this Chapter. The bathhouse shall be kept clean and free of debris at all times.
- Section 7. Other Requirements. The standards for supervision, lifesaving equipment, and first aid equipment, outlined in Article 14 through 16 of this Chapter shall be applied to public bathing places.