

KIOWA COUNTY SANITATION CODE

Adopted November 23, 1987

Effective January 4, 1988

RECEIVED

NOV 18 1987

BUREAU OF WATER

By
BOARD OF
KIOWA COUNTY COMMISSIONERS:

FRANK RINKEL

FLOYD OLSON

ARNOLD BARNES

Reviewed by the Kansas Department of Health & Environment
October 7, 1987

SANITATION CODE OF KIOWA COUNTY

TABLE OF CONTENTS

	<u>Page No.</u>
Chapter 1 -<u>ADMINISTRATIVE PROCEDURES</u>	
Section 1-1.0 - Authority and Policy	2
Section 1-2.0 - Definitions	3
Section 1-3.0 - Administrative Powers and Procedures	4
Chapter 2 -<u>SEWAGE, WASTEWATER, AND EXCRETA DISPOSAL</u>	
Section 2-1.0 - Purpose and Intent of Code	8
Section 2-2.0 - Applicability	8
Section 2-3.0 - Definitions	8
Section 2-4.0 - Prohibited Practices	10
Section 2-5.0 - Requirements for Public Sewerage Systems	11
Section 2-6.0 - Requirements for Private Sewerage Systems	11
Section 2-7.0 - Requirements for Septic Systems and Lateral Field Installations	12
Section 2-8.0 - Requirements for Privies	14
Section 2-9.0 - Sanitary Services	15
Chapter 3 -<u>WATER SUPPLIES</u>	
Section 3-1.0 - Purpose and Intent of Code	16
Section 3-2.0 - Compliance Required	16
Section 3-3.0 - Definitions	16
Section 3-4.0 - Requirements for Public Water Supplies	17
Section 3-5.0 - Requirements for Private Water Supplies	17
Section 3-6.0 - Minimum Standards for Groundwater Supplies	17
Section 3-7.0 - Pumps and Pump Installation	18
Section 3-8.0 - Waiver of Requirements	19
Chapter 4 -<u>SCHOOL INSPECTION</u>	
Section 4-1.0 - Purpose and Intent of Code	19

SANITATION CODE
Kiowa County, Kansas

CHAPTER 1

ADMINISTRATIVE PROCEDURES

SECTION 1-1.0 AUTHORITY AND POLICY

1-1.1 LEGAL AUTHORITY. This code is adopted under the authority granted to the Kiowa County Board of County Commissioners by K.S.A. 19-3701 through 19-3708 as amended.

1-1.2 DECLARATION OF FINDING AND POLICY. The County Commissioners find that the provisions of adequate and reasonable control over the environment conditions in unincorporated areas of the County is necessary and desirable; and the adoption of a sanitary code to: (1) eliminate and prevent the development of environmental conditions that are hazardous to health and safety, and (2) promote the economical and orderly development of the land and water resource of the County.

For these reasons and objectives, it will be the policy of the Board of County Commissioners of Kiowa County to amend the sanitary code from time to time to provide for regulation of additional various practices that affect environmental sanitation and safety.

1-1.3 PURPOSE. The purpose and intent of the code is: (1) to prescribe the administrative procedures to be followed in administering this sanitary code or any amendments thereto; (2) to prescribe rules and regulations for controlling practices to minimize health and safety hazards, and control those environmental conditions that adversely affect the health and safety of the citizens of Kiowa County; (3) administrative procedures are also established to facilitate fair and equitable regulation with recognition of the rights of affected persons to receive reasonable prompt processing and to appeal administrative decisions.

1-1.4 TITLE. This code shall be known and referred to as the Kiowa County Sanitary Code.

1-1.5 APPLICABILITY. The administrative procedures prescribed in this chapter shall be followed in administering this code and any amendments thereto.

1-1.6 EFFECTIVE DATE. This code shall become effective on and after its adoption by county resolution.

SECTION 1-2.0 DEFINITIONS

The following words and phrases when used in this sanitary code shall have the meanings ascribed to them in this section, unless indicated otherwise.

- 1-2.1 ADMINISTRATIVE RULES: means those rules and regulations contained in Chapter One of this sanitary code which prescribe general procedures to be followed in the administration of the sanitary code adopted by Kiowa County.
- 1-2.2 SANITARY CODE: means procedures, standards, and regulations adopted by the County designed to minimize or control those environmental conditions that may adversely affect the health and well being of the public. Such environments and environmental conditions may include, but are not restricted to: (1) wastewater, (2) wastewater disposal, (3) water supply, (4) food, and (5) food handling.
- 1-2.3 ADMINISTRATIVE AGENCY: means the Kiowa County Health Department.
- 1-2.4 HEALTH OFFICER: means the legally appointed Health Officer of Kiowa County or his/her duly authorized representative.
- 1-2.5 BOARD OF HEALTH: means the Kiowa County Board of Health.
- 1-2.6 AUTHORIZED REPRESENTATIVE: means any employee of the Health Department who is designated by the Health Officer to administer this sanitary code.
- 1-2.7 HEARING REPRESENTATIVE: means any employee of the Health Department who is designated by the Health Officer relating to the enforcement and administration of this code and other sanitary codes.
- 1-2.8 PERSONS: means municipality, political subdivisions, institution, corporation, partnership, association, or individual.
- 1-2.9 PREMISE: means any lot or tract of land and all buildings, structures, or facilities located thereon.
- 1-2.10 AGRICULTURAL PURPOSES: means growing crops or pasture and functions related thereto and the feeding of livestock by the resident on the land.
- 1-2.11 BOARD OF COUNTY COMMISSIONERS: means the Board of County Commissioners of Kiowa County, Kansas.

SECTION 1-3.0 ADMINISTRATIVE POWERS AND PROCEDURES

- 1-3.1 **RIGHT OF ENTRY.** Representatives of the administrative agency shall have the right to enter, inspect, and/or survey at any reasonable time as the deem necessary, wastewater systems and other items included in the sanitary code and to obtain an order for this purpose from a court of competent jurisdiction in the event entry is denied or resisted.
- 1-3.2 **OBSTRUCTION OF ADMINISTRATIVE AGENCY.** No person shall willfully and unlawfully impede or obstruct representatives of the administrative agency in their discharge of official duties under provision of this sanitary code or administrative code adopted by the County.
- 1-3.3 **PERMIT AND LICENSE.**
- 1-3.31 **APPLICATIONS FOR PERMIT OR LICENSE.** Each person required by a sanitary code to obtain a permit or license shall make application for such permit or license to the County Health Department on standard forms provided by the administrative agency for that purpose.
- 1-3.32 **ISSUANCE OF PERMIT OR LICENSE.** Within 10 working days after receipt of an application for a permit or license required by this code, or any sanitary code, the Health Officer shall begin such investigations and inspects as he/she deems necessary to determine whether the permit or license should be issued or denied, the Health Officer shall send the applicant a written notice and state his/her reasons for rejection.
- 1-3.33 **PERMIT NON-TRANSFERABLE.** No permit or license required by this sanitary code shall be transferable, nor shall any fees required and paid therefore by refundable.
- 1-3.34 **CONSTRUCTION PERMIT POSTED.** When any work is being done, for which a construction permit is required by this sanitary code, the construction permit shall be posted on the property involved, in a conspicuous manner within 40 feet of the nearest read or street and shall remain posted until replaced with a certificate of final inspection, which shall remain in place until the property is occupied.

1-3.35 STANDARD FEES. For the purpose of defraying all or part of the cost of administration of a sanitary code, the Board of County Commissioners shall establish a schedule of fees for all permits and licenses required by the code, and said fees shall be paid into the County Health Department, and the receipt issued therefore, a copy of which shall be attached to the application for such permit or license. The Health Officer shall not process any application for permit or license until the required fee has been paid.

1-3.36 RECEIPTS FOR FEES. The County Health Department shall issue duplicate receipts for payment of all fees required by a sanitary code and the money received there from shall be kept in a separate account and used solely for administration of this sanitary code.

1-3.4 NOTICES, ORDER, APPEALS.

1-3.41 NOTICE OF VIOLATIONS. Whenever the health Officer determine that there has been, or is likely to be, a violation of any provisions of the County Sanitary Code, he/she shall give notice of such alleged violation to the person responsible therefore. The notice shall be: (1) in writing; (2) include a statement of why the notice is being issued; (3) allow a reasonable period of time for performance of any work required by the notice; and (4) be properly served upon the owner or his/her agent, when a copy thereof has been sent by registered mail to the last known address of the owner or agent listed on the latest County Treasurer Tax Roles.

1-3.42 APPEAL FOR HEARING. Any person aggrieved by any notice or order issued by the Health Officer under the provisions of the Sanitary Code or any other code may request and shall be granted a hearing on the matter before the Hearing Officer appointed by the Board of County Commissioners; provided such person shall file with the Health Officer within (10) days after the date of issuance of the notice or order, a written petition requesting a hearing and setting forth the grounds upon which the request is made. The filing of the request for a hearing shall operate as a stay of the notice or order. Upon receipt of such petition, the Health Officer shall confer with the Hearing Officer and set a time and place for such hearing, and shall give the petitioner written notice thereof. At such hearing, the petitioner shall be given an opportunity to show why such notice or order should be modified or withdrawn. The hearing shall be commenced not later than (10) working days after the date on which the petition was filed; provided that upon request of the petitioner the Health Officer may postpone the day of the hearing for a reasonable time beyond such (10) day period, when in his/her judgment the petitioner has submitted good and sufficient reasons for such postponement.

- 1-3.43 REPORT OF HEARING. Within (10) working days after such a hearing, the Hearing Officer shall submit a written report of his/her findings to the Board of County Commissioners with a recommendation that the Board issue an order sustaining, modifying or withdrawing the notice or order of the Health Officer. Upon receipt of the report the Hearing Officer, the Board of County Commissioners shall consider the report and issue an order confirming, modifying, or withdrawing the notices or order of the Health Officer and shall notify the appellant in the same manner as is provided for in Sec. 1-3.41.
- 1-3.44 EMERGENCY ORDERS. Whenever the Health Officer finds that an emergency exists which requires immediate action to protect the public health, he/she may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as he/she deems necessary to meet the emergency, including the suspension of the permit. Notwithstanding any other provisions of this ordinance, such order shall be effective immediately, any person to whom such an order is directed, shall be afforded a hearing before the hearing Officer as soon as possible, but not more than (10) working days after the emergency order was issued.
- 1-3.5 RECORDS.
- 1-3.51 PERMIT APPLICATIONS. Applications for permits or licenses, required by this code, shall be filed in the Health Department and a duplicate shall be kept with the Office of the Health Officer.
- 1-3.52 OFFICIAL ACTIONS. A written record of all actions taken on applications for permits and licenses required by this Sanitary Code shall be kept on file in the Health Department.
- 1-3.53 RECORD OF HEARINGS. The proceedings of all hearings, including findings and decisions of the Hearing Officer, together with a copy of every notice and order related thereto shall be filed with the Administrative Office. The record of proceeding of hearings need to be transcribed unless a judicial review of the decision is sought.
- 1-3.6 ENFORCEMENT PROCEDURES. The County Attorney shall enforce the provisions of this code and other sanitary codes adopted by the County under provisions of K.S.A. 19-101d,101e,101f, and other applicable law.

- 1-3.7 **DISCLAIMER OF LIABILITY.** The code and other sanitary codes adopted shall not be construed or interpreted as imposing upon the County or its officials or employees: (1) any liability or responsibility for damages to any property or, (2) any warranty that any system, installation, or portion thereof, that is constructed or repaired under permits and inspections required by code, will function properly.
- 1-3.8 **SEVERABILITY.** If any section, subsection, paragraph, sentence, clause or phrase of this code should be declared invalid for any reason whatsoever; such decision shall not affect the remaining portion, which shall remain in full affect; and to this end the provisions of this code are hereby declared to be severable and shall be presumed to have been adopted knowing that the part of section declared invalid would be so declared.
- 1-3.9 **PENALTIES.** In addition to, and independently of the enforcement procedures in Section 1-3.6 herein, any violation of any provision of a sanitary code shall be deemed to be an unclassified misdemeanor and punishable by a fine not to exceed \$200.00 for each offense. Each day's violation shall constitute a separate offense.

SANITATION CODE
Kiowa County, Kansas

CHAPTER 2

SEWAGE, WASTEWATER, AND EXCRETIA DISPOSAL

SECTION 2-1.0 PURPOSE AND INTENT OF CODE

The provisions of this chapter are adopted for the purpose of regulating and controlling the location, construction, maintenance, and use of septic systems, alternate sewage systems, privies, and the removal and disposal of materials from such facilities in order to protect the health of the citizens and the environment of Kiowa County.

SECTION 2-2.0 APPLICABILITY

The provisions of this chapter shall apply to all unincorporated land located in Kiowa County.

SECTION 2-3.0 DEFINITIONS

- 2-3.1 DOMESTIC SEWAGE: means all water-borne wastes produced at family dwellings in connection with ordinary family living (process including toilet flushing, laundry waste water, shower and bath tub used water) and similar type wastewater produced at offices, churches, industrial, and commercial firms, exclusive of storm water, foundation drains and cooling water.
- 2-3.2 INDUSTRIAL AND COMMERCIAL WASTES: means any other liquid or water-borne wastes produces in connection with any industrial or commercial process or operation, other than domestic sewage.
- 2-3.3 PUBLIC SEWERAGE SYSTEM: means a sewerage system that is used or designed to be used, for the collection, treatment and discharge of domestic wastes, industrial, or commercial wastes into a receiving water course of the state and has a valid permit from KDHE.

- 2-3.4 PRIVATE SEWERAGE SYSTEM: means a storage system other than a septic-tank absorption system that is used or designed to be used to collect, treat, hold or discharge waste from residential, industrial or commercial property into a soil absorption field.
- 2-3.5 PRIVATE SEWERAGE DISPOSAL SYSTEM: means a septic-tank soil absorption system used for the collection and disposal of domestic, industrial and commercial sewerage as defined in 2-3.1 and 2-3.2. this includes such systems as evapo-transpiration fields and mechanical treatment systems which include a soil absorption field.
- 2-3.6 SEWER DISTRICT: means a special district authorized and empowered by state statutes to plan, construct, and operate a public wastewater system.
- 2-3.7 PRIVY: means a facility designed and/or used for the disposal of human excreta.
- 2-3.8 HUMAN EXCRETA: means the normal body wastes form humans (feces and urine).
- 2-3.9 SANITARY SERVICES: means the pumping out and/or removal of wastes, sludge or human excreta from privies, septic systems, or alternate wastewater systems, and the transportation of such material to a point of final disposal.
- 2-3.10 SUBDIVISION: means any tract of land that is or has been subdivided into two or more lots for the purpose of sale or building development, whether immediate or future, including the street, alleys or other portions thereof intended to be dedicated for public use; and any resubdivision of lands or lots.
- 2-3.11 DISTANCE: means horizontal distances unless otherwise designated. Measurements referred to as “not less than”, “minimum”, “at least”, and other similar designations shall mean horizontal distances unless specifically indicated otherwise.
- 2-3.12 KDH&E: means the Kansas Department of Health and Environment.

SECTION 2-4.0 PROHIBITED PRACTICES

- 2-4.1 **USE OF NON-APPROVED WASTEATER SYSTEMS.** No Person shall sell, use, lease, or rent for use any alternate wastewater system, septic system, or privy that: (1) has been constructed after January 1, 1988 until it has been inspected and approved by the Health Officer; (2) has been temporarily or permanently enjoined as a public health nuisance by a court of competent jurisdiction; (3) fails to comply with the provisions of this sanitary code, and written notice thereof has been given by the Health Officer to the owner or responsible person; (4) discharges inadequately treated wastes onto the surface of the ground, into watercourses, lakes, ponds, or any impoundment; or (5) that causes fly breeding, contaminates the water, produces offensive odors or any other condition that is prejudicial to health and comfort.
- 2-4.2 **USE OF PRIVATE SEWERAGE SYSTEM, SEPTIC SYSTEM, AND/OR PRIVY WITHIN 400 FEET OF PUBLIC WASTEWATER SYSTEMS (SEWER).** Means no private sewerage system , septic system, or privy shall be constructed within 400 feet of an existing public sewer, unless the Health Officer finds that connection to such a sewer is no feasible and that a private sewerage system, meeting the requirements of this code, can be constructed on the property.
- 2-4.3 **LOCATION OF A PRIVATE SEWERAGE SYSTEM, SEPTIC SYSTEM, OR PRIVY WITHIN 100 FEET OF A WELL.** No portion of an alternative wastewater system, septic system or privy shall be located less than 100 feet from a water well or a pump suction line from a water well, unless the facility is of water-tight construction, then less than 50 feet. No wastewater line, regardless of construction shall be located less than 10 feet from a water well or a suction line from a water well.
- 2-4.4 **LOCATION OF PRIVATE SEWERAGE SYSTEMS OR SEPTIC SYSTEMS BELOW FULL FLOOD POOL.** No portion of a private sewerage system or septic system shall be located below the full flood elevation of any federal reservoir or full pool elevations of any pond, lake or water supply reservoir unless written approval for location below full flood pool is obtained from KDH&E.
- 2-4.5 **CONNECTION TO NON-APPROVED PUBLIC WASTEWATER SYSTEM.** No premise shall be permitted to connect to any public wastewater system that does no hold a valid permit from the KDH&E as required in 2-5.2.

2-4.6 APPROVAL OF PLATS. No township or county planning commission zoning board, authorized to review plats of subdivisions of land, shall recommend for approval any plat containing one or more lots or building sites having less than 40,000 square feet of land, unless a public wastewater system is provided to serve all properties within the subdivision; or a surety bond, in an amount stipulated by the Board of County Commissioners, is filed with the County Treasurer to guarantee the installation of such public systems.

SECTION 2-5.0 REQUIREMENTS FOR PUBLIC SEWERAGE SYSTEMS.

2-5.1 APPROVAL OF PLANS AND SPECIFICATIONS. Plans and specifications for all public sewerage systems shall be submitted to and approved by the KDH&E prior to starting any construction of such systems. Copies of such systems shall be filed with the Health Officer.

2-5.2 PERMIT. The owner of every public sewerage system shall obtain a permit for operation of the system from KDH&E and no public wastewater system shall be operated or put in operations until the owner has obtained the required permit.

2-5.3 RESPONSIBILITY FOR OPERATION. Responsibility for operation of all public wastewater systems must be vested in: (1) a sewer district, improvement district, or similar public agency authorized to operate public sewerage systems, or (2) a private corporation incorporated under Kansas laws and legally bound and authorized by a charter and by-laws to operate and maintain the public sewerage system until such time as the responsibility is transferred to a duly constituted public agency.

SECTION 2-6.0 REQUIREMENTS FOR PRIVATE SEWERAGE SYSTEMS.

2-6.1 APPROVAL OF PLANS. After January 1, 1988 no person shall construct or permit to be constructed any private sewerage system until the plans and specifications for such system have been submitted to and approved by the Health Officer, who may require the system to be designed by a professional engineer and who may ask for a review of the proposal by KDH&E. Additional monitoring and reporting requirements of alternative systems may be required by the Health Officer (Lagoons are to be approved by KDH&E).

2-6.2 PERMIT FOR USE. No person shall use, or permit to be used, any alternative wastewater (private sewerage system) until he/she has applied for and received a permit to use such system from the Health Officer.

2-6.3 MAINTENANCE. All persons holding a permit for use of a private sewerage system and/or responsible for its operation shall operate and maintain the system in conformity with standard operation practices recommended by KDHE and shall not overload the system so as to produce discharge onto the surface of the ground or drain into any stream, or roadside ditch, or produce offensive odors; or become a breeding place for flies, mosquitoes, or rats, or impair the quality of effluent or create any condition hazardous to health. Whenever the Health Officer shall find any alternative private sewerage system malfunctioning and causing any of the above prohibited conditions, he/she shall order the owner and/or user to correct the condition within 30 days.

SECTION 2-7.0 REQUIREMENTS FOR SEPTIC SYSTEMS AND LATERAL FIELD INSTALLATIONS.

2-7.1 SUITABLE SITE. A site shall not be approved by the Health Officer if: (1) connection to an approved public wastewater system is feasible or violates the provisions of Section 2-4.0 of this code; (2) the site contains less than 40,000 square feet of suitable area for immediate and eventual use as a lateral field exclusive of buildings, roads, streets, driveways, parking areas, patios or other public right-of-way or easements and; (3) the soil percolation rate is faster than one inch in a minute or slower than one inch in sixty minutes. All percolation rates shall be based upon procedures for such tests prescribed by the KDHE in its Bulletin 4-2. Such tests shall be made at the direction of the Health Officer or his/her representative, and/or; (4) impervious layer of rock formations are closer than 6 feet below the bottom of the trench or; (5) the ground water table is, at any time, closer than 4 feet to the bottom of the trench or; (6) the natural slope of the land is greater than 10 percent; (7) the system and lateral field is closer than: (a) 100 feet from any water well; (b) 50 feet from the property line of the premise it serves; (c) 25 feet from a public water supply line; (8) individual laterals are over 60 feet long; (9) the trench bottom and tile distribution lines are not nearly level with a fall of 2 inches to 4 inches per 100 feet, and never to exceed 6 inches per 100 feet; (10) absorption field trenches are to be at least 18 inches with tile laid on 6 inches of gravel, washed rock, or broken brick. The material may range in size from ½ inch to 2 ½ inch.

- 2-7.2 APPROVED PLANS. A septic system shall not be constructed, reconstructed, or modified after the effective date of this code without first submitting its plans to the Health Officer and having them approved. The Health Officer shall follow recommended standards for design, construction, and location of septic systems such as the latest edition of Bulletin 4-2, RECOMMENDED STANDARDS FOR LOCATION, CONSTRUCTING, AND OPERATING SEPTIC TANK SYSTEMS FOR RURAL HOMES.
- 2-7.3 INSPECTION AND APPROVAL OF CONSTRUCTION. All septic systems constructed, or modified after the effective date of the sanitary code must be inspected and approved by the Health Officer for compliance with the approved plans; and no portion of the system shall be covered or made inaccessible to inspection prior to approval.
- 2-7.4 PROPER MAINTENANCE AND OPERATION. All septic systems shall not discharge onto the surface of the ground or drain into any stream, or roadside ditch, produce offensive odors, or become a breeding place for flies mosquitoes or rats. Whenever the Health Officer shall find any septic system malfunctioning and causing any of the above prohibited conditions, he/she shall order the owner and/or user to correct the condition within 30 days.
- 2-7.5 APPROVAL OF PLATS. No township or county planning or zoning board, authorized to review and recommend approval of plats or subdivisions of land, shall recommend for approval a plat containing one or more building sites having less than 40,000 square feet of land, unless public sewers are provided or a surety bond in an amount determined by the County Commissioners is filed, and guarantee the installation of such sewers.

SECTION 2-8.0 REQUIREMENTS FOR PRIVIES

- 2-8.1 **APPROVAL PLANS.** A person shall not construct, erect, alter or modify any privy until the plans and specifications for the proposed construction and/or modification have been approved by the Health Officer. Plans for all new privies shall conform with provisions of Kansas State Department of Health and Environments Bulletin 4-3, THE SANITARY PRIVY.
- 2-8.2 **INSPECTION AND APPROVAL OF CONSTRUCTION.** No person shall use, or make available for use, any newly constructed or modified privy until the construction has been inspected by the Health Officer and found to be in conformity with the plans approved under Section 2-9.1 of this code.
- 2-8.3 **PROPER MAINTENANCE.** No person shall use or offer for use any privy that is not maintained in a clean and sanitary condition. Privies that permit insect, or rodents access to the waste material in the pit, shall be repaired within a reasonable time or condemned by the health Officer form further use.
- 2-8.4 **VAULT REQUIRED ON CERTAIN AREAS.** In areas where the elevation of the ground water is with 10 feet of the top of the ground, a water tight concrete vault shall be provided in lieu of the standard pit at the direction of the Health Officer.
- 2-8.5 **LOCATION.** (1) A pit privy shall not be installed less than 100 feet from an existing well; (2) a pit privy shall not be constructed or reconstructed on any premise served by a public water supply, or on which water is delivered to any building under pressure, unless special permission for use of a privy is obtained from the Health Officer and all homeowners within 500 feet of the privy are notified of the proposed construction.
- 2-8.6 **ZONING REGULATIONS.** A privy shall not be constructed or approved for construction in any location where zoning regulations prohibit such facilities.

SECTION 2-9.0 SANITARY SERVICES

- 2-9.1 LICENSE REQUIRED. No person shall remove, haul or transport, or offer to move, haul, or transport any domestic waste, industrial or commercial wastes, or human excreta from any alternative wastewater system, septic system, or privy, or offer to remove or transport such wastes unless he/she holds a valid license from the Health Officer.
- 2-9.2 APPLICATION AND INSPECTION FEE. Every person wishing to obtain a sanitary service license shall make application for a license on forms provided for this purpose and shall pay the inspection fee prescribed in Section 2-9.3 into the County Health Department before filing the application with the Health Officer. A receipt showing such payment shall be attached to the application form. In case the license is denied, no portion of the inspection fee will be refunded.
- 2-9.3 FEES. The following fees shall be charged: (1) For initial inspection \$5.00; (2) For initial license \$20.00; (3) For re-inspection and renewal of license \$20.00; (4) For any additional inspections \$5.00.
- 2-9.4 CONTRACTING WITH UNLICENSED PERSONS PROHIBITED. No person responsible for operating an alternative wastewater system, septic system, or privy shall contract or offer to contract, with any person for sanitary services unless that person holds a valid permit or license to provide such services from the Health Officer.
- 2-9.5 MINIMUM STANDARDS FOR SANITARY SERVICE EQUIPMENT. All equipment used for rendering of sanitary services shall be of water-tight construction, maintained in good working condition and provided with hoses, couplings, valves, pumps, and other necessary equipment to insure that all material removed from the system will be transported to a point of disposal approved by the Health Officer without spillage of the waste onto the road or street. All equipment shall be in good workable condition and the operator shall demonstrate that the equipment is in good operating condition and will perform its function without leakage or spillage.

SANITATION CODE
Kiowa County, Kansas

CHAPTER 3

WATER SUPPLIES

SECTION 3-1.0 PURPOSE AND INTENT

The provisions of this chapter of the Kiowa County Sanitary Code have been adopted for the purpose of regulating and controlling the development, maintenance, and use of public and private water supplies of Kiowa County to the end that public health will be protected and the safeness of the water resources preserved.

- 3-1.1 AREA OF APPLICABILITY. This code shall apply to all non-incorporated land in Kiowa County.

SECTION 3-2.0 COMPLIANCE REQUIRED

No person shall, after effective date of this code, construct on any property subject to this sanitary code, any public or private water supply that does not comply with the requirements of Chapter 3 of the Kiowa County Sanitary Code.

SECTION 3-3.0 DEFINITIONS

- 3-3.1 POTABLE WATER: means water free from impurities in amounts sufficient to cause disease or harmful physiological affects in humans and conforming with latest Public Health Service Drinking Water Standards.
- 3-3.2 DOMESTIC PURPOSE: means used for drinking, culinary, and ablutionary purposes.
- 3-3.3 PUBLIC WATER SUPPLY: means a water supply that is used for domestic purposes by two or more families or is made available for domestic use by the general public.
- 3-3.4 PRIVATE WATER SUPPLY: means a water supply used for domestic purposes by a single family at a single family home or dwelling.

3-3.5 WATER DISTRICT: means any special district authorized and empowered by state statutes to plan, construct and/or operate a public water supply system.

SECTION 3-4.0 REQUIREMENTS FOR PUBLIC WATER SUPPLIES

3-4.1 STATE PERMIT. No person shall operate a public water supply without obtaining a public water supply permit from KDHE.

3-4.2 STATE APPROVAL OF PLANS. No person shall construct, after effective date of this code, any public water supply on any property subject to the provisions of this sanitary code until the plans and specifications have been submitted to and approved by KDHE.

SECTION 3-5.0 REQUIREMENTS FOR PRIVATE WATER SUPPLIES

3-5.1 PERMIT. No person shall drill, develop, or construct any private water supply on any premise subjected to regulations of this sanitary code until they have obtained a permit approved by the Health Officer.

3-5.2 APPROVED PLANS. No permit to construct or develop a private water supply on any premise subject to regulations of this sanitary code shall be issued until the plans showing the location and construction of the supply have been approved by the Health Officer.

3-5.3 USE LIMITATION. Use of surface water (lakes, ponds, or streams) as a source of water for a private water supply shall not be permitted: (a) where a satisfactory ground water source is available, (b) unless adequate treatment is provided (in no case shall surface water be used without filtration and chlorination) and, (c) where the pond or lake receives any drainage or discharges from septic tanks, or sewage treatment plants.

SECTION 3-6.0 MINIMUM STANDARDS FOR GROUND WATER SUPPLIES

3-6.1 LOCATION. All wells used as sources of water for private water supplies shall be separated from the specified sources of pollution by distances equal to or greater than those shown in Table 1. The Health Officer shall determine the minimum distances that shall be provided between a well and other sources of contamination. Such distances shall be sufficient to provide reasonable assurance that the well will not be contaminated.

TABLE 1

<u>AREA</u>	<u>MINIMUM SEPERATION</u>
Surface absorption field for septic tank effluent	100'
Pit Privy	100'
Septic Tank	100'
Barnyard, stables, manure piles, animal pens, etc.	100'
Streams, lakes, and pools	50'
Sewer lines constructed of cast iron or other equally tight construction	50'
Sewer lines not constructed of cast iron or other equally tight construction	50'

3-6.2 CONSTRUCTION. All water wells shall be constructed to at least the minimum requirements of Kansas Administrative Regulation 28-30-10 in addition to all requirements of this code.

SECTION 3-7.0 PUMPS AND PUMP INSTALLATION

3-7.1 POWER DRIVEN PUMPS. All wells used as a source of water supply for a private water system shall be equipped with properly designed and installed power driven pumping equipment.

3-7.2 ACCEPTABLE PUMPING EQUIPMENT. Submersible turbine, ejectors, horizontal turbine or water lubricated positive displacement pumping equipment shall be used for lifting water from wells used as a source of water for a private water system.

3-7.3 PUMP MOUNTING. All pumps installed directly over the wells shall be mounted on a well casing with the pump foundation or the pump stand in such a manner as to provide an effective watertight seal around the top of the well. When a pump is not mounted directly over the well and the pump suction pipe emerges from the top of the casing, a watertight sanitary well seal shall be provided for the cable conduit when submersible pumps are used.

3-7.4 CHECK VALVES. All submersible pump installations shall provide a check valve above the pump and inside the well casing, provided that a check valve may be located in the pump house if the discharge pipe is extended twelve (12) inches or more above the pump house floor, and the discharge pipe is stopped to drain back into the well.

3-7.5 MATERIAL RESTRICTIONS. No material shall be used on any water well construction or pump installation that will make the water toxic or cause the water to have any objectionable taste, odor, or color. All plastic pipe (PVC) shall be approved for the purpose it is to be used by the National Sanitation Foundation.

SECTION 3-8.0 WAIVER OF REQUIREMENTS

In unusual cases where compliance with the requirements of this code aren't feasible, the Health Officer shall have the authority to waive the requirements provided he is furnished with reliable data to show that such waiver does not and will not impair the potability of the water or otherwise endanger the health and safety of the individuals using the supply or the general public.

SANITATION CODE Kiowa County, Kansas

CHAPTER 4

SCHOOL INSPECTION

SECTION 4-1.0 PURPOSE AND INTENT OF CODE

The provisions of this chapter are adopted according to K.S. 65-202. At the direction of the Health Officer, the County Sanitarian will make a sanitary inspection of each school building, and grounds, and shall make such additional inspections as are necessary for the protection of the students of the school.

4-1.1 The Health Officer, or Sanitarian, at the direction of the Health Officer shall provide the school administration with an inspection report which discusses disclosed public health or safety deficiencies along with recommendations for improvements. It is the intent of this program that the school administration will implement such improvements or effective equivalents for the protection of public health and safety.