

WABAUNSEE COUNTY, KANSAS
SANITATION/ENVIRONMENTAL CODE
CHAPTER 1
ADMINISTRATIVE PROCEDURES

RECEIVED
JAN 29 1997
BUREAU OF WATER

SECTION 1-1.0 AUTHORITY AND POLICY

1-1.1 Legal Authority. This code is adopted under the authority granted to the Board of County Commissioners by K.S.A. 19-3701 et. seq.

1-1.2 Declaration of Finding and Policy. The Board of County Commissioners finds that the provision of adequate and reasonable control over sanitation/environmental conditions in the county is necessary and desirable. A Sanitation/Environmental Code establishes standards to eliminate and/or prevent the development of sanitation/environmental conditions that are hazardous to health and safety, and promotes the economical and planned development of the land and water resources of the county. For these reasons and objectives, it will be the policy of the Board of County Commissioners to adopt, and amend when necessary, a Sanitation/Environmental Code for the regulation of practices that affect the environment and public health and safety.

1-1.3 Purpose. The purpose and intent of this chapter is to prescribe the administrative procedures to be followed in administering this Sanitation/Environmental Code or any amendments thereto.

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1-1.4 Title. This code shall be known and referred to as the Wabaunsee County Sanitation/Environmental Code.

1-1.5 Applicability. The procedures prescribed in this chapter shall be followed in administering this code and any amendments thereto. Unless otherwise stated, provisions of this code shall not apply to properties in Wabaunsee County, Kansas containing 40 acres or more and used for agricultural purposes as defined in 1-2.3. Provisions shall apply to unincorporated areas in Wabaunsee County, Kansas, under the ownership of one person as defined in Section 1-2.7.

1-1.6 Waiver of Requirements. In unusual cases where compliance with the requirements of this code are not feasible, the Administrator of the Administrative Agency shall have the authority to waive the requirement provided reliable data is furnished to show that such waiver does not and will not endanger the health and safety of the public or impair the quality of the environment.

1-1.7 Effective Date. This code shall become effective

January 31, 1997.

SECTION 1-2.0 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 may be found in that particular chapter.

1-2.1 Administrative Agency means the entity authorized to administer and implement the provisions of this code. The Administrative Agency for Wabaunsee County is designated as the Wabaunsee County Health Department. The Administrator of the Administrative Agency may authorize such individuals as may be necessary for the implementation of this code to act in her behalf. Such authorization shall be given in writing.

1-2.2 Administrative Rules means those rules contained in chapter one of this Sanitation/Environmental Code which prescribe general procedures to be followed in the administration of the Sanitation/Environmental Code adopted by the county.

1-2.3 Agriculture means the use of a tract of land by a family farm for the production of plants, animals or horticultural products, including but not limited to: Forages; grains and feed crops; dairy animals and dairy products; cattle, sheep, poultry, swine and nuts and berries; vegetables; or nursery, floral, ornamental or greenhouse products. Land used for agricultural purposes shall not include the following:

- a. Lands which are used for recreational purposes; suburban residential acreages; rural residential home sites and yard plots whose primary function is for residential or recreational purposes even though such properties may produce or maintain some of the plants or animals listed herein.

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- b. The operation of a corporate hog, dairy and/or poultry farm.
 - c. The operation or maintenance of greenhouses, nurseries or hydroponic farms operated at retail.
 - d. Wholesale or retail sales as an accessory use unless the same are permitted by Wabaunsee County Zoning regulations.
 - e. The keeping of exotic birds and/or animals.
 - f. The operation of a riding stable as defined in the Wabaunsee County Zoning Regulations.
 - g. The operation or maintenance of a commercial stockyard or feedlot.
 - h. The operation of an auction sales yard.
- 1-2.4 Board of County Commissioners means the Board of County Commissioners of Wabaunsee County, Kansas.
- 1-2.5 Board of Health means the Wabaunsee County Board of Health.
- 1-2.6 Hearing Officer means an individual, appointed by the Administrator of the Administrative Agency, to hear appeals from decisions relating to the administration of this code. Such individual shall have a background in public health.
- 1-2.7 Person means an individual, corporation, partnership, limited liability partnership, association, state, or political subdivision thereof, federal, state agency, municipality, commission, or interstate body or other legal entity recognized by law as the subject of rights and duties.

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1-2.8 Premise means any lot or tract of land and all buildings, structures, or facilities located thereon.

1-2.9 State Department means the Kansas Department of Health and Environment.

SECTION 1-3.0 ADMINISTRATIVE POWERS AND PROCEDURES

1-3.1 Right of Entry. It is the policy of Wabaunsee County in the enforcement of its Sanitary/Environmental Code to protect the health and welfare of the citizens of the County. It is also the policy of Wabaunsee County in the enforcement of its Sanitary/Environmental Code to protect the property of its citizens from unlawful encroachment. In accordance with this policy, in the investigation of an alleged violation of this code, it shall be required that prior to encroaching upon a person's property, permission be granted by the owner, their designee or the custodian of the property to allow inspection of the premises. If it is infeasible to request permission to inspect the premises, or the owner, their designee or the custodian of the property denies access to the property, it shall be required that procedural due process be followed and judicial authorization, in the form of a search warrant be obtained prior to entrance upon the owner's property.

1-3.2 Permit and License.

1-3.2.1 Applications for Permits and Licenses. Every person required by this Sanitation/Environmental Code to obtain a permit or license shall make application for such

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permit or license to the Administrator of the Administrative Agency.

- 1-3.2.2 Issuance of Permit or License. After receipt of an application as required by this code, the Administrator of the Administrative Agency shall begin such investigation as deemed 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 such receipt. If the permit or license is denied, the Administrator of the Administrative Agency shall send the applicant a written notice and state the reasons for rejection.
- 1-3.2.3 Permit Nontransferable. No permit or license required by this Sanitation/Environmental Code shall be transferable, nor shall any fees required and paid therefore be refundable.
- 1-3.2.4 Permit Revocation. All permits are subject to revocation for reasons of noncompliance or misrepresentation.
- 1-3.2.5 Standard Fees. The Administrator of the Administrative Agency shall establish a schedule of fees sufficient to recover direct and indirect costs of processing all permits and licenses required by the code, and said fees shall be paid into the Administrator of the Administrative Agency. The Administrator of the Administrative Agency shall not process any application for a permit or license until the required fee has been paid.

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1-3.2.6 Compliance with all Laws Required. Through application for a permit within Wabaunsee County, applicants agree to comply with any and all laws pertaining to the business in which they are engaged. Permittees are deemed to know any and all requirements under the law.

1-3.2.7 Workman's Compensation. Permittees must be in compliance with Kansas Statutes governing workman's compensation.

1-3.2.8 Employees of Permittee. No employee of the permittee shall be deemed to be an employee of Wabaunsee County.

1-3.3 Notices, Orders, Appeals.

1-3.3.1 Notice of Violations. When the Administrator of the Administrative Agency determines that there has been a violation of any provision of this code, notice of such violation shall be issued to the person responsible. The notice shall:

- (1) be 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 agent.

Such notice shall be deemed properly served when a copy has been sent by certified mail to the last known address of the owner or agent.

1-3.3.2 Appeal for Hearing. Any person aggrieved by any notice or order issued by the Administrator of the Administrative Agency under the provisions of this

Sanitation/Environmental Code may request, and shall be granted, a hearing on the matter before the Hearing Officer; provided such person shall file with the Administrator of the Administrative Agency, within ten (10) working days after the date of issuance of the notice or order, a written petition requesting a hearing and setting forth the grounds upon which the 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 Administrator of the Administrative Agency 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 no later than ten working days after the date on which the petition was filed; provided, that upon request of the petitioner, the Administrator of the Administrative Agency may postpone the hearing for a reasonable time beyond such ten (10) day period, when in the Agency's judgement the petitioner has submitted justifiable reason for such postponement.

1-3.3.3 Report of Hearing. Within ten (10) working days after such a hearing, the Hearing Officer shall submit the findings of the hearing in writing to the Administrator of the Administrative Agency. The findings shall include a recommendation that the order be sustained, modified, or withdrawn. Upon the receipt of the report of the

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Hearing Officer, the Administrator of the Administrative Agency shall consider the report and issue an order confirming, modifying or withdrawing the notice or order, and shall notify the petitioner in the same manner as is provided for in Sec. 1-3.3.1.

1-3.3.4 Emergency Orders. Whenever the Administrator of the Administrative Agency finds that an emergency exists which requires immediate action to protect the public, the Administrator of the Administrative Agency may issue an order reciting the existence of such an emergency, and specifying action to be taken to meet the emergency. Such an order shall be effective immediately. Any person to whom such an order is directed shall comply immediately. Filing a request for hearing will not automatically stay an emergency order.

1-3.4 Records.

1-3.4.1 Permit Applications. Applications for permits or licenses required by this code shall be filed with the Administrator of the Administrative Agency.

1-3.4.2 Official Actions. A written record of all official actions taken on applications for permits and licenses required by this Sanitation/Environmental Code shall be kept on file with the Administrator of the Administrative Agency.

1-3.4.3 Proceedings of Hearings. The proceedings of all hearings, including findings and decisions of the Hearing Officer, and a copy of every notice and order related thereto shall be filed with the Administrator of the

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Administrative Agency. Transcripts of the proceedings of hearings need not be transcribed unless a judicial review of the decision is sought.

1-3.5 General Provisions.

1-3.5.1 Enforcement Procedure. The County Attorney shall enforce the provisions of this code and other Sanitation/Environmental Codes adopted by the county and is hereby authorized and directed to file appropriate actions for such enforcement, upon request of the Administrator of the Administrative Agency. Actions of injunction, mandamus, and quo warranto may be utilized for enforcement of these codes and shall be governed by the provisions of the Kansas Code of Civil Procedure.

1-3.5.2 Penalties. In addition to, and independently of, the enforcement procedures provided in section 1-3.5.1, any violation of any provision of any Sanitation/Environmental Code shall be deemed to be a misdemeanor and upon conviction, shall be punishable by a fine not to exceed two hundred dollars (\$200) for each offense. Each day's violation shall constitute a separate offense.

1-3.5.3 Disclaimer of Liability. This Code and other Sanitation/Environmental 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 the protection code will function

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properly. Permittees must also agree to hold the county harmless from any liability including attorney fees

1-3.5.4 Separability. If any clause, sentence, paragraph, section or subsection of this code shall for any reason be adjudged by any court of competent jurisdiction to be unconstitutional and invalid, such judgement shall not affect, repeal or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or subsection found to be unconstitutional and invalid.

THIS RESOLUTION IS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF WABAUNSEE COUNTY, KANSAS, THIS 27 DAY OF January, ¹⁹⁹⁷ 1996.

C. N. Adair

CHAIRMAN

Frank N. Jones

MEMBER

Maurice Gleason

MEMBER

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SANITATION/ENVIRONMENTAL CODE

WABAUNSEE COUNTY, KANSAS

CHAPTER 2

ON-SITE WASTEWATER MANAGEMENT

SECTION 2-1.0 PURPOSE AND INTENT

Sewage is a potential source of disease and water pollution, and a hazard to the health, safety, and welfare of the public. It is the purpose of this chapter to provide minimum standards for the location, design, construction, maintenance and use of on-site wastewater systems, and the removal, treatment, and disposal of materials from such facilities within the legal boundaries of Wabaunsee County.

SECTION 2-2.0 APPLICABILITY

The procedures prescribed in this chapter shall be followed in administering this code and any amendments thereto. Provisions shall apply to all unincorporated areas in Wabaunsee County, Kansas, under the ownership of one person as defined in Section 1-2.7.

SECTION 2-3.0 DEFINITIONS. Words, terms, and phrases appropriate or applicable to Chapter 2 of this code are defined as follows:

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- 2-3.1 Alternative Wastewater System shall mean any private wastewater system which is not: a conventional septic tank/absorption field; a conventional lagoon; or a sanitary privy.
- 2-3.2 Beneficial Use means the use of water for any of the following purposes: agricultural water supply; aquatic life; commercial water supply; domestic water supply; groundwater recharge; industrial water supply; recreation.
- 2-3.3 Domestic Wastewater means wastewater originating primarily from kitchen, bathroom and laundry sources, including waste from food preparation, dish washing, garbage grinding, toilets, baths, showers, and sinks.
- 2-3.4 Nuisance means conditions or activities on properties both public and private, which have or threaten to have a detrimental effect on the environment or the health of the public.
- 2-3.5 Private Wastewater System means any system which does not hold a Kansas Water Pollution Control Permit pursuant to K.S.A. 65-165. This includes wastewater disposal systems which function by soil absorption, evaporation,
- 2-3.6 Sanitary Privy means a facility designed for the disposal of non-water carried wastes from the human body.
- 2-3.7 Sanitary Service means the pumping out and/or removal of sewage, sludge, or human excreta from privies, vaults, septic tanks, waterless sewage systems, or private such material to a point of final disposal.

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- 2-3.8 Seepage Pit means a subsurface excavation, which is filled with rock or gravel and receives effluent from treatment devices.
- 2-3.9 Sewage means any substance that contains any of the waste products or excrementitious or other discharges from the bodies of human beings or animals, or chemical or other wastes from domestic, commercial, manufacturing or other forms of industry.
- 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 streets, alleys, or other portions thereof intended to be dedicated for public use, and any redivision of lands.
- 2-3.11 Wastewater System means any system along with attendant pipes and appurtenances designed and constructed to collect, store, treat, and dispose of domestic, industrial, or commercial waste.
- 2-3.12 Waterless Sewage System means a facility designed for the disposal of non-water carried sewage. This shall include but not be limited to chemical toilets, incinerator type toilets, and composting type toilets.
- 2-3.13 Vaults/Holding Tank means a water-tight receptacle for the retention of sewage either before, during, or after treatment

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SECTION 2-4.0 PROHIBITED PRACTICES

2-4.1 Use of Nonapproved Private Systems. No person shall sell, lease, rent, or cause to be used, any private wastewater system or sanitary privy constructed, or modified after adoption of this Sanitation/Environmental Code until it has been inspected and approved by the Administrator of the Administrative Agency:

- (1) has been enjoined as a public health nuisance by a court of competent jurisdiction; or,
- (2) fails to comply with the provisions of this Sanitation/Environmental Code, and written notice thereof has been given by the Administrator of the Administrative Agency; or,
- (3) discharges onto the surface of the ground, or waters of the state as defined in K.S.A. 65-161 (a) or,
- (4) receives non-domestic wastewater, causes vector breeding, or produces offensive odors or any condition that is detrimental to health and comfort.

Wastewater systems used prior to the adoption of this code may continue to be used unless they meet a condition described in 2-4.1 subsections: (1), (3), or (4).

2-4.2 Discharge of non-domestic waste prohibited. No cooling water, discharge from roof drains, discharge from footing tile drains or swimming pool wastewater shall be directed to the private sewage disposal or wastewater treatment

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system. No automotive grease, oil, antifreeze or toxic or hazardous waste from a commercial or manufacturing business or waste other than domestic waste shall be discharged to a private sewage disposal or wastewater treatment system.

2-4.3 Use of Private Wastewater Systems Within 400 Feet of Public Sewer. No private wastewater system shall be constructed within four hundred (400) feet of an existing public sewer, unless the Administrator of the Administrative Agency finds that connection to such a sewer is not feasible and that a private wastewater system, meeting the requirements of this code, can be constructed on that property. Persons served by an on-site system must connect to public sanitary sewers should such sewers become accessible and reasonable to their property.

2-4.4 Location of Private Wastewater Systems Below Full/Flood Pool. No portion of a private wastewater system shall be located below the flood pool elevation of any reservoir or full pool elevation of any pond, lake, or water supply reservoir.

2-4.5 Location of a Private Wastewater System Within Fifty (50) Feet of a Nonpublic Water Supply Well. No portion of a private wastewater system shall be located less than fifty (50) feet from a nonpublic water supply well or a water line from a water well. No sanitary sewer line, regardless of construction, shall be located less than

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ten (10) feet from a nonpublic water supply well or a water line from a water well.

SECTION 2-5.0 REQUIREMENTS FOR PRIVATE WASTEWATER DISPOSAL SYSTEMS

2-5.1 Approval of Plans. After adoption of this code no person shall develop any private wastewater system until the plans and specifications for such system have been approved by the Administrator of the Administrative Agency. References approved by the State Department shall be used as a guide by the Administrator of the Administrative Agency in reviewing and approving plans for private wastewater disposal systems.

2-5.2 Permit. No person shall construct or modify, or permit to be constructed or modified, any private wastewater system until a permit has been issued by the Administrator of the Administrative Agency.

2-5.3 Suitable Site. No site shall be approved if:

- (1) connection to an approved public wastewater system is feasible or the site violates the provisions of Section 2-4.0 of this code; or,
- (2) the site contains less than five (5) acres of land as measured from the center of roads, streets, or other public rights-of-way or public easements; or,
- (3) the site contains less than three (3) acres of land as measured from the center of roads, streets, or other public rights-of-way or public easements where the home is served by a public water supply which is inspected by the Kansas Department of Health and Environment or;

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(4) the soil, topography, and geology do not meet the requirements set forth in Section 2-6.0.

2-5.4 Setbacks Required. Setback distances shall be as follows unless a legal easement is obtained from the adjoining property owner to allow placement of the system closer to the property line:

Lagoons to Property Line 100 feet

(measured from the 5' operational water depth)

Septic Tank/Soil Absorption System

to Property Line 25 feet

(measured from septic tank or unsealed

laterals)

Alternative Systems to Property Line .. 25 feet

(measured from tanks or unsealed laterals)

Wastewater system to surface water 50 feet

2-5.5 Construction Approval. All private wastewater systems developed or modified after the effective date of this Sanitation/Environmental Code must be inspected and approved by the Administrator of the Administrative Agency for compliance with the approved plans. No portion of the system shall be covered or made inaccessible to inspection prior to approval.

2-5.6 Proper Maintenance and Operation. All private wastewater systems shall be maintained in good working condition. Whenever the Administrator of the Administrative Agency finds any private wastewater disposal system in violation of this code, the owner and/or user shall be ordered to correct the condition.

2-5.7 Waiver. The Administrator of the Administrative Agency shall have the authority to grant exceptions when reliable information is provided which can justify the exception and which will still protect the beneficial uses of the waters of the state and not create a nuisance.

SECTION 2-6.0 MINIMUM STANDARDS FOR SOIL TOPOGRAPHY AND GEOLOGY

No private wastewater system shall be constructed on any lot of any size unless minimum standards for percolation rates, soil profiles and depth to impervious rock or groundwater are met.

2-6.1 Minimum standards. Shall mean the following:

- (1) Private wastewater systems which remove wastewater primarily through absorption into the soil require:
 - (a) a percolation rate of between one (1) inch of water per five (5) minutes and one (1) inch of water per sixty (60) minutes.
 - (b) a separation distance of four (4) feet between the level of maximum elevation of groundwater and that portion of the system that produces the soil/wastewater interface.
 - (c) a separation distance of four (4) feet between the level of maximum elevation of:
impervious clay and rock formations;
fractured bedrock; and, gravel beds and

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that portion of the system that produces the soil/wastewater interface.

- (2) Private wastewater systems which remove wastewater primarily through evaporation into the air require:
- (a) a percolation rate slower than one (1) inch of water per sixty (60) minutes.
 - (b) a separation distance of two (2) feet between the level of maximum elevation of groundwater and that portion of the system that produces the soil/wastewater interface.
 - (c) a separation distance of two (2) feet between the level of maximum elevation of groundwater and that portion of the system that produces the soil/wastewater interface.

- SECTION 2-7.0 REQUIREMENTS FOR PRIVIES AND WATERLESS SEWAGE SYSTEMS
- 2-7.1 Approval of Plans. No person shall construct or modify any privy or waterless sewage system until the plans and specifications for the proposed construction and/or modification have been approved by the Administrator of the Administrative Agency.
- 2-7.2 Approval of Construction. No person shall use, or make available for use, any newly constructed or modified privy or waterless sewage system until the construction has been inspected and approved by the Administrator of

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the Administrative Agency for compliance with approved plans.

2-7.3 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 insects or rodents access to the fecal material in the pit shall be condemned for further use unless repaired within a reasonable time.

2-7.4 Vault Required. A watertight vault shall be provided in lieu of the standard pit.

2-7.5 Location of a Privy Within 100 Feet of a Well.

- (1) No privy shall be installed less than one hundred (100) feet from an existing well.
- (2) No privy shall 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 Administrator of the Administrative Agency.

2-7.6 Waterless Sewage Systems. All waterless sewage systems shall be installed and maintained in accordance with the Wabaunsee County Sanitary Code. These facilities shall be maintained in a clean and sanitary condition at all times. Removal of sewage shall be by a licensed sanitary service operator.

2-7.7 Alternative Wastewater Systems shall be approved based on such criteria as may be established for the specific

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system and shall be consistent with the Wabaunsee County Sanitation/Environmental Code and State recommendations.

2-7.8 Zoning. The Administrator of the Administrative Agency shall not approve plans or authorize construction of any privy or waterless sewage system in an area where zoning regulations prohibit such facilities.

SECTION 2-8.0 SANITARY SERVICES

2-8.1 Permit Required. No person shall remove or transport any wastes from any wastewater system privy or waterless sewage system, on property other than that owned by themselves, unless that person holds a valid permit from the Administrator of the Administrative Agency.

2-8.2 Contracting With Non-permitted Persons Prohibited. No person responsible for operating a private wastewater system or privy shall contract with any person for sanitary service unless that person holds a valid permit.

2-8.3 Minimum Standards for Sanitary Service Equipment. All equipment used for rendering of sanitary service shall be of:

- (1) watertight construction;
- (2) maintained in good working condition;
- (3) provided with necessary hoses, couplings, valves, pumps and other equipment as may be determined necessary to prevent leakage and spillage; and,
- (4) the operator shall demonstrate that the equipment is in good operating condition and

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will perform its function without leakage or spillage.

This ensures that all materials removed from private wastewater disposal systems or privies will be transported to an approved point of disposal without spillage of the waste.

2-8.4 Maintenance of Records. Persons holding a valid sanitary service permit shall maintain records of all materials transported. Each record shall contain: (1) Date of service; (2) Name, address and phone number of person requesting service; (3) Truck identification number and name of driver; (4) Type of sewage; (5) Volume of sewage; (6) Owner, phone number, address and legal description of disposal site; and, (7) Other information which may be determined to be necessary to assure proper disposal of sewage. This information shall be filed twice annually or as required by the Kansas Department of Health and Environment, whichever is more frequent, with the Administrator of the Administrative Agency on a regularly scheduled basis.

SECTION 2-9.0 REQUIREMENTS FOR SUBDIVISION DEVELOPMENT

After adoption of this code no person shall develop any subdivision until the plans and specifications for on-site wastewater management have been approved by the Administrator of the Administrative Agency.

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THIS RESOLUTION IS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF
WABAUNSEE COUNTY, KANSAS, THIS 27 DAY OF January, ¹⁹⁹⁷ 1996.

A. N. Whitten

CHAIRMAN

Fred W. Jones, Jr.

MEMBER

Maurice Gleason

MEMBER

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Kansas Department of Health
and Environment

November 20, 1996
Date

SANITATION/ENVIRONMENTAL CODE

WABAUNSEE COUNTY, KANSAS

CHAPTER 3

NONPUBLIC WATER SUPPLIES

SECTION 3-1.0 PURPOSE AND INTENT

The provisions of this chapter are for the purpose of regulating and controlling the development, maintenance, and use of all domestic water supplies other than Public Water Supplies in Wabaunsee County, Kansas, in order that public health will be protected and the contamination and pollution of the water resources of the county will be prevented.

SECTION 3-2.0 APPLICABILITY

The procedures prescribed in this chapter shall be followed in administering this code and any amendments thereto. Provisions shall apply to all unincorporated areas in Wabaunsee County, Kansas, under the ownership of one person as defined in Section 1-2.7.

SECTION 3-3.0 DEFINITIONS. Words, terms, and phrases appropriate or applicable to Chapter 3 of this code are defined as follows:

3-3.1 Public Water Supply means a system that has at least ten (10) service connections or regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days out of the year.

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3-3.2 Nonpublic Water Supply means all water supplies not meeting the definition of Public Water Supply.

3-3.3 Spring means any opening in the ground from which groundwater flows.

SECTION 3-4.0 REQUIREMENTS FOR NONPUBLIC WATER SUPPLIES

3-4.1 Permit. No person shall develop, sell, rent, lease or cause to be used any non-public water supply after the adoption of this code until a permit has been obtained from the Administrator of the Administrative Agency.

3-4.2 Approved Plans. No permit to develop a non-public water supply subject to regulations of this code shall be issued until the plans showing location and construction have been approved by the Administrator of the Administrative Agency. References approved by State Department shall be used as a guide by the Administrator of the Administrative Agency in reviewing and approving plans for non-public water supply systems.

3-4.3 Use limitation. Use of surface water (lakes, ponds or streams), or springs is not recommended and shall not be permitted:

- (1) where a satisfactory groundwater source is available;
- (2) unless adequate treatment is provided (In no case shall surface water be used without filtration and chlorination.); and,
- (3) where the pond or lake receives any drainage or discharges from septic tanks, or sewage treatment plants.

3-4.4 Nonpublic Water Supplies Which Serve Two (2) to Nine (9) Service Connections. All non-public water supplies which serve two (2) to nine (9) service connections shall:

- (1) maintain the water well in accordance with minimum standards as described in Section 3-5.0 of this code; and,
- (2) purify the water delivered to the connections by chlorination or other means as approved by the Administrator of the Administrative Agency; and,
- (3) test for bacteriological quality at least once every year except that testing may be required more frequently when evidence is brought forth which indicates more frequent testing is necessary to protect the health of the users or to determine if a situation exists which may adversely affect the health of the users; and,
- (4) notify users in writing immediately when evidence exists that water has become contaminated by microbes or chemicals.

SECTION 3-5.0 MINIMUM STANDARDS FOR GROUNDWATER SUPPLIES

3-5.1 Location. All wells used as sources of water for nonpublic water supplies shall be separated from the specified sources of pollution by distances equal to or greater than those shown in Table I. Such distances may be increased by the Administrator of the Administrative Agency to provide assurance that the well will not be contaminated. The Administrator of the Administrative

Agency shall have the right to determine minimum separation distances between the water supply and other sources of contamination which may be identified but are not listed in Table 1. Any such distance must not be less than the minimum distance of fifty (50) feet provided under K.A.R. 28-30-8(a) of Article 30. Waivers of less than fifty (50) feet separation must be approved by the Kansas Department of Health and Environment.

3-5.2 Construction and Enforcement. Well construction and the enforcement of this section of the Sanitation/Environmental Code shall be regulated in accordance with K.A.R. 28-30-1 through 28-30-10 et seq. as amended.

SECTION 3-6.0 REQUIREMENTS FOR SUBDIVISION DEVELOPMENT

After adoption of this code no person shall develop any subdivision until the plans and specifications for water supply provision and/or protection have been approved by the Administrator of the Administrative Agency.

Kansas Department of Health
and Environment
November 20, 1996
Date

TABLE 1. Minimum Separation Distance Between Nonpublic Water Supply Wells and Sources of Pollution.

<u>Source of Pollution</u>	<u>Minimum Separation</u>
Subsurface absorption field for septic tank effluent	≥ 50 feet
Pit privy	≥ 50 feet
Septic tank	≥ 50 feet
Wastewater Stabilization Pond (Lagoon)	≥ 50 feet
Barnyards, stables, manure piles, animal pens, etc.	≥ 50 feet
Streams, lakes and ponds	≥ 50 feet
Sewer lines, not constructed of cast iron or other equally watertight construction	≥ 50 feet
Sewer lines constructed of cast iron or other equally watertight construction	10 feet

THIS RESOLUTION IS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF WABAUNSEE COUNTY, KANSAS, THIS 27 DAY OF January, ¹⁹⁹⁷ 1996.

A. N. Whidler

CHAIRMAN

Fred H. Hancock, Jr.

MEMBER

Maurice Gleason

MEMBER

APPROVED
 Kansas Department of Health and Environment
November 20, 1996

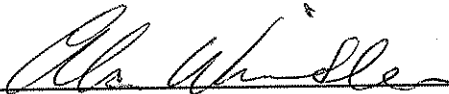
ATTACHMENT #5A

RECEIVED

JAN 29 1997

BUREAU OF WATER

The enclosed Wabaunsee County Environmental/Sanitary Code has been officially adopted by the Wabaunsee County Board of Commissioners.



Alan Winkler
Chairman, Board of County Commissioners
Wabaunsee County, Kansas

Date January 27, 1997

RESOLUTION NO. 97-4

RECEIVED

JAN 29 1997

BUREAU OF WATER

WHEREAS, The Board of county Commissioners of Wabaunsee county, Kansas, in due and regular session, met this 27th day of January, 1997, in Wabaunsee County Court House at Alma, Kansas; and,

WHEREAS, the said Board of county Commissioners have found it be in the better public interest to provide by resolution an order of this Board of County Commissioners enforcing sanitary Code #2, which includes minimum standards for sewage and excreta disposal; establishing requirements for domestic sewage, industrial and commercial wastes, human excreta, sewerage systems, (public and private); private sewage disposal systems; sewer districts; privies, sanitary services, subdivisions, and distances, and

Sanitary Code #3, including minimum standards for water supplies and establishing requirements for purposes and intent, compliances required, requirements of public and private water supplies, and minimum standards for groundwater supplies (K.S.A. 19-3702).

WHEREAS, K.S.A. 19-3701 et seq. duly empowers and authorized the said Board of County Commissioners, by resolution and order, to enact such measures for the regulation and control of environments and environmental conditions as may be adversely affecting the health and well being of the public within the confines of Wabaunsee County, Kansas, and without the corporate limits of any city.

NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF COUNTY COMMISSIONERS OF WABAUNSEE COUNTY, KANSAS, that:

- 026
- (1) The proposed Wabaunsee County Sanitary Codes No. 2 and No. 3, are hereby adopted pursuant to K.S.A. 19-3701 et seq, as amended.
 - (2) That said Wabaunsee County Sanitary Codes No. 2 and No. 3 were prepared in a book from under Jan 31, 1997, and the same is hereby declared to be approved and incorporated by reference as fully as if set out herein.
 - (3) That not less than three (3) copies of the Sanitary Code shall be filed with the County Clerk marked "Official copy as incorporated by Resolution 97-4" and to which there shall be attached a published copy of this resolution, said copies to be open for inspection and available to the public at all reasonable hours.
 - (4) Any person or corporation who shall violate any of the provisions of these codes or fail to comply herewith, or any requirement thereof shall be guilty of a misdemeanor and, upon conviction thereof, shall be liable to a fine of not more than \$200.00 and/or imprisonment for not more than (30) thirty days for each offense and each such violation shall be permitted to exist, and any agent, person, or corporation employed in connection therewith, and who assisted in the commission of any such violation, shall be guilty of separate offense and upon conviction thereof shall be subject to the same fine as here and before provide.
 - (5) That any provision of this resolution which shall be declared invalid shall not affect the validity and authority of any other sections/
 - (6) That previous resolutions and any parts of resolutions in conflict with this resolution are hereby repealed.
 - (7) That this resolution shall be in full force and in effect from and after its publication once in the official county newspaper.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS of Wabaunsee
County, Kansas, this 27th day of January, 1997.

Alan Winkler
Alan Winkler, Chairman

Maurice Gleason
Maurice Gleason, Commissioner

Fred Howard, II
Fred Howard, II, Commissioner



Ruth Diepenbrock
Ruth Diepenbrock, County Clerk