

BOURBON COUNTY

SANITATION CODE

APPROVED
MISSISSIPPI Department of Health
and Environment

2/25/98

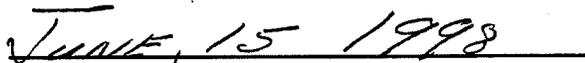
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The enclosed Bourbon County Sanitary Code has been officially adopted by the Bourbon County Board of Commissioners.

A handwritten signature in cursive script, appearing to read "Tony Graham", written over a horizontal line.

Signature

Chairman, Board of County Commissioners

A handwritten date "JUNE 15 1998" written over a horizontal line.

Date

SANITATION CODE
OF
BOURBON COUNTY

Approved
Missouri Department of Health
and Environment
2/25/98
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Section 1-1.0 ADMINISTRATIVE PROCEDURES

- 1-1.1 LEGAL AUTHORITY. This code is adopted under the authority granted to the Board of County Commissioners by K.S.A. 19-3701 through 19-3709 as amended.
- 1-1.2 DECLARATION OF FINDING AND POLICY. The County Commissioners find that provisions for adequate and reasonable control over the environmental conditions in unincorporated areas of the county are necessary to adopt a sanitation code to:
- a. Eliminate and prevent the development of environmental conditions that are hazardous to health and safety.
 - b. Promote the economical and orderly development of the land and water resources of the county.
- For these reasons and objectives, it will be the policy of the Board of County Commissioners to amend this code from time to time with respect to any matter affecting environmental sanitation and safety.
- 1-1.3 PURPOSE. The purpose and intent of this code is:
- a. To prescribe the administrative procedures to be followed in administering this sanitation code or any amendments thereto;
 - b. To prescribe rules and regulations for controlling practices to minimize health and safety hazards.
 - c. To establish administrative procedures to facilitate fair and equitable regulations while recognizing the rights of affected persons to receive reasonably prompt processing and to appeal administrative decisions.
- 1-1.4 TITLE. This code shall be known and referred to as the Bourbon County Sanitation Code.

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- 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 code, shall have the meanings ascribed to them in this section, unless indicated otherwise.

- 1-2.1 ADMINISTRATIVE RULES: Those rules and regulations contained in Chapter 1 of this code which prescribe general procedures to be followed in the administration of the code adopted by the county.
- 1-2.2 SANITATION CODE: Procedures, standards, and regulations adopted by the county designed to minimize or control those environments and 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: wastewater and wastewater disposal; water supply; food and food handling. Whenever the term "code" is used herein, such reference shall be to the Sanitation Code of Bourbon County, KS.
- 1-2.3 ADMINISTRATIVE AGENCY: The Bourbon County Sanitation Department thru any other Agency applicable upon the inspectors request, an any and all matters arising under this code is under jurisdiction of the Bourbon County Commissioners.
- 1-2.4 SANITATION INSPECTOR: The legally appointed Sanitation Inspector of Bourbon County or his/her duly authorized representative.
- 1-2.5 AUTHORIZED REPRESENTATIVE: Any employee of the Bourbon County Sanitation Department who is designated by the Sanitation Inspector to administer this code.
- 1-2.6 PERSON: Any municipality, political subdivision, institution, corporation, partnership, association, or individual.

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- 1-2.7 PREMISES: Any one or more lots or tracts of land, including all buildings, structures, or facilities located there on.
- 1-2.8 BOARD OF COUNTY COMMISSIONERS: The Board of County Commissioners of Bourbon County, Kansas.
- 1-2.9 DWELLING UNIT: Any building or structure occupied for domestic use.
- 1-2.10 KDHE: Kansas Department of Health and Environment.
- 1-2.11 HEARING OFFICER: Means any person designated by the Bourbon County Commissioners to hear appeals from decisions of the Administrative Agency relating to the enforcement and administration of this code and sanitary conditions.

SECTION 1-3.0 ADMINISTRATIVE POWERS AND PROCEDURES

- 1-3.1 RIGHT OF ENTRY. Representatives of the Administrative Agency any/or its designs shall have the right to enter upon private property to inspect, to examine, and/or survey for any purpose reasonably related to enforcement of this code.
- 1-3.2 OBSTRUCTION OF ADMINISTRATIVE AGENCY. No persons required willfully and knowingly impede or obstruct representatives of the Administrative Agency in the discharge of official duties under the provisions of the code. Any representative denied access to any premises for the purposes authorized in this code shall have authority to seek such injunction or other legal or equitable relief from the District Court as is necessary to ensure assess and compliance with this code.
- 1-3.3 PERMIT AND LICENSE
 - 1-3.3.1 APPLICATIONS FOR PERMITS AND LICENSES. All persons required by this code to obtain a permit or license shall make application for such permit or license to the Administrative Agency on Standard forms provided for the purpose.
 - 1-3.3.2 ISSUANCE OF PERMIT OF LICENSE. Within three (3) working days after receipt of an application for a permit or license required by this code, the Administrative Agency shall begin such

investigations and inspections as necessary to determine whether the permit or license should be issued or denied, and shall issue or deny the permit or license within ten (10) working days.

If the permit or license is denied, the Administrative Agency shall send the applicant a written notice by certified mail with the reasons for the rejection stated there on.

1-3.3.3 PERMIT NON-TRANSFERABLE. No permit or license shall be transferable nor shall any fees required and paid therefore be refunded.

1-3.3.4 STANDARD FEES. For the purpose of defraying all or part of the cost of administration of the code, the Board of County Commissioners shall establish a schedule of fees for all permits, license, and inspections required by the code, payable upon submission of the application for such permit of license.

1-3.3.5 RECEIPTS FOR FEES AND DEPOSITS. The Administrative Agency shall issue receipts for all fees and deposits required by the Sanitation code, and the money received there for shall be deposited with the Bourbon County Treasurer.

1-3.4 NOTICES, ORDERS, APPEALS.

NOTICE OF VIOLATIONS. Whenever the Administration Agency determines that there has been or is likely to be a violation of any provisions of this code, he/she shall give notice of such violation. The notice:

- a. Shall be in writing;
- b. Shall identify the code violation and the factual basis therefore;
- c. Shall specify necessary corrective action;

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- d. Shall specify a reasonable period of time for performance of any corrective action and/or work required by the notice; and
- e. Shall be properly served upon the occupant and/or owner of the premises, provided, that such notice shall be deemed properly served upon such owner or occupant, when a copy thereof has been sent by registered mail to the last known address of the owner or occupant as identified on the latest County Tax Rolls.

1-3.4.2 APPEAL HEARING. Any person aggrieved by any notice or order issued by the Administrative Agency under the provisions of this code shall be entitled to a hearing on the matter before the Bourbon County Hearing Office. Provided, such person shall have filed with the Administrative Agency within ten (10) working days after requesting a hearing and setting forth the grounds upon which the objection is made.

The filing of the request for the hearing shall operate as a stay of the notice or order, except as provided in paragraph 1-3.4.4 to follow. Upon receipt of such petition, the Administrative Agency shall set a time and place for such hearing and shall give the petitioner seven (7) working days written notice thereof. Upon request of the petitioner and for good cause shown, the Hearing Office may continue the hearing from its original setting.

1-3.4.3 REPORT OF HEARING. Within three (3) working days after the hearing, the Hearing Officer shall prepare a written decision containing findings of fact. Said decision may reaffirm, in whole or in part, the corrective action specified in the notice provided in paragraph 1-3.4.1 or may set aside the same. The Hearing Officer's decision shall be effective upon delivery of the same to the mailing address provided by the petitioner at the hearing. Any appeal from a finding and determination of the Hearing Officer shall be to the District Court.

1-3.4.4 EMERGENCY ORDERS. Whenever the Administrative Agency finds that an emergency exists which requires immediate action to protect the public health, he/she may, without notice or hearing, issue an order reciting that such action be taken

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as he/she may deem necessary to meet the emergency, including the suspension of the permit. Notwithstanding any other provisions of this code, such order shall be effective immediately and shall be enforceable in Bourbon County District Court.

1-3.5 RECORDS

1-3.5.1 PERMIT APPLICATIONS. Applications for permits or licenses required by this code shall be filed with the Administrative Agency.

1-3.6 DISCLAIMER OF LIABILITY. This code shall not be construed or interpreted as imposing upon Bourbon County or its officials or employees any guarantee or assurance that any system installation or portion thereof constructed or repaired under permits and inspections required by this code will function properly.

1-3.7 SEPARABILITY. No decision of a court of competent jurisdiction declaring any section, subsection, paragraph, sentence, clause or phrase of this code invalid, shall affect the remaining portion of this code, which shall remain in full force and effect;

and to this end the provisions of this code are hereby declared to be severable and shall be presumed to have been adopted knowing that the part of section declared invalid would be so declared.

1-3.8 ENFORCEMENT PROCEDURES. Either the County Attorney of the County Counselor shall enforce the provisions of this code and other sanitary codes adopted by Bourbon County and are hereby authorized to file appropriate actions for such enforcement upon request of Bourbon County Administrative Agency.

1-3.9 PENALTIES. Any person who shall willfully violate any provision of this code shall be subject to a fine not to exceed two hundred dollars (\$200.00) for each offense. Each working day's violation shall constitute a separate offense.

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CHAPTER 2

WASTEWATER AND DISPOSAL

SECTION 2-1.0 PURPOSE AND INTENT OF CODE

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

SECTION 2-2.0 APPLICABILITY

Pursuant to K.S.A. 19-3706, the provisions of this Chapter shall apply to all premises containing less than eighty (80) acres under one ownership and located in the unincorporated land located in Bourbon County, Kansas.

SECTION 2-3.0 DEFINITIONS

- 2-3.1 DOMESTIC WASTEWATER: All sewage originating primarily from kitchen, bathroom and laundry sources, including waste from food preparation, dishwashing, garbage grinding, toilets, baths, showers and sinks.
- 2-3.2 INDUSTRIAL AND COMMERCIAL WASTEWATER: Any other liquid or waterborne waste produced in connection with any industrial or commercial process or operation, other than domestic wastewater.
- 2-3.3 PUBLIC WASTEWATER SYSTEM: A wastewater system that is used or designed to be used for the collection, treatment and discharge of domestic wastes or industrial or commercial wastes into a receiving water course of the state and has a valid permit from KDHE.
- 2-3.4 ALTERNATIVE WASTEWATER SYSTEM: A wastewater system other than a septic tank-soil absorption system that is used or designed to be used to collect, treat, hold or discharge domestic wastewater from residential, industrial or commercial property into a soil absorption field.

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- 2-3.5 SEPTIC SYSTEM: A septic tank-soil absorption system used for the collection, treatment and disposal of domestic wastewater.
- 2-3.6 WASTEWATER (SEWER) DISTRICT: A special district authorized and empowered by state statutes to plan, construct and operate a public wastewater system.
- 2-3.7 PRIVY: A facility designed and/or used for the disposal of human excreta.
- 2-3.8 SANITARY SERVICES: The pumping out and/or removal of wastes, sludge, or human excreta from privies, septic systems, or alternative wastewater systems, and the transportation of such material to a point of final disposal.
- 2-3.9 SUBDIVISION: 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 subdivision of lands or lots.
- 2-3.10 DISTANCE: Horizontal distances unless otherwise designated measurements referred to as "not less than", "minimum", "at least", unless specifically indicated otherwise.
- 2-3.11 KDHE: Kansas Department of Health and Environment.

SECTION 2.4-0 PROHIBITED PRACTICES

- 2-4.1 USE OF NON APPROVED WASTEWATER SYSTEM. No person shall sell, use, lease or rent for use any alternative wastewater system, septic system, or privy that;
- a. Has been constructed after 1997 until it has been inspected and approved by the Sanitation Inspector and a permit for use issued.
 - b. Has been temporarily or permanently declared as a public health nuisance by a court or the Administrative Authority.
 - c. Fails to comply with the provisions of this code, and written notice thereof has been given by the Sanitation Inspector to the owner or responsible person.

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- d. Discharges treated wastes onto the surface of the ground, into water sources, lakes, ponds or any impoundment.
- e. It is a prohibited practice to discharge non-domestic wastewater to a private wastewater system.
- f. Causes fly breeding, produces offensive odors or any other condition that is prejudicial to health or comfort,

2-4.2

USE OF ALTERNATIVE WASTEWATER SYSTEM, SEPTIC SYSTEM, OR PRIVY WITHIN 400 FEET OF PUBLIC WASTEWATER SYSTEMS: No alternative wastewater system, septic system or privy shall be constructed within 400 feet of an existing public sewer, unless the Sanitation Inspector finds that connection to such a sewer is not feasible and that a wastewater systems, meeting the requirements of this code, can be constructed on the property " subject to approval of the city".

2-4.3

LOCATION OF ALTERNATE WASTEWATER SYSTEMS OR SEPTIC SYSTEMS BELOW FULL FLOOD POOL.

- a. No portion of any alternate wastewater system or septic system shall be located within the 100 year floodplain of any stream or river.
- b. No portion of any alternate wastewater system, septic system, or public or private wastewater system shall be located within 500 feet of the full flood pool elevation of any public water supply reservoir.
- c. No portion of any type of wastewater system shall be located between 500 and 1000 lineal feet of the full flood pool elevation of any public water supply reservoir unless the system full complies with the design standards, design specifications, and installation procedures set forth in Kansas Department of Health and Environment Bulletin 4-2 and its amendments present and future as administered by the Bourbon County Sanitarian.
- d. Exceptions to this section may be granted by the Administrative Agency for reason beneficial to the public.

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- 2-4.4 LOCATION OF AN ALTERNATIVE WASTEWATER SYSTEM, SEPTIC 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 line from a water well, unless the wastewater line be of water tight construction. No wastewater line, regardless of construction, shall be located less than 100 feet from a water well or a line from the water well.
- 2-4.5 CONNECTION TO NON-APPROVED PUBLIC WASTEWATER SYSTEM: No premises shall be permitted to connect to any public wastewater system that does not hold a valid permit from the KDHE as required by 2-5.2.
- 2-4.6 APPROVAL OF PLAT: No township or county planning commission or zoning board, authorized to review plats or subdivisions of land, shall recommend for approval any plat containing one or more lots or building sites having a minimum less of one (1) acre of land each, unless a public wastewater system is provided to serve all properties within the subdivision or a surety bond in an amount stipulated by the Board of County Commissioners is filed with the County Engineer Office to guarantee the installation of such public system refer to 4-2 and or KDHE Bulletin.

SECTION 2-5.0 REQUIREMENTS FOR PUBLIC WASTEWATER SYSTEM

- 2-5.1 APPROVAL OF PLANS AND SPECIFICATIONS: Plans and specifications for all public wastewater systems shall be submitted to and approved by the KDHE before any construction of such systems. Copies of such approved system shall be filed with the Sanitation Department.
- 2-5.2 Permit: The owner of every public wastewater system shall obtain a permit for the operation of the system from KDHE and no public wastewater system shall be operated until the owner has obtained the necessary permit.
- 2-5.3 RESPONSIBILITY OF OPERATION: Responsibility for operation of all public wastewater systems must be vested in;
 - a. A sewer district, improvement district, or a public agency authorized to operate public wastewater systems.

- b. A private entity incorporated under Kansas laws and legally bound and authorized by a charter and bylaws to operate and maintain the public wastewater system until such time as the responsibility is transferred to a duly constituted public agency.

SECTION 2-6.0 REQUIREMENTS FOR ALTERNATIVE WASTEWATER SYSTEMS

- 2-6.1 APPROVAL OF PLANS: No person shall construct or permit to be constructed any alternative wastewater system until the plans and specifications for such system have been submitted to and approved by the Sanitation Inspector, who may require the system to be designed by a professional engineer and may ask for a review of the proposal by KDHE.
- 2-6.2 PERMIT FOR USE: No person shall use, or permit to be used, and alternative wastewater system until the owner has applied for and received a permit to use such system from the Sanitation Inspector.
- 2-6.3 PROPER MAINTENANCE AND OPERATION: All alternative wastewater systems shall be maintained in good working condition and shall not discharge onto the surface of the ground or drain into any stream or roadside ditch, produce offensive odors or become a breeding place for flies, mosquitoes or rats. Whenever the Sanitation Inspector shall find any alternative wastewater system malfunctioning and causing any of the above prohibited conditions, the Inspector shall order the owner and/or user to correct the condition within thirty (30) calendar days.
- 2-6.4 RECORDS OF WASTEWATER REMOVAL FOR ALTERNATIVE SYSTEMS:
- a. Any person using a holding tank for wastewater storage shall maintain records which show the quantity of wastewater generated in a given time period and proof that an equal quantity has been removed by a licensed pumper/hauler. Such records shall be provided upon request to the sanitation inspector.

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SECTION 2-7.0 REQUIREMENTS FOR SEPTIC SYSTEMS AND LATERAL FIELD INSTALLATION

2-7.1 SUITABLE SITE: No permit shall be issued in accordance with Section 2-4.1 until a suitable site has been approved by the Sanitation Inspector. The site must meet the following requirements before a permit shall be issued.

- a. There must be a minimum of one (1) acre.
- b. The natural slope of the land shall be such as to accommodate installation of a wastewater system as approved by the Sanitation Inspector.

2-7.1.1 SEPTIC TANK: The septic tank shall be a minimum capacity of 1,000 gallons or more for residential use. The size shall be based upon the number of bedrooms within the dwelling. It shall be constructed of concrete. It shall be provided with a twenty (20) inch manhole. Inlet and outlet baffles shall be required on all tanks. Inspection holes shall be required over the inlet and outlet for inspection of the baffles.

- a. There shall be a minimum of three (3) inch of gravel placed beneath the tank.
- b. The septic tank shall be a minimum of ten (10) feet from the structure.
- c. The septic tank shall be a minimum of 100 feet from any water supply and ten (10) feet from water supply lines.

2-7.1.2 LATERAL LINES: The size of the lateral field lineal footage of perforated pipe shall be a minimum of 400 feet. All lateral pipe shall be capped or a continuous loop system.

- a. If a sequential lateral system is not used another approved method of distribution must be provided. If a sequential lateral system is used, the overhead distribution line must be connected at the center of each lateral line, and at an elevation so the bottom of the overhead line is two (2) inches above the crushed rock in the lateral trench.

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- b. Each lateral run shall not exceed 100 feet in length from where it receives wastewater.
- c. Lots with elevations change, installation of laterals shall be along contour lines so trenches of uniform depth can be achieved. A trench bottom slope of less than 4"/100 feet or (0.04%) will be acceptable.
- d. Straw or cloth may be used to cover lateral rock and a fourteen (14) inch depth of washed or clean lateral rock shall be required.
- e. Soil coverage over the lateral line should be six (6) inch minimum to twelve (12) inch maximum.
- f. The trench width should be a 24 inch minimum to 36 inch maximum and a depth of 18 inch minimum to 36 inch maximum.
- g. The lateral lines shall have a minimum of separation as listed;
 1. 8 feet separation between lines.
 2. 10 feet separation from;
house service lines
buried utility lines
foundation drains
 3. 20 feet separation from;
Foundations and other buildings
 4. 25 feet separation from;
cellars
public water supply lines
 5. 50 feet separation from;
cisterns
ponds and creeks
 6. 100 feet from water wells.
- h. All pipe shall be four (4) inches in diameter. All lateral pipe shall be marked to indicate it meets or exceeds a 1,500 pound "crush test" rating. All solid pipe from the structure to the lateral field shall be schedule 40 or equivalent pipe.

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- 2-7.1.3 ADDITIONAL LATERAL LINES FOOTAGE REQUIRED: If the Sanitation Inspector determines that 400 lineal feet may be inadequate, additional footage will be determined by calculating the gallons per day divided by the effluent loading rates for various soils or the calculating per rate, which ever is less.
- 2-7.1.4 COMMERCIAL SEPTIC TANKS: Septic tanks for a commercial use shall be a minimum of 1200 gallons concrete tank. Lateral field disposal system shall be designed on effluent loading rates and anticipated water use.
1. All commercial food establishment shall install and maintain a grease trap as approved by the County Sanitation Inspector and KDHE.
- 2-7.2 APPROVED PLANS: A septic system shall not be constructed, reconstructed, or modified after the effective date of this code without plans submitted and approved by the Sanitation Department. Plans shall include the following information.
1. Name, address and phone number of contractor and owner.
 2. Location of building site, including legal description and address.
 3. Square footage of house, number of bedrooms and list a water using appliances.
 4. Commercial applications must indicate anticipated water usage, including number of occupancy allowed and all water using equipment of appliances.
 5. Owner shall submit drawings including the following information.
 - a. Overall dimensions of lot and structure.
 - b. Locations of accessory structures and driveways.
 - c. Complete scaled drawing of disposal system.
 - d. Foundation, footing or any non-sewage drains.

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2-7.3 APPROVAL OF CONSTRUCTION: All septic systems constructed, reconstructed or modified after the effective date of this code must be inspected and approved by the Sanitation Inspector for compliance with approved plans.

2-7.3.1 PRIOR NOTICES: All sanitation inspections shall be required to have a 24 hour notice prior to inspection.

2-7.4 PROPER MAINTENANCE AND OPERATION. All septic systems shall be maintained in good working condition and shall not discharge onto the surface of the ground or drain into any stream or roadside ditch, produce offensive odors or become a breeding place for flies, mosquitoes or rodents. Whenever the Sanitation Inspector shall find any septic system in violation of any of the above mentioned conditions, the Inspector shall order the owner to correct the condition within thirty (30) days of said violation.

SECTION 2-8.0 WASTE STABILIZATION PONDS (LAGOONS)

2-8.1 APPROVAL OF CONSTRUCTION: The use of individual waste stabilization ponds, usually referred to as "lagoons", will be considered if approved by the Sanitation Inspector. The site, design, and construction shall meet the minimum standards set forth in KDHE Bulletin 4-2. Permits are required before any construction.

2-8.2 PROPER MAINTENANCE: Maintenance is required to remove vegetation at water's edge, to mow vegetation on embankments, and to remove trees that will shade the pond. It may require further maintenance as required by the Sanitation Department and KDHE.

SECTION 2-9.0 WATERLESS TOILETS (PRIVIES)

2-9.1 APPROVED USE: The use of privies and other types of dry or chemical toilets will be allowed only as a temporary measure subject to approval of the Sanitation Inspector. All other waterless toilets shall be prohibited.

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SECTION 2-10.0 SEWAGE HOLDING TANKS

2-10.1 Tracts of land less than one acre will require a minimum capacity of 1,500 gallon holding tank. Permanent sewage holding tanks shall be constructed of reinforced precast or pour-in-place concrete and shall be provided with a twenty (20) inch manhole and four (4) inch stand pipe for use in removing sewage out of the tank into the transport tank. Tanks shall be water tight and sealed to prevent leakage between the cover or "lid" and the side walls. The tanks shall also have three (3) inch of gravel bedding placed under it. Pumping schedules and waste disposal plan shall meet the requirements outlined in section 2-6.4 of this code.

2-10.2 OTHERS: Cesspools, and seepage pits shall be prohibited for new or permanent installations. However, portable holding tanks serving camping, recreation vehicles, and boats are acceptable as long as there is access to a dumping station. Portable toilets equipped with holding or storage tanks, chemical or otherwise, shall be prohibited except on a temporary basis as determined acceptable by the Bourbon County Administrative Agency.

SECTION 2-11.0 SANITARY SERVICES

2-11.1 LICENSE REQUIRED. No person shall remove, haul or transport, or offer to move, haul or transport any such wastes without a valid license from the Administrative Agency. A valid sanitary service license issued to a sole proprietor, a partnership or a corporation shall be valid as to all its agents and employees.

2-11.2 MINIMUM STANDARDS FOR SANITARY SERVICE VEHICLES. All sanitary service vehicles used for rendering of sanitary service shall be of water-tight construction, maintained in good working condition and provided with hoses, couplings, valves, pumps, and other necessary equipment to insure that all material removed from the systems will be transported to a point of disposal approved by the Sanitation Inspector without spillage of the waste. All hoses and valves shall be capped or plugged.

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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.

2-11.3 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 fees for sanitary service vehicles prescribed in Section 2-11.4 before filing the application with the Sanitation Department. A receipt showing such payment shall be attached to the application form. If the license is denied, no portion of the inspection fee will be refunded. A copy of a written contract between the applicant and a public wastewater system shall be attached to the application.

2-11.4 LICENSE AND INSPECTION FEES. For the purpose of defraying all or part of the cost of administration of a sanitation code, fees shall be assessed for each inspection, permit or license required pursuant to this code including the following:

- a. Licenses: Contractors doing any type of sanitation work in Bourbon County shall have a valid license. This license shall be renewed each year and shall expire one year from the date of issuance. Every contractor shall furnish evidence of either a cash bond or surety bond of \$5,000.00 dollars, to insure consumers against poor and careless workmanship.
- b. Permits: A Sanitation Permit shall be assessed according to the schedule established by the County Commissioners.
- c. Inspections: A fee will be assessed for each inspection visit. New property, transferals as requested by loan institution, realtors and prefabricated home retailer.

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- d. Every Sanitation Vehicle must be inspected each year. The owner will pay an inspection fee according to the fee schedule established by the County Commissioners and will also supply evidence of either a cash bond or surety bond in the amount established by the County Commissioners to insure consumers against poor and careless workmanship.

SECTION 2-12.0 CONTRACTING WITH UNLICENSED PERSONS
PROHIBITED

Any person responsible for hiring a contractor, for any type of Sanitation Work, shall not contract with any contractor that does not have a valid license with the Bourbon County Sanitation Department.

SECTION 2-13.0 WAIVER OF REQUIREMENTS

Requests for exception to any of the foregoing rules and regulations set forth in Chapter 2 shall be submitted to the Sanitation Inspector in writing and shall contain all information relevant to the request.

1. Requests shall specifically set forth why such exception should be considered.
2. The Sanitation Inspector may grant an exception when determined that such waiver does not and will not impair the potability of the ground water or otherwise endanger the health and safety of the individuals involved and/or the general public. The Sanitation Inspector may, when necessary, obtain the written consent of KDHE prior to granting an exception.

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CHAPTER 3

WATER SUPPLIES

SECTION 3-1.0 PURPOSE AND INTENT

The provisions of this code are for the purposes of regulating and controlling the development, maintenance, and use of private or semi-private water supplies in the unincorporated areas of Bourbon 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.

3-1.2 AREA OF APPLICABILITY: This code shall apply to all unincorporated land in Bourbon County of less than 640 acres.

SECTION 3-2.0 COMPLIANCE REQUIRED

After the effective date of this code, no person shall construct on any property to the provisions of this code, any public, semi-public or private water supply that does not comply with the requirements of this code.

SECTION 3-3.0 DEFINITIONS

In addition to the definitions provided in Chapter 1 of this code, the words, terms and phrased listed below, for the purpose of Chapter 3, are defined as follows;

3-3.1 DOMESTIC PURPOSE: Means the use of water by any person or family unit or household for domestic purposes, or for the watering of livestock, poultry , farm and domestic animals used in operating a farm, for the irrigation of lands not exceeding a total of two (2) acres in area for the growing of gardens, orchards and lawns.

3-3.2 PUBLIC WATER SUPPLY WELL: Means a well that provides groundwater to the public for human consumption. If such system has at least ten (10) service connections or serves an average of at least 25 individuals daily at least 60 days out of the year.

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- 3-3.3 SEMI-PUBLIC OR NON-COMMUNITY WATER SUPPLY: A water supply that is used for domestic purposes serving two (2) to nine (9) residential units (rental or under separate ownership) on a piped system and serving less than 25 persons a year.
- 3-3.4 PRIVATE WATER SUPPLY: A water supply used for domestic purposes which serves not more than one (1) dwelling on a piped system.
- 3-3.5 WATER DISTRICT: Any special district authorized and empowered by state statutes to plan, construct and/or operate a public water supply system.
- 3-3.6 ABANDONED WATER WELL: A well which has been permanently discontinued for use and pumping equipment has been removed. A well which cannot be used to supply water or possesses potential health and safety hazards.
- 3-3.7 TEST HOLE OR "HOLE": Means any excavation constructed for the purposes of determining the geologic and hydrologic characteristics of underground formations.
- 3-3.8 TREATMENT: Treatment shall be defined as the stimulation of production of groundwater from a water well, through use of Hydrochloric Acid, Muriatic Acid, Sulfamic Acid, Calcium or Sodium Hypochlorite, Polyphosphates or other chemicals and mechanical means, for the purpose of reducing or removing Iron and Manganese Hydroxide and Oxide deposits, Calcium and Magnesium Carbonate deposits and slime deposits associated with Iron and Manganese bacterial growths which inhibit the movement of groundwater into the well or water quality characteristics.
- 3-3.9 RECONSTRUCTED WATER WELL: An existing well that has been cleaned and depth changed or has had the casing replaced, repaired, added to or modified in any way for the purpose of obtaining groundwater.
- 3-3.10 ACTIVE WELL: A water well which is an operating well used to withdraw water, monitor or observe groundwater conditions.
- 3-3.11 INACTIVE STATUS: A water well which is currently not in operation but is maintained for future operation.

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- 3-3.12 GROUNDWATER: That part of the subsurface water which is in the zone of saturation.
- 3-3.13 WATER WELL: Any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed, when the KDHE use of such excavation is for the location, diversion, artificial recharge, or acquisition of groundwater.
- 3-3.14 CONSTRUCTION OF WATER WELL: All acts necessary to obtain groundwater by any method for any use including, without limitation, diversion, artificial recharge, or acquisition of groundwater. A State licensed water well contractor shall be used.

SECTION 3-4.0 REQUIREMENTS FOR PUBLIC WATER SUPPLIES

- 3-4.1 STATE PERMIT: No person, corporation or municipality shall operate a public water supply without obtaining a permit from KDHE. A copy of said permit shall be filed with the Sanitation Department.
- 3-4.2 STATE APPROVED PLANS: No person, corporation or municipality shall construct any public water supply until the plans and specifications have been submitted to and approved by KDHE. A copy of approved plans and specifications shall be filed with the Sanitation Department.

SECTION 3-5.0 REQUIREMENTS FOR SEMI-PUBLIC WATER SUPPLIES

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

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3-5.2 USE OF A SEMI-PUBLIC WATER SUPPLY. In addition to the requirements of 3-6.0, the following analysis shall be conducted by a KDHE certified laboratory and the results review by the Administrative Agency prior to the issuance of a permit, to assure water quality for the public.

- a. An initial and at least annual bacterial analysis.
- b. A partial chemical analysis shall be done initially and every three (3) years thereafter.
- c. Other tests such as a screen for pesticides, volatile organic chemicals and heavy metals shall be required, when in the discretion of the Sanitation Inspector, it is necessary to protect the public's health.
- d. The water samples shall be collected by the Sanitation Inspector or its designee and sent to KDHE certified laboratory for analysis.

The owner or agent will be charged a fee for the investigation and the cost of analysis.

SECTION 3-6.0 REQUIREMENTS FOR PRIVATE WATER SUPPLIES

3-6.1 PERMIT: No person shall drill, develop or construct any private water supply well on any premises subject to the regulations of this code until a permit has been issued for the Administrative Agency.

3-6.2 APPROVED PLANS: No permit to construct or develop a private water supply subject to the regulations of this code until a permit has been issued by Sanitation Department.

3-6.3 USE LIMITATIONS:
a. No permit for drilling a well for private water supply shall be issued when in the discretion of the Sanitation Inspector the property can be served at a reasonable cost by a public water supply, or when the water supply constitutes a significant health risk.

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- b. No use of surface water (lakes, ponds, or streams) as a source of water for private water supply shall be permitted:
 - 1. When a satisfactory ground water source is available.
 - 2. Where adequate treatment is not provided. No surface water shall be used without filtration and chlorination.
 - 3. Where the pond or lake receives or could receive any drainage or discharge from septic tanks or sewage treatment plants.

SECTION 3-7.0 MINIMUM STANDARDS FOR ALL GROUND WATER SUPPLIES

- 3-7.1 LOCATION: The horizontal distance between the well and the potential sources of pollution or contamination, such as septic tanks, lateral field, pit privy, seepage pits, fuel or fertilizer storage, pesticide storage, feed lots or barnyards shall be 100 feet or more.
- 3-7.2 CONSTRUCTION: All wells that are to serve as a source of private or semi-public water shall be constructed in accordance with all Kansas State Administrative Regulations. Refer to Article 12 (K.S.A. Supp 82a1201 et seq.) and Article 30 (K.A.R. 28-30-2 et seq.).
- 3-7.3 PLUGGING OF ABANDONED WELLS AND TEST HOLES: Refer to Section from Article 12 (K.S.A. Supp 82a-1201 et seq.) which pertains to plugging of abandoned water wells, cased and uncased test holes. Also, 82a-1213 and Section from Article 30 (K.A.R. 28-30-1 et seq.) which pertains to the plugging of abandoned water wells, cased and uncased test holes. These Articles are found in the State of Kansas Department of Health and Environment Plugging Packet Booklet.
- 3-7.4 POLLUTION SOURCES: Well locations shall be approved by the Sanitation Inspector with respect to distance from pollution sources and compliance with the wastewater and disposal regulation. The minimum standards set forth in all Kansas State Administrative Regulations are hereby adopted by Bourbon County, Kansas.

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3-7.5 WATER WELL DISINFECTION FOR WELLS USED FOR HUMAN CONSUMPTION OR FOOD PROCESSING: Disinfection standards set forth in State Administrative Regulations 28-30-10 are hereby adopted by Bourbon County and shall apply to all water wells used for public consumption or food processing.

3-7.6 WAIVER OF REQUIREMENTS: Requests for exception to any of the foregoing rules and regulations, set forth in Chapter 3 shall be submitted to the Sanitation Inspector in writing and shall contain all information relevant to the request.

a. Requests shall be specifically set forth why such exception should be considered. An exception may be granted if the request complies with State Regulations, however if not, the State must review and determine if an exception may be granted.