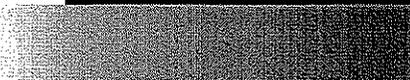


Edwards County Environmental Sanitary Code

Adopted July 19, 1999



JUN 23 1999

BUREAU OF WATER

ENVIRONMENTAL AND SANITARY CODE

EDWARDS COUNTY, KANSAS

APPROVED
Kansas Department of Health
and Environment

5/13/99
Date

SANITARY CODE.

EDWARDS 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 Board of County Commissioners by K.S.A. 19-3701.
- 1-1.2 Declaration of Finding and Policy. The Commissioners find that the provision of adequate and reasonable control over sanitary conditions in the county is necessary and desirable. A Sanitary code establishes standards to eliminate and/or prevent the development of 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 sanitary 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 sanitary code or any amendments thereto.
- 1-1.4 Title. This code shall be known and referred to as the Edwards County Sanitary Code.

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1-1.5 Applicability. The 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 _____.

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 Edwards County is designated as The Central Kansas Local Environmental Planning Group, Great Bend, Kansas, or such other agency appointed by the Board of County Commissioners.

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

1-2.3 Authorized Representative means any person who is designated by the Administrative Agency to administer this code.

1-2.4 Board of County Commissioners means the Board of County Commissioners of Edwards County, Kansas.

1-2.5 Board of Health means the Edwards County Board of Health.

1-2.6 Hearing Officer means an individual, appointed by the Board of County Commissioners to hear appeals from

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decisions relating to the administration of this code.

1-2.7 Person means an individual, corporation, 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.

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. Representatives of the Administrative Agency shall have the power and authority to inspect premises for compliance with the Edwards County Sanitary Code.

1-3.2 Permit and License.

1-3.2.1 Applications for Permits and Licenses. Every person required by this sanitary code to obtain a permit or license shall make application for such permit or license to the Administrative Agency.

1-3.2.2 Issuance of Permit or License. After receipt of an application as required by this code, 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 30 days of such receipt. If the permit or license is denied, the Administrative Agency shall send the applicant a written notice and state the reasons for rejection.

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1-3.2.3 Permit Nontransferable. No permit or license required by this sanitary code shall be transferable, nor shall any fees required and paid therefor 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 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 Administrative Agency. The Administrative Agency shall not process any application for a permit or license until the required fee has been paid.

1-3.3 Notices, Orders, Appeals.

1-3.3.1 Notice of Violations. When 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 Administrative Agency under the

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provisions of this sanitary code may request, and shall be granted, a hearing on the matter before the Hearing Officer; provided such person shall file with the Administrative Agency, within ten 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 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. The Administrative Agency shall have the burden of establishing the factual basis of violations it has determined to exist and of establishing the sufficiency of any action or order which requires implementation. The hearing shall be commenced no later than ten working days after the date on which the petition was filed; provided, that the Hearing Officer may postpone the hearing for a reasonable time beyond such ten-day period, when in the Hearing Officer's judgment there are justifiable reasons for such postponement.

1-3.3.3 Report of Hearing. Within ten working days after such a hearing, the Hearing Officer shall submit the findings of the hearing in writing to the Administrative Agency. The report shall determine whether the administrative action or order should be sustained, modified, or withdrawn. The Administrative Agency shall act in accordance with the report of the Hearing Officer.

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1-3.3.4 Emergency Orders. Whenever the Administrative Agency finds that an emergency exists which requires immediate action to protect the public, 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. The filing of a Petition for Appeal Hearing shall not operate as a stay of an Emergency Order. the Hearing Officer may grant a stay of an Emergency Order upon such conditions as shall protect the public.

1-3.4 Records.

1-3.4.1 Permit Applications: Applications for permits or licenses required by this code shall be filed with 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 sanitary code shall be kept on file with 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 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 or County

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Counselor shall enforce the provisions of this code and other sanitary codes adopted by the county and is hereby authorized to file appropriate civil actions for such enforcement, upon request of the Administrative Agency. Actions of injunction, mandamus, quo warranto or for other relief may be filed in the District Court seeking enforcement of the sanitary code and the removal of unsanitary or hazardous conditions. Such actions 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 the sanitary 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. The Edwards County Attorney shall be responsible for prosecuting criminal violations of the sanitary code.

1-3.5.3 Disclaimer of Liability. This 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 the protection code will function properly.

1-3.5.4 Separability. If any clause, sentence, paragraph, section or subsection of this code shall for any reason

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be adjudged by any court of competent jurisdiction to be unconstitutional and invalid, such judgment 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.

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SANITARY CODE
EDWARDS 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 and disposal of materials from such facilities within the legal boundaries of Edwards County.

SECTION 2-2.0 APPLICABILITY

The provisions of this chapter shall apply to all unincorporated areas located in Edwards County, Kansas.

SECTION 2-3.0 DEFINITIONS

2-3.1 Beneficial Use means the use of water for any of the following purposes: agricultural water supply; aquatic life; domestic water supply; groundwater recharge; industrial water supply; recreation.

2-3.2 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.

2-3.3 Private Wastewater System means any private wastewater system not required to hold a Kansas Water Pollution Control Permit pursuant to K.S.A. 65-165. This includes

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wastewater disposal systems which function by soil absorption, evaporation, transpiration, holding tanks, or any combination of the above.

2-3.4 Sanitary Privy means a facility designed for the disposal of non-water carried wastes from the human body.

2-3.5 Sanitary Service means the pumping out and/or removal of sewage, sludge, or human excreta from privies, vaults, septic tanks, or private wastewater disposal systems; and the transportation of such material to a point of final disposal.

2-3.6 Seepage Pit means a subsurface excavation, which is filled with rock or gravel and receives effluent from treatment devices.

2-3.7 Sewage means any substance that contains any of the waste products or excrement or other discharges from the bodies of human beings or animals, or chemical or other wastes from domestic sources, manufacturing activities, or other forms of industry.

2-3.7.1 Domestic Wastewater means sewage which is normally generated by residential activity, not commercial or industrial, and which originates primarily from kitchen, bathroom and laundry sources, including waste from food preparation, dishwashing, garbage grinding, toilets, baths, and showers.

2-3.8 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

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redivision of lands.

2-3.9 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.

2-3.10 Vaults/Holding Tank means a water-tight receptacle for the retention of sewage either before, during, or after treatment.

SECTION 2-4.0 PROHIBITED PRACTICES

2-4.1 Use of Nonapproved Private Systems. No person shall use, or cause to be used, any private wastewater system or sanitary privy constructed or reconstructed after adoption of this sanitary code until it has been inspected and approved by the Administrative Agency or if it:

- a. has been enjoined as a public health nuisance by a court of competent jurisdiction; or,
- b. fails to comply with the provisions of this sanitary code, and written notice thereof has been given by the Administrative Agency; or,
- c. discharges onto the surface of the ground, or waters of the state as defined in K.S.A. 65-161 or into a seepage pit or cesspool; or,
- d. receives non-domestic wastes, causes vector breeding, or produces offensive odors or any condition that is detrimental to health and comfort.

2-4.2 Use of Private Wastewater Systems Within 400 Feet of Public Sewer. No private wastewater system shall be constructed within 400 feet of an existing public sewer,

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unless 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.

2-4.3 Location of a Private Wastewater System Within 50 Feet of a NonPublic Water Supply Well. No portion of a private wastewater system shall be located less than 50 feet from a NonPublic water supply well. No sanitary sewer line, regardless of construction, shall be located less than 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 Administrative Agency. References approved by the State Department, such as Bulletin No. 4-2 Minimum Standards For Design and Construction of Onsite Wastewater Systems, or any superseding document shall be used as a guide by 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 Administrative Agency.

2-5.3 Suitable Site. No site shall be approved if:
a. connection to an approved public wastewater system is feasible or the site violates the provisions of

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Section 2-4.0 of this code; or,

- b. the site contains less than two acres of land exclusive of roads, streets, and or other public rights-of-way or easements; or,
- c. the soil, topography, and geology do not meet the requirements set forth in Section 2-6.0.

2-5.4 Construction Approval. All private wastewater systems developed or modified after the effective date of this sanitary code must be inspected and approved by 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.

2-5.5 Proper Maintenance and Operation. All private wastewater systems shall be maintained in good working condition. Whenever 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.

2-5.6 Waiver. 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.

SECTION 2-7.0 REQUIREMENTS FOR PRIVIES

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- 2-7.1 Approval of Plans. No person shall construct or modify any privy until the plans and specifications for the proposed construction and/or modification have been approved by the Administrative Agency.
- 2-7.2 Approval of Construction. No person shall use, or make available for use, any newly constructed or modified privy until the construction has been inspected and approved by 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.
- 2-7.4 RESERVED FOR FUTURE USE.
- 2-7.5 Location of a Privy Within 50 Feet of a Well. No privy shall be installed less than 50 feet from an existing well.

SECTION

2-8.0 SANITARY SERVICES

- 2-8.1 Permit Required. No person shall provide sanitary service or remove or transport any sewage from any wastewater system or privy, unless that person holds a valid permit from the Administrative Agency.
- 2-8.2 RESERVED FOR FUTURE USE
- 2-8.3 Minimum Standards for Sanitary Service Equipment.
- a. All equipment used for rendering of sanitary service shall be of watertight construction and maintained in good working condition.
 - b. All materials removed from private wastewater disposal systems or privies shall be transported to an approved point of disposal without spillage of the waste.

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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 Administrative Agency.

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Date

SANITARY CODE
EDWARDS 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 water supplies other than Public Water Supplies, agricultural irrigation wells, and livestock wells in Edwards 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 provisions of this chapter shall apply to all unincorporated areas located in Edwards County, Kansas.

SECTION 3-3.0 DEFINITIONS

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

3-3.2 RESERVED FOR FUTURE USE

SECTION 3-4.0 REQUIREMENTS FOR NON-PUBLIC WATER SUPPLIES

3-4.1 Permit. No person shall develop, use, sell, or lease any non-public water supply including remediation and/or monitoring wells, until a permit has been obtained from the Administrative Agency.

3-4.2 Approved Plans. No permit to develop a non-public water

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supply subject to regulations of this code shall be issued until the plans have been approved by the Administrative Agency. References approved by State Department shall be used as a guide by the Administrative Agency in reviewing and approving plans for non-public water supply systems.

3-4.3 Non-Public Water Supplies Which Serve Three to Nine Service Connections. All non-public water supplies which serve three to nine residential service connections shall:

- a. mechanically chlorinate the water delivered to the connections; and, test for bacteriological quality with a K.D.H.E. certified laboratory at least every three months; and,
- b. maintain logs to verify chlorine residuals and bacteriological quality for a period of at least three months; and,
- c. The Administrative Agency may require non-public water supplies which serve two residential service connections to regularly chlorinate, test for bacteriological quality, and maintain log verification if such a requirement shall reasonably protect the water supply and the persons using the service connections.

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

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Kansas Department of Health
and Environment
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Date

be increased by the Administrative Agency to provide assurance that the well will not be contaminated.

TABLE I

Minimum Separation Distance Between Non-Public Water Supply Wells and Sources of Pollution

<u>Source of Pollution</u>	<u>Minimum Separation *</u>	<u>Recommended Separation</u>
Subsurface absorption field for septic tank effluent50 feet	≥ 100 feet
Pit privy	50 feet	≥ 100 feet
Septic tank	50 feet	≥ 100 feet
Barnyards, stables, manure piles, animal pens, etc.50 feet	≥ 100 feet
Streams, lakes and ponds.	50 feet	≥ 50 feet
Sewer lines, not constructed of cast iron or other equally tight construction	50 feet	≥ 100 feet
Sewer lines constructed of cast iron or other equally tight construction	10 feet	10 feet

* As required by K.A.R. 28-10-101 and/or K.A.R. 28-30-8

3-5.2 Construction and Enforcement. Well construction and the enforcement of this section of the sanitary 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 Administrative Agency.

Kansas Department of Health and Environment
 5/13/99
 [Signature]

Publisher's Affidavit Of Publication

STATE OF KANSAS, EDWARDS COUNTY, ss.

Richard L. Crawford being first

duly sworn, doth depose and say that he is the

Editor of the Edwards County Sentinel

a weekly newspaper, published at Edwards Edwards County, Kansas, and of general, paid/circulation on a yearly basis, in said county; which newspaper has been published more than 50 times a year, and has been published for more than five consecutive years prior to the first publication of the notice hereto attached; that said newspaper has been admitted to the United States mail, at the post office of publication, as second class matter; that said newspaper is not a trade, religious, or fraternal publication; and affiant further states that the annexed NOTICE

Public Hearing

was published in said newspaper for Three consecutive weeks.

First Published June 24 1999

Last Published July 8 1999

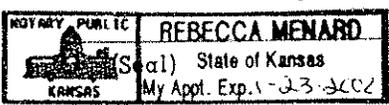
I hereby further certify that the publisher's fee of \$48 is correct according to statute, and remains due and unpaid.

Richard L. Crawford

Subscribed and sworn to before me this 28th day of

July 1999

Rebecca Menard



My commission expires: 1-23-2002

PUBLIC NOTICE

(First published in The Edwards County Sentinel on June 24, 1999, last published July 8, 1999)

PUBLIC NOTICE

Notice is hereby given that the Edwards County Board of Commissioners will hold a public hearing at 1:00 P.M. on Monday, July 19, 1999 in the Edwards County Courthouse for the purpose of allowing interested parties an opportunity to discuss a proposal implementing sanitary code within the boundaries of Edwards County. A sanitary code establishes standards to eliminate and/or prevent development of environmental conditions that are hazardous to health and safety, and promotes the economical and planned development of the land and water resources of Edwards County. Copies of the draft Environmental and Sanitary Code for Edwards County are available upon request at the Edwards County Clerk's Office.

IN THE _____ COURT OF EDWARDS COUNTY, KANSAS

ORDER APPROVING NOTICE

Now, on this _____ day of _____, 19____, the Court examines said notice and proof, and does find from such examination, that said notice is in due form, and was published in the manner and for the length of the time required by the statute in such cases made and provided; it is therefore considered, ordered and adjudged by the Court that said notice and proof be, and the same are hereby approved.

Judge

Publisher's Affidavit Of Publication

STATE OF KANSAS, EDWARDS COUNTY, ss.

Cathy Woodard being fi

duly sworn, doth depose and say that he is the

Editor of the Ed. Co. Sentinel

a weekly newspaper, published at Kinsley Edwards County, Kansas, and of general, paid, circulation on a yearly basis, in said county; which newspaper has been published more than 50 times a year, and been published for more than five consecutive years p to the first publication of the notice hereto attached; 1 said newspaper has been admitted to the United Stc mail, at the post office of publication, as second cl matter; that said newspaper is not a trade, religious fraternal publication; and affiant further states that annexed NOTICE

Resolution 5-99

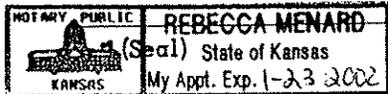
was published in said newspaper for one consecutive weeks.

First Published July 22 1999
Last Published 19

I hereby further certify that the publisher's fee of \$43.47, is correct according to statute, and remains due and unpaid.

Cathy Woodard

Subscribed and sworn to before me this 26th day of July 1999



Rebecca Menard Notary Public

My commission expires: 1-23-2002

PUBLIC NOTICE

(First published in The Edwards County Sentinel on July 22, 1999)

RESOLUTION 5-99

RESOLUTION OF THE BOARD OF EDWARDS COUNTY COMMISSIONERS

WHEREAS, a notice of public hearing concerning the adoption of a Sanitary Code of Edwards County, Kansas, was given pursuant to K.S.A. 19-3704, and

WHEREAS, a public hearing was held at 1:00 P.M., on Monday, July 19, 1999, in the Commission Chambers on the first floor of the Edwards County Courthouse, Kinsley, Kansas 67547, for the purpose of allowing all interested parties an opportunity to discuss said Sanitary Code.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF EDWARDS COUNTY COMMISSIONERS OF EDWARDS COUNTY, KANSAS, that adoption of a Sanitary Code is necessary for the protection of the general health and welfare of the public, and

BE IT FURTHER RESOLVED, that the boundaries of the area subject to the sanitary code are all unincorporated areas within Edwards County, Kansas, and

BE IT FURTHER RESOLVED, that this resolution shall be published once in the official county newspaper and shall be effective upon its date of publication and a copy of said code is available at the Edwards County Clerk's Office.

This resolution is officially adopted this 19th day of July, 1999, by the Board of County Commissioners, Edwards County, Kansas.

BOARD OF COUNTY COMMISSIONERS OF EDWARDS COUNTY, KANSAS

Marlin Butler, Chairman
Duane Mathes, Member
LaVern Danler, Member

ATTEST: Pam Meadows, County Clerk

IN THE COURT OF EDWARDS COUNTY, KANSAS

ORDER APPROVING NOTICE

Now, on this day of 19, the Court examines said notice and proof, and does find from such examination, that said notice is in due form, and was published in the manner and for the length of the time required by the statute in such cases made and provided; it is therefore considered, ordered and adjudged by the Court that said notice and proof be, and the same are hereby approved.

Judge

RESOLUTION 5-99

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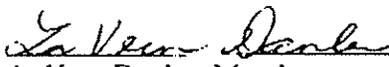
BOARD OF COUNTY COMMISSIONERS
OF EDWARDS COUNTY, KANSAS



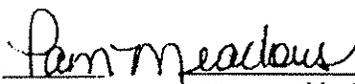
Marlin Butler, Chairman



Duane Mathes, Member



LaVern Danler, Member

ATTEST: 
Pam Meadows, County Clerk

The enclosed Edwards County Environmental and Sanitary Code has been officially adopted by the Edwards county Board of Commissioners.

Marlin Butler

Signature
Chairman, Board of County Commissioners

7-19-99

Date