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* THE SANITATION CODE *
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* LINN COUNTY, KANSAS *
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SANITATION CODE
OF
LINN 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 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 and desirable; and that it is necessary to adopt a sanitation code to:

a. Eliminate and prevent the development of environmental conditions that are hazardous to health and safety, and

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 regulation 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 Linn County Sanitation Code.
- 1-1.5 APPLICABILITY. The administrative procedures prescribed in this chapter shall be followed in administering this code and any amendments thereto.
- 1-1.6 EFFECTIVE DATE. This code shall become effective on and after its adoption by county resolution.

SECTION 1-2.0 DEFINITIONS

The following words and phrases, when used in this 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 Linn County, Kansas.
- 1-2.3 ADMINISTRATIVE AGENCY: The Linn County Sanitation Department. The Linn County Sanitation Department or any other agency designated by the county shall work in cooperation with the Linn County Health Officer in administration of the code. The County Health Officer shall advise the Sanitation Department, upon the inspectors request, on any and all matters arising under this code.
- 1-2.4 SANITATION INSPECTOR: The legally appointed Sanitation Inspector of Linn County or his/her duly authorized representative.
- 1-2.5 AUTHORIZED REPRESENTATIVE: Any employee of the Linn 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.
- 1-2.7 PREMISES: Any one or more lots or tracts of land, including all buildings, structures, or facilities located thereon.
- 1-2.8 BOARD OF COUNTY COMMISSIONERS: The Board of County Commissioners of Linn County, Kansas.
- 1-2.9 DWELLING UNIT: Any building or structure occupied by a human being on either a full time or part time basis.
- 1-2.10 KDH&E: Kansas Department of Health and Environment.
- 1-2.11 HEARING OFFICER: Means any person designated by the Linn County Board of Commissioners to hear appeals from decisions of the Administrative Agency relating to the enforcement and administration of this Code and other sanitary conditions.

SECTION 1-3.0 ADMINISTRATIVE POWERS AND PROCEDURES

- 1-3.1 RIGHT OF ENTRY. Representatives of the Administrative Agency and/or its designees shall have the right to enter upon private property to inspect, to examine, and/or to survey for any purpose reasonably related to enforcement of this code.
- 1-3.2 OBSTRUCTION OF ADMINISTRATIVE AGENCY. No person shall willfully and knowingly impede or obstruct representatives of the Administrative Agency in the discharge of official duties under the provisions of this code. Any representative denied access to any premises for the purposes authorized in this code shall have authority to seek such injunctive or other legal or equitable relief from the District Court as is necessary to ensure access and compliance with this code.
- 1-3.3 PERMIT AND LICENSE.
- 1-3.31 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 that purpose.

- 1-3.32 ISSUANCE OF PERMIT OR 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 he/she shall deem necessary to determine whether the permit or license should be issued or denied, and shall issue or deny the permit or license within ten working (10) days.

If the permit or license is denied, the Administrative Agency shall send the applicant a written notice with the reasons for the rejection stated thereon.

- 1-3.33 PERMIT NON-TRANSFERABLE. No permit or license shall be transferable, nor shall any fees required and paid therefore be refunded.
- 1-3.34 STANDARD FEES. For the purpose of defraying all or part of the costs of administration of this code, the Board of County Commissioners shall establish a schedule of fees for all permits, licenses, and inspections required by the code, payable upon submission of the application for such permit or license.
- 1-3.35 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 therefrom shall be deposited with the Linn County Treasurer.
- 1-3.4 NOTICES, ORDERS, APPEALS.
- 1-3.41 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;
 - 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.

- 1-3.42 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 Linn County Hearing Officer; provided, such person shall have filed with 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 objection is made. The filing of the request for hearing shall operate as a stay of the notice or order, except as provided in paragraph 1-3.44 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 Officer may continue the hearing from its original setting.
- 1-3.43 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 1-3.41 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.
- 1-3.44 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 the existence of such an emergency and require that such action be taken 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 Linn County District Court.

- 1-3.5 RECORDS.
- 1-3.51 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 Linn 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 or the County Counselor shall enforce the provisions of this code and other sanitary codes adopted by Linn County and are hereby authorized to file appropriate actions for such enforcement upon request of Linn 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.

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 wastewater systems, privies, and the removal and disposal of materials from such facilities in order to protect the health of the citizens and environment of Linn 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 640 acres under one ownership and located in the unincorporated land located in Linn County, Kansas.

SECTION 2-3.0 DEFINITIONS - CHAPTER 2

- 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 wastes 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 KDH&E.
- 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. This includes such systems as evapo-

transpiration fields and mechanical treatment systems.

- 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 SERVICE: 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 dedicated for public use; and any re-subdivision of lands or lots.
- 2-3.10 DISTANCES: Horizontal distances unless otherwise designated. Measurements referred to as "not less than", "minimum", "at least", and other similar designations shall mean horizontal distances unless specifically indicated otherwise.
- 2-3.11 KDH&E: The Kansas Department of Health and Environment.

SECTION 2-4.0 PROHIBITED PRACTICES

- 2-4.1 USE OF NON APPROVED WASTEWATER SYSTEMS. No person shall sell, use, lease or rent for use any alternative wastewater system, septic system, or privy that:
 - a. Has been constructed after 1994, until it has been inspected and approved by the Sanitation Inspector and a permit for use issued.
 - b. Has been temporarily or permanently enjoined as a public health nuisance by a court of competent jurisdiction;

- c. Fails to comply with the provisions of this sanitation code, and written notice thereof has been given by the Sanitation Inspector to the owner or responsible person;
- d. Discharges treated wastes onto the surface of the ground, into watercourses, lakes, ponds or any impoundment; or
- e. Causes fly breeding, produces offensive odors or any other condition that is prejudicial to health and comfort.

- 2-4.2 USE OF ALTERNATIVE WASTEWATER SYSTEM, SEPTIC SYSTEM, AND/OR PRIVY WITHIN 400 FEET OF PUBLIC WASTEWATER SYSTEMS (SEWER). 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 system, meeting the requirements of this code, can be constructed on the property.
- 2-4.3 LOCATION OF ALTERNATE WASTEWATER SYSTEMS OR SEPTIC SYSTEMS BELOW FULL FLOOD POOL. No portion of an alternative wastewater system or septic system shall be located below the full flood elevation of any federal reservoir or full pool elevations of any pond, lake, or water supply reservoir.
- 2-4.4 LOCATION OF AN ALTERNATIVE WASTEWATER SYSTEM, SEPTIC SYSTEM OR PRIVY WITHIN 100 FEET OF WELL. No portion of an alternative wastewater system, septic system or privy shall be located less than 100 feet from a water well or a pump suction line from a water well, unless the wastewater line be of watertight construction. No wastewater line, regardless of construction, shall be located less than 10 feet from a water well or a suction line from a water well.
- 2-4.5 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 in 2-5.2.
- 2-4.6 APPROVAL OF PLATS. No township or county planning commission or zoning board, authorized to review plats of subdivisions of land, shall

recommend for approval any plat containing one or more lots or building sites having less than three (3) acres 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 Treasurer to guarantee the installation of such public system.

SECTION 2-5.0 REQUIREMENTS FOR PUBLIC WASTEWATER SYSTEMS

- 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 prior to starting any construction of such systems. Copies of such approved systems shall be filed with the Sanitation Department.
- 2-5.2 PERMIT. The owner of every public wastewater system shall obtain a permit for operation of the system from KDHE and no public wastewater system shall be operated or put in operation until the owner has obtained the required permit.
- 2-5.3 RESPONSIBILITY FOR OPERATION. Responsibility for operation of all public wastewater systems must be vested in:
- a. A sewer district, improvement district, or similar public agency authorized to operate public wastewater systems, or
 - b. A private corporation 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: After 1993, 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 who may ask for review of the proposal by KDHE.

Additional monitoring and reporting requirements of alternative systems may be required by the Sanitation Inspector. (Single family lagoons are to be approved by the County Sanitation Inspector).

- 2-6.2 PERMIT FOR USE: No person shall use, or permit to be used, and alternative wastewater system until he/she 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, he/she shall order the owner and/or user to correct the condition within thirty (30) calendar days.

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. No one shall occupy a residence until the Sanitation Inspector has approved the installed septic tank system. Before a permit shall be issued, the site must meet the following requirements:
- a. There must be a minimum of three (3) acres of ground, no more than one-half acre of which may be roads, streets, lakes, or waterways.
 - b. The natural slope of the land shall be such as to accomodate installation of a wastewater system as approved by the County Sanitation Inspector.
 - c. The septic tank shall have at least a 1,000 gallon capacity or more (residential use) and be constructed of solid concrete. It shall be provided with a 20" manhole and 4" stand pipe for use in transferring sewage out of the septic tank into the transport truck and also as a locator for the septic tank. Inlet and outlet

baffles shall be required on all tanks to optimize settling and reduce the flow of solids to the lateral field. Inspection holes shall be required over the inlet and outlet for inspection of the baffles. There shall also be 6" of gravel bedding placed beneath the tank. The septic tanks shall be set at least 10 feet from the house or the structure and shall be at least 100 feet from any water supply and 10 feet from water lines.

d. If a sequential lateral system is not used, another approved method of distributing the sewage flow 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;

e. Each lateral shall not exceed 100 feet in length from where it is fed. All pipe shall be four (4) inches in diameter. Most lots are not level, installations of laterals shall be along contour lines so that level trenches of uniform depth can be constructed. A trench bottom slope of less than 4"/100 feet or) (0.04%) would be acceptable. Straw shall be used to cover lateral rock and a 16-inch depth of washed or clean lateral rock shall be required. The earth cover over the lateral rock shall be of uniform depth. Only 8-inch minimum to 18-inch maximum shall be acceptable for lateral cover. All lateral trenches shall be 24 inch minimum to 36 inch maximum width. Depth of trenches shall be a 24 inch minimum to 36 inch maximum;

f. The laterals shall be 8 feet or more apart; 10 feet from the house, septic tanks, other buildings, property lines, driveways, private service lines, buried utility lines, foundation drains and dropoffs, etc.; 25 feet from basements, cellars, public water supply lines, house service lines, etc., 50 feet from cisterns, ponds and creek banks; and 100 feet from the water wells. All sewage 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 type SDR-35 pipe or better.

h. All sewage must go into the septic tank, unless a separate lateral field with an approved

soap trap to catch soap from washing machines is provided. The soap trap shall be of sufficient size so as to contain a minimum of 50 gallons below the outlet pipe. The outlet side shall be two (2) inches below the inlet side of the soap trap with a 90 degree elbow on the inside extending at least 12 inches into the liquid area of the soap trap.

i. The following criteria shall be used to determine the amount of lateral required:

SINGLE FAMILY RESIDENCE. The minimum area for tracts of land provided with a septic tank absorption type system is three (3) acres each. The septic tank size shall be based upon the number of bedrooms within the dwelling. If the Sanitation Inspector determines that 400 lineal feet may be inadequate, the soil absorption field size shall be calculated based on the maximum waste water loading rate for different soil types.

2 to 3 bedrooms - shall be 1,000 gallon size septic tank.

4 to 5 bedrooms - shall be a 1,500 gallon size septic tank.

The size of the lateral field and linear footage of perforated pipe shall be a minimum of 400 feet. All lateral pipe in this lateral field shall either be capped or enjoined and there shall be no open ended lateral pipe. A minimum of 100 linear or 200 square feet of lateral shall be required for each 1,000 gallons of water used per month.

COMMERCIAL - (1200 gallon concrete tank or more) Commercial septic tanks - lateral field sewage disposal systems shall be designed on loading and anticipated water usage and sewage produced. A minimum of 100 linear or 200 square feet of lateral shall be required for each 1,000 gallons of water used per month. A minimum of 1,200 square feet of lateral will be required. The size of commercial lateral field shall be determined by the County Sanitation Inspector.

All commercial food establishments must have a grease trap installed and approved by the County Sanitation Inspector.

ALL SEPTIC SYSTEMS. If water usage exceeds good design limits for septic tank, lateral field sewage disposal systems, a different type of sewage disposal system will be required. These standards are based on soil conditions found in Linn County. The total number of linear feet of required lateral may be increased if soil conditions found are unacceptable by the County Sanitation Inspector. The ground surface of the lateral field area shall be so graded as to prevent the accumulation of surface water and to minimize the flow of surface water over the lateral field. Test holes, diverter ditches or flow control devices will be required under some circumstances. At times, it may be necessary to prepare the ground for the lateral field, such as removal of rocks, trees, replacement of soil, etc.

2-7.2

APPROVED PLANS: A septic system shall not be constructed, reconstructed, or modified after the effective date of this code without the plans for the same first having been submitted to and approved by the Sanitation Inspector and contain the following:

A drawing (an 8 1/2" by 11" in pencil is recommended), showing the following:

- a. Name, address and phone number of applicant and owner;
- b. Location of building site, including legal description with section, township, and range;
- c. Size of house in square feet of finished area, number of bedrooms, number of persons to live in the home and list all water-using appliances. (If not residential, please show or indicate; anticipated water usage, number of persons and all water-using equipment or appliances);
- d. A drawing of the lot or site, showing:
 1. Overall dimensions;
 2. Location of buildings, driveways, and any geographical features near the proposed lateral field;
 3. Location and type of water supply, and location of water service lines;
 4. Layout of entire disposal system:

tank, distribution box, if used,
laterals and interconnecting lines; and
5. A cross-section of lateral trench, with
dimensions.

e. Foundation, footing or any other non-sewage
drain location;

f. Arrow indicating North direction.

(Example of suggested drawing is attached hereto
as Exhibit A.)

2-7.3 APPROVAL OF CONSTRUCTION. All septic systems
constructed, reconstructed, or modified after
the effective date of this sanitation code must
be inspected and approved by the Sanitation
Inspector for compliance with the approved
plans; and no portion of the system shall be
covered or made inaccessible to inspection prior
to approval.

2-7.31 PRIOR NOTICES. Every sanitation inspection
shall be required to have a twenty-four (24)
hour notice prior to the 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
rats. Whenever the Sanitation Inspector shall
find any septic system malfunctioning and
causing any of the above prohibited conditions,
he/she shall order the owner and/or user to
correct the condition within thirty (30) days.

SECTION 2-8.0 WASTE STABILIZATION PONDS (Lagoons)

The use of individual waste stabilization ponds,
usually referred to as "lagoons", will be
considered only if the installation of a septic
tank-lateral field disposal system is not
approved by the County Sanitation Inspector.
The site, design, and construction shall be
approved by the County Sanitation Inspector.
Permits are required from the Linn County
Administrative Agency.

2-8.1 APPROVAL OF CONSTRUCTION. State recommended
design standards on waste stabilization ponds
will be adopted by the Linn County Sanitation
Code. Construction design for "lagoons" will be

supplied by the Administrative Agency on approval of this type of system.

- 2-8.2 PROPER MAINTENANCE. Maintenance of a "lagoon" system is necessary for its proper operation. A list of maintenance requirements will be supplied by the Sanitation Department for this system.

SECTION 2-9.0 WATERLESS TOILETS (Privies)

The use of privies and other types of dry or chemical toilets will be allowed only as a temporary measure subject to the approval of the Linn County Sanitation Inspector. All other waterless toilets shall be prohibited.

SECTION 2-10.0 SEWAGE HOLDING TANKS

Tracts less than 3 acres of land 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 solid concrete and shall be provided with a 20" manhole and 4" stand pipe for use in transferring sewage out of the holding tank into the transport tank truck. Tanks shall be water tight and sealed to prevent leakage between the cover or "lid" and the side walls. And the tanks shall also have 6" of gravel bedding placed beneath them. Pumping schedules and septage disposal plan shall be adopted before approving the use of any holding tank.

- 2-10.1 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 Linn 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 domestic wastes, industrial or commercial wastes, or human excreta from any alternative wastewater system, septic system, or privy or

offer to remove or transport 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 onto the road or street. All hoses and valves shall be capped or plugged. 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 Linn 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 in an amount established by the County Commissioners to insure consumers against poor and careless workmanship.

b. Permits: A sanitation permit shall be assessed according to the fee schedule established by the County Commissioners.

c. Inspections: A fee will be assessed for each inspection visit.

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 Linn 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.

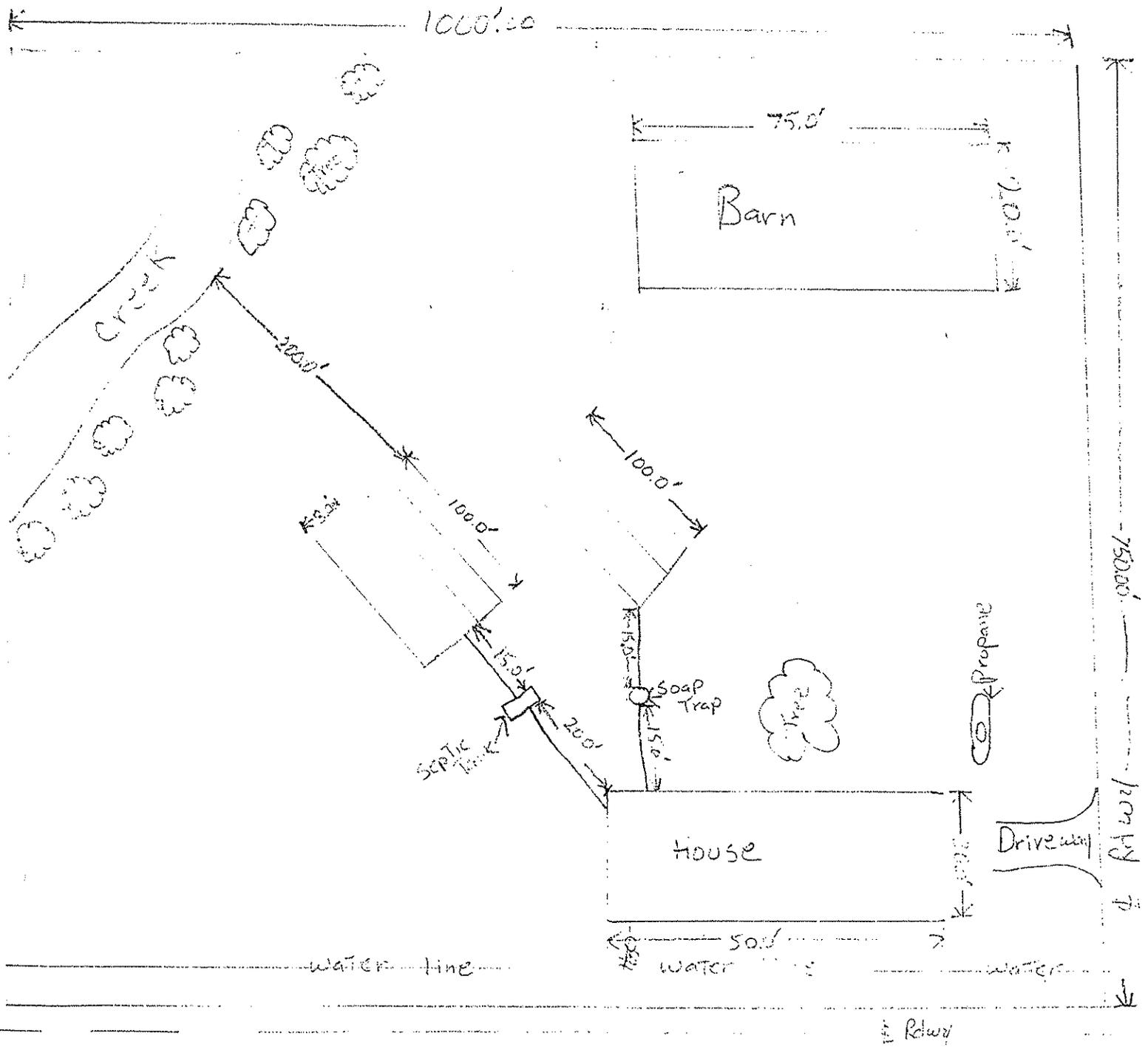
1. Requests shall specifically set forth why such exception should be considered.

2. The Sanitation Inspector may grant an exception when he/she determines 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 K.D.H.E. prior to granting an exception.

John Doe
 1313 Mockingbird Ln.
 Anywhere, KS 60606
 Phone
 (913) 555-1234

LEGAL DESCRIPTION:
 SW 1/4 of NE 1/4 of Section 10
 Sec. 10 Twp 10 Range 10

House — 1500 sq. ft.
 2 bedroom, 3 occupants
 Water usage — 4,000 gal mo.
 Appliances — clothes washer, dishwasher



CHAPTER 3

WATER SUPPLIES

SECTION 3-1.0 PURPOSE AND INTENT

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

- 3-1.1 AREA OF APPLICABILITY. This code shall apply to all unincorporated land located in Linn 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 subject to the provisions of this code, any public, semipublic 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 phrases listed below, for purpose of this 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 household 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 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 twenty-five (25) individuals daily at least sixty (60) days out of the year.
- 3-3.3 SEMI-PUBLIC 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:
- a. Which has been permanently discontinued from use;
 - b. From which the pumping equipment has been permanently removed.
 - c. Which is either in such a state of disrepair that it cannot be used to supply water or has the potential for transmitting surface contaminants into the aquifer, or both.
 - d. Which 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 or 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 deepened 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 not presently operating but is maintained in such a way it can be put back into operation with a minimum of effort.
- 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 intended 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 obtaining groundwater by any method for any use including, without limitation, the location of and excavation for the well.

SECTION 3-4.0 REQUIREMENTS FOR PUBLIC WATER SUPPLIES

- 3-4.1 STATE PERMIT. No person shall operate a public water supply without obtaining a permit from KDH&E. A copy of the permit shall be filed with the County Sanitation Inspector.
- 3-4.2 STATE APPROVED PLANS. No person shall construct any public water supply on any property subject to the provisions of this code until the plans and specifications have been submitted to and approved by KDH&E. A copy of the approved plans and specifications shall be filed with the County Sanitation Inspector.

SECTION 3-5.0 REQUIREMENTS FOR SEMI-PUBLIC WATER SUPPLIES

- 3-5.1 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 his/her agent.

3-5.2 USE OF A SEMI-PUBLIC WATER SUPPLY. In addition to the requirements of 3-6.0 the following analyses shall be conducted by a K.D.H.E. Certified Laboratory and the results reviewed 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 KDH&E certified laboratory for analysis. All costs incurred shall be paid for by the well owner.

The owner will be charged a fee for the investigation and cost of analysis. This fee is the responsibility of the owner of the water supply or his representative and is to be paid to the Linn County Sanitation Department.

SECTION 3-6.0 REQUIREMENT 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 he/she has obtained a permit from the Administrative Agency.

3-6.2 APPROVED PLANS. No permit to construct or develop a private water supply on premises subject to the regulations of this code shall be issued until the plan showing the location and construction of the supply has been approved by the Sanitation Inspector.

3-6.3 USE LIMITATION:

- a. No permit for drilling a well for private

water supply shall be issued to any person 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.

b. No use of surface water (lakes, ponds, or streams) as a source of water for private water supply shall be permitted:

1. Where a satisfactory ground water source is available;
2. Where adequate treatment is not provided. (In no case shall surface water be used without filtration and chlorination); and
3. Where the pond or lake receives 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 fields, 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 semipublic water shall be constructed in accordance with all Kansas State Administrative Regulations.
- 3-7.3 PLUGGING OF ABANDONED WELLS AND TEST HOLES. All water wells abandoned by the well owner on or after July 1, 1979, and all water wells that were abandoned prior to July 1, 1979, which pose a threat to groundwater supplies, shall be plugged or caused to be plugged by the landowner.
- 3-7.4 POLLUTION SOURCES. Well locations shall be approved by the Sanitation Inspector with respect to distances from pollution sources and compliance with wastewater and disposal regulations. The minimum standards set forth in all Kansas State Administrative Regulations are hereby adopted by Linn County, Kansas.

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 Linn 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 specifically set forth why such exception should be considered.

b. The Sanitation Inspector may grant exception when geologic or hydrologic conditions warrant an exception and when such an exception is in keeping with the purposes of the Kansas Groundwater Exploration and Protection Act; provided, however, no such exception shall be granted without the prior written consent of KDH&E.

BEFORE THE BOARD OF COUNTY COMMISSIONERS

of

LINN COUNTY, KANSAS

RESOLUTION NO. 94-29

A RESOLUTION ADOPTING THE SANITATION CODE OF LINN COUNTY, KANSAS, PROVIDING FOR RULES AND REGULATIONS FOR SANITATION PRACTICES TO MINIMIZE HEALTH AND SAFETY HAZARDS IN THE UNINCORPORATED AREAS OF LINN COUNTY, KANSAS

WHEREAS, the Board of County Commissioners finds that provisions for adequate and reasonable control over the environmental conditions in the unincorporated areas of the county are necessary and desirable in the interest of public health and safety and the orderly development of land and water resources;

Now therefore, be it resolved by the Board of County Commissioners of Linn County, Kansas:

1. The new Sanitation Code of Linn County, Kansas, is hereby adopted under the authority granted to the Board of County Commissioners pursuant to K.S.A. 19-3701 through 19-3709 as amended.
2. This code was prepared in book form by the Board of Commissioners of Linn County, Kansas, following a public hearing as required by state law, and it is hereby declared to be approved and incorporated by reference as if fully set out herein.
3. Not less than three (3) copies of the Sanitation Code of Linn County, Kansas, marked, "Official Copy as Incorporated by Resolution Number 94-29" and to which there shall be attached a published copy of this Resolution, shall be filed with the County Clerk to be open for inspection and available to the public at all reasonable hours.
4. Pursuant to K.S.A. 19-3707, violation of any provision of the Sanitation Code of Linn County, Kansas, shall be deemed a misdemeanor and any person, firm association, partnership or corporation convicted thereof shall be punished by a fine not to exceed \$200.00 and that each days violation shall constitute a separate offense. The Governing Body shall further have the authority to maintain suits or actions in any court of competent jurisdiction for the purpose of enforcing any provisions of these regulations and to abate nuisances maintained in violation thereof; and, in addition to other remedies, institute injunction, mandamus, or other appropriate action or proceeding to prevent unlawful construction, erection, reconstruction, alteration, conversion, maintenance, or use, or the correct or abate such violation, or to prevent the occupancy of any building, structure or land.
5. Any provision of this Resolution which shall be declared invalid shall not affect the validity and authority of any other sections.

6. Previous resolutions and any parts of resolutions in conflict with this Resolution are hereby repealed.

7. This Resolution shall be in full force and effect from and after its publication once in the official county newspaper.

This resolution is passed and approved by the Board of County Commissioners of Linn County, Kansas, this 12th day of Sept., 1994.

BOARD OF COMMISSIONERS
LINN COUNTY, KANSAS

Frank Gable
FRANK GABLE

Harold Mooney, Jr.
HAROLD MOONEY, JR.

Martin J. Read
MARTIN J. READ



Donald L. Proffitt
DONALD L. PROFFITT, County Clerk