

The enclosed Lyon County Environmental Code has been officially adopted by the Lyon County Board of Commissioners.

*Marshall F. Miller*

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Signature

Chairman, Board of County Commissioners

*12/29/04*

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Date

RETURN TO:

KANSAS DEPARTMENT OF HEALTH & ENVIRONMENT  
BUREAU OF WATER - WATERSHED MANAGEMENT SECTION  
CURTIS STATE OFFICE BUILDING  
1000 SW JACKSON ST., STE 420  
TOPEKA, KS 66612-1367



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**Sanitation/Environmental Code  
of Lyon County, Kansas**

**Chapter 1**

**Administrative Code**

**1-1.0 AUTHORITY AND POLICY**

**1-1.1 Legal Authority.**

This code is adopted under the authority granted to the Board of County Commissioners by K.S.A. 19-3701 et. seq. as amended.

**1-1.2 Declaration of Finding and Policy.**

The Board of County Commissioners finds that the provision of adequate and reasonable control over sanitation and environmental conditions in Lyon County is necessary and desirable; and that the adoption of sanitation/environmental codes to (1) eliminate and prevent the development of environmental conditions that are hazardous to health and safety, and (2) promote the economical and orderly development of the land and water resources of the county is in the better public interest. For these reasons and objectives, it will be the policy of the Board of County Commissioners of Lyon County to adopt, and amend from time to time, sanitation/environmental codes regulating various practices and procedures affecting the environment, sanitation, and safety.

**1-1.3 Purpose and Intent.**

The purpose and intent of this chapter is to prescribe the administrative procedures that must be followed in administering all sanitation/ environmental codes that may now or hereafter be adopted.

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**1-1.4 Title.**

This chapter shall be known and referred to as the Administrative Code.

**1-2.0 APPLICABILITY**

The procedures prescribed in this chapter must be followed in administering this code and any amendments thereto. Provisions shall apply to all lands located in unincorporated areas of Lyon County, Kansas, which contain 10 acres or less, or a residential site, or land not used for agricultural purposes under the ownership of one person as defined in Section 1-4.12. Such wide application of this code is necessary to protect the health of the inhabitants of Lyon County and the waters of the State of Kansas.

**1-3.0 EFFECTIVE DATE**

This code shall become effective on the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

**1-4.0 DEFINITIONS**

The following words, terms and phrases appear in one or more chapters 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.

**1-4.1 Administrative Agency** means the agency duly appointed by the Lyon County Board of Health or its successor in interest which shall be responsible for administering and implementing all sanitation/environmental codes.

**1-4.2 Administrative Code** means those rules and regulations contained in the provisions of Sections 1-1.0 through 1-5.10, both sections inclusive, of Administrative Code, Chapter 1 of the Lyon County Sanitation/ Environmental Code which prescribe

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general procedure for the administration of sanitation/environmental codes adopted by the county.

- 1-4.3 **Agricultural purposes** means a purpose related to the production of livestock or crops as defined in K.S.A. 19-3706.
- 1-4.4 **Authorized representative** means any employee who is designated by the Administrative Agency to administer this and any other sanitation/ environmental codes that may be adopted. Such assignment of responsibility must be given in writing.
- 1-4.5 **Board of Health** means the Lyon County Board of County Commissioners or their appointed designees.
- 1-4.6 **County Counselor** means the County Attorney or, when applicable, the attorney appointed to the position of Lyon County Counselor by the Lyon County Board of County Commissioners to represent the county in any civil actions or business.
- 1-4.7 **Director of Environmental Health** means the individual employed by the county or its designee to administer the Department of Environmental Health, including this Sanitation/Environmental Code.
- 1-4.8 **Hearing Officer** means any person designated by the Board of Health to hear appeals from decisions of the Administrative Agency relating to the enforcement and administration of this code and other sanitation/ environmental codes. Such individual must have a background in public health and be from outside the Administrative Agency.
- 1-4.9 **License** means a document granted by the Administrative Agency giving the authority to provide a service or services to any qualified person for which such authority is required by any chapter of the Lyon County Environmental/Sanitation Code.

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- 1-4.10 **Nuisance** means sources of filth and causes of sickness that may in the professional judgment of the Administrative Agency be injurious to the health of the inhabitants within the unincorporated areas of Lyon County (K.S.A. 65-159). Agricultural activities are exempt from this definition of Nuisance as pertaining to K.S.A. 2-3201 and K.S.A. 2-3202. See Appendix A.
- 1-4.11 **Permit** means the authority granted by the Administrative Agency to allow specific acts or occurrences by a person on property owned by that person as delineated by any chapter of the Lyon County Environmental/Sanitation Code.
- 1-4.12 **Person** means any individual, institution, corporation, partnership, joint ownership, limited liability partnership, association, state, or political subdivision thereof, federal agency, state agency, municipality, commission, or interstate body or other legal entity recognized by law as the subject of rights and duties.
- 1-4.13 **Premise** means any lot or tract of land and all buildings, structures or facilities located thereon.
- 1-4.14 **Public health** (for the purpose of this code) refers to the control of human disease and/or harm, injury or death that may be related to environmental causes.
- 1-4.15 **Sanitation/Environmental Code** means rules 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.

## 1-5.0 ADMINISTRATIVE POWERS AND PROCEDURES

### 1-5.1 **Right of Entry.**

It is the policy of Lyon County in the enforcement of its Sanitation/ Environmental Code to protect the health of the people of Lyon County. To provide for protection of the public, the Administrative Agency has the right to enter, examine, and/or survey at any reasonable time such premises, establishments, and buildings as they deem

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necessary for the enforcement of sanitation/environmental codes. It is also the policy of Lyon County in the enforcement of its Sanitation/Environmental Code to protect the property of its citizens from unlawful search and seizure. In accordance with this policy, in the investigation of an alleged violation of this code, prior to searching a person's property, permission shall be obtained from the owner, their designee or custodian of the property to allow inspection of the premises. If the owner, their designee or the custodian of the property denies access to the property, it shall be required that procedural due process be followed and judicial authorization, in the form of a search warrant, be obtained prior to entrance upon the owner's property.

**1-5.2 Obstruction of Administrative Agency.**

No person shall willfully and unlawfully impede or obstruct representatives of the Administrative Agency in their discharge of official duties under the provision of this Administrative Code or any other sanitation/environmental code adopted by the county.

**1-5.3 Permits and Licenses.**

**1-5.3.1 Applications.**

Application for any permit or license required by this code or any other sanitation/environmental code must be made to the Administrative Agency by the property owners or their duly authorized agents on standard forms provided for that purpose.

**1-5.3.2 Issuance of Permit or License.**

After receipt of an application and application fee for any permit or license required by this code, or any other sanitation/environmental code, the Administrative Agency must conduct such investigations and inspections or testing and training as deemed necessary to determine whether the permit

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or license should be issued or denied. If the application is approved, the approval letter and permit or license must be issued, within thirty (30) days. If the permit or license is denied, the Administrative Agency must send the applicant a written statement of why it is being denied.

**1-5.3.3 Permit or License Non-transferable.**

No permit or license required by any sanitation/environmental code shall be transferable to person or place, nor shall any fees paid therefore be refundable, except as noted in subsequent chapters.

**1-5.3.4 Permit or License Revocation.**

All permits and licenses are subject to revocation for reasons of noncompliance or misrepresentation.

**1-5.3.5 Fees.**

The Lyon County Board of Commissioners may establish a schedule of fees for all permits and licenses required by any such code. Such fees, if established, shall be paid to the Administrative Agency for the purpose of defraying all or part of the cost of administration of codes. The Administrative Agency shall not process any application for a permit or license until any required fee has been paid. A resolution approving and adopting any fee structure shall be made by the Lyon County Board of Commissioners. (See the Administrative Agency for current fee schedule.)

**1-5.3.6 Receipts for Fees.**

The Administrative Agency must issue receipts for all fees required by any sanitation/environmental code and deposit the money received therefrom in the operating budget for the Division of Environmental Health.

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**1-5.4 Notices, Orders, Appeals.**

**1-5.4.1 Notices of Violations.**

Whenever the Administrative Agency determines that there has been a violation of any provision of any sanitation/environmental code, notice of such alleged violation must be given to the person responsible therefore.

The notice must be:

- 1) in writing;
- 2) include a statement of why the notice is being issued;
- 3) allow a reasonable period of time for performance of any work required by the notice; and,
- 4) be properly served upon the owner or the owner's agent.

Such notice shall be deemed properly served when a copy thereof has been sent by Certificate of Mailing to the last known address of the owner or the owner's agent.

**1-5.4.2 Appeal for Hearing of Notice, Order, Permit Denial or License Denial.**

Any person aggrieved by any notice, order, permit denial or license denial issued in writing by the Administrative Agency under the provisions of this Administrative Code or any other sanitation/environmental code may request, and must be granted, a hearing on the matter before a Hearing Officer (see Section 1-4.8) appointed by the Lyon County Board of County Commissioners or the Lyon County Board of Health, if existing as a separate governmental agency. The Lyon County Commissioners shall approve the appointment of any Hearing Officer. A written petition requesting a hearing and setting forth the grounds upon which the appeal for hearing is made must be filed with the Administrative Agency within ten (10) workdays after the date of issuance of the notice, order, permit denial

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or license denial. 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 must give the petitioner written notice thereof. At such hearing, the petitioner must be given an opportunity to show why such notice or order should be modified or withdrawn. The hearing must be commenced not later than ten (10) workdays after the date on which the petition was filed; provided, that upon request of the petitioner the Administrative Agency may postpone the day of the hearing for a reasonable time beyond such ten (10) workday period, when in the judgment of the Administrative Agency the petitioner has submitted good and sufficient reasons for such postponement. If either party desires to be represented at the hearing by an attorney, the other party must be notified in writing at least five (5) workdays prior to the hearing.

**1-5.4.3 Report of Hearing.**

As soon as possible, but not more than ten (10) workdays after such a hearing, the Hearing Officer must submit a written report of the findings to the Administrative Agency with a recommendation that the Administrative Agency issue an order sustaining, modifying or withdrawing the notice or order. Upon receipt of the report of the Hearing Officer, the Administrative Agency shall consider the report and issue an order confirming, modifying or withdrawing the notice or order and must notify the appellant within ten (10) workdays in the same manner as is provided for in Section 1-5.4.1. Upon the Administrative Agency considering the report from the hearing officer and issuing an Order Confirming, Modifying or Withdrawing said Notice or order, such Order for the purpose of appeal shall be considered a Final

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Order made by political or taxing subdivision or agency thereof exercising judicial or quasi-judicial functions Pursuant to K.S.A. 60-2101. The original copy of the Report of Hearing must be filed with the Register of Deeds.

**1-5.4.4 Emergency Orders.**

Whenever the Administrative Agency finds that an emergency exists which requires immediate action to protect the public health, the Administrative Agency may, without notice or hearing, issue an order in writing describing the existence of such an emergency and requiring that such action be taken as may be deemed necessary to meet the emergency, including the suspension of the permit. Regardless of any other provisions of this or any other sanitation/environmental code, such order shall be effective immediately. Any person to whom such an order is issued must comply therewith immediately. Upon petition to the Administrative Agency, a hearing shall be provided before the Hearing Officer as soon as possible but not longer than five (5) workdays after the emergency order is issued. A request for hearing does not inactivate any emergency order.

**1-5.5 Records.**

**1-5.5.1 Permit or License Applications.**

Applications for permits or licenses, required by this code, must be filed in the office of the Administrative Agency.

**1-5.5.2 Official Actions.**

A written record must be kept of all official actions taken on applications for permits and licenses required by this code and must be maintained on file in the Administrative Agency.

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**1-5.5.3 Proceedings of Hearings.**

The proceeding of all hearings, including findings and decision of the Hearing Officer, together with a copy of every notice and order related thereto, must 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.

**1-5.6 Enforcement Procedures.**

The Lyon County Counselor must enforce the provisions of this code and other sanitation/environmental codes adopted by the county and is hereby authorized and directed to file appropriate actions for such enforcement, upon request of the Administrative Agency. Actions of injunction, mandamus, and quo warranto are appropriate for enforcement of these codes, and must be governed by the provisions of the Kansas Code of Civil Procedure. Should any person refuse to comply with written orders issued by the Administrative Agency and, when in the professional judgment of the Administrative Agency, a threat to public health and/or safety exists, the Administrative Agency has the power to abate such conditions as deemed necessary to protect the health and/or safety of the public. Any and all charges or expenses incurred for such abatement shall be assessed against the property owner. Any money collected for expenses resulting from abatement procedures must be applied to the charges incurred.

**1-5.7 Right of Waiver.**

In unusual circumstances, the Administrative Agency has the right to waive any requirement of this code when, in the professional judgment of the Administrative Agency or a duly authorized representative, such a change will not adversely affect the environment or public health and sufficient data is provided in writing to uphold

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such a decision. Such decisions must be approved by the Director of Environmental Health.

**1-5.8 Disclaimer of Liability.**

This code and other sanitation/environmental codes adopted shall not be construed or interpreted as imposing upon the county or its officials or employees:

- 1) any liability or responsibility for damages to any property, or
- 2) any warranty that any system, installation or portion thereof that is constructed or repaired under permits and inspections required by code will function properly.

Permitees must also agree to hold the county harmless from any liability, including attorney fees.

**1-5.9 Severability.**

If any section, subsection, paragraph, sentence, clause or phrase of this code should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portion. The remaining portion shall continue in full effect. The remaining provisions of this code are hereby declared to be severable and shall be presumed to have been adopted knowing that the part or section declared invalid would be so declared.

**1-5.10 Penalties.**

In addition to, and independently of the enforcement procedures provided in Section 1-5.6 herein, and under the authority of K.S.A. 19-3707, any violation of any provision of a sanitation/environmental code is a Class C misdemeanor and punishable by a fine to be determined through a judicial process.

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This resolution is adopted by the Board of County Commissioners of Lyon  
County, Kansas this \_\_\_\_\_th day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
Chairperson, Lyon County Commission

\_\_\_\_\_  
Member, Lyon County Commission

\_\_\_\_\_  
Member, Lyon County Commission

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**Sanitation/Environmental Code**  
**of Lyon County, Kansas**  
**Chapter 2**

**Sewage and Excreta Disposal**

**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. The health, safety and welfare of the public are at increased risk of disease from exposure to raw sewage. It is the purpose of this chapter of the Lyon County Sanitation/Environmental Code to provide minimum standards for the location, design, construction, maintenance and use of on-site wastewater systems, and the removal, treatment, and disposal of materials from such facilities within the legal boundaries of Lyon County, Kansas. (For more information, see Appendix B.)

**2-1.1 Title.**

This chapter shall be known and referred to as the Sewage and Excreta Disposal Code.

**2-2.0 EFFECTIVE DATE**

This code shall become effective on the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

**2-3.0 APPLICABILITY**

The procedures prescribed in this chapter must be followed in administering this code and any amendments thereto. Provisions **shall apply to all lands located in unincorporated areas of Lyon County, Kansas,** which contain 10 acres or less, or a residential site, or

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land not used for agricultural purposes under the ownership of one person as defined in Section 1-4.12. Such wide application of this code is necessary to protect the health of the inhabitants of Lyon County and the waters of the State of Kansas.

This code does not apply to livestock waste systems that are regulated by the State of Kansas.

## 2-4.0 DEFINITIONS

Words, terms, and phrases appropriate or applicable to Chapter 2 of the Lyon County Sanitation/Environmental Code are defined as follows:

2-4.1 **Alternative and Experimental Wastewater Systems** mean any private wastewater systems other than a wastewater stabilization pond, a septic tank/absorption field, or a sanitary privy that are used or designed to be used to collect, treat, and hold, or discharge sewage from residential, industrial or commercial property under one ownership. **Experimental wastewater systems** must be determined by the Director of Environmental Health to have a reasonable probability of successful operation in Lyon County. To obtain classification as an **alternative wastewater system**, a minimum of ten (10) experimental systems of any specific type must have been installed and have proven to operate adequately for a period of at least ten (10) years in Lyon County as determined and approved by the Director of Environmental Health.

2-4.2 **Distances** means horizontal distances unless otherwise designated. Measurements referred to as "not less than", "minimum", "at least" and other similar designations mean horizontal distances unless specifically indicated otherwise.

2-4.3 **Domestic Wastewater** means water-borne wastes produced at family dwellings in connection with ordinary family living and originating primarily from kitchen,

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bathroom and laundry sources, including waste from food preparation, dishwashing, garbage grinding, toilets, baths, showers, and sinks. Domestic wastewater does not mean storm water, water from foundation drains or cooling water.

2-4.4 **Drainage Course** means any stream, perennial or intermittent; spring; body of surface water; marsh; swamp; canal; ditch; or other natural or man-made water way.

The 1981 Lyon County Soil Survey or document subsequently approved by the Director of Environmental Health shall be used as a reference to determine which waterways must be considered a drainage course.

2-4.5 **Experimental Wastewater System** (See Section 2-4.1)

2-4.6 **Human Excreta** means the body wastes from humans (feces, urine, and other bodily discharges).

2-4.7 **Injection Wells (Class V)** means a Septic tank/leach field receiving only domestic wastewater and having the potential to serve 20 or more persons a day or any septic system receiving non-domestic wastewater.

2-4.8 **Intermittent Stream** means a stream or portion of a stream that flows only in direct response to precipitation. It receives little or no water from springs and no long-continued supply from melting snow or other sources.

2-4.9 **Industrial and Commercial Wastewater** means any and all liquid or water-borne wastes produced in connection with any industrial or commercial process or operation.

2-4.10 **Lagoon or Wastewater Stabilization Pond** means a fenced surface water body normally designed to operate with a three to five foot liquid depth and which treats sewage. Treatment in the water occurs as a result of sunlight, wind action, and microbial action. Percolation of water downward is limited by the required tight clayey soil conditions. A four foot separation is required between the soil wastewater interface and any groundwater. No wastewater is allowed to discharge

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to the surface of the ground or to surface bodies of water. Water is removed primarily through evaporation. Such a system requires installation in a soil having a percolation rate of slower than 60 minutes per inch. Such systems must meet appropriate fencing standards.

**2-4.11 Liner** means any liner approved by the Administrative Agency based on KDHE information or technical assistance.

**2-4.12 Private Wastewater System** means any system that does not hold a Kansas Water Pollution Control Permit pursuant to K.S.A. 65-165. This includes wastewater treatment systems which function primarily by soil absorption, evaporation, transpiration, holding tanks, or any combination of the above.

**2-4.13 Public Wastewater System** means a sewer system that is used, or designed to be used, for the collection, treatment and discharge of domestic sewage, industrial, or commercial wastes from:

- 1) two or more family dwellings, with exceptions as found in Section 2 -5.8
- 2) two or more spaces in a trailer, mobile, or manufactured home park,
- 3) two or more lots or properties located in platted subdivisions, or
- 4) two or more commercial properties, or
- 5) all industrial properties.

**2-4.14 Sanitary Privy** means a non-mobile, waterless facility designed for the disposal of wastes from the human body. Such structure is separate from the residence and consists of roof, walls, floor, door, and watertight vault.

**2-4.15 Sanitary Service** means the pumping out and/or removal of sewage, sludge, or human excreta from any source, including but not limited to: sanitary privies, vaults, septic tanks, waterless sewage systems, private wastewater systems, or public wastewater systems and the transportation of such material to a point of temporary storage or final disposal. It shall also mean the pumping out and/or removal of

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wastewater from industrial or commercial establishments and the transportation of such waste to a point of temporary storage or final disposal.

- 2-4.16 **Seepage Pit** means a subsurface excavation deeper than three (3) feet that is filled or lined with rock or gravel and receives treated or untreated wastewater.
- 2-4.17 **Septage** means domestic sewage, industrial, manufacturing or commercial waste, or human excreta not disposed of through direct connection into a publicly owned wastewater treatment system or municipal wastewater treatment system.
- 2-4.18 **Sewage or Wastewater** means any substance that contains any of the urine, feces or other discharges from the bodies of human beings or animals, or chemical or other wastes from domestic, commercial, manufacturing, or other forms of industry.
- 2-4.19 **Sewer District** means a special entity authorized and empowered by state statutes to plan, construct, and operate a public wastewater system.
- 2-4.20 **Soil Absorption System** means that portion of a sewage treatment system that places wastewater below the surface of and in direct contact with the soil. The soil filters and treats the wastewater after it leaves a containment tank and before it enters the groundwater. No wastewater is allowed to be discharged to the surface of the ground. Pollutants are removed through microbial action which occurs in the soil. Water is removed through percolation down through the soil and evapo-transpiration via the planted grass. Detailed minimum specifications can be found in this code in Section 2, Page 19 of 35 and Minimum Standards for Design and Construction of Onsite Wastewater Systems (Bulletin 4-2, KDHE, KSU, 1997).
- 2-4.21 **Subdivision** means any division of land that is or has been subdivided into two or more lots for the purpose of transfer of ownership 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.

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2-4.22 **Vault or Holding Tank** means a watertight receptacle for the retention of sewage either before, during or after treatment.

2-4.23 **Wastewater System** means any system along with the pipes and all appurtenances related to the collection and treatment of domestic sewage, industrial, or commercial wastes.

2-4.24 **Waterless Sewage System** means a facility designed for the treatment of non-water carried sewage. This includes but is not limited to: chemical toilets, both portable and non-portable toilets, incinerator type toilets, and composting type toilets.

## 2-5.0 PROHIBITED PRACTICES

### 2-5.1 **Use-of-Non-Approved Private Systems.**

After publication of this code, any newly constructed private wastewater system may not be sold, used, leased, or rented for use, until it has been inspected and approved by the Administrative Agency.

Use of an existing system will be prohibited if the system:

- 1) has been temporarily or permanently enjoined as a public health nuisance by a court of competent jurisdiction; or
- 2) fails to comply with the timeframes for repairs and maintenance as listed in Section 2-6.6 and conditions for failure as listed in Section 2-18.0 of this sanitation/environmental code and written notice thereof has been given to the owner or responsible person, by the Administrative Agency; or
- 3) discharges inadequately treated sewage onto the surface of the ground, or

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- 4) discharges inadequately treated sewage into any "waters of the state" as defined in K.S.A. 65-161 including but not limited to any impoundment owned by any federal, state or local governmental agency, or owned by any private individual, or
- 5) receives non-domestic wastewater.

**2-5.2 Discharge of Non-Domestic Waste.**

No cooling water, discharge from roof drains, discharge from footing tile drains or swimming pool wastewater shall be directed to the private sewage treatment or wastewater treatment system. No automotive grease, oil, antifreeze or toxic or hazardous waste from a commercial or manufacturing business or waste other than domestic waste shall be discharged into a private sewage disposal or into a private wastewater treatment system. With permission of the Administrative Agency, one or more roof downspouts subsurface drains and/or sump pumps can be added to the wastewater stabilization pond. However, a way must be provided to easily divert this water from the wastewater stabilization pond during wet periods. Discharge of the following into any private wastewater system is prohibited:

- 1) swimming pool wastewater
- 2) automotive grease
- 3) oil
- 4) antifreeze
- 5) toxic or hazardous waste
- 6) waste other than domestic waste

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**2-5.3 Use of Private Systems Within 500 Feet of Public Sewer.**

Private wastewater systems shall not be constructed or reconstructed within 500 feet of an existing public sewer unless the Administrative Agency finds that

connection to such a sewer is not feasible and that a private sewerage system, meeting the requirements of this code, can be constructed on the property.

**2-5.4 Location of Private Wastewater Systems Below Full Flood Pool.**

Any portion of a private wastewater system shall not be located below the full flood pool elevation of any federal reservoir or full pool elevations of any pond, lake or water supply reservoir. Pre-existing private wastewater systems not in failure may be granted a variance. See Section 2-17.0. The Corps of Engineers has established elevations for the location of structures within the flood plain of John Redmond Reservoir. Under no circumstance will the Administrative Agency permit or grant a variance for a system that has not been approved by the Corps of Engineers. Other situations must meet conditions as established by the Administrative Agency.

**2-5.5 Location of a Private Wastewater System Within the 100 Year Flood Plain.**

Any portion of a private wastewater system shall not be located within the 100 year flood plain. Pre-existing private wastewater systems not in failure will be grandfathered. See Section 2-18.0.

**2-5.6 Location of Private Wastewater System Within 100 Feet of a Water Well.**

Any portion of a private wastewater system shall not be located less than 100 feet from any water well or a pump suction line from any water well, unless the private wastewater system be of water tight construction. No sanitary sewer line, shall be located less than ten (10) feet from a water well or a suction line from a water well, unless such piping is cased for ten (10) feet in both directions. Abandoned water wells and water wells that are not currently in use are not exempt from this restriction.

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**2-5.7 Connection to Public Wastewater System.**

Premises shall not be permitted to connect to any public wastewater system that does not hold a valid permit from the Kansas Department of Health and Environment as required in Section 2-10.3 of Chapter 2.

**2-5.8 Number of Residences Served by a Single Wastewater Treatment System Limited.**

It is prohibited for two or more residences to connect to the same wastewater treatment system. Exceptions may be made if all of the following conditions are met:

- 1) a wastewater system can be located, designed, and constructed or reconstructed to treat the actual wastewater flow from both the residences;
- 2) only one (1) additional home may be allowed to connect to the private wastewater system if the family that occupies it is related by blood or marriage to the occupant of the main dwelling, or only one (1) additional home may be allowed to connect to the private wastewater system if the family that occupies it is employed on the farm;
- 3) on each site there is adequate space reserved and the correct soil conditions exist to permit the replacement of the single private wastewater system with separate individual systems when the properties are separated in the future;
- 4) the second connection will be removed when either or both housing units change ownership,
- 5) after disconnection a system will be properly designed, constructed, and operated for each individual housing unit separately.
- 6) the water supply serving both homes is of sufficient quality and quantity to meet the needs and protect the health of both households.

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**2-5.9 Seepage Pits.**

Seepage pits are prohibited.

**2-5.10 Injection Wells (Class V).**

Owners/operators of private and semi-public wastewater systems meeting the Kansas Department of Health and Environment definition of a Class V injection well shall contact the Kansas Department of Health and Environment and comply with or satisfy all requirements and regulations adopted by the Kansas Department of Health and Environment, pursuant to Kansas Administrative Regulations, Article 46.

**2-6.0 REQUIREMENTS FOR PRIVATE WASTEWATER TREATMENT SYSTEMS**

**2-6.1 Permit to Construct or Repair Required.**

For private wastewater systems receiving an estimated 2500 gallons or less of wastewater per day, all required application materials, plans and specifications must be received and approved by the Administrative Agency prior to the development, construction, modification or repair of such systems by any person. A site of comparable size reserved for future replacement of the wastewater system is strongly encouraged. (See Appendix B for details.) The Administrative Agency shall issue a written permit, valid for 90 days, to construct or repair a wastewater system on completion of:

- 1) written application form and all other required application materials, and
- 2) the approval of the site and the design for the private wastewater system.

References approved by the Kansas Department of Health and Environment shall be used as a guide by the Administrative Agency in reviewing and approving plans for private wastewater treatment systems. The Administrative Agency shall establish minimum standards of installation and operation.

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Inspection may be required for repair or replacement at the discretion of the Administrative Agency. An application for permit is required for any system in need of repairs which does not hold a permit.

**2-6.2 Exemption from Permit Requirement.**

No permit shall be required for the following:

- 1) Repairs which stop leaks in the building interior drains, soil pipes, waste pipes, or vent pipes.
- 2) The clearing of stoppages or the repairing of leaks in pipes provided such repairs do not involve or require the addition or rearrangement of pipes.
- 3) Repair or replacement of the pipes between the house and the septic tank or between the house and the lagoon.
- 4) Minor fence repair.

**2-6.3 New Site Inspection Required.**

A new site shall not be approved for a private wastewater system until the Administrative Agency has inspected the site for compliance with this Sanitation/Environmental Code. Construction must not begin on any structure or building until the site for the private wastewater system has been approved.

**2-6.4 Construction Inspection Required.**

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

**2-6.5 Final Inspection Required.**

The Administrative Agency shall make a final inspection of the completed system prior to issuing a permit to use the private wastewater system. A permit shall be issued after final inspection of the private wastewater system.

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**2-6.6 Permit of Existing Systems Required.**

All existing systems will come into compliance with this code within eleven (11) years from the date of adoption of this code. Section 2-17.0 defines exceptions to this requirement. The eleven-year period will begin with a year of educational sessions offered by the Administrative Agency to all landowners who desire to learn about regulatory requirements related to the use of private wastewater systems. After the year of education, the regular inspection of systems will occur over the next 10 years. Permitting will begin in areas of the county most susceptible to pollution as determined by the Director of Environmental Health and after that shall continue from near a central point within the county and move outward by section lines. Such central point shall be the intersection of 6<sup>th</sup> Street and Commercial Street in the city of Emporia, Kansas. A notice must be mailed to the property owner prior to making a visit to the property. Such notice must state that an inspection will be made in not less than thirty (30) days and will request that the owner notify the Administrative Agency if they desire to be present. System inspection of landowners who attend one of the educational sessions will occur in one of the last four years of the eleven-year cycle.

Any private wastewater system that is creating a public health hazard will not be issued a permit and must come into compliance. Failures will be assigned a level of severity. The period allowed for compliance will be controlled by the severity level. The following table illustrates severity levels and periods allowed for correction. For extenuating circumstances, see Variances – Section 2-17.0.

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| Level | Time Frame  | Reason for Failure                                    |
|-------|---|---|
| 1     | As soon as possible but no longer than 3 months.  | Overflow; discharge; seepage surfacing                |
| 2     | Construction or repair should commence within 1 year and be completed within 2 years        | Fence requirements                                    |
| 3     | Vegetation removal shall commence within 1 year and continue until vegetation is controlled | Tree, duckweed and cattail removal; vegetation height |

Following the period for compliance a follow-up visit will be conducted by the Administrative Agency. A notice must be mailed to the property owner prior to making a visit to the property. Such notice must state that the follow-up inspection will be made in not less than thirty (30) days. If the system now meets the current guidelines of this Sanitation/Environmental Code, a permit will be issued.

**2-6.7 Permit Renewal Required.**

Following the initial 11 year period, for the next 10 years inspection will occur only at time of sale, transfer, complaint, and/or for new construction. Following this 10-year period, another 1 year of education and 10 years of formal inspecting and re-permitting of all private wastewater systems will occur. This process will be repeated in this manner for the lifetime of this code.

**2-6.8 Rental and Leased Properties.**

Landlords shall maintain private wastewater systems on their rental properties so the systems are not in failure.

**2-6.9 Approval for Construction on New Residential Site.**

A new residential site shall not be approved if:

- 1) connection to an approved public wastewater system is feasible, or
- 2) the site violates the provisions of Section 2-5.0 of this code, or
- 3) the site contains less than six and two-thirds (6 2/3) acres of land as measured from the center of the rights-of-way which are usually the centers

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of the roads, streets, or other public rights-of-way or public easements unless variance has been granted for previously plotted tracts; or,

- 4) the site is located on an access easement or right of way, or
- 5) the soil, topography, and geology do not meet the requirements set forth in Section 2-7.0.

See Sections 2-17, Variance, and 2-18, Previously Constructed Sewage Systems.

**2-6.10 Setbacks Required.**

Setback distances are as follows:

- 1) Wastewater Stabilization Ponds to property line.....50 feet  
(Measured from the five (5) foot operational water line.)
- 2) Soil Absorption Systems to property line.....50 feet  
(Measured from any subsurface portion of the system.)
- 3) Alternative Systems to property line.....50 feet  
(Measured from any subsurface portion of the system.)
- 4) Waterless sewage systems to property line.....50 feet  
(Measured from any subsurface portion of the system.)
- 5) Any wastewater system to any water well.....100 feet  
(Including wells which are either in use, inactive, or abandoned).

*Note: Abandoned wells must be plugged in accordance with Section 3-13.0.*

- 6) Any wastewater system to surface water..... 50 feet

**2-6.11 Waiver of Setback Distances.**

A waiver of setback distances established in Section 2-6.10 may be granted by the Administrative Agency under the following conditions:

- 1) Request for waiver is made prior to construction of the wastewater system;
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- 2) Acceptable evidence is provided to the Administrative Agency to establish such a waiver is not likely to contaminate the waters of the State of Kansas or create a public nuisance; and
- 3) Setback distances may be no closer than the minimum distances established in the Kansas Department of Health and Environment Bulletin 4-2; and
- 4) In unusual circumstances a legal easement may be obtained to allow the location of a sewage system up to but no closer than five (5) feet of the adjoining property line, if legal easement for such location is provided by the adjoining property owner and recorded with the Register of Deeds. As a part of that easement, the adjoining property owner must agree not to place a well closer than one hundred (100) feet to the sewage system; and
- 5) See Sections 2-5.6 and 2-6.10 for locations adjacent to water wells.

**2-6.12 Maintenance and Operation.**

All persons holding a permit for use of a private wastewater system are responsible for its proper operation and maintenance. Permit holders must maintain the system in conformity with original design specifications and in good working condition. Standard operation practices recommended by the Kansas Department of Health and Environment must be followed in the operation of such systems except where the Lyon County Sanitation/Environmental Code requires a greater degree of compliance.

Current educational information on maintenance and operation shall be developed and maintained by the Administrative Agency and shall be available to the public.

Permit holders should observe the following maintenance guidelines which help to avoid failure as defined in Section 2-18.0:

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1) For Lagoons or Wastewater Stabilization Ponds

- Retain the effluent within the wastewater system and not allow discharge onto the surface of the ground, into the waters of the state, or into any ditch or water course;
- Keep the system free of habitat which favors vector breeding;
- Avoid wastewater other than domestic wastewater such as shop and garage floor drains with oils and greases;
- Adequately limit vegetation growth on, in, or around the private wastewater system;
- Maintain fencing in good condition to prevent access by children, pets, toys and/or livestock and to allow access by equipment necessary to control vegetation;
- Avoid building, parking or driving on or over sewer pipes;
- In general, maintain the system so it is free of any condition hazardous to public health.

2) For Septic Systems, Alternative Systems, or Experimental Systems

- Retain the effluent within the wastewater system and not allow discharge onto the surface of the ground, into the waters of the state, or into any ditch or water course;
- Keep the system free of habitat which favors vector breeding;
- Avoid wastewater other than domestic wastewater such as shop and garage floor drains with oils and greases;
- Adequately limit vegetation growth on, in, or around the private wastewater system;
- Avoid using garbage disposal;
- Avoid building, parking or driving on or over lateral lines;

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- Pump every 3 to 5 years;
- In general, maintain the system so it is free of any condition hazardous to public health.

**2-6.13 Permit Required for All Wastewater Systems.**

Any sewage system installed in Lyon County which is not required to have a permit from the Kansas Department of Health and Environment must be permitted by the Administrative Agency.

**2-6.14 System Design.**

The Administrative Agency has the option to require private wastewater treatment systems to be designed by an engineer licensed by the State of Kansas.

**2-6.15 Compliance with Minimum State Standards Required.**

All private wastewater systems must be installed and operated to meet or exceed minimum Kansas standards for design and construction as set forth in the most recent edition of Bulletin 4-2, *Minimum Standards for Design and Construction of Onsite Wastewater Systems*; Kansas State University's most recent edition of *Wastewater Pond Design and Construction*; Kansas State University's most recent edition of *Wastewater Pond Operation, Maintenance, and Repair*; or other references as published or approved by the Kansas Department of Health and Environment. In some circumstances, size may be an issue that needs or requires a special system design.

**2-7.0 MINIMUM STANDARDS FOR SOIL TOPOGRAPHY AND GEOLOGY**

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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. If minimum standards are not met, approved liners may be allowed. (See Section

2-7.4 for Waivers) Due to potential future costs, it is strongly recommended that a second site also be reserved for a future replacement system. Refer to Appendix B.

**2-7.1 Minimum Standards for Private Wastewater Systems which Remove Wastewater Primarily Through Absorption into the Soil.**

Systems which remove wastewater primarily through absorption into the soil must meet the following minimum requirements:

- 1) the percolation rate of undisturbed soil must be between one (1) inch of water per five (5) minutes and one (1) inch of water per sixty (60) minutes.
- 2) the vertical separation distance must be no less than four (4) feet between the level of maximum elevation of groundwater and the point at which the soil/wastewater interface occurs.
- 3) the vertical separation distance must be no less than four (4) feet between the level of maximum elevation of: impervious clay and rock formations; fractured bedrock; and, gravel beds and the point at which the soil/wastewater interface occurs.

**2-7.2 Minimum Standards for Private Wastewater Systems which Remove Wastewater Primarily Through Evaporation into the Air.**

Systems which remove wastewater primarily through evaporation into the air must meet the following minimum requirements:

- 1) the percolation rate of undisturbed soil must be slower than (1) inch of water per sixty (60) minutes.
- 2) the vertical separation distance must be no less than four (4) feet between the level of maximum elevation of groundwater and the point at which the soil/wastewater interface occurs.

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- 3) the vertical separation distance must be no less than four (4) feet between the levels of maximum elevation of: rock formations; fractured bedrock; and, gravel beds and the point at which the soil/wastewater interface occurs.
- 4) systems constructed in soils which are listed as having restrictions due to seepage by the 1981 Lyon County Soil Survey or subsequently determined to be likely to seep and those determined by the Director of Environmental Health to have the potential to seep must be lined and/or meet compaction requirements. Acceptable lining materials and/or compaction will be determined by the Administrative Agency. Such decision will be guided by recommendations established by the Kansas Department of Health and Environment. See Section 2-6.15

**2-7.3 Soil Testing.**

The following soil tests must be performed prior to installation of a private wastewater system:

- 1) soil profile
- 2) percolation test
- 3) other tests as may be deemed necessary by the Administrative Agency to determine the type of system to be recommended and the proper location for the system.

Such tests must be made by or in the presence of a representative of the Administrative Agency.

**2-7.4 Waiver of Soil Testing Requirements.**

In no case shall a soil profile be waived prior to installation of a private wastewater system. The soil percolation test may be waived if in the professional judgment of the Administrative Agency such a test would not substantially add to the knowledge of the soils at the site.

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**2-7.5 Fencing Required.**

Fencing is required around all private wastewater stabilization ponds or lagoons. Reference Kansas State University's most recent edition of *Wastewater Pond Design and Construction*; Kansas State University's most recent edition of *Wastewater Pond Operation , Maintenance, and Repair*; or other references as published or approved by the Kansas Department of Health and Environment. The Administrative Agency must maintain a policy for fencing and fencing approval.

**2-8.0 REQUIREMENTS FOR SANITARY PRIVIES AND WATERLESS SEWAGE SYSTEMS**

**2-8.1 Approval of Plans.**

Any person who plans to construct, erect, alter, modify, or use any sanitary privy or waterless sewage system shall have the plans and specifications for the proposed construction and/or modification approved by the Administrative Agency.

**2-8.2 Approval of Construction.**

A newly constructed or modified sanitary privy or waterless sewage system must be inspected and found to be in conformity with approved design standards by the Administrative Agency before it can be used or made available for use.

**2-8.3 Proper Maintenance.**

A sanitary privy or waterless sewage system must be in a clean sanitary condition before being used or offered for use. Privies and waterless sewage systems must not permit insects or rodents access to the fecal material in the pit. Any sanitary privy or waterless sewage system found to be in violation of this code must be condemned for further use unless cleaned and sanitized or repaired within a reasonable time as determined by the Administrative Agency. The Administrative

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Agency must order in writing the proper abandonment of any system that is not maintained according to this code.

**2-8.4 Vault Required.**

Privies or waterless sewage systems which collect sewage shall be constructed with a watertight vault in lieu of the standard pit. The vault of the sanitary privy must be constructed of concrete.

**2-8.5 Location of Sanitary Privies.**

The following restriction must be observed in sanitary privies using the concrete vault.

- 1) A sanitary privy shall be installed more than one hundred (100) feet from an existing well.
- 2) A sanitary privy shall not be constructed or reconstructed on any premise served by a public water supply, or on which water is provided to the home under pressure, unless special permission for use of a sanitary privy is obtained from the Administrative Agency.

**2-9.0 ALTERNATIVE AND EXPERIMENTAL WASTEWATER SYSTEMS**

**2-9.1 Permits Required.**

Alternative or experimental wastewater systems shall follow the same permitting procedure as documented in Section 2-6.0 of this code.

**2-9.2 Standards for Design and Construction.**

System design, construction, and soil requirements must follow standards as may be established by the Kansas Department of Health and Environment and shall be consistent with the Lyon County Sanitation/Environmental Code.

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**2-9.3 Experimental System Allowed.**

Experimental systems may be allowed if sufficient documentation is provided to the Administrative Agency indicating that such systems have a reasonable chance of operating successfully and will not create a health hazard or pollute the waters of the State of Kansas. The owner of such system must agree in writing that if failure occurs the system will be replaced at the owner's expense with a system of acceptable design as determined by the Administrative Agency.

**2-9.4 Maintenance Contract Required.**

An annual maintenance contract is required for all alternative and experimental wastewater systems with mechanical and/or electronic components. The contract shall require the maintenance company to provide the Administrative Agency with written reports of inspections and any maintenance performed on the system within one month of that service. Major repairs must follow the requirements set out in Section 2-6.0. The contract shall also require the company to notify the Administrative Agency within two (2) weeks of cancellation or non-renewal of the contract.

**2-10. REQUIREMENTS FOR PUBLIC SEWERAGE SYSTEMS**

**2-10.1 Approval of Plans and Specifications by the Kansas Department of Health and Environment.**

Public Wastewater Treatment Systems must be approved by KDHE.

**2-10.2 Review of Plans by the Administrative Agency.**

The Administrative Agency shall also have the right to review plans and specifications for public sewerage systems. A copy of all plans and specifications must be submitted to the Administrative Agency for review prior to starting construction of such systems.

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**2-10.3 Permit.**

The owner of every public wastewater system must obtain a permit for operation of the system from the Kansas Department of Health and Environment, and no public wastewater system shall be operated or put in operation until the owner has obtained the required permit.

**2-10.4 Responsibility for Operation.**

Responsibility for operation of all public wastewater systems must be vested in:

- 1) a sewer district, improvement district or similar public agency authorized to operate public wastewater systems, or
- 2) a nonprofit corporation incorporated under Kansas laws and authorized by Charter and by-laws to operate and maintain the public wastewater system until such time as the responsibility is transferred to a duly constituted public agency.

**2-11.0 SANITARY SERVICES**

**2-11.1 License Required.**

No person shall in any way move, haul or transport any wastes for another person unless the operator providing the service holds a valid license from the Administrative Agency. Examples of such wastes include but are not limited to:

- Waste which is not discharged into a publicly-owned sanitary sewer or municipal wastewater treatment plant, and which originates from any commercial, industrial or manufacturing operation.
- Any waste from any holding site or private wastewater system including any sanitary privy, waterless sewage system, holding tank or other storage site.
- Any domestic sewage.
- Any human excreta.

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**EXCEPTION:** Landowners may pump and apply septage generated on their own property to their own land without obtaining a license. Land application of septage shall follow Title 40, Part 503 Code of Federal Regulations and separation distances as defined in Section 2-11.5.1 1) of this code.

**2-11.2 Application and Inspection Fee Renewable Annually.**

Every person wishing to obtain a sanitary service license must make application for a license on forms provided for this purpose. All sanitary service licenses must be renewed annually.

**2-11.3 Contracting with Unlicensed Persons Prohibited.**

No person responsible for operating a private wastewater system, including any lagoon, septic tank/absorption field system, sanitary privy, waterless sewage system, alternative wastewater system, or experimental system shall contract, or offer to contract, with any person for sanitary service unless that person holds a valid license to provide such service from the Administrative Agency. No person shall accept delivery nor allow application to land of any waste originating from a private wastewater system, commercial, manufacturing, or industrial processes unless the person hauling that waste holds a valid license from the Administrative Agency.

**2-11.4 Minimum Standards for Sanitary Service Equipment.**

To insure that all materials removed will be transported to the designated point of disposal for treatment without spillage of the waste onto the road or street, all equipment used for rendering of sanitary services must meet all of the following:

- 1) identify each vehicle to be used for such service with six (6) inch lettering;
- 2) be of water tight construction;
- 3) be maintained in good working condition;

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- 4) be provided with hoses, couplings, valves, pumps and other equipment as may be necessary to prevent leakage and spillage;
- 5) the operator must demonstrate that all equipment is in good operating condition and will perform its function without leakage or spillage.

**2-11.5 Requirements for the Disposal of Domestic Septage.**

The Administrative Agency will utilize Title 40, Part 503 of the Code of Federal Regulations; Sewage Sludge Use and Disposal, as guidelines for proper disposal by land application of domestic septage. The Administrative Agency shall utilize the requirements established in 2-11.5.2 for situations in which the septage hauler does not land apply septage.

**2-11.5.1 Requirements for Disposal of Domestic Septage by Land Application**

- 1) All licensees who dispose of domestic septage by land application must comply with the following criteria:
  - The site must be inspected and approved by the Administrative Agency. If disposal is done on land outside the county boundary, the Administrative Agency in that county or state must provide written approval to the Director of Environmental Health as evidence of a satisfactory disposal site.
  - Septage may be applied to farm ground owned by the person that generated the sewage.
  - Application of domestic septage must not exceed 30,000 gallons per acre per year.
  - Septage must not be applied within 500 feet of a public or private water supply well.
  - Septage must not be applied within a 100-year flood plain.

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- Septage must not be applied to any surface, such as frozen, snow covered or saturated soil, if run-off to the waters of the state is likely to occur.
- Septage must not be applied to any surface where drainage run-off is likely to occur under normal circumstances.
- Septage must not be applied within two hundred (200) feet of a drainage course or water resource as illustrated in the 1981 Lyon County Soil Survey.

2) Licensee must maintain disposal logs on every load and submit a copy of the same to the Administrative Agency on a monthly basis.

Disposal log must contain the following information:

- Date of disposal
- Name and address of generator
- Disposal Site by location (legal description)
- Owner of site on which disposal is conducted
- Number of acres available at disposal site
- Volume of septage collected
- Volume of septage disposed

3) The licensee must maintain records on all soil testing required under Title 40, Part 503. Such records must be made available to the Administrative Agency on request. The Administrative Agency may collect or require to be collected by the licensee soil samples to be submitted by the Administrative Agency to the laboratory of the licensee's choice. Fees for such testing must be paid by the licensee.

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- 4) The licensee must maintain records which comply with all record keeping requirements established under Title 40, Part 503 of the Code of Federal Regulations. Such records must be made available for inspection by the Administrative Agency on request.

**2-11.5.2 Requirements for the Disposal of Domestic Septage at a Publicly Owned Treatment Works (POTW) Facility**

- 1) All licensees who dispose of domestic septage at a Kansas Department of Health and Environment licensed public wastewater treatment facility must comply with all requirements established by that facility for the discharge of domestic septage into the facility.
- 2) Licensee must maintain disposal logs on every load and submit a copy of the same to the Administrative Agency on a monthly basis. Disposal log must contain the following information:

- Date of disposal
- Name and address of generator
- Disposal Site by address
- Name of facility at which disposal is conducted
- Volume of septage collected
- Volume of septage disposed

**2-11.6 Prohibited Disposal Practices.**

- 1) Industrial discharges to systems not regulated by the Kansas Department of Health and Environment are prohibited.
- 2) Liquid wastes such as sand trap wastes, waste or used oil, and hazardous wastes as defined by the Resource Conservation and Recovery Act are not domestic septage and must be disposed of according to relevant Kansas Department of Health and Environment statutes and regulations.

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- 3) Domestic septage is not to be disposed of in any private lagoon system.

**2-11.7 Penalties for Non-Compliance with Section 2-11.6.**

Any sanitary service operator will be subject to license suspension or termination by the Administrative Agency if it is determined, upon hearing and written notice, that the licensee violated the requirements of Section 2-11.6. The sanitary service operator will also be subject to such other penalties and remedies provided for violations of this Sanitation/Environmental Code in Chapter 1 of the Administrative Code.

**2-12.0 LICENSURE OF CONTRACTORS, INSTALLERS, DESIGNERS, AND EVALUATORS**

**2-12.1 License Required.**

No person except the owner shall construct or modify any private wastewater treatment system unless that person holds a valid license issued by the Administrative Agency. Issuance of a license is contingent upon satisfactory completion of training provided or approved by the Administrative Agency.

**2-12.2 Contracting with Unlicensed Wastewater Treatment System Installers Prohibited.**

No person responsible for operating a private wastewater treatment system shall contract with any person for evaluation, construction or modification of a private wastewater treatment system, unless that installer holds a valid license.

**2-12.3 Exemptions from License Requirement.**

The following operations shall not require a license:

- 1) Installation of pipe from the house to a wastewater stabilization pond.
- 2) Fencing a wastewater stabilization pond.
- 3) Seeding the berm of a wastewater stabilization pond.

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## 2-13.0 REQUIREMENTS FOR SUBDIVISION DEVELOPMENT

### 2-13.1 Approval of Administrative Agency Required.

After adoption of this code no person shall be able to obtain an approval to build on any lot of any subdivision until the plans and specifications for onsite wastewater management have been approved by the Administrative Agency. No county planning or zoning board, authorized to review and recommend approval of plats or subdivisions of land, shall recommend for approval any plat containing one or more building sites on less than six and two-thirds (6 2/3) acres unless the plans have been reviewed and approved by the Administrative Agency.

### 2-13.2 Required Plot or Lot size.

No plat or subdivision of land shall be approved containing one building site having less than six and two-thirds (6 2/3) acres of land, unless public sewers are provided, or a surety bond in an amount to be determined by the County Commissioners is filed with the county clerk to guarantee the installation of such sewers, or acceptable private wastewater systems can be installed as determined by the Administrative Agency. In no case may lot size be reduced below three (3) acres. In all cases an adequate water supply must be available and approved by the Administrative Agency prior to approval of the site for a wastewater treatment system. In addition, adequate reserve area must be available for future replacement systems.

### 2-13.3 Compliance with Zoning and Land Use Regulations.

The Administrative Agency shall not approve plans or authorize construction of any wastewater system in an area where zoning regulations prohibit such facilities.

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## 2-14.0 NOTIFICATION OF PLANNING AND ZONING BOARDS AND RURAL WATER DISTRICTS

### 2-14.1 Notification of Planning and Zoning Boards, Watershed Districts and Rural Water Districts Required.

Upon receipt of an application for installation of any sewage system, public or private, the Administrative Agency shall notify any and all planning and zoning boards, watershed districts and rural water districts serving the area in which the system will be located.

### 2-14.2 Approval by Planning and Zoning Boards Required.

No permit for any sewerage system or wastewater system shall be issued by the Administrative Agency until notice of compliance with planning and zoning ordinances is received from the respective agency.

## 2-15.0 ABANDONMENT OF SEWAGE SYSTEMS

### 2-15.1 Removal Required.

Any sewage system which has not been used for a period of ten (10) years or any sewage system which is replaced by a new system must be properly abandoned.

Proper abandonment shall mean the following:

- 1) Septic Tanks, Holding Tanks, Vaults, and Sanitary Privies must:
  - have all sludge removed and disposed of in a manner consistent with EPA 503 Regulations (information available from the Administrative Agency); and
  - be removed from the ground and the excavation filled with compacted soil; or,
  - be disconnected from the sewer pipes, the bottom broken, and the tank filled with gravel or sand.

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2) Wastewater Stabilization Ponds which:

- contain over 18 inches of sludge shall have all sludge removed and disposed of in a manner consistent with EPA 503 Regulations.
- contain 18 inches of sludge or less may be backfilled with compacted earth.

3) Specific procedures for abandonment of septic tanks, holding tanks, and wastewater stabilization ponds shall be established by the Administrative Agency.

4) Proper procedures for abandonment of any other private wastewater system shall be established and enforced as necessary by the Administrative Agency.

## 2-16.0 RECIPROCITY

When it is determined to the satisfaction of the Director of Environmental Health that it is in the best interest of Lyon County and the quality of inspection and regulation will not be diminished, required licenses may be reciprocated with other Kansas counties.

## 2-17.0 VARIANCE

The Administrative Agency shall have the authority to grant exceptions when reliable written data is provided which can justify the exception and which will still protect the quality of the waters of the state and not create a nuisance as defined in Section 1-4.10. Such information must be noted on the permit.

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## 2-18.0 PREVIOUSLY CONSTRUCTED SEWAGE SYSTEMS

Existing systems which do not meet the standards of this code shall not be required to come into compliance and/or septic systems shall not be required to be pumped unless such system is in failure as determined by the Administrative Agency. In this case, failure shall be defined as:

- 1) Surface discharge of sewage
- 2) Seepage of incompletely treated sewage from any private wastewater system
- 3) Unfenced or fenced lagoons that do not restrict access by children, toys, pets and/or livestock
- 4) Any system that is determined to be a hazard to the health of humans, pets or livestock or other condition determined by the Administrative Agency to be a health hazard.

All repairs and new construction must be in compliance with this code.

This resolution is adopted by the Board of County Commissioners of Lyon County, Kansas this \_\_\_\_\_ th day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
Chairperson, Lyon County Commission

\_\_\_\_\_  
Member, Lyon County Commission

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Member, Lyon County Commission

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**Sanitation/Environmental Code  
of Lyon County, Kansas**

**Chapter 3**

**Water Supplies**

**3-1.0 PURPOSE AND INTENT**

To the extent that public health will be protected and the safeness and quality of the water resources of Lyon County are preserved, the provisions of this chapter of the Sanitation/Environmental Code are to regulate and control construction, development, maintenance, abandonment and use of all domestic water supplies other than public water supplies within the legal boundaries of Lyon County, Kansas (See Appendix C)

**3-1.1 Title.**

This chapter shall be known and referred to as the Water Supplies Code.

**3-2.0 APPLICABILITY**

The procedures prescribed in this chapter must be followed in administering this code and any amendments thereto. Except as otherwise noted, provisions shall apply to all lands located in unincorporated areas of Lyon County, Kansas, which contain 10 acres or less, or a residential site, or land not used for agricultural purposes under the ownership of one person as defined in Section 1-4.12. Except as otherwise noted, water supplies used only for agricultural purposes are exempt from this code. Such wide application of this code is necessary to protect the health of the inhabitants of Lyon County and the waters of the State of Kansas.

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### 3-3.0 EFFECTIVE DATE

This code shall become effective on the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

### 3-4.0 COMPLIANCE REQUIRED

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

### 3-5.0 DEFINITIONS

3-5.1 **Abandoned Well** means any well:

- which has been permanently discontinued from use;
- from which the pumping equipment has been permanently removed;
- which is in such a state of disrepair that it cannot be used to supply water, or it has the potential for transmitting surface contaminants into the aquifer or both;
- which possesses potential health and safety hazards; or
- which is in such a condition it cannot be placed on active or inactive status  
(Refer to Sections 3-13-0 and 3-14.0).

3-5.2 **Backflow** means a situation whereby water, gases or other substances from one water source might enter and flow back into a second water supply or system.

3-5.3 **Backpressure** means a situation in which the pressure in a first water supply or system becomes greater than that of a second water supply or system and causes water, fluids or other substances from the first supply or system to be pushed backward into the second water supply or system.

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- 3-5.4 **Backsiphonage** means a situation in which the pressure in a first water supply or system becomes less than that of a second water supply or system; and water, fluids, or other substances from the second water supply or system are drawn backward into the first water supply or system.
- 3-5.5 **Cistern** means a reservoir that was originally designed to collect and store rainwater from roof runoff or collect and store water from another source for domestic purposes.
- 3-5.6 **Cross-connection** means any connection or arrangement, direct or indirect, physical or otherwise, between a potable water supply system and non-potable water supply, including any: plumbing fixture, waste pipe, soil pipe, sewer, drain, device, other system, tank, receptacle, or other equipment, through which it may be possible for non-potable, used, unclean, polluted or contaminated water, or contaminated fluids including gases or other substances, to enter into any part of such potable water system under any condition.
- 3-5.7 **Domestic Purpose** means the use and/or consumption of water by any person or family unit or household for household purposes.
- 3-5.8 **Potable Water** means water free from impurities in amounts sufficient to cause disease or harmful physiological effects in humans and conforming with latest EPA National Primary Drinking Water Standards.
- 3-5.9 **Private Water Supply** means all water supplies used for domestic purposes serving less than three service connections and not meeting the definition of a Public or Semi-Public Water Supply.
- 3-5.10 **Public Water Supply** means a water supply that is used for domestic purposes by ten or more users or serves an average of twenty-five (25) individuals daily at least sixty (60) days out of the year (K.S.A. 65-162a(b)).

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3-5.11 **Semi-Public Water Supply** means all water supplies not meeting the definition of public water supply, and serving three or more service connections including rental properties or properties under separate ownership.

3-5.12 **Water district** means any special district authorized and empowered by state statutes to plan, construct and/or operate a public water supply system.

### 3-6.0 REQUIREMENTS FOR PUBLIC WATER SUPPLIES

3-6.1 **State permit.**

Any person operating a public water supply shall obtain a public water supply permit from the Kansas Department of Health and Environment.

3-6.2 **State Approved Plans.**

Any person planning to construct or permit to be constructed, on any property subject to the provisions of this Sanitation Code, any public water supply shall have plans and specifications for such supply submitted to and approved by the Kansas Department of Health and Environment.

3-6.3 **Role of the Board of Lyon County Commissioners.**

The Board of Lyon County Commissioners shall be notified and also have the right to examine plan specifications for public water supplies pursuant to K.S.A. 82a-614.

### 3-7.0 REQUIREMENTS FOR SEMI-PUBLIC WATER SUPPLIES

3-7.1 **Inspections.**

Inspections shall be required for any development, alteration, sale, lease or use of a semi-public water supply for domestic purposes. Assurance of water rights is required and is the responsibility of the landowner. Following inspection approval, a

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permit shall be issued by the Administrative Agency. Inspections shall also be required for any maintenance or alteration to the well casing.

**3-7.2 Restrictions.**

Use of surface water (lakes, ponds or streams) as a source of water for a semi-public water supply is not permitted:

- 1) where a satisfactory groundwater source is available,
- 2) unless adequate treatment is provided (In no case shall surface water be used without filtration and chlorination or other acceptable disinfectants.),  
and
- 3) where the pond or lake receives any drainage or discharges from septic tanks, sewage treatment plants, agricultural lagoons, landfills, or other source determined by the Administrative Agency to create an unreasonable risk to public health.

**3-7.3 Fees.**

The Administrative Agency may collect a fee as established in Section 1-5.3.5 of this code.

**3-7.4 Approved Plans.**

Prior to construction, a plan in both written and map form to drill, develop, or construct a semi-public water supply on any premise subject to regulations of this sanitation/environmental code must be submitted to the Administrative Agency for approval. References approved by Kansas Department of Health and Environment must be used as a guide in reviewing and approving plans for semi-public water supply systems.

**3-7.5 Maintenance.**

The owner is responsible for maintaining the semi-public water supply system in the condition as established in the approved plan.

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**3-7.6 Use Prohibition.**

The semi-public water supply shall not be connected to any public water supply system on any property that is served by a public water supply.

**3-7.7 Semi-public Water Supplies.**

The owner(s) of the land on which the semi-public water supply well is located and/or the assigned operator shall:

- 1) maintain all water wells in accordance with minimum standards as described in this code; and,
- 2) disinfect the water delivered to the connections so that it meets EPA Primary Drinking Water Standards by chlorination or other means as approved by the Administrative Agency; and,
- 3) test for bacteriological quality a minimum of two (2) times every year; and
- 4) test more frequently or for different parameters when evidence is brought forth which indicates more frequent or additional testing is necessary to protect the health of the users or to determine if a situation exists which may adversely affect the health of the users, and,
- 5) notify users in writing immediately when evidence exists that water has become or may become contaminated by microbes or chemicals.

**3-8.0 REQUIREMENTS FOR PRIVATE WATER SUPPLIES**

**3-8.1 Inspections.**

Inspections shall be required for property sale, property leases, or new construction of a private water supply for domestic purposes. Inspections shall also be required for any maintenance or alteration to the well casing.

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**3-8.2 Restrictions.**

Except for agricultural purposes, use of surface water (lakes, ponds or streams) as a source of water for a private water supply is not permitted:

- 1) where a satisfactory groundwater source is available,
- 2) unless adequate treatment is provided (In no case shall surface water be used without filtration and chlorination or other acceptable disinfectants),  
and
- 3) where the pond or lake receives any drainage or discharges from septic tanks, sewage treatment plants, agricultural lagoons, landfills, or other source determined by the Administrative Agency to create an unreasonable risk to public health.

**3-8.3 Fees.**

Any person who shall drill, develop, construct, buy, sell, lease, or cause to be used any private water supply or shall conduct maintenance on the well casing of any private water supply on any premise subject to regulations of this sanitation/environmental code shall obtain prior approval from the Administrative Agency. The Administrative Agency may collect a fee as established in Section 1-5.3.5 of this code.

**3-8.4 Approved Plans.**

Prior to construction, a plan in both written and map form to drill, develop, or construct a private water supply on any premise subject to regulations of this sanitation/environmental code shall be submitted. Approval shall not be given until the plans showing the location and construction of the supply have been submitted in written and map form to the Administrative Agency for approval.

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**3-8.5 Maintenance.**

The owner is responsible for maintaining the private water supply system in the condition as established in the approved plan.

**3-8.6 Use Prohibition.**

The private water supply must not be connected to any public water supply system on any property that is served by a public water supply.

**3-9.0 MINIMUM STANDARDS FOR GROUND WATER SUPPLIES**

(See Appendix C)

**3-10.0 WATER DISTRICTS**

**3-10.1 Total Separation of Public Water Supplies and Private and Semi-Public Water Supplies Required.**

A total and complete separation must be maintained between any public water supply and any private water supply well, semi-public water supply well, or any other source of non-potable water or source of potential pollution.

**3-10.2 Inspection.**

The Administrative Agency must inspect or require to be inspected at the time of sale or property transfer all homes to assure there is no cross-connection between a private or semi-public system and a public system.

**3-10.3 Cross-connection, Backflow, Backpressure, and Backsiphonage Prevention Devices Required.**

Cross-connection, backflow, backpressure, and backsiphonage prevention devices must be used where needed to prevent or reduce the risk of contamination of public water supplies. Examples of locations where cross-connection, backflow and backsiphonage devices would be appropriate include but are not limited to: hose

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bibs (outside faucets), buried lawn sprinkler systems, toilet tanks, livestock tanks, boilers, chemical dispensers directly connected to the water supply, and automated watering devices. Filling of chemical tanks requires an appropriate air gap.

### **3-11.0 CROSS-CONNECTION, BACKFLOW, AND BACKSIPHONAGE PROTECTION OF GROUNDWATER**

3-11.1 Backflow, backpressure, and backsiphonage prevention devices shall be used where needed in private and semi-public water supply systems to prevent or reduce the risk of contamination of the groundwater. Examples of locations where backflow and backsiphonage devices would be appropriate include but are not limited to: hose bibs (outside faucets), buried lawn sprinkler systems, toilet tanks, livestock tanks, and automated watering devices. Filling of chemical tanks requires an appropriate air gap.

### **3-12.0 INJECTION WELLS, MONITORING WELLS AND WATER WELL TEST HOLES**

#### **3-12.1 Records Required.**

Except in those situations prohibited by state law, any person drilling any injection well, monitoring well, geothermal well, or any water well test hole shall document proper plugging by submitting plugging information to the Administrative Agency within one month after the well has been plugged. Required information shall be that established by the Kansas Department of Health and Environment.

#### **3-12.2 Well data required.**

Any data collected as the result of development and monitoring of an injection well or monitoring well shall be submitted to and retained by the Administrative Agency within one month after the date the data is collected.

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### 3-13.0 ABANDONED WELLS (AND ABANDONED CISTERNS)

3-13.1 Identification of abandoned wells (and cisterns) which pose a threat to ground water supplies will only occur through receipt of complaints or inspection of property at the time of sale or transfer. Inquiry and education regarding abandoned wells (and cisterns) will occur at the time of other inspections of property required by this code.

Wells determined to be abandoned based on Section 3-5.1 shall be plugged in accordance with K.S.A. 82a-718 or guidelines provided by the Kansas Department of Health and Environment. Copies of all required state forms shall be submitted to the Administrative Agency.

The plugging of cisterns shall be accomplished following guidelines set forth in Kansas State University Bulletin *Plugging cisterns, cesspools, septic tanks, and other holes*.

### 3-14.0 WELLS ON INACTIVE STATUS

3-14.1 Landowners must make application with both the Kansas Department of Health and Environment and the Administrative Agency to maintain wells on an inactive status instead of plugging the well. Copies of all forms required by the Kansas Department of Health and Environment must be a part of the application with the Administrative Agency. In no case may the Administrative Agency approve inactive status unless prior approval is received from the Kansas Department of Health and Environment. The Administrative Agency must not allow the property owner to place a well on inactive status for a period of longer than five years. To receive inactive status the landowner must present evidence to the Administrative Agency as to the condition of the well and as to the landowner's intentions to use the well in the future. As

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evidence of intentions, the owner is responsible for properly maintaining a well in the following manner:

- 1) The well shall be grouted and the annular space between the hole and the casing must have no defects that will permit the entrance of surface water or vertical movement of subsurface water into the well unless a variance is provided by the Kansas Department of Health and Environment;
- 2) The well shall be clearly marked and shall not be a safety hazard;
- 3) The top of the well shall be securely capped in a watertight manner and shall be adequately maintained in such a manner as to prevent easy entry by other than the landowner or the landowner's designee;
- 4) The area surrounding the well shall be protected from any potential sources of contamination within a 50-foot radius and meet the requirements established in Table I (Appendix C);
- 5) If the pump, motor or both, have been removed for repair or replacement, the well shall be maintained to prevent injury to people and to prevent the entrance of any contaminant or other foreign material;
- 6) The well shall not be used for disposal or injection of trash, garbage, sewage, wastewater, storm runoff, or other potential pollutants ; and
- 7) The well shall be easily accessible to routine maintenance and periodic inspection.

After a period of five years, if the well has not been brought up to current standards and is not in use, the well must be properly abandoned according to minimum guidelines established by the Kansas Department of Health and Environment.

(K.A.R. 28-30-2(c)(1) through (5) and 28-30-7.)

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**3-15.0 VARIANCE**

In unusual cases where compliance with the requirements of this code is not feasible, the Administrative Agency has the authority to waive the requirement provided reliable written data is furnished to show that such waiver does not and will not impair the potability of the water or otherwise endanger the health and safety of the individuals using the supply or the general public.

In no case may the Administrative Agency waiver requirements established by the Kansas Department of Health and Environment in K.A.R. 28-30-5.

**This resolution is adopted by the Board of County Commissioners of Lyon County, Kansas this \_\_\_\_\_th day of \_\_\_\_\_, 2004.**

\_\_\_\_\_  
Chairperson, Lyon County Commission

\_\_\_\_\_  
Member, Lyon County Commission

\_\_\_\_\_  
Member, Lyon County Commission

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**Sanitation/Environmental Code  
of Lyon County, Kansas  
Chapter 4**

Sanitary Code 4 continues as adopted September 3, 1970, and where necessary will be referred to as Chapter 4.

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**Sanitation/Environmental Code  
of Lyon County, Kansas**

**Chapter 5**

**Animal Control**

**5-1.0 PURPOSE AND INTENT**

It is the purpose of this chapter to provide minimum standards for the control and management of domestic and wild animals. K.S.A. 75-5661 gives the Administrative Agency authority to require impoundment of any animal which has bitten a person or another animal.

**5-1.1 Title.**

This code shall be referred to as the Animal Control Code.

**5-2.0 APPLICABILITY**

The procedures prescribed in this chapter shall be followed in administering this code and any amendments thereto. Provisions **shall apply to all lands located in unincorporated areas of Lyon County, Kansas.** Such wide application of this code is necessary to protect the health of the inhabitants of Lyon County.

**5-3.0 EFFECTIVE DATE**

This code shall become effective on the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

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## 5-4.0 DEFINITIONS

5-4.1 **Animal** means any live or dead dog; cat; nonhuman primate; guinea pig; hamster; rabbit; or any other warm-blooded animal, which is being used, or is intended for use for research, teaching, testing, experimentation, or exhibition purposes, or as a pet. This term excludes: Birds, rats of the genus *Rattus* and mice of the genus *Mus* bred for use in research, and horses not used for research purposes and other farm animals such as, but not limited to livestock or poultry, used or intended for use as food or fiber, or livestock or poultry used or intended for use for improving animal nutrition, breeding, management, or production efficiency, or for improving the quality of food or fiber.

5-4.2 **Cats** means the singular or plural as the occasion shall imply and shall mean all kinds, breed, and types of domestic cats.

5-4.3 **Dangerous dog** means any dog that, according to the records of the animal control authority, has: (a) attacked or inflicted severe injury on a human being without provocation on public or private property; (b) attacked, inflicted severe injury or killed a domestic animal without provocation while off the owner's property; or (c) been previously found to be potentially dangerous, the owner has been notified in writing, and the dog aggressively bites, attacks or endangers the safety of humans or domestic animals.

A dog shall not be considered a "dangerous dog" if the threat, injury or damage was sustained by a person who was:

- 1) committing a willful trespass or other tort upon the premises occupied by the dog's owner; or
- 2) observed tormenting, abusing or assaulting the dog at that time or in the past.

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- 5-4.4 **Dogs** means the singular or plural as the occasion shall imply and shall mean all kinds, breeds, and types of domestic dogs.
- 5-4.5 **Domestic** means the singular or plural as the occasion shall imply and shall mean all animals normally recognized as tame and kept for pleasure such as, but not limited to: dogs, cats, pot bellied pigs, owned ferrets, and birds such as cockatiels and parakeets. Domestic animals shall also mean animals raised on a farm or ranch and used or intended for use as food, fiber or in any utilitarian manner such as cattle, goats, hogs, horses, poultry, sheep, ostrich, emu, rhea's, and domesticated deer. For the purpose of this definition the term deer shall mean any member of the Family Cervidae.
- 5-4.6 **Domesticated Wild Animal** means any animal which is now or historically has been found in the wild, or in the wild state, within the boundaries of the United States, its territories, or possessions but is maintained on a farm, ranch, or in any facility under the care of humans. This term includes, but is not limited to, animals such as: deer, opossum, mink, armadillos, squirrels, and wolves.
- 5-4.7 **Exotic animal** means any animal not identified in the definition of "animal" provided in this part that is native to a foreign country or of foreign origin or character, is not native to the United States, or was introduced from abroad. This term specifically includes animals such as, but not limited to, lions, tigers, leopards, elephants, camels, antelope, anteaters, kangaroos, and water buffalo, and species of foreign domestic cattle, such as Ankole, Gayal, and Yak.
- 5-4.8 **Farm animal** means any domestic species of cattle, sheep, swine, goats, llamas, or horses, which are normally and have historically, been kept and raised on farms in the United States, and used or intended for use as food or fiber, or for improving animal nutrition, breeding, management, or production efficiency, or for improving the quality of food or fiber. This term also includes animals such as rabbits, mink,

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and chinchilla, when they are used solely for purposes of meat or fur, and animals such as horses and llamas when used solely as work and pack animals.

**5-4.9 Inherently vicious or dangerous animal** means any live animal, which, due to its inherent nature, may be considered dangerous to humans and their domestic animals. Appendix D provides a list of animals of particular concern.

**5-4.10 Isolated** means the separation, for the period of communicability, of infected animals from other animals or humans, in places and under conditions that prevent the direct or indirect conveyance of the infectious agents from those infected to those who are susceptible or who may spread the agent to others.

**5-4.11 Owner or harborer:** Owner means any person owning any animal within Lyon County, Kansas. Harborer means any person keeping any animal for a period of three (3) consecutive days within Lyon County, Kansas.

**5-4.12 Quarantine** means to seize, confine, or restrain in custody in order to limit the freedom of movement of healthy animals which have been exposed to or potentially been exposed to a communicable disease.

**5-4.13 Vicious or Dangerous Animal** means any vertebrate including but not limited to mammals (other than humans), birds, reptiles, and amphibians that attacks or threatens to attack persons or domestic animals.

**5-4.14 Wild animal** means any animal which is now or historically has been found in the wild, or in the wild state, within the boundaries of the United States, its territories, or possessions. This term includes, but is not limited to, animals such as: deer, skunk, opossum, raccoon, mink, armadillo, coyote, squirrel, fox, or wolf.

**5-4.15 Wild state** means living in its original, natural condition; not domesticated.

**5-4.16 Zoonoses** means diseases spread from animals to humans.

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## 5-5.0 VACCINATION

### 5-5.1 Rabies Vaccination Required.

All domestic dogs, domestic cats, and ferrets shall maintain a current rabies vaccination.

### 5-5.2 Vaccination for Zoonoses.

All animals shall be vaccinated for appropriate zoonoses as determined by the Kansas Department of Agriculture, Bureau of Animal Health and/or the Kansas Department of Health and Environment. The Administrative Agency has the power to require vaccinations for specific zoonoses determined to present an unusual risk or concern for the health of the public in Lyon County.

## 5-6.0 RUNNING AT LARGE

### 5-6.1 Supervision.

It is unlawful for any person owning, harboring or having custody of animals to permit said animals to be off the property of such owner or harborer unless such animals are under the control of some responsible person. (K.S.A. 47-646 – see Appendix D).

### 5-6.2 Proper care and control.

Owners or harborers of non-farm animals shall exercise proper care and control to prevent such animals from becoming a public nuisance.

A public nuisance shall include activities such as:

- 1) attempting to attack persons or domestic animals;
- 2) attacking and injuring persons or domestic animals;
- 3) damaging public or private property by activities or with excrement;

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- 4) scattering of refuse that is bagged or otherwise contained; or,
- 5) any activity threatening or endangering the health or well being of persons or other domestic animals.

Any person, who owns or harbors any animal that (1) meets the definition of a dangerous dog, or (2) is found by the District Court of Lyon County Kansas, or other court of competent jurisdiction, to be or to create a nuisance, as defined above, shall be fined in accordance with Lyon County Sanitation/Environmental Code Section 1-5.10. Upon a second conviction, the District Judge may order the animal destroyed.

## 5-7.0 VICIOUS OR DANGEROUS ANIMALS

### 5-7.1 Harboring Vicious or Dangerous Animals.

It is unlawful for any person to keep, harbor or maintain any vicious or dangerous animal as defined in Section 5-4.13.

### 5-7.2 Inherently Vicious or Dangerous Animals.

Harboring and/or owning any inherently vicious or dangerous animal as defined in Section 5-4.9 is prohibited.

#### EXCEPTIONS ARE:

- 1) Owners who are at least 18 years of age and have obtained and maintain an annual permit from the county allowing that person to own and possess such inherently vicious or dangerous animal. Such person shall be in compliance with any applicable state or federal laws
- 2) Owners or operators of any facility which has been issued or obtains a valid license issued by:
  - a. the United States Department of Agriculture (USDA) (Animal Welfare License), or

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- b. the State of Kansas Department of Wildlife and Parks (KDWP) (Game Breeders Permit), or Wildlife Rehabilitators permit
  - c. the State of Kansas Animal Health Department as a pet shop (KDA) (Pet Shop License), and
  - d. in each case where a state or federal permit or license is required the owners shall also obtain and maintain a valid annual license from the county allowing that owner or operator to continue to own and possess inherently vicious or dangerous animals.
- 3) Zoos.
  - 4) Veterinary clinics in possession of inherently dangerous animals for treatment or rehabilitation purposes.
  - 5) Licensed or accredited medical institutions.
  - 6) Accredited colleges and universities.
  - 7) Any facility accredited by the Association of Zoos and Aquariums (AZA).
  - 8) Traveling circuses or carnivals.
  - 9) Persons temporarily transporting inherently dangerous animals through the county provided that the transit time is three (3) days or less.

Owners and operators possessing any of the above permits or licenses shall not be required to purchase a county permit but shall register with the county. The Administrative Agency may inspect registered sites.

## 5-8.0 WILD, DOMESTICATED WILD, AND EXOTIC ANIMALS

### 5-8.1 Registration of Domesticated Wild or Exotic Animals Required.

It is illegal for any person to harbor or own a wild animal in Lyon County.

Domesticated wild or exotic animals within the boundaries of Lyon County and not

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exempted in Section 5-7.2 shall be registered by the Administrative Agency. K.S.A. 28-1-14 prohibits the possession or sale of skunks, raccoons, foxes, and coyotes,

**5-8.2 Inspection.**

The Administrative Agency may routinely inspect facilities housing domesticated wild or exotic animals to assure the public health and safety is protected and to assure the adequate and humane housing and restraint of the animals. The facility shall be maintained in a clean and sanitary manner. 9 C.F.R. pursuant to 7 USC 2131 et seq. shall be used to determine adequate housing and care.

**5-8.3 Application to Harbor Domesticated Wild or Exotic Animals.**

Application to harbor domesticated wild or exotic animals not exempted in Section 5-7.2 shall be made to the Administrative Agency and shall include but not be limited to:

- 1) the type of animal(s),
- 2) the number of animals,
- 3) proof of how the animals were obtained,
- 4) how the animal will be housed to insure adequate and humane housing and restraint,
- 5) proof of health by a licensed veterinarian, and
- 6) proof of vaccination for all diseases as recommended by a licensed veterinarian.
- 7) Two forms of permanent identification are required in the form of a combination of tattooing, ear notching, microchipping, or unusual color or pattern markings. In situations where permanent identification is not possible due to small size or other restrictive situation, written documentation and cage identification shall be maintained and made available for inspection.

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## 5-9.0 RABIES

### 5-9.1 Rabies - Quarantine or Sacrifice of Animal Required.

Whenever any dog, cat, or ferret has bitten a person, the person bitten or their guardian shall report the same to the Sheriff at once, who shall take up or impound said animal until such incident is reported to the Administrative Agency. The Administrative Agency shall order dogs, cats, and ferrets impounded or quarantined at an approved animal care facility for a period of not less than ten (10) days and until such time as the Administrative Agency finds that such animal shows no evidence of shedding the rabies virus at the time of the bite incident. If the animal is not healthy and it is determined the animal could be suffering from rabies, it shall be forthwith destroyed under the supervision of the Administrative Agency and the head submitted for rabies examination. All costs of quarantine and any required testing shall be at the owner's expense. In all other circumstances not covered by this code, regulations, recommendations and protocols established by the Kansas Department of Health and Environment shall be used to determine the fate of the animal.

5-9.2 Rabies - Protocol Following Exposure or Possible Exposure to Rabies. The Administrative Agency shall follow the protocol described below when a person or their domestic animals have been exposed or possibly exposed to an animal species known to be involved in the transmission of rabies. Such protocol shall be followed whether the exposure is from an animal that is owned or unowned.

- 1) Exposure of humans and other animals by dogs, cats, ferrets, cattle, horses, sheep, or other domestic animals will be determined by observing the animals during quarantine, or by submitting the head for testing, or both.
- 2) Exposure of humans and other animals to rabies by exotic animals, wild animals, or domestic/wild animal hybrids will be determined by submitting

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the head for testing. Any human or animal bitten or scratched by a wild, carnivorous mammal, or a bat, not available for testing will be regarded as having been exposed to rabies.

- 3) In any other situation, regulations or recommendations from the Kansas Department of Health and Environment shall be followed.

**5-9.3 Rabies - Quarantine Requirements for Domestic Animals.**

- 1) All domestic animals known to have bitten a person or another animal regardless of whether they maintain a current rabies vaccination or whether they are unvaccinated shall be either quarantined or in some cases immediately sacrificed by a licensed veterinarian, at a licensed veterinary hospital, or at a licensed animal care facility. Quarantine shall be according to recommendations and protocols established by this code. In all circumstances not covered by this code, regulations or recommendations and protocols established by the Kansas Department of Health and Environment shall be followed. The length of the quarantine beyond the minimum requirement shall be determined by the Administrative Agency in cooperation with the Kansas Department of Health and Environment. The Kansas State University Rabies Laboratory may also be used in determining the length and conditions of quarantine.
- 2) Vaccinated dogs, cats, and ferrets that have bitten a human shall be isolated at a veterinary hospital or licensed animal care facility for a period of at least ten (10) days.
- 3) Unvaccinated domestic animals that have been bitten by a suspected or known rabid animal shall be quarantined for a period of six (6) months.

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- 4) All dogs, cats, and ferrets and other domestic animals as may be deemed necessary which have been determined to be healthy by the Administrative Agency shall be vaccinated for rabies prior to their release from quarantine.
- 5) If registration of the animal is required by a city or the county, proof of registration shall be submitted upon release.
- 6) For all animals for which a rabies vaccination is required by this code a rabies vaccination is required on release.
- 7) All costs of quarantine, sacrifice of the animal and vaccination shall be at the owner's expense.
- 8) In all situations the Administrative Agency shall require no less than that established by the Kansas Department of Health and Environment.

These requirements shall include but are not limited to: immediate sacrifice; require testing of animals involved in bite incidents.

**5-9.4 Rabies - Variance of Requirement for Quarantine at an Animal Care Facility.**

Allowing quarantine of animals under the owner's care is not normal procedure and shall not normally be allowed. However, under certain *unusual* circumstances, the Administrative Agency may allow an animal to remain under quarantine at the owner's home. Such home quarantine shall meet any and all other requirements established by this code and will be allowed only under the following conditions:

- 1) The animal maintains a current rabies vaccination certificate.
- 2) The animal has not been involved in a bite incident in the past.
- 3) The Administrative Agency determines that the owner has proper impoundment facilities as required by this code.

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- 4) The owner has complied with any city or county ordinances that may require registration of the animal or pet tags.
- 5) The victim, the victim's family, or the owner of the animal bitten shall receive and sign for printed material describing rabies and possible outcomes of the disease.
- 6) The owner of the biting animal shall receive and sign for printed material describing rabies and possible outcomes of the disease.
- 7) The victim, the victim's family, or the owner of the animal bitten shall provide written permission to the health department allowing the animal to be restrained at the owner's residence after receiving and signing for written information describing rabies.
- 8) The owner of the biting animal shall agree in writing to abide by requirements as set down by the Administrative Agency on quarantine.

If in the Administrative Agency's opinion the safety of the person bitten cannot be assured by home quarantine, such quarantine at home shall not be allowed. If quarantine at home is allowed, the following conditions in Sections 5-9.5 and 5-9.6 shall be met.

**5-9.5 Rabies - Caregivers.**

Caregivers shall be capable of understanding the dangers associated with rabies.

To assure understanding the Administrative Agency shall:

- 1) Have the authority to approve all caregivers. Caregivers shall be limited to those individuals capable of understanding how serious the disease may be. Caregivers shall be responsible enough to restrict access to the animal by others and to protect themselves. Persons under the age of eighteen (18) years shall not be allowed to care for animals in quarantine.

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- 2) Receive signed documentation indicating the caregiver has read and understands how rabies is spread and that rabies is fatal once symptoms occur.
- 3) Recommend that caregivers of animals under long-term (6-month) quarantine receive rabies pre-exposure vaccination.

**5-9.6 Rabies - Housing Requirements.**

Housing shall provide for safety of the public, the caregiver, and proper care of the animal.

- 1) Housing requirements for domestic animals small enough to be caged, including all dogs, cats, and ferrets, shall meet the following requirements:
  - a. The cage shall provide sufficient size to allow the humane care of the animal during isolation. Cage size should be based on the length of the isolation period.
  - b. The cage shall be placed in an isolated room, run, or building which does not allow entrance by other people or animals known to carry rabies and which will provide containment in the event the animal escapes from the cage. The outer structure shall be kept locked except when feeding and caring for the animal.
  - c. Small animals shall be placed in a cage which is secure on all sides including walls, floors, and ceiling.
  - d. Cage openings shall be small enough that the animal can not bite the caregiver through the cage.
  - e. The cage shall allow easy feeding of the animal without reaching into the cage or allowing exit of the animal during care.Examples of easy access include:

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- Small lockable swinging doors to which the feeding bowls are attached; or
  - Small pass through which can be kept locked when not in use. Bowls fixed with chains or cables so that they may be easily retrieved.
  - f. Cage and feeding equipment shall be cleaned by hosing and flushing the cage with an appropriate detergent and disinfectant solution. It shall then be thoroughly rinsed.
  - g. Excrement shall be removed from the outer structure frequently enough to prevent the accumulation of feces and food wastes and to reduce disease hazards, pests, insects, and odors.
  - h. Provide adequate lighting and ventilation.
- 2) Animals which are too large to be caged shall be housed under the following conditions:
- a. A containment area shall be selected to provide sufficient size that will allow the humane care of the animal during long-term (6-month) isolation.
  - b. Confinement shall occur in a lot, barn, or building which does not allow entrance by other people and limits access by animals known to carry rabies.
  - c. A second outer structure shall be available or be constructed which will provide containment in the event the animal escapes from the inner structure. The outer structure shall be kept locked except when feeding and caring for the animal.

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- d. The containment area shall allow easy feeding of the animal with minimal animal contact and without allowing exit of the animal during care.
- e. The inner area of the pen and feeding equipment shall be kept clean (where possible by hosing and flushing with an appropriate detergent, disinfectant solution, and rinse water).
- f. Excrement shall be removed from the pen frequently enough to prevent the accumulation of feces and food wastes and to reduce disease hazards, pests, insects, and odors.
- g. The pen shall provide adequate lighting and ventilation.

3) In unusual situations, the Administrative Agency has the authority to determine other such standards as may be necessary to protect the safety of the public and their animals.

**5-9.7 Rabies - Quarantine of Non-Domestic Animals.**

Regulations and recommendations as established by the Kansas Department of Health and Environment shall be followed in the quarantine of all non-domestic animals.

**5-9.8 Rabies - Animals Found Not to be Quarantined According the Conditions Set Down by the Administrative Agency.**

Any animal found not to be quarantined in the conditions set down by the Administrative Agency shall be immediately impounded for the remainder of the required quarantine period at the owner's expense.

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**5-9.9 Rabies - General Quarantine.**

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If at anytime rabies is reported to be in Lyon County, the Board of County Commissioners have the right and power to compel quarantine of all animals during

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a period to be fixed by said Board of County Commissioners in a notice published in the official paper; and it is unlawful to disobey said notice.

**5-10.0 CONTROL OF ZONOTIC DISEASES**

In conjunction with other appropriate agencies, the Administrative Agency will participate in controlling outbreaks of zoonotic diseases.

**5-11.0 VARIANCE**

The Administrative Agency shall have the authority to grant exceptions when reliable data is provided which can justify the exception and which will still protect the health and safety of the public and their domestic animals and not create a nuisance. Such information shall be documented in writing.

**This resolution is adopted by the Board of County Commissioners of Lyon County, Kansas this \_\_\_\_\_ th day of \_\_\_\_\_, 2004.**

\_\_\_\_\_  
Chairperson, Lyon County Commission

\_\_\_\_\_  
Member, Lyon County Commission

\_\_\_\_\_  
Member, Lyon County Commission

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## **APPENDIX A – Chapter 1 – Administrative Code Background Information**

### **Nuisances**

Mosquitoes, mice and rats, and other vermin have long been associated with human and animal diseases such as: West Nile Virus, St. Louis Encephalitis, Western and Eastern Equine Encephalitis, Malaria, Dengue Fever, Plague, Hanta Virus, and Rat Bite Fever. Roaches are known to carry disease-causing organisms, such as Salmonella, on their bodies. Flies have been proven to spread disease-causing organisms to humans and animals on their bodies and through their mouthparts. Manure accumulated from uncontrolled pigeon populations has been associated with Histoplasmosis. Skunks, raccoons, and bats are known to carry rabies. They seek shelter in abandoned structures. Children commonly seek out abandoned structures and dump sites as play areas. Historically public health has been charged with abating nuisances and the sources of filth in order to protect the health and welfare of the public.

Vermin can find refuge and food in unclean or cluttered environments near human habitation. The most effective means of reducing diseases associated with these vectors is to reduce their populations through removal of their food and habitat. It is the purpose of this chapter to provide minimum standards for the identification and abatement of nuisances.

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## **APPENDIX B – Chapter 2 - Sewage and Excreta Treatment Background Information**

### **Sewage and Excreta Disposal**

Historically, improperly operating wastewater treatment systems have been associated with an increase in the incidence of disease within a population.

For most private wastewater treatment systems, soil type is the most important factor in determining which wastewater treatment system can be recommended for a particular geographic location. According to the current 1981 Lyon County Soil Survey 100% of soils in Lyon County are rated as having severe limitations for septic tank/absorption field systems. Over 39% of Lyon County soils are rated as having severe limitations for wastewater stabilization ponds. An additional 54.9% of soils within Lyon County are rated as having moderate limitations for wastewater stabilization ponds.

A sloping topography increases the risk of runoff into ditches, streams, and onto adjoining property. Over 70% of Lyon County soils are sloping. Sewage is also known to contribute to increased water pollution. Of 325 private well water screenings conducted in Lyon County between the years of 1980 and 1995, 28% were above the maximum contaminant level for Nitrate in drinking water as established by the Environmental Protection Agency. The Lyon County Water Quality Assessment Report issued by the Kansas Department of Health and Environment in 1996 indicated that ten of fifteen surface water sampling sites are testing above the guidelines for BOD<sub>5</sub>, Total Suspended Solids, Phosphorous, Nitrate, and Fecal Coliform bacteria. A sanitation code has been in effect in Lyon County since 1970. As of March 2000 only 679 or 27 per cent of known systems have applied for and received permits. This would indicate that 1,857 or 73 percent of the 2,536 known systems have not applied for and received permits.

### **Area Reserved For Replacement Systems**

Costs for replacing failed sewage systems may be significantly reduced if a backup reserve area is identified and maintained when an initial sewage system is constructed. A new location with fresh undisturbed soil is required when replacing a subsurface system, such as a septic tank with laterals.

If a clean area is not available, expensive alternative systems may be required. Property owners may be able to maintain the same location of a failed lagoon system. However, the costs to pump out the liquids, remove the bottom sludge, seal any possible leaks, and make any other necessary repairs to the failed system may exceed the construction costs of a new system.

An area reserved for installation of a replacement sewage system is **strongly** encouraged. Second site recommendations include:

- Precautions should be taken to prevent damage to the soil in the second site that would limit or prevent its use as a site for a replacement system.
- Nothing should be constructed on or around the second site that would prevent the installation or proper operation of the replacement private wastewater system.
- Proper setbacks to wells, property lines, surface water, buildings and easements will need to be identified for the second site as well as the initial site.
- If a property is sold or ownership is transferred after a second site is identified and maintained, notice should be given to the new owners of this second site.

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## **APPENDIX C – Chapter 3 – Water Supplies Background Information**

### **Nonpublic Water Supplies**

Adequate quantity and quality of fresh water is necessary to support human, animal and plant life. The County Commissioners find that improper location, construction, maintenance, and abandonment of public and private water supplies at residential, commercial and industrial properties located in unincorporated areas of Lyon County is dangerous to health and responsible for contamination of the fresh waters of the State of Kansas.

In support of this statement it should be noted that 28% of 325 water tests collected by the Lyon County Health Department between the years of 1980 and 1995 were above the maximum contaminant level for nitrate in drinking water as established by the Environmental Protection Agency. Based on a Kansas Department of Health and Environment estimate of 200,000 to 250,000 abandoned wells in the State of Kansas there could be as many as 2,000 abandoned water wells in Lyon County. Improperly abandoned water wells are a safety hazard and a direct conduit into groundwater for surface pollutants.

The Kansas Private Water Well Study conducted by Kansas State University between 1993 and 1994 found that 25.4% of wells exceeded the guideline for nitrate, 45% exceeded the guidelines for total coliform bacteria, 15.3% exceeded guidelines for E.coli, and 5.6% exceeded guidelines for lead. 17.9% of Kansas wells showed a presence of atrazine. Dug and improperly cased drilled wells are twice as likely as properly cased drilled wells to have coliform bacteria, and six times more likely to have *E. coli*. The presence of coliforms is an indication that other more serious pathogens could also be present.

Recent research conducted at Pennsylvania State University, Harrisburg has shown a statistically significant link between people who have peptic ulcer disease and the presence of *Helicobacter pylori* bacteria contamination in their private well. Two forms of stomach cancer and approximately 75% of peptic ulcer disease are caused by *H. pylori*. *Roughly 85% of the wells that tested positive for coliform bacteria also contained H. pylori.* Morgan Powell a professor at Kansas State University concludes "...drinking unsafe water from private wells is in fact a significant health risk." In addition, there appears to be a correlation between nitrate levels no higher than 20 ppm NO<sub>3</sub>-N and spontaneous abortion in pregnant women. The association between levels of nitrate greater than 10 ppm NO<sub>3</sub>-N and methemoglobinemia or Blue Baby Syndrome has been recognized since 1948.

### **Minimum Standards For Ground Water Supplies**

#### **Location.**

All wells used as sources of water for private or semi-private water supplies must be separated from the specified sources of pollution by distances equal to or greater than those shown in Table I. Research conducted by Kansas State University indicates that distances greater than those shown in Table 1 (>400 feet) reduce the risk of water well contamination. The Administrative Agency must determine the minimum distances that must be provided between a well and other sources of

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contamination. Such distances must be sufficient to provide reasonable assurance that the well will not be contaminated.

Table I

| AREA   | MINIMUM SEPARATION |
|--|--------------------|
| Subsurface absorption field for septic tank effluent                             | 100'               |
| House, building or structure subject to chemical treatment or chemical storage   | 100'               |
| Pit privy  | 100'               |
| Septic tank  | 100'               |
| Barnyards, stables, manure piles, animal pens, etc.                              | 100'               |
| Streams, lakes, and ponds  | 50'                |
| Sewer lines, not constructed of cast iron or other equally tight construction    | 100'               |
| Sewer lines constructed of cast iron or other equally tight construction         | 10'                |
| Other source determined by the Administrative Agency to be a source of pollution | 100'               |

**Reference.**

Article 12, The Kansas Groundwater Exploration and Protection Act (K.A.R. 82a-1201 through K.A.R. 82a-1215) as amended and Article 30, the regulations pertaining to water well contractor's license and water well construction and abandonment (K.A.R. 28-30-1 through K.A.R. 28-30-10) as amended or other reference approved by the Kansas Department of Health and Environment, Bureau of Water shall be used as a guide in reviewing and approving wells for use as a private water supply.

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**Construction.**

The following specific requirements must be regarded as supplemental and additional requirements:

- a. Casing. Steel and PVC casing must meet or exceed the specifications set forth in Table II.

Table II

| STEEL PIPE            |                |                 | PVC PLASTIC PIPE      |                |                 |
|-----------------------|----------------|-----------------|-----------------------|----------------|-----------------|
| Size Outside Diameter | Wall Thickness | Weight Per Foot | Size Outside Diameter | Wall Thickness | Weight Per Foot |
| Inches                | Inches         | Pounds          | Inches                | Inches         | Pounds          |
| 3 ½                   | .156           | 5.58            | 3 ½                   | .216           | .954            |
| 4                     | .156           | 6.41            | 4 ½                   | .237           | 1.364           |
| 4 ½                   | .156           | 7.25            | 6 5/8                 | .280           | 2.403           |
| 5 9/16                | .188           | 10.76           |                       |                |                 |
| 6 5/8                 | .219           | 14.97           |                       |                |                 |
| 8 5/8                 | .219           | 19.64           |                       |                |                 |

Other casing materials may be used as sources of water for private water supplies if, in the opinion of the Administrative Agency, they are equal or better than the casing specified in Table II. All casing materials must meet the approval of both the Kansas Department of Health and Environment and the Administrative Agency. The top of the well casing or curbing must not terminate below grade but must be extended to a point at least twelve (12) inches above finished grade. If the well is located in the flood plain the casing must extend twenty-four (24) inches above the highest Federal Emergency Management Agency Flood Insurance Rate Map flood plain elevation or highest recorded elevation whichever is the greater. No opening must be made in the casing below the finished ground surface or the pump house floor except by use of a properly installed pitless adapter or pitless unit so designed and fabricated to prevent soil or water from entering the well.

- b. Seating. The casing of all wells developed in rock must be extended into and firmly seated in sound rock. The diameter of the drill hole must be at least three (3) inches larger than the casing and the annular space between the drill hole and the casing must be filled with cement grout or bentonitic clay mud for the first five (5) feet into the first clay or shale layer, or a minimum of twenty (20) feet.

- c. Seals. If the pump is attached to the top of the well casing, the casing must be sealed water tight into the base of the pump. If the pump is not located on the top of the casing, the casing must be equipped with a sanitary well seal of a type approved by the Kansas Department of Health and Environment and the Administrative Agency.

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- d. Pumps and Pump Installation. All power pumps and pumping equipment used or installed at private water supplies must comply with the provisions of this code. Solid base, closed top, hand pumps may also be used for lifting water at private wells. Slotted top, open spout or split base hand pumps must not be used. All pumps must be designed and installed so as to maintain their prime.
- e. Pump House. An insulated and heated pump house of ample size to permit easy access to the pump for maintenance and repair must be provided, unless the pumping equipment is of weather-proof and frost-proof construction. The floor of the pump house must be constructed of impervious material such as concrete and must be sloped to drain to the doorway or to a floor drain that discharges to the ground surface at a point at least ten (10) feet from the well. The structure must be insect proof, rodent proof, insulated, and provided with a source of heat sufficient to prevent freezing. The ground surface around the pump house must be sloped away from the pump house.
- f. Protection from freezing. All discharge and suction lines located between the well and the inside of heated buildings must be protected from freezing.
- g. Suction Pipes. All suction pipes located less than ten (10) feet below the surface of the ground must be placed in a water tight pipe conduit having wall thickness equal to that of well casing shown in Table II. All suction pipes must be separated from potential sources of pollution by distances equal to those required for wells.
- h. Water Line Placement. Water lines must not be laid in the same trench with a sanitary sewer line or laid beneath a sanitary sewer line. Unless both of the following conditions are met:
  - 1. The bottom of the water pipe at all points has at least twelve (12) inches of vertical separation above the bottom of the sewer line.
  - 2. The water pipe is placed on a solid shelf excavated at one side of the common trench and there has at least a twelve (12) inch horizontal separation between the pipes.
- i. Vents. Vents must be provided; the end of the vent must be turned downward, shielded and screened with sixteen (16) mesh, copper, brass, or bronze screen wire to exclude insects.

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## **APPENDIX D – Chapter 5 – Animal Control Background Information**

### **ANIMAL CONTROL**

Domestic, domesticated wild, and wild animals which are improperly restrained, housed and cared for are a potential menace and danger to the public health and well-being. Animals that are uncontrolled can inflict injury, spread disease or cause property damage. Each year in the United States dog bites cause approximately 20 deaths and an estimated 585,000 injuries resulting in need for medical attention or restricted activity. A survey of 3,238 Pennsylvania school children published in 1985 in *Public Health Reports* determined that by grade twelve, 46% of students had been bitten by a dog and 17% had received medical attention for dog bites. Small children are frequently bitten in the face. A second study published in 1989 in the *Journal of the American Medical Association* identified 157 dog bite related fatalities in the United States between 1979 and 1988. Seventy per cent of these deaths occurred in children less than 10 years of age. Animals which are unvaccinated, unrestrained or improperly cared for may also be the source of zoonoses such as: Rabies, Salmonella, Toxoplasmosis, Simian Herpes B, Tuberculosis, Psittacoses and other diseases. Rabies is a disease which results in death once symptoms appear; rabies is endemic (always present) in the Lyon County area; and, the lives of humans and their animals are at stake when a bite incident occurs. Toxoplasmosis is a parasitic disease which can be spread by cat feces and soil contaminated with cat feces. Acute infections in pregnant women can be transmitted to the fetus and cause severe illness such as: mental retardation, blindness, and epilepsy. Records of the Lyon County Health Department indicate that there were 88 and 96 reports of animal bites in 1998 and 1999, respectively. Roughly 75% of the reported bites involved dogs. Records from the City of Emporia Animal Control indicate that there were 1,188 animals impounded in 1999. 840 of these animals were euthanized and 48 were adopted. The interest in exotic animals has increased in recent years. Pet stores routinely offer exotic birds, arachnids, reptiles and amphibians for sale. Mountain lions, ocelots, primates, bear and other wild animals may be purchased from breeders or at a number of exotic animal auctions held in Kansas each year. The Kansas Department of Wildlife and Parks requires that any person breeding game (K.S.A. 32-951) or possessing a mountain lion, grizzly bear, black bear, or wolf (K.A.R. 115-20-4) must apply for a permit for such animal. Individuals possessing other dangerous wild animals are not required to obtain a permit.

*Inherently vicious or dangerous animals shall include:*

- 1) any member of the *Primate* (including but not limited to monkeys, apes, lemurs) order not including humans (*Homo sapien*),
- 2) any member of the *Canidae* (dog) family not customarily domesticated by man, or any hybrids thereof, including wolf hybrids which are a cross between a wolf and a domestic dog, but not including domestic dogs (*Canis familiaris*),
- 3) any member of the *Felidae* (cat) family not customarily domesticated by man, or any hybrids thereof, but not including domestic cats (*Felis catus*),
- 4) any member of the *Ursidae* (bear) family, or any hybrids thereof,
- 5) any member of the class *reptilia* (*reptile*) which is venomous, including, but not necessarily limited to, all members of the following families: *Helodermidae*(*Gila Monster*); *Viperidae* (*Pit Vipers*); *Crotalidae* (*Rattlesnakes*); *Atractaspidae* (*Mole Vipers*) ; *Hydrophilidae* (*Sea Snakes*); and *Elapidae* (*Coral Snakes and Cobras*), or

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- 6) any "rear fanged" snakes of the family *Colubridae* that are known to be dangerous to humans, including but not necessarily limited to, all members of the following families: *Dispholidus typus* (*Boomslangs*); *Thebtonis kirtlandii* (*African Twig or Vine Snake*); and *Rhabdophis spp* (*Keelbacks*).
- 7) specific members of the family *Boidae* (boas and pythons) which reach a length of 10 (ten) feet including but not limited to the following species: *Python reticulatus* (*Reticulated Python*); *Eunectes murinus* (*Green Anaconda*); *Python sebae* (*African Rock Python*); and *Python molurus* (*Indian Python and Burmese Python*),
- 8) any member of the order *Crocodylia* (crocodiles, alligators, and caiman).

K.S.A. 47-646 states that it is lawful for any person at any time to kill any dog which may be found injuring or attempting to injure any livestock as defined in K.S.A. 47-1061, and amendments thereto.

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