

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

May Bolton

Signature

Chairman, Board of County Commissioners

Nov 25 1991

Date

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ENVIRONMENTAL QUALITY

RESOLUTION NO. 8-91

WHEREAS, the Board of County Commissioners of Rice County, Kansas, finds that provision for adequate and reasonable control over environmental conditions within the County is necessary and desirable, and

WHEREAS, the Board of County Commissioners finds that the establishment of a Sanitary Code for the County is necessary to help eliminate and prevent environmental conditions that are hazardous to the health and safety of the citizens of the county, and to provide for the economical and planned development of the land and water resources of the County,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF RICE COUNTY, KANSAS, AS FOLLOWS:

Pursuant to K.S.A. 12-3301 et seq., the Board of County Commissioners of Rice County, Kansas, does hereby pass, approve and adopt by reference the SANITATION CODE OF RICE COUNTY, KANSAS, and make applicable the provisions of such CODE to all unincorporated areas within Rice County, Kansas.

Further, not less than three (3) copies of such code shall be marked "OFFICIAL COPY" and shall be filed with the County Clerk, and shall be open to inspection and available to the public during all reasonable business hours.

Further, anyone violating the terms and conditions of said SANITATION CODE shall, upon conviction, be deemed guilty of a misdemeanor punishable by civil penalty not to exceed \$200.00 for

each offense. Each day's violation shall constitute a separate offense.

PASSED, APPROVED AND ADOPTED THIS 30TH DAY OF SEPTEMBER, 1991.

May Bolton
Chairman, Board of County
Commissioners of Rice County, Kansas

ATTEST:

Harvard Hodgson

Joan Dawson
COUNTY CLERK

Charles Gilmore

RICE COUNTY SANITATION CODE



Adopted September 30, 1991

Effective September 30, 1991

By

RICE COUNTY COMMISSIONERS

MARY BOLTON, CHAIRPERSON

HOWARD HODGSON

CHARLES GILMORE

APPROVED
Kansas Department of Health
and Environment

11-27-91

Date

ACKNOWLEDGEMENTS

The following Rice County Citizens served on a voluntary committee to develop a county-wide environmental protection plan and this sanitary code. The Rice county Environmental Protection Planning Committee was formed September of 1990.

Environmental Protection Planning Committee Members

Howard Hodgson	Rice County Commissioner
Michael Heine	Soil Conservation District President
Bruce Buchanan	Upper Little Arkansas Watershed Member
Herman Hoffman Jr.	Plumbing contractor
Dewey Breese	Manager-City of Lyons
Cecil Johnson	Rural representative
Sam Maurer	City representative
John Steele	Public works supervisor-City of Sterling
Mike Drake	Solid waste disposal contractor
Dennis Ludwick	Rural representative
Charles Roelfs	Rural representative

Environmental Protection Planning Committee Advisors

Jayne Yates	Rice County Health Nurse
Levi Beaver	Rice County Sanitarian
Jon Deege	Soil Conservation Service Director
Ed Feil	Maintenance-City of Chase
Don Dewerff	Rice County Extension Agent
Melanie Miller	Rice County Health Dept. Secretary
Steve Sellers	Feedlot operator

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SANITATION CODE OF RICE COUNTY

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CHAPTER 1
ADMINISTRATIVE PROCEDURES

SECTION 1-1.0 AUTHORITY AND POLICY

- 1-1.1 Legal Authority. This code is adopted under the authority granted to the Board of County Commissioners by K.S.A. 12-3301 et. seq., as amended.
- 1-1.2 Declaration of Finding and Policy. The Commissioners find that the provision of adequate and reasonable control over environmental conditions in the county is necessary and desirable. A SANITATION CODE ESTABLISHES STANDARDS TO ELIMINATE AND/OR PREVENT THE DEVELOPMENT OF ENVIRONMENTAL CONDITIONS THAT ARE HAZARDOUS TO HEALTH AND SAFETY, AND PROMOTES THE ECONOMICAL AND PLANNED DEVELOPMENT OF THE LAND AND WATER RESOURCES OF THE COUNTY. For these reasons and objectives, it will be the policy of the Board of County Commissioners to adopt and amend a sanitation code to provide current regulation of practices that affect health and safety.
- 1-1.3 Purpose. The purpose and intent of this chapter is to prescribe the administrative procedures to be followed in administering this sanitation code or any amendments thereto; and to prescribe rules and regulations for controlling practices to minimize health and safety hazards.
- 1-1.4 Title. This code shall be known and referred to as the Rice County Sanitation Code.
- 1-1.5 Applicability. The procedures prescribed in this chapter shall be followed in administering this code and any amendments thereto.
- 1-1.6 Effective Date. This code shall become effective

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Section 1-2.0 DEFINITIONS: The following words, terms and phrases appear in more than one chapter of this Code and thus have general application and usage. Words, terms, and phrases appropriate or applicable to specific chapters within this Code may be found in that particular chapter.

- 1-2.1 Administrative Agency means the entity authorized to implement the provisions of this code.
- 1-2.1.1 The Administrative Agency for Rice County is designated as Rice County Health Department.
- 1-2.2 Administrative Rules means those rules and regulations contained in chapter one of this sanitation code which prescribe general procedures to be followed in the administration of the sanitation code adopted by the county.
- 1-2.3 Authorized Representative means any person who is designated by the Administrative Agency to administer this code.
- 1-2.4 Board of County Commissioners means the Board County Commissioners of Rice County, Kansas.
- 1-2.5 Board of Health means the Rice County Board of Health. (K.S.A. 65-201)
- 1-2.6 Code means any model or standard published compilation of rules in a book or pamphlet form which has been prepared by a technical association, a federal agency, this state or any agency thereof, municipalities of this state or any agency or instrumentality and any metropolitan thereof, or regional agency within this state and such codes may be specifically, but shall not be limited to: wastewater disposal, water supply systems, solid waste management, and food management. (K.S.A. 12-3301)

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- 1-2.7 Health Officer means the Health Officer, appointed by the Rice County Commission, or a duly authorized representative. (K.S.A. 65-201)
- 1-2.8 Hearing Officer means an individual, appointed by the Administrative Agency, to hear appeals from decisions made by the Health Officer relating to the administration of this code.
- 1-2.9 Person means an individual, corporation, partnership, association, state, or political subdivision thereof, federal, state agency, municipality, commission, or interstate body or other legal entity recognized by law as the subject of rights and duties.
- 1-2.10 Premise means any lot or tract of land and all buildings, structures, or facilities located thereon.
- 1-2.11 State Department of Health means the Kansas State Department of Health and Environment.
- 1-2.12 Sub division means any land divided or proposed to be divided for the purpose of disposition into lots, parcels, units or interests offered as a part of a common promotional plan of advertising and sale.

SECTION 1-3.0 ADMINISTRATIVE POWERS AND PROCEDURES

- 1-3.1 Right of Entry. Representatives of the Administrative Agency shall have the power and authority to inspect for compliance with the County Sanitation Code.
- 1-3.2 Permit and License.
- 1-3.2.1 Applications for Permits and Licenses. Every person required by this sanitation code to obtain a permit or license shall make application for such permit or license to the Administrative Agency.

1-3.2.2 Issuance of Permit or License. After receipt of an application as required by this code, the Administrative Agency shall begin such investigation as deemed necessary to determine whether the permit or license should be issued or denied, and shall issue or deny the permit or license within 30 days of such receipt. If the permit or license is denied, the Administrative Agency shall send the applicant a written notice and state the reasons for rejection.

1-3.2.3 Permit Nontransferable. No permit or license required by this sanitation code shall be transferable, nor shall any fees required and paid therefore be refundable.

1-3.2.4 Permit Revocation. All permits are subject to revocation for reasons of noncompliance or misrepresentation.

1-3.2.5 Standard Fees. The Administrative Agency shall establish a schedule of fees for all permits and licenses required by the code, and said fees shall be paid into the Administrative Agency. The Administrative Agency shall not process any application for a permit or license until the required fee has been paid. (K.S.A. 19-3701.)

1-3.3 Notices, Orders, Appeals.

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

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

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

- 1-3.3.2 Appeal for Hearing. Any person aggrieved by any notice or order issued by the Administrative Agency under the provisions of this sanitation code may request, and shall be granted, a hearing on the matter before the Hearing Officer; provided such person shall file with the Administrative Agency within ten working days after the date of issuance of the notice or order, a written petition requesting a hearing and setting forth the grounds upon which the request is made. The filing of the request for a hearing shall operate as a stay of the notice or order. Upon receipt of such petition, the Administrative Agency shall confer with the Hearing Officer and set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing, the petitioner shall be given an opportunity to show why such notice or order should be modified or withdrawn. The hearing shall be commenced no later than ten working days after the date on which the petition was filed; provided, that upon request of the petitioner, the Administrative Agency may postpone the hearing for a reasonable time beyond such ten-day period, when in the Agency's judgement the petitioner has submitted justifiable reason for such postponement.
- 1-3.3.3 Report of Hearing. Within ten working days after such a hearing, the Hearing Officer shall submit the findings of the hearing in writing to the County Board of Health. The findings shall include a recommendation that the order be sustained, modified, or withdrawn. Upon the receipt of the report of the Hearing Officer, the County Board of Health shall consider the report and issue an order, confirming, modifying or withdrawing the notice or order, and shall notify the appellant in the same manner as is provided for in Section 1-3.3.1.
- 1-3.3.4 Emergency Orders. Whenever the Administrative Agency finds that an emergency exists which requires immediate action to protect the public,

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the Administrative Agency may issue an order reciting the existence of such an emergency, specifying action be taken to meet the emergency. Such an order shall be effective immediately. Any person to whom such an order is directed shall comply therewith immediately.

1-3.4 Records.

1-3.4.1 Permit Applications. Applications for permits or licenses required by this code shall be submitted to and managed by the Administrative agency.

1-3.4.2 Official Actions. A written record of all official actions taken on applications for permits and licenses required by this sanitation code shall be managed by the Administrative Agency.

1-3.4.3 Proceedings of Hearings. The proceedings of all hearings, including findings and decisions of the Hearing Officer, and a copy of every notice and order related thereto shall be filed with the Administrative Agency. Transcripts of the proceedings of hearings need not be transcribed unless a judicial review of the decision is sought.

1-3.5 GENERAL PROVISIONS

1-3.5.1 Enforcement Procedure. The County Attorney or County Counselor shall enforce the provisions of this code and other sanitation 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 may be utilized for enforcement of these codes and shall be governed by the provisions of the Kansas Code of Civil Procedure.

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1-3.5.2 Penalties. In addition to, and independently of, the enforcement procedures provided in section 1-3.5.1 herein, upon conviction of any violation of any provision of a sanitation code shall be deemed to be a misdemeanor and punishable by civil penalty not to exceed two hundred dollars (\$200) for each offense. Each day's violations shall constitute a separate offense. K.S.A. 19-3707.

1-3.5.3 Disclaimer of Liability. This code and other sanitation 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.

1-3.5.4 Separability. If any clause, sentence, paragraph, section or subsection of this code shall for any reason, be adjudged by any court of competent jurisdiction to be unconstitutional and invalid, such judgement shall not affect, repeal or invalidate the remainder thereof, but shall be confined to the clause, sentence, paragraph, section or subsection thereof so found unconstitutional and invalid.
(K.S.A. 19-3708)

CHAPTER 2

ON-SITE WASTEWATER MANAGEMENT

- SECTION 2-1.0 PURPOSE AND INTENT.
Sewage is a potential source of disease and a hazard to the health, safety, and welfare of the public. It is the purpose of this chapter to provide minimum standards for the location, design, construction, maintenance and use of on-site wastewater systems, and the removal and disposal of materials from such facilities within the legal boundaries of Rice County.
- SECTION 2-2.0 APPLICABILITY.
The provisions of this chapter shall apply to all unincorporated areas located in Rice County, Kansas.
- SECTION 2-3.0 DEFINITIONS.
- 2-3.1 Nuisance means conditions or activities which have or threaten to have a detrimental effect on the health of the public or its members.
- 2-3.2 Private Wastewater system means any system which does not hold a Kansas Water Pollution Control permit. This includes wastewater disposal systems which function by soil absorption, evaporation, transpiration, holding tanks, or any combination of the above.
- 2-3.3 Sanitary Privy means a facility designed for the disposal of non-water carried wastes from the human body.
- 2-3.4 Sanitary Service means the pumping out and/or removal of sewage, sludge, or human excreta from privies, vaults, septic tanks, or private wastewater systems; and the transportation of such material to a point of final disposal.

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2-3.5 Sewage means any substance that contains any of the waste products or excrementitious or other discharges from the bodies of human beings or animals, or chemical or other wastes from domestic, manufacturing or other forms of industry.

2-3.6 Wastewater System means any system along with attendant pipes and appurtenances designed and constructed to collect, store, treat, and dispose of domestic, industrial, or commercial waste.

2-3.7 Vaults/Holding Tank means a water-tight receptacle for the retention of sewage either before, during, or after treatment.

SECTION 2-4.0 PROHIBITED PRACTICES.

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

- a. has been enjoined as a public health nuisance by a court of competent jurisdiction; or
- b. fails to comply with the provisions of this sanitation code, and written notice thereof has been given by the Administrative Agency; or
- c. discharges inadequately treated wastes onto the surface of the ground, or waters of the state; or
- d. causes vector (flies, mosquitoes or rodents capable of carrying disease) breeding, produces offensive odors or any condition that is detrimental to health and comfort.

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2-4.2 Use of Private Systems Within 400 Feet of Public Sewer. No private wastewater system shall be constructed within 400 feet of an existing public sewer, unless the Administrative Agency finds that connection to such a sewer is not feasible and that a private wastewater system, meeting the requirements of this code, can be constructed on that property.

2-4.3 Location of Private Wastewater Systems Below Full/Flood Pool. No portion of a private wastewater system shall be located below the flood elevation of any reservoir or full pool elevation of any pond, lake, streams or water supply reservoir unless written approval is obtained from the Administrative Agency.

2-4.4 Location of a Private Wastewater System Within 100 feet of Well. No portion of a private wastewater system shall be located less than 100' from a water well or a pump suction line from a water well, unless that portion of the facility is of water tight construction. No sanitary sewer line, regardless of construction, shall be located less than 10 feet from a water well or a suction line from a water well.

SECTION 2-5.0 REQUIREMENTS FOR PRIVATE WASTEWATER SYSTEMS

2-5.1 Approval of Plans. After adoption of this code no person shall develop any private wastewater system until the plans and specifications for such system have been approved by the Administrative Agency. References, as approved by Kansas Department of Health and Environment and utilizing currently approved technology, may be used as a guide by the Administrative Agency in reviewing and approving plans for private wastewater systems.

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

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- 2-5.3 Suitable Site. No site shall be approved if:
- a. connection to an approved public wastewater system is feasible or the site violates the provisions of Section 2-4.0 of this code; or
 - b. the site contains less than two acres of land exclusive of roads, streets, or other public rights-of-way or easements; or
 - c. the soil, topography, and geology does not meet the requirements set forth in Section 2-6.0.

2-5.4 Construction Approval. All private wastewater systems developed or modified after the effective date of this sanitation code must be inspected and approved by the Administrative Agency for compliance with the approved plans; and no portion of the system shall be covered or made inaccessible to inspection prior to approval.

2-5.5 Proper Maintenance and Operation. All private wastewater systems shall be maintained in good working condition. Whenever the Administrative Agency shall find any private wastewater system in violation of this code, the owner and/or user shall be ordered to correct the condition.

2-5.6 Waiver. The Administrative Agency shall have the authority to grant exceptions when reliable information is provided which can justify the exception without compromising the environment and/or public health.

SECTION 2-6.0 MINIMUM STANDARDS FOR SOIL TOPOGRAPHY AND GEOLOGY. No private wastewater system which is dependent upon soil absorption for the disposal of wastewater, shall be constructed on any lot of any size unless minimum standards for percolation rates, soil profiles and depth to impervious rock or groundwater are met.

SECTION 2-7.0 REQUIREMENTS FOR PRIVIES.

- 2-7.1 Approval of Plans. No person shall construct or modify any privy until the plans and specifications for the proposed construction and/or modification have been approved by the Administrative Agency.
- 2-7.2 Approval of Construction. No person shall use, or make available for use, any newly constructed or modified privy until the construction has been inspected and approved by the Administrative Agency for compliance with approved plans.
- 2-7.3 Proper Maintenance. No person shall use, or offer for use, any privy that is not maintained in a clean and sanitary condition.
- 2-7.4 Vault Required in Certain Areas. In areas where the elevation of the groundwater is within six feet of the top of the ground, a watertight vault shall be provided in lieu of the standard pit.
- 2-7.5 Location. No privy shall be installed less than 100 feet from an existing well.

SECTION 2-8.0 SANITARY SERVICES. No person shall remove or transport any wastes from any private wastewater system or privy, unless that person holds a valid permit from the Administrative Agency.

- 2-8.1 Contracting With Unlicensed Persons Prohibited. No person responsible for operating a private wastewater system or privy shall contract with any person for sanitary service unless that person holds a valid permit.

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2-8.2 Minimum Standards for Sanitary Service Equipment. All equipment used for rendering of sanitary service shall be of watertight construction and maintained in good working condition. This ensures that all materials removed from private wastewater systems or privies will be transported to an approved point of disposal without spillage of the waste.

SECTION 2-9.0 REQUIREMENTS FOR SUBDIVISION DEVELOPMENT
After adoption of this code no person shall develop any subdivision until the plans and specifications for on-site wastewater management have been approved by the Administrative Agency.

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CHAPTER 3

Nonpublic Water Supplies

- SECTION 3-1.0 PURPOSE AND INTENT.
The provisions of this chapter are for the purpose of regulating and controlling the development, maintenance, and use of all water supplies other than public water supplies in Rice County, Kansas, in order that public health will be protected and the contamination and pollution of the water resources of the county will be prevented.
- SECTION 3-2.0 APPLICABILITY. The provisions of this chapter shall apply to all unincorporated areas located in Rice County, Kansas.
- SECTION 3-3.0 DEFINITIONS.
- 3-3.1 Nonpublic Water Supply means all water supplies not meeting the definition of Public Water Supply, or a Semi-Public Water Supply.
- 3-3.2 Semi-Public Water Supply means a system that has at least two service connections, but less than ten service connections.
- 3-3.3 Public Water Supply means a system that has at least ten service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year. (K.S.A. 65-162a)
- SECTION 3-4.0 REQUIREMENTS FOR NONPUBLIC WATER SUPPLIES.
- 3-4.1 Permit. No person shall develop any water supply subject to regulations of this code until a permit has been obtained from the Administrative Agency.
- 3-4.2 Approved Plans. No permit to develop a water supply subject to regulations of this code shall be issued until the plans have been approved by the Administrative Agency.

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SECTION 3-5.0 MINIMUM STANDARDS FOR GROUNDWATER SUPPLIES.

3-5.1 Location. All wells used as sources of water for water supplies shall be separated from the specified sources of pollution by distances equal to or greater than those shown in Table 1. Such distances may be increased by the Administrative Agency to provide assurance that the well will not be contaminated.

TABLE 1

<u>AREA</u>	<u>Minimum Separation</u>
Subsurface absorption field for septic tank effluent.....	100 ft.
Pit privy.....	100 ft.
Septic tank.....	50 ft.
Barnyards, stables, manure piles, animal pens, etc.....	100 ft.
Streams, lakes and ponds.....	25 ft.
Sewer lines, not constructed of cast iron or other equally tight construction.....	100 ft.
Sewer lines constructed of cast iron or other equally tight construction.....	10 ft.

3-5.2 Construction. The enforcement of this section of the Sanitation Code shall be regulated in accordance with K.A.R. 28-30-1 through 28-30-10 et seq. as amended. Recommended standards for design, construction and location; and practices consistent with current approved technology shall be followed.

SECTION 3-6.0 REQUIREMENTS FOR SUBDIVISION DEVELOPMENT
After adoption of this code no person shall develop any subdivision until the plans and specifications for water supply provision and/or protection have been approved by the Administrative Agency.

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SECTION 3-7.0 Requirements For Semi-public Water Supplies

3-7.1 Permit. No person shall develop or modify a semi-public water supply subject to the regulations of this code without a permit from the Administrative Agency.

3-7.2 Approved Plans. All new or modified semi-public water supplies shall be constructed in with plans approved by the Administrative Agency.

3-7.3 Use of Semi-public Water Supply. In addition to the regulations 3-7.1 and 3-7.2 the following shall be completed and reviewed by the Administrative Agency prior to issuing of a permit.

1. An initial bacterial analysis
2. An initial chemical analysis
3. Other analysis as might be indicated by screening analysis and/or adjacent contamination sites.

Such analysis will be done annually and performed by a Kansas Department of Health and Environment certified laboratory.

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