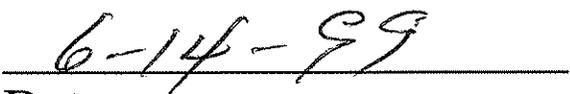


RILEY COUNTY
JUN 18 1999
DEPARTMENT OF WATER

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



Signature
Chairman, Board of County Commissioners



Date

RESOLUTION NO. 061499-22

**A RESOLUTION ADOPTING THE SANITARY CODE OF RILEY COUNTY, KANSAS,
APPLICABLE TO THE UNINCORPORATED AREA OF THE COUNTY AS
PREPARED AS A MODEL CODE BY THE RILEY COUNTY SANITARY CODE
COMMITTEE AND INCORPORATING THE SAME BY REFERENCE
AND REPEALING RESOLUTIONS IN CONFLICT THEREWITH**

WHEREAS, the Board of County Commissioners of Riley County, Kansas, deem it necessary and appropriate to protect the general health, safety and welfare of the County residents; and

WHEREAS, the Riley County Health Department has prepared and recommended a Sanitary Code of Riley County, Kansas, in book form as a model code dated June 10, 1999; and

WHEREAS, the Board of County Commissioners are empowered to adopt such code pursuant to K.S.A. 19-3701, et seq. And K.S.A. 65-159, et seq., as amended, and have duly given notice and held a public hearing on June 10, 1999, as required by said statutes; and

WHEREAS, the Kansas Department of Health and Environment has approved said code in the form of a model code under the provisions of K.S.A. 19-3701, et seq., as amended; and

WHEREAS, counties are empowered pursuant to K.S.A. 12-3301, et seq., as amended, to adopt such model codes by incorporation by reference into a resolution.

NOW, THEREFORE, BE IT RESOLVED by The Board of Commissioners of Riley County, Kansas, that:

Section 1. That upon the recommendation of the Riley County Health Department and Sanitary Code Committee on June 10, 1999, there is established a Sanitary Code of Riley County, Kansas, as published in book form as a model code, a true and correct copy of which is appendaged hereto and is incorporated by reference herein as part of this resolution, all pursuant to K.S.A. 12-3301, et seq., as amended and the provisions of K.S.A. 19-3701, et seq., and K.S.A. 65-159, et seq., as amended; and

Section 2. That the general purpose of said code is to regulate, in the unincorporated area of the County: (1) the on-site disposal of sewage from residential, commercial, industrial, public and other nonresidential uses; (2) the construction and maintenance of nonpublic water supplies; and (3) the abatement of certain nuisances which will eliminate and prevent the development of environmental conditions that are hazardous to health and safety and promote the economical and orderly development of the land and water resources of the County; and

Section 3. That three (3) copies of said Sanitary Code of Riley County, Kansas, shall be marked or stamped "Official Copy as Incorporated by Resolution No. 061499-

_____” and filed in the office of the County Clerk to be available for inspection at all reasonable business hours; and

Section 4. That the County Attorney is authorized to prosecute any person who shall violate any provisions of said code and is hereby authorized and directed to file appropriate actions for such enforcement upon request of the Administrative Agency designated in said code. Actions of injunction, mandamus and quo warranto are appropriate enforcement procedure. In addition to the latter enforcement procedures, any violation of any provision of said code shall be deemed to be a misdemeanor and punishable by a fine not to exceed two hundred dollars (\$200) for each offense and each day's violation shall constitute a separate offense.

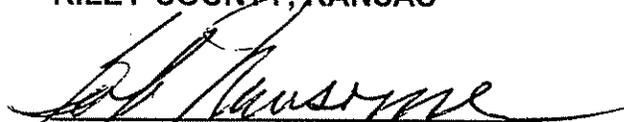
Section 5. That any provisions of this Resolution or the incorporated code which shall be declared by a competent court to be unconstitutional or invalid shall not affect the validity and authority of any other provisions of said Resolution or code; and

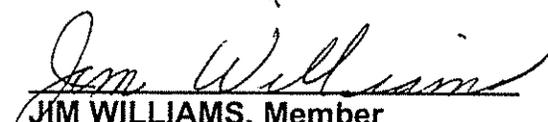
Section 6. This Code shall supersede any and all previously adopted resolutions, codes or regulations, and any resolutions, codes or regulations or parts thereof in conflict with this Code, including Resolution 122393-55, are hereby repealed.

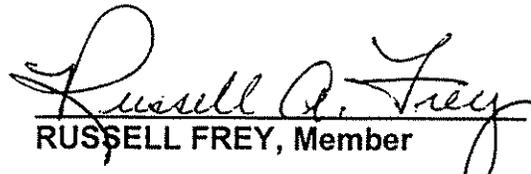
Section 7. That this resolution shall take effect and be enforced on and after its adoption and publication in the official county newspaper.

ADOPTED this 14th day of June, 1999.

**BOARD OF COMMISSIONERS OF
RILEY COUNTY, KANSAS**


BOB NEWSOME, Chairman


JIM WILLIAMS, Member


RUSSELL FREY, Member

ATTEST:


RICH VARGO, Riley County Clerk

RILEY COUNTY SANITARY CODE

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SANITARY CODE

RILEY COUNTY, KANSAS

CHAPTER I

ADMINISTRATIVE PROCEDURES

ARTICLE 1

AUTHORITY AND POLICY

Section 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., K.S.A. 19-101a, or K.S.A 12-3301, 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 because the control and prevention of surface and groundwater pollution is fundamental to the health, safety, and welfare of the public. A sanitary code establishes standards to eliminate and/or prevent the development of environmental conditions that are hazardous to health and safety, and promotes the economical and planned development of the land and water resources of the county. For these reasons and objectives, it will be the policy of the Board of County Commissioners to adopt and amend a sanitary 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

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be followed in administering this sanitary 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 Riley County Sanitary Code.

1-1.5 Applicability. This Code and all authorized rules, regulations, and restrictions authorized by this Code shall apply to the unincorporated area of Riley County, Kansas, and to all persons, property, establishments, and business activities located or conducted therein, regardless of ownership. This code does not apply to any tract of land under one ownership which exceeds 600 acres in area and is used only for agricultural purposes, except for residences located thereon.

1-1.6 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 judgment 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.

1-1.7 Effective Date. This code shall become effective from and after its approval by KDHE, the date of adoption by the Board of County Commissioners and

publication of notice as required by law.

ARTICLE 2

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.

- Section 1-2.1 Administrative Agency means the entity authorized to implement and enforce the provisions of this code. The Administrative Agency for Riley County is the Riley County - Manhattan Health Department.
- 1-2.2 Administrative Rules means those rules and regulations contained in chapter one of this code which prescribe general procedures to be followed in the administration of the sanitary code adopted by the county.
- 1-2.3 Agricultural Purposes means a purpose related to the production of livestock or crops.
- 1-2.4 Authorized Representative means any person who is designated by the Administrative Agency to administer this code.
- 1-2.5 Board of County Commissioners means the Board of County Commissioners of Riley County, Kansas.
- 1-2.6 Board of Health means the Riley County - Manhattan Joint Board of Health.
- 1-2.7 Hearing Officer means a qualified, neutral individual, not regularly employed by the Riley

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County - Manhattan Health Department, appointed by the Board of County Commissioners, to hear appeals from decisions relating to the enforcement and administration of this code. The hearing officer shall be paid from funds of the Riley County General Fund.

1-2.8 Person means an individual, corporation, partnership, association, state or political subdivision thereof, federal, state agency, municipality, commission, interstate body, or other legal entity recognized by law as the subject of rights and duties.

1-2.9 Premise means any lot or tract of land and all buildings, structures, or facilities located thereon.

1-2.10 Sanitary Code means rules, standards, and regulations adopted by the County designed to minimize or control those environments and environmental conditions that may adversely affect the health and well being of the public. Such environments and environmental conditions may include but are not restricted to: wastewater and wastewater disposal; water supply. Whenever the term "Code" is used herein, such reference shall be to the Sanitary Code of Riley County, Kansas.

1-2.11 KDHE means the Kansas Department of Health and Environment.

1-2.12 Structure means anything constructed or erected with a fixed location on the ground; including buildings, walls, signs, towers, and bins.

ARTICLE 3

ADMINISTRATIVE POWERS AND PROCEDURES

Section 1-3.1 Right of Entry. Authorized representatives of the Administrative Agency may, at any reasonable time, enter upon, examine and/or survey all such premises, establishments and buildings as he or she shall deem necessary for the enforcement of this code. In the event that the owner or person lawfully in control of the premises refuses to consent to such entry, then, upon application by the authorized representative, any court of competent jurisdiction shall issue an ex parte order requiring the owner or person lawfully in control of the premises to permit entry upon the premises and permitting the authorized representative, when accompanied by an officer from the Riley County Police Department, to enter forcibly upon the premises and conduct the examination and/or survey.

1-3.2 Notices, Orders, Appeals.

1-3.2.1 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:

(a) be in writing;

- (b) identify the code violation and the factual basis thereof;
- (c) specify necessary corrective action;
- (d) allow a reasonable period of time for performance of any work required by the notice; and,
- (e) be properly served upon the owner, agent, or occupant, provided that such notice shall be deemed properly served upon such owner, agent, or occupant when a copy thereof has been sent by registered mail to the last known address of the owner, agent, or occupant as identified on the latest County tax roles.

1-3.2.2 Appeal For Hearing. Any person aggrieved by any notice or order issued by the Administrative Agency under the provisions of this code may request, and shall be granted, a hearing on the matter before a Hearing Officer; provided such person shall file with the Administrative Agency within fifteen 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, except as provided in section 1-3.3.

1-3.2.3 Conduct of Hearing Upon receipt of such petition, the Administrative Agency shall confer with the Hearing Officer and set a time and place for such

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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. 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 judgment the petitioner has submitted justifiable reason for such postponement.

1-3.2.4 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 Board of County Commissioners. 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 Board of County Commissioners shall consider the report and issue an order, confirming, modifying or withdrawing the notice or order at their next regularly scheduled meeting, and shall notify the appellant in the same manner as is provided for in Sec. 1-3.2.1 within 30 calendar days. The decision of the Board of County Commissioners may be appealed to the District Court.

1-3.2.5 Proceedings of Hearings. The proceedings of all

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Department of Health
and Environment

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hearings shall be recorded. The recordings, 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. Tapes will be kept for a least two (2) years unless an appeal is filed. Tapes may be destroyed after any appeal is completed.

1-3.3 Emergencies

1-3.3.1 Emergency Orders. Whenever the authorized representative finds that an emergency exists which requires immediate action to protect the public health, he or she may, without notice or hearing, issue an order reciting the existence of such an emergency and require that such action be taken as he or she may deem necessary to meet the emergency, including the suspension of the permit. Notwithstanding any other provisions of this code, such order shall be effective immediately and shall be enforceable in Riley County District Court.

1-3.3.2 Work Stoppage. Whenever any work is being performed on a private sewage disposal system contrary to the provisions of this Code, the authorized representative may order the work stopped immediately by issuing an emergency order

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and serving it on any persons engaged in the doing or causing such work to be done, and any such person shall forthwith stop such work until authorized by the Administrative Agency to proceed with the work.

1-3.3.3 Compliance. Any person to whom an emergency order is directed shall comply therewith immediately, but upon written request filed within five (5) days of issuance, shall be afforded a hearing before a Hearing Officer as soon as possible. Such a hearing shall be held within ten (10) days of the issuance of such emergency order.

1-3.4 Disclaimer of Liability. This Code shall not be construed or interpreted as imposing upon the County or the Administrative Agency, or officials and employees of either: (1) any liability or responsibility for damages to property; or, (2) any warranty that any system, installation or portion thereof that is constructed or repaired under permits and inspections required by this Code, will function properly. In addition, any employee charged with the enforcement of this code, acting in good faith and without malice in the discharge to his or her duties, shall not thereby be personally liable and is hereby relieved from personal liability for damage that may occur to any person or property as a result

of any act required by this Code in the discharge of his or her duties.

1-3.5 Violations and Penalties

1-3.5.1 Unlawful conduct. The following acts shall be unlawful:

- (a) Obstruction of authorized representative. No person shall willfully impede or obstruct an authorized representative of the Administrative Agency in the discharge of his or her official duties under the provisions of this code.
- (b) Operation without a permit or license. No person shall do any act or engage in any activity for which a permit or license is required by this Code unless first obtaining such permit or license. The existence of emergency conditions may be a defense to this provision.
- (c) Failure to comply with emergency order. No person shall fail or refuse to comply with an emergency order of the Administrative Agency issued under Section 3.3 of this chapter.
- (d) Failure to comply with permit or license. No person shall fail to comply with the specified terms or conditions of any permit or license issued under this Code nor do any act or engage in any activity or conduct regulated by this Code without a valid permit or license, nor continue activities or conduct subject to any permit or license which has expired, been suspended or been

revoked under this Code.

- (e) Failure to comply with regulations. No person shall do any act or engage in any activity which is regulated by any Article, Section, or Chapter of this Code except as authorized and permitted under the Code, and no person shall knowingly operate any activity regulated by this Code in any manner which does not comply with the requirements of the conditions and regulations specified in this Code.
- (f) Falsification and misrepresentation. No person shall falsify nor misrepresent any fact, information, product, or data provided, required, or submitted for any application, permit, license, inspection, examination, investigation, report, record, test, or other determination required under this Code.
- (g) Improper discharges. No person shall cause nor permit any wastewater or sewage to be discharged to or upon the ground surface, the ground water, or other natural water course which creates or causes a health hazard or unlawful pollution, and no person shall cause nor permit any effluent from any private wastewater disposal system to be so discharged, or to leak, seep or otherwise escape from the system such as to create or cause a health hazard or unlawful pollution.

1-3.5.2 Enforcement Procedure. The County Attorney shall

enforce all criminal provisions of this code. The County Counselor will file actions of injunction, relief, restraining orders, and other civil matters necessary to enforce this code, and shall be governed by the provisions of the Kansas Code of Civil Procedure.

1-3.5.3 Penalties. In addition to, and independently of, the enforcement procedures provided herein, any violation of any provision of this sanitary code or of any unlawful conduct described herein shall be deemed to be a misdemeanor and punishable by a fine not to exceed two hundred dollars (\$200) for each offense. Each day's violation shall constitute a separate offense.

1-3.6 Property Resale, Existing Systems Evaluation. Upon request of the property owner or contract buyer, the Administrative Agency shall provide an inspection of existing water and wastewater systems at a fee established by the Board of Health. Any inspection provided under this section shall not constitute nor be deemed a warranty, and neither the Administrative Agency nor any other official of the County shall be held liable for claims arising out of the inspection. Upon completion of the inspection, a written report will be issued to the applicant.

ARTICLE 4

PERMIT AND LICENSE REQUIREMENTS

Section 1-4.1

Applications for Permits and Licenses. Every person required by this code to obtain a permit or license shall make application for such permit or license to the Riley County - Manhattan Health Department on standard forms provided for that purpose.

1-4.2

Approval of Permit Application. After receipt of an application and appropriate fees as required by this code, the Administrative Agency shall conduct such investigations as are deemed necessary to determine whether the permit application should be approved. The Administrative Agency has fifteen working days, weather permitting, to complete the required investigative procedures after all requirements of the applicant have been completed. In wet or freezing weather, the Administrative Agency may extend the time permitted but shall inform the applicant when investigations will begin. The Administrative Agency shall approve or deny the permit application within one week of completion of all required investigative procedures. If the permit application is not denied within one week of completion of such procedures, it shall be automatically approved unless the Administrative Agency, after giving notice to the applicant, requests from the Board of Health, for good

Riley County Health
Riley County Department of Health
and Environment

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cause, an extension of the time period. If the permit application is denied, the Administrative Agency shall send the applicant a written notice and state the reasons for rejection. Denial of a permit application by the Administrative Agency is subject to the appeal process as detailed in Section 1-3.2.2.

1-4.3 Special Requirements. To protect public health and safety, the Administrative Agency may make more stringent requirements for the issuance of a permit in specific instances, provided:

- a. The requirements shall be set forth on the permit.
- b. When the applicant and the Administrative Agency agree that the requirements are necessary, the applicant shall note approval by the applicant's signature on the permit.
- c. If the applicant does not agree with the more stringent requirements, the applicant may request a written rationale from the Administrative Agency. Such written rationale will be provided to the applicant within 10 calendar days from the date of the request. The applicant may appeal such requirements at a hearing as provided in Section 1-3.2.2.

1-4.4 Approval of License. After receipt of an application and appropriate fees as required by this code, the Administrative Agency shall

conduct such investigations as are deemed necessary to determine whether the License should be issued. The Administrative Agency has fifteen working days to complete the required investigative procedures after all requirements of the applicant have been completed. The Administrative Agency shall issue or deny the license within one week of completion of all required investigative procedures. If the license is not denied within one week of completion of such procedures, it shall be automatically issued. If the license is denied, the Administrative Agency shall send the applicant a written notice and state the reasons for rejection. Denial of a license by the Administrative Agency is subject to the appeal process as detailed in Section 1-3.2.2.

1-4.5 Permit or License Transferability. No license required by this code shall be transferable. Permits issued under this code shall transfer to a new property owner.

1-4.6 Errors and Omissions. The issuance of a permit shall not prevent the Administrative Authority from thereafter requiring the correction of errors in plans and specifications or from preventing construction activity being carried on thereunder when such activity would be in violation of this code or of any other code or

resolution or from revoking any permit or license when issued in error. The Administrative Agency may, in writing, suspend or revoke a permit or license issued under provisions of this code if the permit or license was issued in error, or on the basis of incorrect information provided by the applicant, or for noncompliance or misrepresentation.

1-4.7 Permit or License expiration. Permit applications approved under this code will expire one year after approval unless the Administrative Agency approves a request for extension prior to the expiration date. All licenses will be issued for the current calendar year and will expire on December 31.

1-4.8 Standard Fees. The Board of Health shall adopt a schedule of fees for all procedures, permits, and licenses required by this code, and said fees shall be paid into the Administrative Agency. The Administrative Agency shall not process any application for a procedure, permit, or license until the required fee has been paid. Any fees required and paid are not refundable unless approved by the Director of the Riley County - Manhattan Health Department.

1-4.9 Records

1-4.9.1 Permit Applications. Applications for permits or licenses required by this code shall be filed

with the Administrative Agency.

1-4.9.2 Official Actions. A written record of all official actions taken on applications for permits and licenses required by this code shall be kept on file with the Administrative Agency.

107-1023
Texas Department of Health
and Environment
4/26/99

Date

CHAPTER II

ON-SITE WASTEWATER MANAGEMENT

ARTICLE 1

PURPOSE AND INTENT: Sewage is a potential source of disease, water pollution, and a hazard to the health, safety, and welfare of the public. It is the purpose of this chapter to provide minimum standards for the location, design, construction, maintenance, and use of on-site wastewater systems, and the removal and disposal of materials from such facilities within the legal boundaries of Riley County.

ARTICLE 2

DEFINITIONS

Section 2-2.1

Alternative Wastewater Disposal System means a private wastewater disposal system, approved by the Administrative Agency, which effectively pretreats the wastewater to reduce levels of pollutants before discharge to an approved underground soil distribution system. Aerobic treatment units and sand filters are examples. Other innovative technologies may be included.

2-2.2

Cesspool means a drywell that receives solely untreated sanitary waste, and which sometimes has an open bottom or perforated sides.

2-2.3

Domestic Wastewater means sewage which is normally generated by residential activity, not commercial or industrial, and which originates primarily from kitchen, bathroom and laundry

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sources, including waste from food preparation, dishwashing, garbage grinding, toilets, baths, and showers.

2-2.4 Lawful Private Wastewater Disposal System means a system that is not in violation of this Code; and, (a) was constructed prior to May 1, 1963; or, (b) was constructed, altered, or extended with the required Health Department permit any time after May 1, 1963; or, (c) has been issued a Health Department permit based on an evaluation of existing construction.

2-2.5 Nuisance means conditions or activities on properties both public and private, which have or threaten to have a detrimental effect on the environment or the health of the public.

2-2.6 Private Wastewater Disposal System. Means any system along with attendant pipes and appurtenances designed and constructed to collect, store, treat, and dispose of domestic wastewater which is not required to hold a Kansas Water Pollution Control Permit.

2-2.7 Privy or Sanitary Privy means a facility designed for the retention of non-water carried wastes from the human body.

2-2.8 Sanitary Service means the pumping out and/or removal of sewage, sludge, or human excreta from privies, vaults, septic tanks, or private wastewater disposal systems; and the

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transportation of such material to a point of final disposal.

2-2.9 Seepage Pit means a subsurface vertical shaft lined with unmortared stone or other material, which is filled with rock or gravel and receives septic tank effluent.

2-2.10 Septage means the sludge and liquid contents of a septic tank which are removed during periodic pumping (cleaning) of the septic tank.

2-2.11 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 sources, manufacturing, or other forms of industry.

2-2.12 Vault/Septic Tank means a watertight receptacle for the retention of sewage either before, during, or after treatment.

ARTICLE 3

PROHIBITED PRACTICES

Section 2-3.1 Use of Non-approved Private Systems. No person shall use, or cause to be used, any private wastewater disposal system 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 code, and written notice thereof has been given by the

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- Administrative Agency; or,
- c. discharges onto the surface of the ground, or waters of the state as defined in K.S.A. 65-161 (a), or into a seepage pit or cesspool; or,
 - d. receives non-domestic wastewater, causes vector breeding, produces offensive odors or any condition that is detrimental to health and comfort; or,
 - e. uses a vault/septic tank which is not a water-tight receptacle.

2-3.2 Use of Private Wastewater Disposal Systems Within 400 Feet of Public Sewer. No private wastewater disposal system shall be constructed, repaired, or modified within 400 feet of an existing public sewer, unless the Administrative Agency finds that connection to such a sewer is not reasonably feasible and that a private wastewater disposal system meeting the requirements of this code can be constructed on that property.

2-3.3 Location of Private Wastewater Disposal Systems Below Full/Flood Pool. No portion of a private wastewater disposal system shall be located on property covered by water at the flood pool elevation of any reservoir, unless written approval is obtained from the Administrative Agency and the United States Corps of Engineers. No portion of a private wastewater disposal system shall be located on property covered by

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water at the full pool elevation of any pond, lake, or water supply reservoir, unless written approval is obtained from the Administrative Agency. This does not preclude use and repair of existing systems, provided other requirements of this code are met.

2-3.4 Location of Private Wastewater Disposal Systems within a 100 Year Flood Plain. No portion of a private wastewater disposal system shall be constructed within the 100 year flood plain (as established by the Federal Emergency Management Agency) of any stream, river, or water course unless written approval is obtained from the Administrative Agency. This does not preclude repair of existing systems, provided other requirements of this code are met.

2-3.5 Multiple connections to a private wastewater system. No more than one residence shall be connected to a private wastewater disposal system. This does not preclude continued use or repair of a lawful private wastewater disposal system.

2-3.6 Use of Cesspools, Seepage Pits. Cesspools, seepage pits, and other wastewater disposal methods not described as acceptable in this code or by the references adopted by this code, are illegal and shall be removed from operation immediately upon notification of the owner by

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registered mail. Any replacement wastewater disposal system shall be constructed in accordance with this code.

ARTICLE 4

ALTERATION, REPLACEMENT, OR RECONSTRUCTION OF EXISTING STRUCTURES

Section 2-4.1 Non-conforming Lots.

- (a) In no case shall a structure, served by a private wastewater disposal system and located on a lot that does not meet size and separation requirements of this Code, be altered, replaced, reconstructed, or enlarged in such a manner that would enable an increase in the number of persons residing in said structure or otherwise produce an increase in the volume of wastewater; and,
- (b) Repairs, maintenance, or reconstruction of said structure shall be limited to those items necessary to keep the structure in sound condition; and,
- (c) Use of said structure shall not be changed in any manner which increases the volume of wastewater used.

2-4.2 Conforming Lots. Plans to alter or enlarge any structure served by a private wastewater disposal system must be submitted to the Administrative Agency for approval if such modification would enable an increase in the number of persons residing in said structure or otherwise produce

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City Engineer
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an increase in the volume of wastewater. The Administrative Agency may require the existing private wastewater disposal system to be improved or enlarged to accommodate the potential increase in wastewater volume.

2-4.3 Reconstruction of Damaged Structures. In the event that the existing structure is damaged, by any means, to the extent of more than 50% of its value, restoration of the property shall not be allowed unless the premise contains a lawful private wastewater disposal system. An evaluation of the premise shall be conducted by the Administrative Agency before approval for the restoration can be granted.

ARTICLE 5

REQUIREMENTS FOR PRIVATE WASTEWATER DISPOSAL SYSTEMS

Section 2-5.1 Approval of Plans. After adoption of this code, no person shall develop any private wastewater disposal system until the plans and specifications for such system have been approved by the Administrative Agency. References utilizing technology currently approved by the Kansas Department of Health and Environment, may be used as a guide by the Administrative Agency in reviewing and approving plans for private wastewater disposal systems. (See Appendix A, page 52, for a list of these approved

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references.) The Administrative Agency may develop compaction standards for wastewater stabilization ponds based upon Kansas Department of Transportation's "Type B" compaction requirement. The Administrative Agency may require plans to be submitted by a registered professional engineer or other recognized professional with experience designing private wastewater disposal systems.

2-5.2 Application for Permit Required. No person shall construct, repair, or modify, or allow to be constructed, repaired, or modified, any private wastewater disposal system until a permit application has been received and approved by the Administrative Agency.

2-5.3 Use Permit Required. No person shall operate a private wastewater disposal system without a permit issued by the Administrative Authority. The permit shall be issued after construction has been approved.

2-5.4 Use of Existing Systems. Lawful private wastewater disposal systems are exempt from meeting the lot size and separation requirements of this code. This exemption may be used to allow the repair of existing private wastewater systems if approval is obtained from the Administrative Agency. Any premise which does

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not contain a lawful private wastewater disposal system is subject to all restrictions and requirements of this code.

2-5.5 Construction Approval. All private wastewater disposal systems constructed, repaired, or modified after the effective date of this 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. Private wastewater disposal systems shall not be put into use until the construction is approved and the permit issued.

2-5.6 Proper Maintenance and Operation. All private wastewater disposal systems shall be maintained in accordance with standards established by the Administrative Agency. Approved references listed in appendix A (page 52) may be used by the Administrative Agency to help establish these standards.

2-5.6.1 Additional Maintenance Requirements for Septic Tanks. Septic tanks shall be pumped and inspected a minimum of once every five years to verify that the tees are in place and that the tank has not deteriorated. If the tank is no longer structurally sound or is not watertight,

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it must be replaced.

2-5.6.2 Additional Maintenance Requirements for Alternative Private Wastewater Disposal Systems.

- a. Any person owning or installing an alternative private wastewater disposal system shall maintain the system in accordance with the manufacturer's instructions and requirements of the Administrative Agency.
- b. The owner shall sign a maintenance requirement agreement that shall be notarized, describe the property, and be filed of record with the office of the Riley County Register of Deeds.
- c. The owner and all future owners shall contract for the required maintenance with a service representative approved by the Administrative Agency.
- d. The service representative shall submit a report to the Administrative Agency within thirty days after each system maintenance.

2-5.7 Septic Tanks. All newly installed septic tanks shall have an effluent filter approved by the Administrative Authority. Whenever a private wastewater disposal system with a septic tank is repaired or modified, an approved effluent filter shall be installed.

2-5.8 PRIVIES. No privy shall be constructed or reconstructed on any premise served by a public

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water supply, or on which water is delivered to any building under pressure, unless special permission for use of a privy is obtained from the Administrative Agency. No privy shall be constructed less than 300 ft. from any dwelling other than that of the owner of the privy.

ARTICLE 6

STANDARDS FOR SITE APPROVAL- NEW CONSTRUCTION: No private wastewater disposal system shall be constructed unless the following minimum standards are met:

Section 2-6.1 Lot Size

2-6.1.1 Soil Absorption Systems. Any lot platted after December, 1993 must meet the size requirements in Chapter 4 of this Code and must meet the separation requirements listed in table I (page 43). Any lot, which is a part of a recorded subdivision or a parcel of land, the deed to which was recorded prior to December, 1993 shall; contain one acre of land exclusive of roads and meet separation requirements listed in Table I except distance from a private wastewater disposal system, or shall; contain an area suitable for construction of a private wastewater disposal system that meets all of the separation requirements listed in Table I.

2-6.1.2 Wastewater Stabilization Ponds. No wastewater stabilization pond shall be constructed on any

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lot or combinations of recorded contiguous lots with less than three acres of area.

2-6.2 Percolation Rates

- (a) Soils with percolation rates of 0 to 5 minutes/inch are not acceptable for construction of standard lateral fields.
- (b) Percolation rates of 60 minutes/inch or less may allow construction of a single lateral field, a double lateral field with diversion valve, or an alternative wastewater disposal system.
- (c) Percolation rates of 61 to 120 minutes/inch necessitate construction of a double lateral field with a diversion valve, or may allow an alternative wastewater disposal system or wastewater stabilization pond.
- (d) Percolation rates in excess of 120 minutes/inch necessitate construction of a wastewater stabilization pond or may allow an alternative wastewater disposal system.
- (e) No wastewater stabilization pond shall be constructed on soils which are suitable for standard septic tank- underground soil absorption systems.

2-6.3 Soil Profiles

- (a) No underground soil absorption field receiving effluent from a septic tank shall be constructed in soils which reveal evidence of seasonal water

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table intrusion, rock ledges, shale, or other impervious materials within four feet of the bottom of the excavation.

- (b) No mounds shall be constructed on soils which reveal evidence of seasonal water table intrusion, rock ledges, shale, or other impervious materials within two feet of the natural ground surface.
- (c) The Administrative Agency will determine the suitability of a proposed site for installation of an absorption field serving an alternative wastewater disposal system. No alternative wastewater disposal system shall be constructed on a site where restrictive layers are likely to prevent the system from functioning as designed. The Administrative Agency may require soil and site analysis by a recognized professional.

2-6.3 Slopes

- (a) Construction techniques for wastewater disposal soil absorption systems are limited to slopes no greater than fifteen (15) percent. Trench widths are limited to twenty-four (24) inches on slopes between 15 and 25%. A design proposal for construction on slopes in excess of 25% shall be submitted by a registered professional engineer or other recognized professional for approval by the Administrative Agency.

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- (b) Standard construction techniques for mound systems are limited to slopes no greater than fifteen (15) percent. A design proposal for construction on slopes in excess of 15% shall be submitted by a registered professional engineer or other recognized professional for approval by the Administrative Agency.
- (c) Standard construction techniques for wastewater stabilization ponds are limited to slopes no greater than twenty five (25) percent. A design proposal for construction on slopes in excess of 25% shall be submitted by a registered professional engineer or other recognized professional for approval by the Administrative Agency.

ARTICLE 7

SANITARY SEPTAGE SERVICES

Section 2-7.1

Septage Haulers License Required. No person shall remove or transport any wastes from any private wastewater disposal system or privy, unless that person holds a valid Septage Haulers License from the Administrative Agency. A license shall be issued only to persons:

- a. operating properly designed and maintained equipment which has been inspected and approved by the Administrative Agency; and,
- b. complying with all provisions of this Code.

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- 2-7.2 Contracting With Unlicensed Persons Prohibited.
No person responsible for operating a private wastewater disposal system or privy shall contract with any person for sanitary septage service unless that person providing the service holds a valid Septage Haulers License from the Administrative Agency.
- 2-7.3 Standards for Sanitary Septage Service Equipment.
All equipment used for rendering of sanitary septage service shall be of watertight construction and maintained in good working condition. All materials removed from private wastewater disposal systems or privies shall be transported to an approved point of disposal without spillage of the waste.
- 2-7.4 Disposal of Septage. All septage shall be properly disposed of by discharge to: (1) a municipal sewage treatment facility; (2) a properly managed landfill; or (3) a permitted and properly managed land disposal site as described in 2-7.5. The septage hauler shall maintain logs of operation which reflect date, source, disposal site, and any other relevant data. Logs shall be kept for at least three years and shall be available for review upon request by the Administrative Agency.

2-7.5 Land Disposal of Septage

2-7.5.1 General Requirements. When land application is the desired method for disposal of septage, U.S. Environmental Protection Agency 503 Septage Management Rules (40 C.F.R. 503) must be complied with. In addition, land application sites shall comply with the County requirements in 2-7.5.2.

2-7.5.2 County Requirements. Landowners desiring to operate a land disposal site shall apply for a permit to the Administrative Agency. The site shall be evaluated by the Administrative Agency to determine that the site is not subject to flooding, is tillable ground suitable for cropping, and will not create any nuisance. The site shall be posted at entrances to forbid unauthorized personnel.

2-7.6 Inspection Reports Septage haulers shall submit inspection reports to the Administrative Agency for all private wastewater disposal systems pumped. Reports shall be submitted in a format approved by the Administrative Agency and no more than one month after the service.

ARTICLE 8

PRIVATE WASTEWATER DISPOSAL SYSTEM INSTALLERS

Section 2-8.1

License Required No person shall construct, repair, or modify any private wastewater disposal system unless that person holds a valid license issued by the Administrative Agency. A license

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shall be issued only to persons:

- a. demonstrating knowledge of this code and proper wastewater disposal system installation techniques by passing an exam offered by the Administrative Agency; and,
- b. complying with all provisions of this code; and,
- c. obtaining a minimum of two hours of approved continuation training each calendar year. The training, to be approved, must be directly related to the knowledge requirements listed in paragraph (a) above. Attendance at a workshop conducted, sponsored or approved by the Administrative Agency or any applicable professional association shall satisfy the requirements of this section.

2-8.2 Contracting with Unlicensed Installers Prohibited. No person responsible for operating a private wastewater disposal system shall contract with any person for construction, repair, or modification of a private wastewater disposal system, unless that installer holds a valid license.

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TABLE I

LOCATION OF PRIVATE WASTEWATER DISPOSAL SYSTEM

<u>TO CLOSEST:</u>	<u>Minimum Separation</u>
Private wastewater disposal system.	100 ft.
Water well.	100 ft.
Water line from a well.	25 ft.
Streams, lakes, and ponds	50 ft.
Public Water Line	25 ft.
Property boundary	*50 ft.

*may be waived to no less than 10 feet if other separations can be maintained and the adjoining property is zoned for non-residential and non-commercial use or if written permission is obtained from the adjoining property owner (Shall not be waived to less than 50 feet for wastewater stabilization ponds). When the adjoining property is a road right-of-way, half of the right-of-way may be considered part of the separation distance.

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CHAPTER III

NON-PUBLIC WATER SUPPLIES

ARTICLE 1

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 which are or may be intended for domestic use, other than public water supplies, in Riley 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.

ARTICLE 2

DEFINITIONS

Section 3-2.1

Domestic Use means the use of water by any person or family unit or household for household purposes, or for the watering of livestock, poultry, farm and domestic animals used in operating a farm, or for the irrigating of lands not exceeding a total of two acres in area for the growing of gardens, orchards, and lawns.

3-2.2

Non-public Water Supply means all water supplies for domestic uses which do not meet the definition of a public water supply.

3-2.3

Private Water Supply means all non-public water supplies serving less than three service connections.

3-2.4

Public Water Supply Well means a well that:

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(1) provides groundwater to the public for public consumption; and

(2) has at least ten service connections or serves an average of at least 25 individuals daily at least 60 days out of the year.

3-2.5 Service Connection means any single connection between a water supply system and a single tract of land or lot for the purpose of supplying water for domestic or commercial use on the tract or lot regardless of the number of users or hydrants.

ARTICLE 3: REQUIREMENTS FOR NON-PUBLIC WATER SUPPLIES

Section 3-3.1 Approval of Plans. After adoption of this code, no person shall develop any non-public water supply serving three or more service connections until the plans detailing locations of facilities, specifications of equipment, proposed operating standards, and reports of bacteriological and chemical tests have been approved by the Administrative Agency.

3-3.2 Application for Permit Required. No person shall construct any non-public water supply until a permit application has been received and approved by the Administrative Agency.

3-3.3 Use Permit Required. No person shall use any private water supply constructed after adoption of this Code without a permit issued by the

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Administrative Agency. No person shall use or lease any non-public water supply serving three or more service connections without a permit issued by the Administrative agency. The permit shall be issued only after construction has been approved.

3-3.4 Non-public Water Supplies Which Serve Three or More Service Connections. All non-public water supplies which serve three or more service connections shall:

- a. Have a designated individual or service company as operator of the system. This name shall be submitted to the Administrative Agency;
- a. test for bacteriological quality of the water supply using a laboratory certified by the State of Kansas, at least every three months; and,
- b. test for nitrate content of the water supply using a laboratory certified by the State of Kansas, at least once each year; and,
- b. if appropriate, test for chlorine residual at least once weekly; and,
- d. maintain logs to verify bacteriological and chemical quality and any chlorine residual for a period of at least one year; and,
- e. immediately notify all users of the water should bacteriological and chemical quality of the water supply exceed the United States Environmental

Protection Agency's (EPA) maximum contaminant levels; and,

- f. immediately install mechanical chlorination and maintain a chlorine residual of at least 0.2 mg/l at all parts of the distribution should bacteriological quality of the water supply fail to meet EPA criteria for public drinking water supplies.

3-3.5 Location of Wells. Wells constructed after adoption of this code shall be separated from the specified sources of pollution by distances equal to or greater than those shown in Table II (page 49). Such distances may be increased by the Administrative Agency in situations where the well may need additional protection to prevent contamination. A waiver to minimum separation requirements stated in K.A.R 28-30-8, as amended, may be issued by the Administrative Agency for existing homes only.

3-3.6 Construction of Wells. Well construction shall be regulated in accordance with K.A.R. 28-30-1 through 28-30-10 et seq. as amended.

3-3.7 Abandoned Wells. Abandoned wells as defined in K.A.R. 28-30-2, as amended, are to be plugged as specified in K.A.R. 28-30-7, as amended.

3-3.8 Water Well Records. Within 30 days after construction, plugging, or reconstruction of a

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water well, the water well contractor shall submit a copy of the water well record, form WWC-5, to the Administrative Agency.

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Department of Environmental Management

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TABLE II

LOCATION OF WELLS

<u>AREA</u>	<u>Minimum Separation</u>
Private wastewater disposal system	100 ft.
Pit privy	100 ft.
Septic tank	100 ft.
Barnyards, stables, manure piles, animal pens, etc.	100 ft.
Streams, lakes, and ponds	50 ft.
Sewer lines, not constructed of cast iron or other equally watertight construction	100 ft.
Sewer lines constructed of cast iron or other equally watertight construction	30 ft.
Dwellings, structures, which might be treated for termite infestation	50 ft.
Fuel or chemical storage	150 ft.
Other existing wells	50 ft.

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CHAPTER IV

SUBDIVISION DEVELOPMENT

ARTICLE 1

PURPOSE AND INTENT: The provisions of this chapter are for the purpose of regulating and controlling the development of property which will not be served by central water supplies and/or central sewer, in order that public health will be protected and the contamination and pollution of the water resources of the county will be prevented.

ARTICLE 2

DEFINITIONS

Section 4-2.1

Subdivision means the dividing of any land into two or more lots or tracts either of which contains 20 acres or less.

ARTICLE 3

REQUIREMENTS FOR SUBDIVISION DEVELOPMENT

Section 4-3.1

Approval of Plans. After adoption of this code no person shall develop any subdivision until the plans and specifications for water supply and wastewater management have been approved by the Administrative Agency.

4-3.2

Application for Approval Required Any person seeking to subdivide land shall apply to the Administrative Agency for approval. The following standards will apply:

4-3.2.1

Site requirements. Unless served by central sewer, each lot shall meet the minimum standards

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for site approval as specified in Sections 2-6.1 through 2-6.4.

4.3.2.2 Lot size requirements. No subdivision shall be approved for development if:

- a. any lot contains less than two acres of land exclusive of roads and streets if a water well and individual wastewater disposal system are or will be contained within the boundaries; or,
- b. any lot contains less than one and four-tenths acre of land exclusive of roads and streets, if there is or will be an individual wastewater disposal system contained within the boundaries and no water well is or will be provided within the boundaries; or,
- c. any lot contains less than 0.8 acre of land exclusive of roads and streets, if there is or will be an individual water well contained within the boundaries and all sewage is collected and disposed of by a wastewater treatment system holding a Kansas Water Pollution Control Permit.

4-3.2.3 Existing system requirements. Existing non-public water supplies and private wastewater disposal systems must comply with this Code before a subdivision may be approved.

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APPENDIX A: APPROVED REFERENCES

Minimum Standards for Design and Construction of Onsite Wastewater Systems, Bulletin 4-2. March, 1997. State of Kansas, Department of Health and Environment

Environmental Health Handbook. First Edition, Aug 1992. Kansas Association of Sanitarians, KDHE, and K-State Research and Extension cooperating.

Environmental Health Handbook, Private Well Chapter, 1998. Kansas Association of Sanitarians, KDHE, and K-State Research and Extension cooperating.

Wisconsin Mound Soil Absorption System Siting, Design, and Construction Manual. Small Scale Waste Management Project, January, 1990. University of Wisconsin - Madison, Wisconsin 53706.

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