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

Signature
Chairman, Board of County Commissioners

7-21-2009
Date

Return to:

KDHE-Watershed Management Section
1000 SW Jackson, Suite 420
Topeka, KS 66612-1367

Sent to MCC 7/23/09

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BUREAU OF WATER

SALINE COUNTY CODE

SANITARY CODE

FOR ENVIRONMENTAL PROTECTION

ARTICLE I. IN GENERAL

Sec. 9.5-1. Legal authority and title.

This chapter is adopted under the authority granted to the board of county commissioners by K.S.A. 19-3701 through 19-3708 and K.S.A. 12-3301 et seq., as amended and shall be designated as the Saline County Code for Environmental Control.
(Res. of 4-5-91, § 1-1)

Sec. 9.5-2. Declaration of finding and policy.

The board of county commissioners find that the provisions of adequate and reasonable control over the environmental conditions in unincorporated areas and suburban areas of the county is necessary and desirable; and the adoption of regulations to 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 is in the best public interest. For these reasons and objectives it will be the policy of the board of county commissioners to adopt this chapter and to amend it from time to time in order to regulate the practices and procedures affecting environmental sanitation and safety.
(Res. of 4-5-91, § 1-2)

Sec. 9.5-3. Purpose and intent of chapter.

The purpose and intent of this chapter is to prescribe the substantive rules and the administrative procedures that shall be followed in carrying out the objectives of section 9.5-2.
(Res. of 4-5-91, § 1-3)

Sec. 9.5-4. Area of applicability and effective date.

This chapter shall be in effect for all areas of 2,500 acres or less in the county with the exception of incorporated cities and shall become effective on and after March 1, 1975, and any amendments or revisions shall become effective on the date of adoption thereof.
(Res. of 4-5-91, § 1-4)

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Sec. 9.5-5. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory wastewater treatment system means a sewage system that is designed for a non-residential building with limited wastewater flow of under 50 gallons per day.

Administrative Agency means the Salina-Saline County Health Department, which shall be responsible for administering and enforcing this chapter.

Administrative procedures as used in this chapter shall mean those rules and regulations contained in the provisions of article II, which prescribe the general procedures for the administration of this chapter.

Alternative wastewater treatment system means a private wastewater treatment system, approved by the Administrative Agency, which mechanically pre-treats the wastewater to reduce levels of specific pollutants before discharge to an approved distribution system.

Authorized representative means any employee of the Administrative Agency who is designated to administer this chapter and any other sanitary codes that may be adopted.

Board of County Commissioners means the board of county commissioners, Saline County, Kansas.

Board of Health means the joint city-county board of health.

Bulky waste means items whose large size or shape precludes or complicates the handling by normal collection, processing or disposal methods.

City means each incorporated municipality in Saline County, Kansas.

Composting means a controlled process of degrading organic matter by microorganisms into a stable, nuisance-free, humus-like product.

Containerized unit means a solid waste storage container of one cubic yard capacity or larger that is fly proof, watertight, and rodent proof and is emptied into the collection vehicle by mechanical means or is attached to or loaded into the collection vehicle for transportation to the disposal site.

County for the purpose of these regulations means all unincorporated areas of Saline County, Kansas.

County engineer means the county engineer of Saline County, Kansas, or his authorized representative.

Construction and demolition waste means waste building materials and rubble resulting from construction, remodeling, repair, or demolition operations on houses, commercial buildings, other structures, and pavements.

Daycare means a licensed daycare home or registered family daycare home pursuant to K.S.A. 65-501 et seq.

Demolition site means any site for demolition and construction waste that is approved and/or permitted by KDHE.

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KDHE means the Kansas Department of Health and Environment.

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

Domestic water supply 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 irrigation of lands not exceeding a total of two acres in area for the growing of gardens, orchards and lawns pursuant to K.S.A.82a-701c and K.A.R. 28-30-2h.

Domestic sewage means sewage originating primarily from kitchen, bathroom and laundry sources, including waste from food preparation, dishwashing, garbage grinding, toilets, baths, showers and sinks pursuant to K.A.R.28-16-56c(b).

Dump means a collection or consolidation of solid waste from one or more sources at a central disposal site which does not meet standards for proper disposal and which does not have a valid permit from KDHE.

Duplex means a building having accommodations for occupancy by two families.

Dwelling means any room or group of rooms located within a structure, and forming a single habitable unit with facilities, which are used, or are intended to be used, for living, sleeping, cooking and eating.

Family means either:

(a) An individual or two or more persons related by blood, marriage or adoption, living together as a single housekeeping unit in a dwelling unit; or

(b) A group of not more than four persons who need not be related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit; plus in either case, usual domestic servants. A family may include any number of gratuitous guests or minor children not related by blood, marriage, or adoption.

Garbage means putrescible waste resulting from the handling, processing, storage, packaging, preparation, sale, cooking and serving of meat, produce and other foods, including unclean containers.

Hearing officer means any person designated by the board of health to hear appeals of decisions relating to the administration and enforcement of this chapter.

Human excreta means the normal body wastes from humans (feces and urine).

Incineration means the controlled process of burning solid, liquid and gaseous combustible wastes for the purpose of volume and weight reduction in facilities designed for such use.

Incinerator means any device or structure used for the destruction or volume reduction of garbage, rubbish, or other liquid or solid waste materials by combustion pursuant to disposal or salvaging operations.

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Industrial and commercial wastes means any and all solid, liquid or waterborne wastes, other than sewage, produced in connection with any industrial or commercial process or operation.

Inoperable means a condition of being junked, wrecked, wholly or partially dismantled, discarded, abandoned, or unable to perform the functions or purposes for which it was originally constructed or for which it may have been subsequently modified.

Littering means the dumping, throwing, placing, depositing or leaving or causing to be dumped, thrown, deposited or left any refuse of any kind or any object or substance which tends to pollute, mar or deface, into, upon or about any:

(a) Public street, highway, alley, road, right-of-way, park or other public place, or any lake, stream, watercourse, or other body of water, except by the direction of some public officer or employee authorized by law to direct or permit such acts; or

(b) Private property without the consent of the owner or occupant of such property.

Lot means a parcel of land that includes any of the following:

(a) A single lot of record.

(b) A portion of a lot of record.

(c) A combination of complete lots of record, or complete lots of record and portions of lots of record.

(d) A parcel of land described by metes and bounds; provided that in case of division or combination there shall have been approval given to said division or combination by the Administrative Agency.

(e) The area of any lot shall be determined exclusive of public streets, highway, alley, road or other right-of-way.

Maximum contaminant level means the maximum permissible level of a contaminant in water which is delivered to any user of a public water supply system as set by the Environmental Protection Agency.

Mobile home park means a parcel or tract of land occupied or intended to be occupied by two or more mobile homes.

Multifamily dwelling means a structure containing three or more dwelling units.

Nuisance means conditions or activities, which have, or threaten to have, a detrimental effect on the environment or health of the public.

Occupant means any person who, alone or jointly or severally with others, shall be in actual possession of any dwelling unit or any other improved real property, either as owner, guest, or as a tenant, either with or without the consent of the owner thereof.

Open dumping means the disposal of solid waste at any solid waste disposal area or facility which is not permitted by the secretary of KDHE under the authority of K.S.A. 65-3407 and amendments thereto, or the disposal of solid waste contrary to rules and regulations adopted pursuant to K.S.A. 65-3407, and amendments thereto.

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Owner means any person who, alone or jointly or severally with others, has legal title to, or sufficient proprietary interest in, or has charge, care or control of any dwelling unit or any other improved real property, as a title holder, as employee or agent of the title holder, or as landlord or manager or as trustee or guardian of the estate or person of the title holder.

Person means any institution, corporation, partnership, association, or individual.

Premises means any lot or tract of land and all buildings, structures or facilities located thereon.

Private sewage system means any system, which does not hold a state water pollution control permit. This includes wastewater disposal systems, which function by soil absorption, evaporation, transpiration, holding tanks, alternative treatment, or any combination of the above.

Private water supply means a water supply for domestic uses, which is provided and used by not more than one family in a single structure, which is designed or intended for occupancy, by one family only.

Public sewage system means any sewage system, which holds a state water pollution control permit.

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).

Recycle means conditions under which waste materials are transformed into new products in such a manner that the original product may loose its identity.

Recycling center means a designated site or location approved by the Administrative Agency for the collection and storage of recyclable material.

Rural area means that area in the county, outside of incorporated cities.

Saline County Code for Environmental Control means the codification of 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. Such environments and environmental conditions may include, but are not restricted to those relating to sewage disposal; water supply; general nuisances; and solid waste.

Salvage means the controlled removal of reusable materials from solid waste.

Sanitary landfill means a site where solid waste is disposed of using sanitary landfilling techniques, without creating nuisances or hazards to the public health or safety or the environment at a permitted solid waste disposal area, which meets the standards prescribed in K.A.R. 28-29-23. These techniques are an engineering method that protects the environment by spreading the waste in thin layers, confining it to the smallest practical area, compacting it to the smallest possible volume by employing power equipment and covering it with a layer of compacted soil by the end of each working day.

Sanitary privy means a facility with a water-tight receptacle made of concrete or other material acceptable to the code administrator designed to receive, store and provide for periodic removal of non-water carried wastes from the human body.

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Sanitary service means the pumping out or removal of wastewater, sludge, or human excreta from privies, septic tanks, or private sewage systems and the transportation of such material to a point of final disposal.

Scavenge means uncontrolled and unauthorized removal of discarded materials.

Semipublic water supply means a water supply system that has from three to nine service connections or serves an average of 10 to 24 individuals daily at least 60 days out of the year.

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, as defined by K.S.A.65-161.

Sewer district means a special district authorized and empowered by state statutes to plan, construct, and operate a public sewage system.

Single-family dwelling means a structure containing one dwelling unit, to include one mobile home.

Solid waste means garbage, refuse and other discarded materials including, but not limited to solids, semisolids, sludges, liquid and contained gas waste materials resulting from industrial, commercial, agricultural and domestic activities, and hazardous wastes.

Solid waste collector means any person licensed or designated by the county to collect, transport, and dispose of solid waste, subject to the conditions of this chapter.

Solid waste collection vehicle means a vehicle designed and intended for the collection and transportation of solid waste. Such vehicle shall be constructed with watertight bodies and shall be fully enclosed or capable of being covered.

Special solid waste means solid waste other than that normally relating to or produced by domestic, agricultural, commercial or industrial activities. Such waste may include, but is not limited to, large trees, bulky items such as furniture, appliances, shipping crates; demolition and construction material; inoperable vehicles; and hazardous materials which may be dangerous, offensive, or create nuisance conditions.

Trash means all nonputrescible materials such as paper, tin cans, bottles, glass, crockery, rags, ashes, lawn and tree trimmings, tree branches, limbs, tree trunks and stumps, boxes and barrels, wood and excelsior, street sweepings and mineral refuse. This term does not include earth and lumber waste from building operations.

Vehicle means any automobile, truck, tractor, aircraft or motorcycle, which as originally built contained an engine or was designed to contain an engine, regardless of whether it contains an engine at any other time.

Waste stabilization pond means a shallow manmade basin utilizing natural processes under partially controlled conditions for the reduction of organic matter and the destruction of pathogenic organisms in wastewater.

Wastewater treatment system means the pipes and all appurtenances related to the collection and treatment of domestic, industrial, or commercial sewage.

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Water district means any special district authorized and empowered by state statute to plan, construct or operate a public water supply system.

Waters of the state means all streams, and springs, and all bodies of surface and subsurface water within the boundaries of the state pursuant to K.S.A.65-161.

Wetlands means those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas.
(Res. of 4-5-91, §§ 2-1.1--2-1.64)

Secs. 9.5-6--9.5-25. Reserved.

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ARTICLE II. ADMINISTRATIVE POWERS AND PROCEDURES

Sec. 9.5-26. Right of entry.

Representatives of the Administrative Agency shall have the right to enter, examine, and/or survey at any reasonable time such premises, establishments, and buildings as they shall deem necessary for the enforcement of this chapter and to obtain an order for this purpose from a court of competent jurisdiction in the event entry is denied or resisted.
(Res. of 4-5-91, § 3-1)

Sec. 9.5-27. Obstruction of Administrative Agency.

No person shall impede or obstruct representatives of the Administrative Agency in the discharge of their official duties under the provisions of this chapter.
(Res. of 4-5-91, § 3-2)

Sec. 9.5-28. Notice of violations.

Whenever the Administrative Agency determines that there has been, or is likely to be, a violation of any provision of this chapter, they shall give notice of such alleged violation to the person responsible therefore. The notice shall:

(a) Be in writing;

(b) Include a statement of why the notice is being issued;

(c) Allow a reasonable period of time for performance of any work required by the notice;

(d) Be served upon the owner or his agent by delivery of a copy thereof in person or by registered mail to the last known address of the owner or agent.

(Res. of 4-5-91, § 3-10)

Sec. 9.5-29. Appeal for hearing.

Any person aggrieved by any notice or order issued by the Administrative Agency under the provisions of this chapter may request, and shall be granted, a hearing on the matter before the hearing officer. Such person shall file a written appeal requesting a hearing and setting forth the grounds upon which the request is made with the Administrative Agency within ten days after the date of issuance of the notice or order. 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 cause why such notice or order should be modified or withdrawn. The hearing shall be commenced not longer than ten days 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-day period, when in their judgment the petitioner has submitted good and sufficient reasons for such postponement.
(Res. of 4-5-91, § 3-11)

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Sec. 9.5-30. Report of hearing.

Within ten days after such hearing, exclusive of Saturdays, Sundays and holidays, the hearing officer shall submit a written report of his finding to the board of health with a copy of the report to the Administrative Agency with a recommendation that the board of health issue an order sustaining, modifying or withdrawing the notice or order of the Administrative Agency and shall notify the appellant in the same manner as is provided for in section 9.5-55.
(Res. of 4-5-91, § 3-12)

Sec. 9.5-31. Proceeding of hearings.

A transcript of the proceedings of all hearings, including findings and decisions of the hearing officer, together with 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.
(Res. of 4-5-91, § 3-14)

Sec. 9.5-32. Emergency abatement.

Whenever, in the judgment of the Administrative Agency, an emergency exists which requires immediate abatement of a nuisance to protect the environment and public health, safety or welfare, an order may be issued directing the owner, occupant, operator, or agent to take appropriate action to immediately correct or abate the nuisance causing the emergency. If the owner, occupant, operator, or agent does not take immediate action to correct or abate the emergency or is not immediately available, the Administrative Agency may act to correct or abate the emergency with any costs incurred to be assessed to the legal owner.
(Res. of 4-5-91, § 3-13)

Sec. 9.5-33. Enforcement procedures.

The county attorney and/or county counselor shall enforce the provisions of this chapter and is hereby authorized and directed to file appropriate actions for such enforcement, upon request of the Administrative Agency.
(Res. of 4-5-91, § 3-15)

Sec. 9.5-34. Penalties for violation of chapter.

In addition to, and independently of, the enforcement procedures provided in section 9.5-33, any violation of any provision of this chapter shall be punishable by a fine of not less than $100.00 nor more than $500.00 for each offense and further shall be a class C misdemeanor punishable as prescribed by law. Each day's violation shall constitute a separate offense.
(Res. of 4-5-91, § 3-18)

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Sec. 9.5-35. Waiver of requirements.

In existing and unusual cases where compliance with the requirements of any section of this chapter is not feasible, the Administrative Agency shall have the authority to waive in writing the requirement, provided they are furnished with reliable data to show that such waiver does not and will not endanger or compromise the environment or public health.
(Res. of 4-5-91, § 3-19)

Sec. 9.5-36. Disclaimer of liability.

This chapter shall not be construed or interpreted as imposing upon the county, and/or the Administrative Agency, its officials, or employees any liability or responsibility for damages to any property while in discharge of their official duty, or any warranty that any system, installation or portion thereof that is constructed or repaired under permits and inspections required by this chapter will function properly.
(Res. of 4-5-91, § 3-16)

Sec. 9.5-37. Severability.

If any chapter, section, subsection, paragraph, sentence, clause or phrase of this chapter should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portion, which shall remain in full effect; and to this end the provisions of this chapter are hereby declared to be severable and shall be presumed to have been adopted knowing that the part of the section declared invalid would be so declared.
(Res. of 4-5-91, § 3-17)

Secs. 9.5-38--9.5-48. Reserved.

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ARTICLE III. PERMITS AND LICENSES

Sec. 9.5-49. Applications.

Every person required to obtain a permit and license under this article shall make application for such permit and license to the Administrative Agency.

Sec. 9.5-50. Filing applications.

Applications for permits and licenses, required by this chapter, shall be filed in the office of the Administrative Agency.

Sec. 9.5-51. Issuance.

Within five days, Saturdays, Sundays, and holidays excepted, after receipt of an application for a permit and license required by this chapter, the Administrative Agency shall begin such investigations and inspections, as they shall deem necessary to determine whether the permit and license should be issued or denied, and shall issue or deny the permit or license within 30 days. If the permit and license is denied, the Administrative Agency shall send the applicant a written notice and state their reasons for rejection.

Sec. 9.5-52. Official actions.

A written record shall be kept of all official actions taken on applications for permits and licenses required by this chapter. Such records shall be filed with the Administrative Agency.
(Res. of 4-5-91, §§ 3-3--3-6)

Sec. 9.5-53. Permits nontransferable.

No permit or license required by this chapter shall be transferable, and fees paid under this article are not refundable without administrative approval.
(Res. of 4-5-91, § 3-7)

Sec. 9.5-54. Issuance of building permits.

A wastewater treatment system permit shall be secured from the Administrative Agency before issuance of a building permit from the secretary of the county planning and zoning board.
(Res. of 4-5-91, § 3-8)

Sec. 9.5-55. Standard fees.

For the purpose of defraying the cost of the administration of this chapter, a schedule of fees as adopted by the Administrative Agency is established. Such fees shall be paid to the Administrative Agency before a permit or license shall be accepted for processing.
(Res. of 4-5-91, § 3-9)

Secs. 9.5-56--9.5-65. Reserved.

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ARTICLE IV. WASTEWATER AND EXCRETA MANAGEMENT

Sec. 9.5-66. Purpose and intent of article.

The provisions of this article have been adopted to ensure safe disposal of all human and domestic wastes, to protect the health of the individual, family, or community, and to prevent the occurrences of nuisances.
(Res. of 4-5-91, § 4-1)

Sec. 9.5-67. Use of non-approved private systems.

No person shall use, or cause to be used, any private wastewater treatment system constructed after March 1, 1975, until it has been initially inspected and approved by the Administrative Agency, or any system that has been temporarily or permanently enjoined as a public health nuisance by a court of competent jurisdiction, or any system that fails to comply with this chapter and written notice thereof has been given to the owner or responsible person, by the Administrative Agency, or any system that discharges wastewater onto the surface of the ground, into watercourses, or into any water impoundment, into any wetland, or into groundwater so as to contaminate the water, cause fly breeding, produce offensive odors or any other condition that is prejudicial to health.
(Res. of 4-5-91, § 4-2)

Sec. 9.5-68. Use of dwellings or commercial structures not served by water-carried wastewater treatment system.

No person shall occupy a dwelling or commercial structure that does not have an approved water-carried wastewater treatment system.
(Res. of 4-5-91, § 4-3)

Sec. 9.5-69. Location of wastewater treatment systems below full flood pool.

No portion of a public or private wastewater treatment system shall be located below the full flood pool elevation of any federal reservoir or full pool elevations of any pond, lake, stream, or water supply reservoir unless written approval for location below full flood pool is obtained from the Administrative Agency.
(Res. of 4-5-91, § 4-5)

Sec. 9.5-70. Connection to public wastewater treatment system.

No premises shall be permitted to connect to any public wastewater treatment system that does not hold a valid permit as required in section 9.5-71(b).
(Res. of 4-5-91, § 4-7)

Sec. 9.5-71. Requirements for public wastewater treatment systems.

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(a) *Approval of plans.* Plans and specifications for all public wastewater treatment systems shall be submitted to and approved by KDHE prior to starting any construction of such systems.

(b) *Permit for use.* The owner of every public wastewater treatment system shall obtain a permit for operation of the system from KDHE, and no public wastewater treatment system shall be operated or put in operation until the owner has obtained the required permit.

(c) *Responsibility for operation.* Responsibility for the operation of all public wastewater treatment systems shall be determined by KDHE as stipulated within the valid permits.

(Res. of 4-5-91, §§ 4-8.1--4-8.3)

Sec. 9.5-72. Location of private wastewater treatment systems.

(a) *Within 400 feet of public sewer.* No private wastewater treatment 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 treatment system, meeting the requirements of this chapter, can be constructed on the property.

(b) *Within 100 feet of a well.* No portion of a private wastewater treatment system shall in any instance be located less than 100 feet from a public or private water well. When sewer lines are constructed of cast iron, plastic, or other equally tight materials, the separation distance shall be 25 feet or more as determined by the Administrative Agency.

(Res. of 4-5-91, §§ 4-4, 4-6)

Sec. 9.5-73. Requirements for private wastewater treatment systems.

(a) *Permit for use.* No person shall initially use, permit to be used, or construct after March 1, 1975, any new private wastewater treatment system until they have applied for and received a permit to use such system from the Administrative Agency.

(b) *Approval of plans for all new, rebuilt or modified systems.* No private wastewater treatment system shall be constructed, reconstructed or modified after the effective date of the resolution from which this chapter is derived until the plans and specifications have been approved by the Administrative Agency. All-onsite wastewater systems shall be designed, constructed and operated in accordance with standards set forth in KDHE Bulletin 4-2 "Minimum Standards for Design and Construction of Onsite Wastewater Systems" published March, 1997, as amended, by KDHE and Kansas State University Agricultural Experiment Station and Cooperative Extension Service. KDHE Bulletin 4-2 is hereby adopted by reference and is included herein as an Appendix to this Code. References utilizing currently approved technology may also be used as a guide by the Administrative Agency in reviewing and approving plans for private wastewater treatment systems.

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(c) *Inspection and approval of construction.* No private wastewater treatment system constructed or reconstructed after the effective date of the resolution from which this chapter is derived shall be covered or otherwise made inaccessible until the Administrative Agency has inspected and approved the construction for conformity with approved plans.

(d) *Proper operation.* All private wastewater treatment systems shall be maintained in good working condition and shall not discharge onto the surface of the ground or drain into any stream, roadside ditch, watercourses, wetlands, groundwater, or any water impoundment; produce offensive odors; or become a breeding place for vectors. Whenever the Administrative Agency shall find any private wastewater treatment system malfunctioning and causing any of the above prohibited conditions they shall order the owner or user to correct the condition.

(e) *Inspection requirements for existing private sewage systems.* Whenever any property connected to, or served by, a septic system, lagoon, or alternative system is offered for or subject to a contract of sale, the Administrative Agency shall inspect the condition of the system, at a fee to be paid to the Administrative Agency. If any system is found to be inadequate, failing or in need of repairs, it must be corrected prior to closing or appropriate arrangements must be made with the Administrative Agency. When this process is completed and approved, the Administrative Agency will issue the proper permit. Upon discovery by the Administrative Agency that the seller or seller's agent has failed to request a system inspection under this code, the Administrative Agency shall require the seller or seller's agent to arrange an inspection within 14 days of notice of violation. The seller shall be responsible for bringing any violation discovered during the inspection up to code, at his or her expense. Any inspection provided under this section shall not constitute nor be deemed a warranty and neither the Administrative Agency nor any official of the Board of Health shall be liable for any future failures of the system or for other claims arising out of the inspection. Inspection shall not relieve any person of compliance with the requirements of this Code.

(f) *Inspection for daycare facility.* Where a private wastewater treatment system serves a daycare, inspection of the system is required no less than every 5 years.

(g) *Additional maintenance requirements for alternative private wastewater treatment systems.*

(1) An annual operating permit shall be required of the owner of any alternative wastewater treatment system.

(2) Before an initial operating permit is issued, every owner of an alternative wastewater treatment system shall:

(A) File a restrictive covenant that provides maintenance for the life of the system. Such covenant shall be filed with the register of deeds and a copy provided to the Administrative Agency, and

(B) Be initially inspected and approved by the Administrative Agency.

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(3) The owner shall be responsible for the operation and maintenance of the alternative wastewater treatment system. The landowner must contract with a licensed alternative wastewater treatment system maintenance provider to perform this maintenance. Said maintenance agreement shall cover each and every component of the system, including but not limited to the treatment system and the entire dispersal or soil absorption area.

(4) All owners of alternative wastewater treatment systems must obtain an annual operating permit from the Administrative Agency which must be renewed January 1st of each year. All annual operating permits expire on December 31st regardless of when the initial operating permit was issued.

(5) Before an annual operating permit will be renewed, the owner must provide a copy of a signed maintenance agreement with a licensed alternative wastewater treatment system maintenance provider for the coming year, as well as any documentation relating to inspections and maintenance performed throughout the prior year.

(6) If the permit is not renewed within thirty (30) days of the renewal date, the owner will be subject to penalties pursuant to section 9.5-33 of the Saline County Sanitary Code for Environmental Protection.

(h) *Lot size.* No private wastewater treatment system shall be constructed hereafter on a lot that contains less than three acres of land exclusive of roads, streets, or other public rights-of-way. Private wastewater treatment systems shall be subject to the following:

(1) Only one private wastewater treatment system shall be constructed on each lot except that an accessory private wastewater treatment system can be installed with the approval of the Administrative Agency.

(2) Each residence shall have its own private wastewater treatment system.

(3) The number of residences allowed on a lot is determined by the Saline County Zoning Code, Appendix A "Zoning & Master Plan Resolution". Requests for accessory residences shall be reviewed on a case-by-case basis.

(4) The Administrative Agency will determine the suitability of soil for installation of a private wastewater treatment system.

(i) *Non-conforming lots.*

(1) *Structure alteration.* In no case shall a structure, served by a private wastewater treatment 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.

(2) *Reconstruction limited.* Repairs, maintenance, or reconstruction of said structure shall be limited to those items necessary to keep the structure in sound condition.

(3) *Change of usage.* Use of said structure shall not be changed in any manner which increases the volume of wastewater used.

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(4) *Case-by-case basis.* Each occurrence of repair, reconstruction, or alteration done to structures on non-conforming lots shall be reviewed on a case-by-case basis.

(j) *Separation of private wastewater treatment system from water wells and property lines.* No portion of the soil absorption system shall be located less than 100 feet from any private water well or less than 50 feet from the property line of the premises it serves.

(Res. of 4-5-91, §§ 4-9.1--4-9.7)

Sec. 9.5-74. Requirements for waste stabilization ponds.

(a) *Site.* Waste stabilization ponds shall be separated from other areas by distances equal to or greater than those shown in the following table:

Area	*Minimum separation (feet)*
House it serves	100
Other residential structures	250
Applicant's private water supply well	50
Property lines, including rights-of-way	100
Public water supply well	100
Public water transmission lines	25
Water table	4

(b) *Operation.* All waste stabilization ponds must be non-discharging, and free from cattails, floating vegetation, tall vegetation, and trees.

(c) *Maintenance.* All waste stabilization ponds, regardless of when installed, must be fenced. Minimum height of required fence is four feet. The fence itself can have no openings in wire larger than 2 inch X 4 inch and no space greater than two (2) inches at the bottom. A gate must be present and have no opening larger than 2 inch X 4 inch, with no space larger than two (2) inches along the bottom and sides. The gate must have a means to keep it closed.

(d) *Livestock.* If livestock have access to the waste stabilization pond, the fence needs to be installed on the outside base of the berm. In addition, barbed wire or electric fence shall be used to prevent livestock from damaging the lagoon fence.

(Res. of 4-5-91, §§ 4-10.1, 4-10.2)

Sec. 9.5-75. Requirements for sanitary privies.

(a) *Review of plans for sanitary privies.* No person shall construct, erect, alter or modify any sanitary privy until the plans and specifications for the proposed construction or modification have been approved by the Administrative Agency.

(b) *Location.*

(1) No sanitary privy shall be installed less than 100 feet from an existing well.

(2) A sanitary privy shall not be constructed or reconstructed on any premises served by a public water supply, or on which water is delivered to any building under

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pressure, unless special permission for use of a sanitary privy is obtained from the Administrative Agency.

(3) A sanitary privy shall not be constructed or reconstructed after adoption of this chapter unless it has a watertight vault.

(c) *Approval of construction.* A person shall not use, or make available for use, any newly constructed or modified sanitary privy until the construction has been inspected by the Administrative Agency.

(d) *Proper maintenance.* A person shall not use, or offer for use, any sanitary privy that is not maintained in a clean and sanitary condition or that drains into any stream, ditch, ground surface, or groundwater.

(Res. of 4-5-91, §§ 4-11.1--4-11.4)

Sec. 9.5-76. Approval of plats.

Before a county or joint planning or zoning board, authorized to review and recommend approval of plats or subdivisions of land can recommend approval of a preliminary plat proposing to utilize private wastewater treatment systems, the suitability of the soil for each private wastewater treatment system shall be determined by the Administrative Agency based on the results of soil profiles or other approved methods.

(Res. of 4-5-91, § 4-12)

Sec. 9.5-77. Sanitary services.

(a) *License required.* No person shall remove, haul or transport or offer to move, haul or transport any domestic sewage, industrial or commercial waste, or human excreta from any private wastewater treatment system or privy, or offer to remove or transport such wastes unless they hold a valid license from the Administrative Agency. This license shall be renewed annually and be carried within the vehicle licensed.

(b) *Application and inspection fee.* Every person wishing to obtain a sanitary service license shall make application for a license on forms provided by the Administrative Agency for this purpose and shall pay an annual fee per vehicle to the Administrative Agency. A receipt showing such payment shall be attached to the application form. In case the license is denied, no portion of the inspection fee will be refunded.

(c) *License fee.* An initial assessed fee shall be paid to the Administrative Agency following approval of the application or renewal by the Administrative Agency.

(d) *Minimum standards for sanitary service equipment.* All equipment used in rendering a sanitary service shall be of watertight construction, maintained in good working condition and provided with hoses, couplings, valves, pumps and other necessary equipment to ensure that all materials removed from private wastewater treatment systems and privies will be transported to the designated point of disposal without spillage of the waste onto the road or street. All equipment shall be in good workable condition and the operator shall demonstrate that the equipment is in good operating condition and will perform its function without leakage or spillage.

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(e) *Revocation of license.* A license issued under the provisions of this Chapter may be revoked for violation of any of the terms of this Code. No license shall be revoked until the license holder has been given notice in writing of the violation and reasonable opportunity to comply with the provisions of this Code.

(f) *Disposal of septage.* Disposition of hauled septage is to be on property approved by the Administrative Agency for that purpose.

(g) *Contracting with unlicensed persons prohibited.* No person responsible for operating a private wastewater treatment system or privy shall contract, or offer to contract, with any person for sanitary services unless that person holds a valid permit or license to provide such service from the Administrative Agency.

(Res. of 4-5-91, §§ 4-13.1--4-13.6)

Sec. 9.5-78 Wastewater system installer and maintenance licensure.

(a) *License required.* No person shall repair or install a private wastewater treatment system unless they hold a valid Wastewater System Installer and Maintenance License from the Administrative Agency. Property owners are exempt from the license requirements, but not exempt from code requirements.

(b) *Application, class, and examination.* Every person wishing to obtain a Wastewater System Installer and Maintenance License shall make application for a license at the Administrative Agency. The applicant will be notified of the next class and exam date. A fee shall be paid to the Administrative Agency for the Wastewater System Installer and Maintenance Exam. A license shall be issued upon completion of the exam with a score of 70% or higher.

(c) *License fee.* An annual fee may be paid to the Administrative Agency by January 1 of each year, following the initial issuance of the Wastewater System Installer and Maintenance license.

(d) *Continuing education.* A requirement for continuing education is set for extended renewal of a Wastewater System Installer and Maintenance License. The Licensee must complete continuing education approved by the Administrative Agency. The continuing education must be pertinent and related to wastewater treatment. Continuing Education Units (CEU's) must be submitted to the Administrative Agency.

(e) *Liability requirements.* Before a license can be issued, the applicant must provide a certificate of insurance for liability coverage as approved by the Administrative Agency.

(f) *Revocation of license.* A license issued under the provisions of this Chapter may be revoked for violation of any of the terms of this Code. No license shall be revoked until the license holder has been given notice in writing of the violation and reasonable opportunity to comply with the provisions of this Code.

(g) *Reciprocity with other licensing programs.* Licensure in other counties shall be reciprocal with licensure in Saline County if training, exam, and passing scores are equal to or greater than those required for licensure in Saline County.

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(h) *Contracting with unlicensed persons prohibited.* No person responsible for operating a private wastewater system shall contract with any person for services unless that person holds a valid permit or license to provide such services from the Administrative Agency.

Sec. 9.5-79 Alternative wastewater treatment system installer licensure.

(a) *License required.* No person shall repair or install an alternative wastewater treatment system unless they hold a valid Alternative Wastewater Treatment System Installer License from the Administrative Agency.

(b) *Prior Training Required.* Before applying for an Alternative Wastewater Treatment System Installer License the applicant must first have taken and passed the Wastewater System Installer and Maintenance License.

(c) *License Issued.* The Administrative Agency shall issue an Alternative Wastewater Treatment System Installer License after the applicant has completed training for each brand of system. The training shall include a minimum of two onsite installations with a qualified representative from the manufacturer at the site during the entire installation. Each manufacturer will provide a certificate of installation training that includes the name and contact information of the manufacturer and representative who supervised the training of the installations, and the contact hours.

(d) *Application, class, and examination.* Every person wishing to obtain an Alternative Wastewater Treatment System Installer License shall make application for a license at the Administrative Agency. The applicant will be notified of the next exam date. A fee shall be paid to the Administrative Agency for the Alternative Wastewater Treatment System Installer Exam. A license shall be issued upon completion of the exam with a score of 70% or higher and after meeting all training requirements.

(e) *License fee.* An annual fee may be paid to the Administrative Agency by January 1 of each year, following the initial issuance of the Alternative Wastewater Treatment System Installer license.

(f) *Continuing education.* A requirement for continuing education is set for extended renewal of an Alternative Wastewater Treatment System Installer License. The Licensee must complete continuing education approved by the Administrative Agency. The continuing education must be pertinent and related to alternative wastewater treatment. Continuing Education Units (CEU's) must be submitted to the Administrative Agency.

(g) *Liability requirements.* Before a license can be issued, the applicant must provide a certificate of insurance for liability coverage as approved by the Administrative Agency.

(h) *Revocation of license.* A license issued under the provisions of this Chapter may be revoked for violation of any of the terms of this Code. No license shall be revoked until the license holder has been given notice in writing of the violation and reasonable opportunity to comply with the provisions of this Code.

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(i) *Reciprocity with other licensing programs.* Licensure in other counties shall be reciprocal with licensure in Saline County if training, exam, and passing scores are equal to or greater than those required for licensure in Saline County.

(j) *Contracting with unlicensed persons prohibited.* No person responsible for operating a private wastewater system shall contract with any person for services unless that person holds a valid permit or license to provide such services from the Administrative Agency.

Sec. 9.5-80 Alternative wastewater treatment maintenance and repair licensure.

(a) *License required.* No person shall repair or install an alternative wastewater treatment system unless they hold a valid Alternative Wastewater Treatment Maintenance and Repair License from the Administrative Agency.

(b) *Prior Training Required.* Before applying for an Alternative Wastewater Treatment Maintenance and Repair License the applicant must first have taken and passed the Wastewater System Installer and Maintenance License.

(c) *License Issued.* The Administrative Agency shall issue an Alternative Wastewater Treatment Maintenance and Repair License after the applicant has completed training for each brand of system. The training shall include a minimum of two onsite maintenance and repair calls with a qualified representative from the manufacturer at the site during the entire maintenance and repair call, or 8 contact hours of training at the manufacturer's plant. Each manufacturer will provide a certificate of maintenance and repair training that includes the name and contact information of the manufacturer and representative who supervised the training of the maintenance and repair, and the contact hours.

(d) *Application, class, and examination.* Every person wishing to obtain an Alternative Wastewater Treatment Maintenance and Repair License shall make application for a license at the Administrative Agency. The applicant will be notified of the next exam date. A fee shall be paid to the Administrative Agency for the Alternative Wastewater Treatment Maintenance and Repair Exam. A license shall be issued upon completion of the exam with a score of 70% or higher and after meeting all training requirements.

(e) *License fee.* An annual fee may be paid to the Administrative Agency by January 1 of each year, following the initial issuance of the Alternative Wastewater Treatment Maintenance and Repair license.

(f) *Continuing education.* A requirement for continuing education is set for extended renewal of an Alternative Wastewater Treatment Maintenance and Repair License. The Licensee must complete continuing education approved by the Administrative Agency. The continuing education must be pertinent and related to alternative wastewater treatment or repair. Continuing Education Units (CEU's) must be submitted to the Administrative Agency.

(g) *Liability requirements.* Before a license can be issued, the applicant must provide a certificate of insurance for liability coverage as approved by the Administrative Agency.

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(h) *Revocation of license.* A license issued under the provisions of this Chapter may be revoked for violation of any of the terms of this Code. No license shall be revoked until the license holder has been given notice in writing of the violation and reasonable opportunity to comply with the provisions of this Code.

(i) *Reciprocity with other licensing programs.* Licensure in other counties shall be reciprocal with licensure in Saline County if training, exam, and passing scores are equal to or greater than those required for licensure in Saline County.

(j) *Contracting with unlicensed persons prohibited.* No person responsible for operating a private wastewater system shall contract with any person for services unless that person holds a valid permit or license to provide such services from the Administrative Agency.

Secs. 9.5-81--9.5-100. Reserved.

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ARTICLE V. WATER SUPPLIES

Sec. 9.5-101. Purpose and intent of article.

The provisions of this article have been adopted for the purpose of regulating and controlling the development, maintenance, and use of public and private water supplies of the county to the end that public health will be protected and the contamination and pollution of the water resources of the county will be prevented.
(Res. of 4-5-91, § 5-1)

Sec. 9.5-102. Compliance required.

(a) No person shall after March 1, 1975, construct on any property subject to the provisions of this chapter, any public, semipublic, or private water supply that does not comply with the requirements of this chapter.

(b) No dwelling shall be occupied that does not have water supplied under pressure to that dwelling.

(c) No sale or conveyance of any real property shall be complete until all abandoned wells on such real property are plugged. Dug wells on real property shall be plugged or reconstructed in accordance with K.A.R. 28-30-1 through 28-30-10 et seq., as amended.

(Res. of 4-5-91, § 5-2)

Sec. 9.5-103. Requirements - Public water supplies.

(a) *Permit to operate*. No person shall operate a public water supply without obtaining a public water supply permit from KDHE.

(b) *Approval of plans*. No person shall construct after March 1, 1975, any public water supply on any property subject to the provisions of this chapter until the plans and specifications have been submitted to and approved in writing KDHE.

Sec. 9.5-104. Same - Semipublic water supplies.

(a) *Permit to construct*. No person shall drill, develop or construct any semipublic water supply on any premises for domestic use subject to regulations of this chapter until they have obtained a permit therefore from the Administrative Agency.

(b) *Minimum water testing standards*. Semipublic water supplies shall be tested semiannually for coliform bacteria and annually for nitrate. Results of the testing shall be submitted to the Administrative Agency. Testing shall be done by a lab-approved by the Administrative Agency. The Administrative Agency shall reserve the right to require additional testing if, in their opinion, a potential exists for other contaminants. If either coliform bacteria are present or nitrate exceeds the Maximum Contaminant Level (MCL), the end users of the semi-public water supply shall be notified in writing in a letter approved by the Administrative Agency, to their residence within 10 days of receipt of results. The semi-public water supply shall be treated in accordance to requirements set by the Administrative Agency.

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(c) *Approval of plans.* No person shall construct, after adoption of this chapter, any semipublic water supply on any property subject to the provisions of this chapter until the plans and specifications have been submitted to and approved, following minimum standards found in K.A.R. 28-30-1 through 28-30-10 et seq., in writing by the Administrative Agency.

(Res. of 4-5-91, §§ 5-4.1--5-4.3)

Sec. 9.5-105. Same - Private water supply.

(a) *Permit to construct.* No person shall drill, develop or construct any private water supply on any premises for domestic use subject to regulations of this chapter until they have obtained a permit therefore from the Administrative Agency. Failure to comply shall result in a fine of $100 for each occurrence.

(b) *Approval of plans.* No permit to construct or develop a private water supply on any premises subject to the regulations of this chapter shall be issued until the plans showing the locations and construction of the supply have been approved by the Administrative Agency.

(c) *Inspections for transfer of property.* Whenever any property connected to, or served by, a private water supply is offered for or subject to a contract of sale, the Administrative Agency shall evaluate the wellhead and well water, at a fee to be paid to the Administrative Agency. A water sample shall be taken and screened for bacteria, nitrate, and chloride and reported as EPA's primary and secondary MCL's. Any inspection provided under this section shall not constitute nor be deemed a warranty and neither the Administrative Agency nor any official of the Board of Health shall be liable for any future failures of the system or of other claims arising out of the inspection. Inspection shall not relieve any person of compliance with the requirements of this Code.

(d) *Water testing for daycare facilities.* Where a private water supply serves a daycare, a water sample shall be screened annually for bacteria and nitrate.

(e) *Use limitation.* Use of surface water (lakes, ponds or streams) as a source of water for a private water supply shall not be 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

(3) Where the pond or lake receives any drainage or discharges from septic tanks, or sewage treatment plants.

(Res. of 4-5-91, §§ 5-5.1--5-5.3)

Sec. 9.5-106. Minimum standards for groundwater supplies.

(a) *Location.* All wells used as sources of water for private water supplies shall be separated from the specified sources of pollution by distances equal to or greater than

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those shown in the following table. The Administrative Agency shall determine the minimum distances that shall be provided between a well and other sources of contamination. Such distances shall be sufficient to provide reasonable assurance that the well will not be contaminated.

Area	*Minimum separation (feet)*
Subsurface absorption field for septic tank effluent	100
Pit privy	100
Septic tank	50
Streams, lakes, and ponds	50
Barnyard, stables, manure piles, animal pens, etc	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
Property lines	50
Petroleum and fertilizer storage	100
House/outbuilding	50
Lagoon	50

(b) *Construction.* The enforcement of this section 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.

(Res. of 4-5-91, §§ 5-6.1, 5-6.2)

Sec. 9.5-107. Requirements for subdivision development.

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.
(Res. of 4-5-91, § 5-7)

Sec. 9.5-108. Water well pump installer and maintenance licensure.

(a) *License required.* No person shall repair or install a water well pump unless they hold a valid Water Well Pump Installer and Maintenance License from the Administrative Agency. Property owners are exempt from the license, but not exempt from provisions of the code.

(b) *Application, class, and examination.* Every person wishing to obtain a Water Well Pump Installer and Maintenance License shall make application for a license at the Administrative Agency. The applicant will be notified of the next class and exam date. A fee shall be paid to the Administrative Agency for the Water Well Pump Installer and Maintenance Exam. A license shall be issued upon completion of the exam with a score of 70% or higher.

(c) *License fee.* An annual fee shall be paid to the Administrative Agency by January 1 of each year, following the initial issuance of the Water Well Pump Installer and Maintenance License.

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(d) *Continuing education.* A requirement for continuing education is set for extended renewal of a Water Well Pump Installer and Maintenance License. The Licensee must complete continuing education approved by the Administrative Agency. The continuing education must be pertinent and related to water wells. Continuing Education Units (CEU's) must be submitted to the Administrative Agency.

(e) *Liability requirements.* Before a license can be issued, the applicant must provide a Certificate of Insurance for liability coverage as approved by the Administrative Agency.

(f) *Revocation of license.* A license issued under the provisions of this Chapter may be revoked for violation of any of the terms of this Code. No license shall be revoked until the license holder has been given notice in writing of the violation and reasonable opportunity to comply with the provisions of this Code.

(g) *Reciprocity with other licensing programs.* Licensure in other counties shall be reciprocal with licensure in Saline County if training, exam, and passing scores are equal to or greater than those required for licensure in Saline County.

(h) *Contracting with unlicensed person prohibited.* No person responsible for operating a private well or semi-public well shall contract, or offer to contract, with any person for services unless that person holds a valid permit or license to provide such service from the Administrative Agency.

Secs. 9.5-109--9.5-130. Reserved.

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ARTICLE VI. SOLID WASTE MANAGEMENT

DIVISION 1. GENERAL

Sec. 9.5-131. Purpose and intent of article.

The purpose and intent of this article is to protect the health, safety and welfare of the public, and establish regulations governing the accumulation, storage, collection, transportation and disposal of solid waste.
(Res. of 4-5-91, § 6-1)

Sec. 9.5-132. Area of applicability.

The provisions of this article shall not apply to:

(a) Areas within the limits of incorporated cities.

(b) Disposal sites permitted by KDHE, provided that such disposal sites comply with rules promulgated by K.S.A. 65-3401 et seq., and regulations adopted in this chapter.

(c) Agricultural operations, the growing or harvesting of crops and the raising of fowl or animals. (See Article VII "Public Health Nuisances" for any issues involving animal carcasses or animal excrements)

(Res. of 4-5-91, § 6-11)

Secs. 9.5-133--9.5-155. Reserved.

DIVISION 2. COLLECTOR'S PERMIT

Sec. 9.5-156. Application.

Any person engaging in the business of collecting or transporting of solid waste within the county shall first obtain a permit from the Administrative Agency. Each applicant for any such permit shall state on his application the following:

(a) The nature of the permit desired (storage, collection and/or transportation of solid waste or any combination thereof);

(b) The characteristics of the solid waste to be collected and transported;

(c) The number of solid waste vehicles and equipment to be operated;

(d) The location where the solid waste vehicles are stored or maintained;

(e) The precise locations of the solid waste processing or disposal sites to be used;

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(f) Information sufficient to establish that the permittee, in contracting to collect and transport solid waste within the county, has agreed that such collection and transportation will be in accordance with the provisions of this chapter;

(g) An agreement to indemnify and hold the county harmless for any claims which may be made against the county as a result of the failure of the permittee to transport, dispose of, or process solid waste collected within the county in compliance with this chapter, state or federal law; and

(h) Such other information as may be reasonably necessary to determine that the operations of the permittee will be conducted in compliance with the provisions of this chapter.

(Res. of 4-5-91, § 6-7.1)

Sec. 9.5-157. Proof of insurance.

The applicant must furnish the Administrative Agency a certificate of insurance showing insurance coverage by an effective public liability insurance policy as approved by the Administrative Agency. In the event the insurance is cancelled during the term of the permit, the applicant shall notify the Administrative Agency, in writing, not less than ten days prior to the effective date of such cancellation. The certificate of insurance shall provide that the insurance company agrees to so notify the Administrative Agency.

(Res. of 4-5-91, § 6-7.6)

Sec. 9.5-158. Issuance, reciprocity, and denial.

(a) Permits will be issued on a client-by-client basis. If the application shows that the applicant will collect and transport solid waste without hazard to the public health or damage to the environment and in conformity with this chapter and the laws of the state, the Administrative Agency shall issue the permit authorized by this division. The permittee shall pay an annual fee for each collection vehicle to be used in the county.

(b) If a permit fee for each vehicle is paid to a municipality, and requirements equal to or more stringent than those found in this chapter for vehicles are met by that process, upon documented proof of payment and inspection, the Administrative Agency can reciprocate with that municipality and the fee to the Administrative Agency can be waived.

(c) The application must clearly show that the collection and transportation of solid waste will create no public health hazard or be without harmful effects on the environment. If such a showing is not made by the applicant, the Administrative Agency shall deny the application and not issue the permit. The applicant may appeal the refusal of the Administrative Agency to issue the application to a hearing officer. The hearing officer, after a hearing, may order issuance of the permit. Nothing in this section shall prejudice the right of the applicant to reapply at a later date for a permit.

(Res. of 4-5-91, § 6-7.2)

Sec. 9.5-159. Exceptions.

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Permits shall not be required for the removal or hauling of construction or demolition wastes. All such wastes shall be conveyed in tight vehicles, trucks or receptacles so constructed and maintained to prevent the material being transported from spilling upon public highways or public or private lands. All construction or demolition wastes must be disposed of in a permitted construction and demolition landfill or other state-approved landfill as listed in Appendix A of the Zoning and Master Plan Resolution.
(Res. of 4-5-91, § 6-7.3)

Sec. 9.5-160. NFPA 704M hazard classification placard list.

Before a permit shall be issued by the Administrative Agency, the applicant must furnish the Administrative Agency a list of clients with buildings that display an NFPA 704M hazard classification placard of the National Fire Protection Association placed there by the Salina Fire Department, the County Emergency Preparedness Department, or the individual company.
(Res. of 4-5-91, § 6-7.4)

Sec. 9.5-161. Operating without a permit.

It is prohibited to engage in the business of accumulation, collecting, transporting, or disposing of solid waste within the county without a solid waste collector's permit from the Administrative Agency, or operate under an expired permit, or operate after a permit has been suspended or revoked.
(Res. of 4-5-91, § 6-10.3)

Sec. 9.5-162. Revocation of permit.

A permit issued under the provisions of this division may be revoked for violation of any of the terms of this chapter. No permit shall be revoked until the permit holder has been given notice, in writing, of the violation and given a reasonable opportunity to comply with the provisions of this chapter.

Secs. 9.5-163--9.5-185. Reserved.

DIVISION 3. COLLECTION, STORAGE AND DISPOSAL

Sec. 9.5-186. Collection; service schedule.

(a) All solid waste produced in the county shall be disposed of weekly or at a frequency determined by the volume of solid waste produced and the onsite storage capacity. If a weekly collection period is not sufficient to prevent nuisances from occurring, the Administrative Agency may require a more frequent collection interval. The owner of each multifamily dwelling, mobile home park, duplex, recreation area, and the occupant of each single-family dwelling, commercial, industrial, and all other types of premises shall be responsible for the collection of all residential, commercial, and industrial solid waste produced thereon.

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(b) The solid waste collector holding a permit shall provide collection service in accordance with a schedule as agreed upon by such collection service and its individual customers.

(Res. of 4-5-91, §§ 6-3, 6-7.5)

Sec. 9.5-187. Storage--Standards generally.

The following standards are established for the storage of solid waste in the county:

(a) *Multifamily dwellings, mobile home parks, and recreational facilities.* The owner of each multifamily dwelling, mobile home park, and recreational facility shall provide a minimum of one container per dwelling unit or containerized units of sufficient size and quantity to contain all residential trash produced on the premises between collection periods. The containers shall be of a type originally manufactured for the purpose of storing solid waste. Trash containers shall be watertight, vector-proof with lids or closures maintained in place. The owner of each multifamily dwelling and mobile home park shall be responsible for the trash being in the containers and the condition and maintenance of the containers.

(b) *Commercial solid waste.* The occupant of each premises producing commercial waste, which is not disposed of through garbage grinders or by incinerators constructed and operated in accordance with K.S.A. 65-3001 through 65-3020 and regulations adopted thereunder, shall store waste on the premises where produced, in containers approved by the Administrative Agency, and compatible with the collection equipment. Such containers shall be liquid tight and fly tight and closed by a vector-proof cover. These containers shall be used only for such storage.

(c) *Industrial solid waste.* The occupant of each premises producing industrial solid waste shall store all such solid waste produced thereon and awaiting disposal, in suitable containers or facilities to be approved by the Administrative Agency, and must meet state and local zoning requirements. Such containers or facilities shall consist of individual containers, containerized units, or a fenced and walled facility. Such storage containers or facilities shall have sufficient capacity to contain all industrial solid waste produced on the premises between collections. The containers shall be of a type originally manufactured for the purpose of storing solid waste. Trash containers shall be watertight, vector-proof with lids or closures maintained in place, and shall be maintained so as to prevent littering, fly and mosquito attraction or production, rodent harborage, odors, or other nuisances.

(Res. of 4-5-91, §§ 6-2.1--6-2.3)

Sec. 9.5-188. Same--Special solid wastes.

(a) *Bulky material.* Bulky material may not be stored on the premises of single-family dwellings, multifamily dwellings, mobile home parks, or those other than residential, outside of an enclosed building. The occupant of each single-family dwelling and the owners of multifamily dwellings, mobile home parks, unoccupied single-family dwellings, or nonresidential premises are responsible for arranging for the removal,

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collection, and disposal, at the sanitary landfill site or other approved processing or disposal facility, of all residential bulky waste.

(b) *Construction and Demolition waste.* Construction and demolition waste shall be removed from a project within 20 days following completion of the work. Such waste shall be disposed of at the municipal solid waste landfill or construction/demolition landfill as permitted by KDHE and the County Planning and Zoning Department.

(c) *Hazardous waste.* Hazardous waste shall only be disposed of in sites approved by KDHE, in accordance with K.S.A. 65-3430 through 65-3470, as amended.

(d) *Inoperable vehicles.* It shall be unlawful for any person either as lessee, tenant, or occupant of any real property within the county to park, store, or deposit, or permit to be parked, stored, or deposited thereon more than five inoperable vehicles if the property is 10 acres or larger, or more than three inoperable vehicles if the property is less than 10 acres. All inoperable vehicles must be located within an enclosed building, screened from any public road, or screened from any public road or residence by an opaque screening fence or existing vegetative barrier.

(Res. of 4-5-91, §§ 6.5-1--6.5-4)

Sec. 9.5-189. Disposal.

(a) The disposal of solid waste by use in normal farming operations, including gardening, or in the processing or manufacturing of other products in a manner that will not create a public nuisance or adversely affect the public health is not prohibited.

(b) Individuals may dump or deposit solid waste generated on that property, resulting from their own residential or agricultural activities on land owned or leased by them if such dumping does not create a nuisance or public health problem. Such solid waste shall be buried within 30 days of being deposited on the ground.

(c) A state permitted Subtitle D municipal solid waste landfill has been provided by the City of Salina and shall be used to dispose of solid waste, except as otherwise prohibited by this chapter and other ordinances or regulations.

(Res. of 4-5-91, § 6-4)

Sec. 9.5-190. Recycling.

Material being held for recycling shall be stored in an approved facility or an enclosed container until scheduled for collection. Such storage shall not create a fire or health hazard, or other nuisance. Transportation of solid waste materials to a recycling facility for processing shall be accomplished in a manner that will prevent littering, by a vehicle designed for such purpose, as determined by the Administrative Agency, or by the individual producing such material at their residential premises. Recycling facilities and/or processing operations shall be conducted in accordance with guidelines provided by the Administrative Agency.

(Res. of 4-5-91, § 6-6.1)

Sec. 9.5-191. Composting.

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Composting of yard and garden waste on residential premises is permissible, provided:

(a) The composting is only of yard and garden wastes produced on the premises associated therewith;

(b) Such composting does not result in odor, fly breeding, rodent activity or other vectors or nuisances; and

(c) That such composting is carried out in accordance with guidelines provided by the Administrative Agency.

(Res. of 4-5-91, § 6-6.2)

Sec. 9.5-192. Salvaging.

Salvaging of solid waste is permissible with the approval of the Administrative Agency. Such approval shall be based on the provision of facilities specifically designed for the purpose of salvaging or processing solid waste, proper control to prevent interference with prompt sanitary disposal of solid waste and such operations being conducted in a manner that will not create a nuisance.

(Res. of 4-5-91, § 6-6.3)

Sec. 9.5-193. Prohibited practices.

(a) *Storage.* Except as provided in section 9.5-132, no person shall accumulate, store, collect, maintain or display on private property, waste or solid waste that is offensive or hazardous to the health and safety of the public or which creates offensive odors or a condition of unsightliness. The storage, collection, maintenance or display of wastes or solid wastes in violation of this subsection shall be considered to be a nuisance which may be abated as provided in section 9.5-194.

(b) *Depositing into waters or wetlands.* Solid waste shall not be deposited into any waters of the state or into any wetland.

(c) *Open dumping.* All open dumping is prohibited.

(d) *Burning.* Burning of solid waste is prohibited unless performed in accordance with fire district regulations governing the property, the county resolution governing burning, and KDHE.

(e) *Littering.* It shall be unlawful for any person to litter or dump solid waste in a place other than an approved sanitary landfill, or other processing or disposal sites approved by KDHE.

(f) *Scavenging.* Scavenging is prohibited. It shall be unlawful for any person not permitted by the administrative authority to remove from private property or public right-of-way, any item which has been discarded by the occupant for collection by a person holding a permit to collect solid waste.

(Res. of 4-5-91, §§ 6-4, 6-6.4, 6-10.1, 6-10.2, 6-10.4)

Sec. 9.5-194. Abatement of nuisances.

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(a) *Investigation.* The Administrative Agency may, and upon receipt of a complaint of any person shall, make an investigation to determine whether or not the accumulation, storage, collection, maintenance or display of waste or solid wastes is in violation of section 9.5-193. For the purpose of such investigation, the Administrative Agency or their duly authorized personnel may enter upon private property at reasonable times to determine compliance.

(b) *Notification.* After investigation, if the Administrative Agency finds that there is reasonable cause to believe that a nuisance exists, they shall mail a violation notice to the alleged violator.

(c) *Removal by county.* Where a violation notice is issued, the county may remove from the subject premises the wastes or solid wastes found, with the cost of removal and disposal charged to the property owner, which shall become a lien on the property.

(Res. of 4-5-91, §§ 6-12.1--6.12.3)

Secs. 9.5-195--9.5-215. Reserved.

DIVISION 4. COLLECTION VEHICLES

Sec. 9.5-216. Standards and maintenance.

(a) All solid waste collection vehicles shall be permitted, maintained, and operated in accordance with the provisions of this chapter. The Administrative Agency will reciprocate with licensure obtained from other municipalities in the county.

(b) Each solid waste collection vehicle when not in use shall be maintained or parked in accordance with zoning or other regulations applicable in the county and in such a manner and location so as not to create a nuisance. No solid waste collection vehicle shall be stored, parked (other than for collection purposes), or maintained on a public street or residential premises.

(c) Each vehicle, prior to annual licensure as a solid waste collection vehicle, shall receive an inspection by the Administrative Agency to determine that such vehicle is operating in accordance with state statutes relating to safety and in accordance with this chapter. All such vehicles shall be maintained in a safe, clean, and sanitary condition and shall be operated in such a manner as to prevent spillage. All vehicles to be used for collection of solid waste shall be constructed with watertight bodies and with covers which shall be an integral part of the vehicle or shall be a separate cover of suitable material with fasteners designed to secure all sides of the cover to the vehicle and shall be secured whenever the vehicle is transporting waste, or, as an alternate, the entire bodies thereof shall be enclosed, with only loading hoppers exposed. No materials shall be transported in the loading hoppers.

(Res. of 4-5-91, § 6-8.1)

Sec. 9.5-217. Display of permit.

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All motor vehicles operating under any permit required by this chapter shall display a permit for each vehicle. Documentation of a valid non-revoked permit must be with each vehicle.
(Res. of 4-5-91, § 6-8.2)

Secs. 9.5-218--9.5-240. Reserved.

ARTICLE VII. PUBLIC HEALTH NUISANCES

Sec. 9.5-241. Purpose and intent of article.

The purpose and intent of this article is to outline those conditions which constitute a public nuisance and are deemed hazardous to the public health.

Sec. 9.5-242. General procedure.

The Administrative Agency shall have the authority and power to examine all nuisances, sources of filth and causes of sickness that in its opinion may be injurious to the health of the inhabitants within the county. Whenever any such nuisance, source of filth or cause of sickness shall be found to exist on any private property or upon any watercourse in this county, the Administrative Agency shall have the power and authority to order, in writing, the owner or occupant thereof at his own expense to remove the nuisance, source of filth, or cause of sickness within 24 hours, or within such reasonable time thereafter as the Administrative Agency may order. Public nuisances shall include but shall not be restricted to the following:

(a) Any privy, privy vault, or other place used for the deposit of human excreta which permits animals or insects access to the excreta; which produces foul or objectionable odors; or is located so as to make pollution of any water supply probable.

(b) The collection or accumulation of any organic materials such as swill, meat scraps, dead fish, shells, bones, decaying vegetables, tree waste, dead carcasses, human or animal excrements, or any kind of offal that may decompose and create an attraction or breeding place for insects or rodents.

(c) Any animal pen that pollutes a water supply, underground water-bearing formation, or stream in a manner that is hazardous to human health or is maintained in a manner that creates an attraction or insect breeding place, or is a rodent harborage or breeding place.

(d) Solid waste which is stored, collected, transported, processed, treated or disposed of contrary to the rules and regulations, standards or orders of the Administrative Agency, or in such a manner as to create a public nuisance.

(Res. of 4-5-91, § 7-1.1)

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