

# RESOLUTION

No. 102-07

DATE PUBLISHED: 04/25/07

## A RESOLUTION ADOPTING A REVISED SANITARY CODE

WHEREAS, Sedgwick County has previously adopted a sanitary code pursuant to the authority granted by K.S.A. 19-3701, et seq.; and

WHEREAS, Sedgwick County has determined the need to revise and adopt a new sanitary code; and

WHEREAS, K.S.A. 19-3701, et seq. requires the Kansas Department of Health and Environment approve any revisions to a county sanitary code; and

WHEREAS, the Kansas Department of Health and Environment has approved the attached revision of the sanitary code on February 13, 2007;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, that the attached revised sanitary code be adopted.

**Section I.** The attached Sanitary Code as approved by the Kansas Department of Health and Environment is hereby adopted as the Sedgwick County Sanitary Code.

**Section II.** Upon publication as provided for in Section V of this resolution, Resolution No. 146-2002, as codified in Chapter 14, Article V of the Sedgwick County Code is hereby repealed.

**Section III.** This sanitary code is necessary for the protection of the health and welfare of the public.

**Section IV.** Copies of the revised sanitary code are available for public inspection at the Sedgwick County Department of Code Enforcement.

**Section V.** This resolution and the revised sanitary code shall take effect upon publication in the official county newspaper.

Commissioners present and voting were:

DAVID M. UNRUH	_____
TIM R. NORTON	_____
THOMAS G. WINTERS	_____
KELLY PARKS	_____
GWEN WELSHIMER	_____

[APPROVALS ON FOLLOWING PAGE]

Dated this \_\_\_\_\_ day of April, 2007

BOARD OF COUNTY COMMISSIONERS  
OF SEDGWICK COUNTY, KANSAS

| ATTEST:

\_\_\_\_\_  
DAVID M. UNRUH,  
CHAIRMAN, FIRST DISTRICT

| \_\_\_\_\_  
DON BRACE, County Clerk

\_\_\_\_\_  
THOMAS G. WINTERS  
Chair Pro Tem- Third District

\_\_\_\_\_  
TIM R. NORTON  
Commissioner - Second District

| APPROVED AS TO FORM:

\_\_\_\_\_  
KELLY PARKS  
Commissioner - Fourth District

| \_\_\_\_\_  
ROBERT W. PARNACOTT  
Assistant County Counselor

\_\_\_\_\_  
GWEN WELSHIMER  
Commissioner - Fifth District

# SANITARY CODE

## SECTION I. GENERALLY

### A. Applicability of the Sanitary Code.

This sanitary code shall not apply to (1) incorporated cities or (2) any premises under one ownership, which exceeds six hundred forty (640) acres in area and which is used only for agricultural purposes.

### B. Definitions.

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

1. *Agricultural purposes* means a purpose related to the production of livestock or crops.
2. *Community Sewer System* means a sewage treatment system designed to serve a limited number of properties in a limited geographic area; generally two or more lots within a single plat or adjoining properties. Often referred to as cluster systems or decentralized systems.
3. *Director of the Department of Code Enforcement* means the Director of the Sedgwick County Department of Code Enforcement or his or her authorized representative.
4. *Domestic Wastewater* means all waterborne wastes produced at family dwellings in connection with ordinary living including kitchen, toilet, laundry, shower, and bathtub wastewater. Surface water runoff from roof, paved areas, or other areas; subsurface drainage from springs, foundation drains and sump pumps; cooling water; industrial or commercial wastewater from shops, manufacturing, car washes, etc is not domestic wastewater and these types of wastewater shall not be mixed with domestic wastewater.
5. *Lateral field* means a system of perforated or open joint sewer pipe positioned underground within rock or gravel beds or trenches, *chambers, gravelless pipe or other approved material* to effect transfer of septic tank effluent to soil for *final treatment and dispersal*.
6. *New construction* means initial construction or enlargement of the onsite wastewater treatment system, modification of the method or extent of sewage treatment, or replacement of a significant portion of the existing onsite wastewater treatment system.
7. *Onsite wastewater treatment system* means the arrangement of devices, structures and mechanisms to treat and modify wastewater from a structure, in locations where a public sewerage system is not available, in such a fashion as to prevent sewage from being a public health hazard, a detriment to environmental or natural resources, or a water pollutant.

- a. *Alternative onsite wastewater treatment system* means any system that includes enhanced treatment of wastewater resulting in effluent quality going into the soil absorption field that is of higher quality than from a conventional septic tank. Includes all media filters, aerated tanks and mounds, followed by soil absorption, including drip irrigation.

8. *Onsite wastewater treatment system installer* means any person engaged in the business of installing, altering, repairing, or excavating for any portion or all of onsite wastewater treatment systems.

9. *Onsite wastewater treatment system installer's license* means the written license issued annually by the Department of Code Enforcement authorizing a person to engage in the business of installing, altering, repairing, or excavating onsite wastewater systems.

10. *Owner* means any person who, alone or jointly or severally with others: (1) has record legal title to any property or structure thereon with or without accompanying actual possession thereof; or (2) has charge, care or control of any property or structure thereon as owner or agent of the owner, or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner.

11. *Premises* means a lot, plot or parcel of land, including structures located thereon.

12. *Property* means any real property within the county which is not a street or highway.

13. *Seepage pits, cesspools, drywells, ratholes, leach pits, soak pits, mine shafts etc.*

Seepage pits and cesspools are excavations or structures constructed with unlined side walls or side walls lined with open joints or perforations and may or may not have an open bottom, or may be a pit filled with rubble or gravel.

A drywell is a seepage pit but the bottom of the drywell is above the water table, leaving it dry except when wastes are discharged into it.

A Rathole is a well or shaft drilled to some depth that is intended to receive untreated waste or effluent. Abandoned mine shafts are sometimes used for this same purpose.

Leach pit or soak pit may be similar to a seepage pit or may be an open surface depression or excavation that receives wastes or effluent.

16. *Septic tank* means a structure for the receipt of wastewater and clarification by settling into a liquid portion ready for further treatment by other methods and concentration of solids and organic matter for storage and digestion within the facility.

17. *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 household cleaners or other

wastes from domestic sources(refers to sewage originating from the kitchen, bathroom and laundry sources).

### **C. Duties and authority of the Department of Code Enforcement.**

(1) The Sedgwick County Department of Code Enforcement is designated as the county agency responsible for promulgating and administering the sanitary code regulations concerning sewage and sewage disposal.

## **SECTION II. ONSITE WASTEWATER TREATMENT SYSTEMS FOR SINGLE USE PROPERTIES**

### **A. Applicability**

(1) This section pertains to onsite wastewater treatment systems including but not limited to the following types or classifications: septic tank-lateral field, lagoon and any other type of onsite wastewater systems approved by the Director of the Department of Code Enforcement. A wastewater system serving more than one lot will be regulated under the Community Sewer System portion of the Wichita-Sedgwick County Subdivision Regulations. Any surface discharging system must be permitted by the Kansas Department of Health and Environment, per K.S.A. 2001 Supp. 65-165 and K.A.R. 28-5-1 et seq.

(2) Pit privies shall not be used for permanent or continuous occupancies. Pit privies and chemical toilets may be used on a temporary basis as permitted and approved by the Director of the Department of Code Enforcement.

### **B. Prohibited acts.**

(a) The following acts are prohibited:

(1) New construction of any onsite wastewater system or any structure from which wastewater will be discharged other than to a public sewage system may not be started, until a construction permit has been issued by the Director of the Sedgwick County Department of Code Enforcement for such onsite wastewater treatment system. Permit regulations may be found in a separate resolution governing issuance of construction and operating permits.

(2) No onsite wastewater system shall be constructed within 400 feet of an existing public sewer, unless the Director of the Sedgwick County Department of Code Enforcement finds that connection to such a sewer system is not reasonable or feasible and that an onsite wastewater treatment system, meeting the requirements of this code, can be constructed on the property which will not adversely affect the natural resources and public health and safety.

(3) No person shall use, or cause to be used, any private onsite wastewater treatment system which: a) has a discharge to the ground surface unless such system is permitted by the Kansas

Department of Health and Environment, b) has been enjoined as a public health nuisance by a court of competent jurisdiction, c) has received a written notice from the Department of Code Enforcement that said onsite wastewater treatment system fails to comply with the provisions of this code, d) discharges into a seepage pit, cesspool, well, mine shaft, or subsurface excavation, e) receives non-domestic wastewater, f) discharges wastewater to a vault or septic tank which is not a water-tight receptacle or g) any other device or system not approved by the Department of Code Enforcement.

(4) No portion of a private wastewater disposal system shall be constructed within the 100 year floodplain (as established by the Federal Emergency Management Agency) of any stream, river, or water course unless written approval is obtained from the Dept. of Code Enforcement. This does not preclude repair of existing systems, provided other requirements of this code are met.

(5) Cesspools, seepage pits and other wastewater disposal methods not described as acceptable or by the references adopted by this code, are illegal and shall be removed from operation upon notification of the owner by registered mail. Any replacement of these systems shall be constructed in accordance with this code.

(6) No person shall engage in the business of installing onsite wastewater systems without a valid onsite wastewater installer's license issued by the Director of the Department of Code Enforcement. On or after January 1, 2003, such license shall be issued only after the applicant has indicated a basic knowledge of the proper design and function of an onsite wastewater system and knowledge of the Department of Code Enforcement standards of construction by successful completion of a Department of Code Enforcement examination. Licensing requirements may be found in a separate resolution providing for the licensing and regulation of onsite wastewater installers. The Dept. of Code Enforcement may grant a waiver for an individual owner to repair or replace lateral lines upon obtaining a permit and meeting the requirements of this code.

(b) Onsite wastewater treatment systems existing or under construction prior to the effective date of this code, are not subject to this code until such time as these systems are modified, enlarged or replaced; or when inspected by the Director of the Sedgwick County Department of Code Enforcement and found to be causing a public health hazard, nuisance or water pollution of the waters of the state.

### **C. Enforcement**

(a) *Issuance of uniform complaint and notice to appear.* Whenever the Director or a code enforcement officer authorized under this code has probable cause to believe that a person, firm, or corporation is committing or has committed a violation of any provision of this code, the Director or such code enforcement officer may serve upon such accused person a uniform complaint and notice to appear, or in the alternative, may sign a complaint against the accused person and cause a notice to appear to be issued according to the provisions of K.S.A. 19-4701, et seq., the code for the enforcement of county codes and resolutions. Pursuant to K.S.A. 19-

101d, prosecution for any such violation shall be conducted in the manner provided by law in the district court under the code for the enforcement of county codes and resolutions as provided by K.S.A. 19-4701, et seq. Writs or processes necessary for the prosecution of such violations shall be substantially in the form of writs and process as shown in K.S.A. 19-4738. The county shall provide all necessary supplies, forms and records at its own expense.

(b) *Procedures.* Procedures for prosecution of violations of this code shall be pursuant to chapter 8 of the Sedgwick County Code.

(c) *Classification of violations and schedule of fines.* An accused person who shall be convicted in the district court for violation of any provision of this code shall be deemed guilty of a violation thereof and in accordance with K.S.A. 19-4716, shall be subject to payment of a fine which shall be fixed by the Court at a sum not to exceed \$500.00; provided further, the minimum fine for any violation of this code shall be assessed according to the classification of violations and schedules of fines in section 8-5 of the Sedgwick County Code and subject to the enhancements contained therein, and each and every violation of this code shall be a class G violation.

(d) *Separate Offense.* Each day that any violation of this code occurs after the passage of the reasonable time for performance of any act required by a Notice of Violation(s) or Order(s) to Comply has been served in accordance with the terms and provisions hereof shall constitute a separate offense and shall be punishable as a separate violation. Provided, however, that if any person, firm or corporation is found guilty of a violation hereunder and it shall appear to the Court that the violation complained of as prescribed in this code is continuing, then in addition to the penalty as set forth, the Court may enter such order as it deems appropriate to cause the violation to be abated.