

RESOLUTION

NO. 151-02

DATE EFFECTIVE: 10-16-2002

A RESOLUTION PROVIDING FOR THE LICENSING AND REGULATION OF SANITARY SERVICE

WHEREAS, K.S.A. 19-3709 states that a Board of County Commissioners can, by resolution, provide for the licensing of cleaners of septic tanks and haulers of sewage, including the establishment of licensing procedures, fees, bonding, inspection, removal of licenses, assignment of routes and other procedures and provisions related to the cleaning of septic tanks and hauling of sewage; and

WHEREAS, the Sedgwick County Board of County Commissioners desires to adopt such licensing and other requirements necessary to minimize and control those environmental conditions that may adversely affect the health and well-being of the public;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, that:

SECTION I: Definitions.

(A) *Domestic wastewater* means sewage originating primarily from kitchen, bathroom and laundry sources, including waste from food preparation, dishwashing, garbage-grinding, toilets, baths, showers and sinks.

(B) *Onsite wastewater system* means the arrangement of devices, structures and mechanisms to treat and modify domestic 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.

(C) *Sanitary service* means the cleaning of septic tanks and the hauling of sewage.

(D) *Septage* means the sludge and liquid contents of a septic tank, which are removed during periodic pumping (cleaning) of the septic tank.

(E) *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.

SECTION II: Equipment; disposal of sewage.

(A) All equipment used by persons licensed under this resolution 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 onsite wastewater systems and other sewage disposal systems will be transported to the designated point of disposal without spillage of the waste onto the road or street. The operator shall be capable of demonstrating that the equipment is in good operating condition and that it will perform its function without leakage or spillage.

(B) Disposal of hauled sewage is to be made at a sewage treatment plant or at a location otherwise approved by the Director of the Department of Code Enforcement for that purpose, and in conformance with all applicable federal, state and local regulations, including but not limited to 40 C.F.R. part 503.

(1) The following contains the setback distances for land application of septage after it has been treated in accordance with 40 C.F.R. part 503.

PROPERTY LINES:	200 FEET
NEIGHBORING RESIDENCE:	1,000 FEET
DOMESTIC WATER WELLS:	200 FEET
SURFACE WATERS:	500 FEET
PUBLIC WATER SUPPLIES:	0.5 MILE

(2) The effluent shall be screened as it exits the truck in order to catch any foreign material in the septage from littering the ground surface.

(3) The licensee shall maintain a disposal log for every load and submit a copy of the log to the Director of the Department of Code Enforcement at the time of annual renewal.

The log at a minimum shall contain:

- (a) Date of disposal
- (b) The generator of the septage
- (c) The disposal site
- (d) The volume disposed.

(4) The Director of the Department of Code Enforcement may at anytime request to view the logs before the time of annual renewal.

(5) At anytime the Director of the Department of Code Enforcement may request to be on site during septage pumpage and/or disposal of the septage in order to determine compliance with federal, state and local regulations.

SECTION III. License

(A) No person shall remove, haul or transport or offer to remove, haul or transport any domestic sewage, industrial or commercial waste or human excreta from any onsite wastewater system, sewage disposal system or privy, unless he or she holds a valid sanitary service license from the Director of the Department of Code Enforcement.

(B) Every person wishing to obtain a sanitary service license as required by this resolution shall make application for a license on forms provided by the Department of Code Enforcement for this purpose, and shall pay a fee of one hundred dollars (\$100.00) to the office of the Director of the Department of Code Enforcement for inspection of the equipment and evaluation of the person's operations. A receipt of such payment shall be attached to the application form. If the license is denied, no portion of the inspection fee will be refunded.

(C) An annual fee of one hundred dollars (\$100.00) shall be paid to the office of the Director of the Department of Code Enforcement following approval of the application for a license under this subdivision or renewal by the Director of the Department of Code Enforcement.

(D) No person responsible for operating an onsite wastewater system, sewage disposal system or privy shall contract or offer to contract with any person for sanitary service unless that person holds a valid license to provide such service from the Director of the Department of Code Enforcement.

SECTION IV. Violations and penalty.

(A) This resolution is enforceable under Chapter 8 of the Sedgwick County Code. Except as otherwise stated, violations of this resolution are classified as provided in Section 8-5 of the Sedgwick County Code.

(B) Violations of this resolution are punishable as provided in Section 1-8 of the Sedgwick County Code. Violation of Section III.(A) of this resolution shall be a class I violation.

SECTION V. Effective date.

(A) This resolution will take effect upon its adoption by the Board of County Commissioners.

Commissioners present and voting were:

BETSY GWIN	_____
TIM R. NORTON	_____
THOMAS G. WINTERS	_____
CAROLYN MCGINN	_____
BEN SCIORTINO	_____

DATED this ___ day of _____, 2002.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

Ben Sciortino, Chairman
Fifth District

ATTEST:

APPROVED AS TO FORM:

Don Brace, County Clerk

Robert W. Parnacott
Assistant County Counselor