

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

Shel J. Berg

Signature

Chairman, Board of County Commissioners

2/13/06

Date

RECEIVED

FEB 15 2006

BUREAU OF WATER

RETURN TO:

KANSAS DEPARTMENT OF HEALTH & ENVIRONMENT
BUREAU OF WATER - WATERSHED MANAGEMENT SECTION
CURTIS STATE OFFICE BUILDING
1000 SW JACKSON ST., STE 420
TOPEKA, KS 66612-1367

TABLE OF CONTENTS

		Page
ARTICLE 1. ADMINISTRATIVE PROCEDURES		1-1
100	Authority and Policy	1-1
101	Definitions	1-2
102	Administrative Powers and Procedures	1-8
103	Notices, Orders and Appeals	1-10
104	Records	1-11
105	Enforcement Provisions	1-11
 ARTICLE 2. ON-SITE WASTEWATER MANAGEMENT		 2-1
100	Purpose and Intent	2-1
101	Requirements for Private Wastewater Systems	2-1
102	Prohibited Practices	2-4
103	Minimum Standards for Soil Topography and Geology	2-6
104	Requirements for Sanitary Privies	2-6
105	Sanitary Services	2-7
106	Requirements for Subdivision Development	2-8
107	Enforcement Provisions	2-8
 ARTICLE 3. NONPUBLIC WATER SUPPLIES		 3-1
100	Purpose and Intent	3-1
101	Requirements for Nonpublic and Semi-public Water Supplies	3-1
102	Minimum Standards for Groundwater Supplies	3-2
103	Requirements for Subdivision Development	3-2
104	Enforcement Provisions	3-2
 ARTICLE 4. STANDARDS FOR SAND SPRINGS RECHARGE AREA AND OTHER SENSITIVE GROUNDWATER AREAS		 4-1
100	Purpose and Intent	4-1
101	Applicability	4-1
102	On-Site Wastewater Management	4-1
103	Nonpublic Water Supplies	4-2
104	Animal Waste Management	4-3
105	Land Application of Chemicals	4-3
106	Enforcement Provisions	4-3

APPROVED

JAN 30 2006

	ARTICLE 5. NUISANCES	5-1
100	Purpose and Intent	5-1
101	Abatement of Nuisance	5-1
102	Storage of Salvage and Junk Materials	5-4
103	Waste Tires	5-4
104	Hazardous Waste	5-4
105	Vector Control.....	5-4
106	Enforcement Provisions.....	5-4

	ARTICLE 6. SEVERABILITY AND EFFECTIVE DATE	6-1
100	Severability	6-1
101	Effective Date	6-1

	APPENDIX	A-1
	Resolution Approving and Incorporating the Sanitary Code	A-1

Figure		Follows Page
1	General Site Map--Sand Springs Recharge Area	1-6
2	Dickinson County Schedule of Fees	2-7

Tables		Page
2-A	Minimum Distance for Wastewater System.....	2-6
3-A	Minimum Standards for Groundwater Supplies	3-2

APPROVED

JAN 30 2006

**SANITARY CODE
OF
DICKINSON COUNTY, KANSAS**

ARTICLE 1. ADMINISTRATIVE PROCEDURES

100 Authority and Policy.

- A. Title.** This code shall be known and may be cited as the "Sanitary Code of Dickinson County, Kansas" and shall hereafter be referred to as "this code".
- B. Purpose and Intent.** The purpose and intent of this article is:
1. To prescribe the administrative procedures to be followed in administering this code or amendments thereto;
 2. To prescribe rules and regulations for controlling practices to minimize health and safety hazards; and
 3. To establish administrative procedures to facilitate fair and equitable regulations while recognizing the rights of affected persons to receive reasonably prompt processing and to appeal administrative decisions.
- C. Legal Authority.** This code is adopted under the authority granted to the Board of County Commissioners by K.S.A. 19-3701 et seq., K.S.A. 65-159 et seq. and K.S.A. 12-3301, et seq., as amended.
- D. Declaration of Finding and Policy.** The Board of County Commissioners find that the provision of adequate and reasonable control over environmental conditions in the County is necessary and desirable to avoid adverse effects upon the health and well-being of the public. A sanitation code establishes standards to minimize and/or control the development of environmental conditions that are hazardous to health and safety and promotes the economical and planned development of the land and water resources of the County. For these reasons and objectives, it will be the policy of the Board to adopt and amend a sanitation code to provide current regulation of practices that affect health and safety.
- E. Applicability.** This code shall be in effect for all of the unincorporated area of Dickinson County, Kansas. (See Article 6-101 for Effective Date.)

APPROVED

JAN 30 2006

101 **Definitions.** The following words and definitions shall apply:

ABANDONED ON-SITE WASTEWATER SYSTEM: An on-site wastewater system determined by the Administrative Agency to be a system:

1. In which the use has been permanently discontinued;
2. Which is in such a state of disrepair that it cannot be used to treat effluent or it has the potential for transmitting effluent into the aquifer or surface waters or both conditions exist; or
3. Which poses potential health and safety hazards.

ABANDONED VEHICLE: Any motor vehicle to which the last original owner of record thereof has relinquished all further dominion and control.

ABANDONED WATER WELL: A water well determined by the Administrative Agency to be a well:

1. In which the use has been permanently discontinued;
2. In which pumping equipment has been permanently removed;
3. Which is in such a state of disrepair that it cannot be used to supply water, or it has the potential for transmitting surface contaminants into the aquifer or surface waters or both conditions exist;
4. Which poses potential health or safety hazards; or
5. Which is in such a condition that it cannot be placed in active or inactive status.

ADMINISTRATIVE AGENCY: The entity authorized to administer and implement the provisions of this code. The Administrative Agency for Dickinson County shall be the Dickinson County Department of Environmental Services unless otherwise designated by the Board of County Commissioners.

ADMINISTRATIVE RULES: Those rules and regulations contained in Article 1 of this code which prescribe general procedures to be followed in its administration.

ANIMAL: All domesticated vertebrate animals of the class Mammalia and Aves, such as but not limited to dogs, cats, fowl, bovines, swine, horses and other equines.

APPROVED

JAN 30 2006

AUTHORIZED REPRESENTATIVE: A person who is designated by the Administrative Agency to administer this code.

BENEFICIAL USE: The use of water for any of the following purposes: agricultural water, aquatic life, domestic water supply or recreation.

BOARD OF COUNTY COMMISSIONERS: The Board of County Commissioners of Dickinson County, Kansas.

BULKY WASTE: Discarded or stored inoperative household appliances, disused equipment, junk lumber and other building demolition debris, parts of machinery and equipment, waste tires and similar waste not ordinarily collected with compactor equipment; provided, that this definition shall not mean an abandoned or inoperative vehicle in whole or in part. (See Articles 5-102H and 103 for storage of salvage and junk materials.)

CESSPOOL: Brick-lined, rock-lined, or un-lined hole receiving raw sewage.

CONTROL MEASURES: Any chemical, structural or physical procedures or processes designed to eradicate, minimize, prevent or otherwise limit the reproduction and/or infestation of insects and rodents detrimental to community health.

DAYCARE FACILITY: Adult or child care facility, typically licensed or registered by the state of Kansas.

DOMESTIC SEWAGE: Sewage which is normally characterized as and is similar to residential wastewater, not commercial or industrial activity, and which originates primarily from kitchen, bathroom and laundry sources, including waste from food preparation, dishwashing, garbage grinding, toilets, baths, showers and sinks of a residential dwelling.

DOMESTIC USES: The use of water by any persons 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.

DRY WELL: Well which no longer yields water.

HABITABLE STRUCTURE: Any of the following structures which is occupied or maintained in a condition which may be occupied: A dwelling, church, school, adult care home, medical care facility, child care facility, library, community center, public building, office building or licensed food service or lodging establishment.

HEARING OFFICER: An individual or board appointed by the Administrative Agency to hear appeals from decisions made by the Authorized Representative relating to the administration and enforcement of this code.

HIGH NITROGEN REMOVAL SYSTEMS: On-site wastewater systems that remove at least 50% of the nitrogen before it is discharged into the soil. High nitrogen removal systems include, but are not limited to, recirculating sand filters, and fixed film aerated systems. KDHE does not approve or permit alternative wastewater systems; however Watershed Management Section staff are available to provide technical assistance to counties, upon request.

INOPERABLE VEHICLE: Any motor vehicle which because of mechanical defects, a wrecked or partially wrecked frame or body, or dismantled parts, cannot be operated in a normal and safe manner. Any vehicle which has been inoperative for a period of 30 days shall in such case constitute prima facie presumption that such vehicle is inoperable.

INSECTS: The classes Insecta and Arachnida or the phylum Arthropoda including, but not limited to, flies, mosquitoes, fleas, lice, cockroaches, bed bugs, plant bugs, mites, ticks, spiders and scorpions.

KDHE: Kansas Department of Health and Environment.

MANURE: The body discharge of all animals which may also contain bedding, feed wastes, contaminated vegetation and soil.

MODIFY: Add to or move location of a system or part of a system. Does not include replacement of like with like or repair.

NONPUBLIC WATER SUPPLY: All water supplies not meeting the definition of public or semi-public water supplies.

NUISANCE: Any condition, which is injurious to health, or is a potential health hazard or is indecent or offensive to senses, or an obstruction to the free use of property so as to interfere with the comfortable enjoyment of life or property by an entire community or neighborhood, or by a majority of persons subjected to such conditions. Such conditions shall be no less of a nuisance because the extent of the annoyance or damage inflicted is unequal.

OFFENSIVE ODOR: Any odor deemed annoying, nauseous, disagreeable, unwholesome or objectionable by a majority of individuals so exposed as to interfere with the comfortable enjoyment of life or property, notwithstanding the fact that the degree of such annoyances, disagreeableness, nausea, unwholesomeness or objectionableness may be unequal.

APPROVED

JAN 30 2006

OWNER: Any person who, alone or jointly or severally with others:

1. Shall have record legal title to any property or structure thereon with or without accompanying actual possession thereof; or,
2. Shall have charge, care or control of any property or structures thereon as owner, or agent of the owner, or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner.

PERSON: An individual, corporation, partnership, association, state or political subdivision thereof, federal, state agency, municipality, commission or interstate body or other legal entity recognized by law as the subject of rights and duties.

POTABLE WATER: Water free from impurities in amounts sufficient to cause disease or harmful physiological effects in humans and conforming with the latest drinking water standards.

PREMISE: Any lot or tract of land and all buildings, structures or facilities located thereon.

PRIVATE WASTEWATER SYSTEM: Any system which is not required to hold a Kansas Water Pollution Control Permit pursuant to K.S.A. 65-165. This includes wastewater disposal systems, which function by soil absorption, evaporation, transpiration, holding tanks or any combination of the above including other private systems approved by KDHE.

PROPERTY: Any real property within Dickinson County which is not a street or highway.

PUBLIC WATER SUPPLY: A system that has at least 10 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year *per* K.S.A. 65-162a-*or* as otherwise defined in state statute or regulation.

PUMP INSTALLER: Any contractor, firm, partnership, association or corporation who shall install pumps, treat or otherwise service any water well or any system directly connected to a water well, such as the distribution system, to the first connection up to and including the water pressure tank.

REFUSE: All waste material such as trash, debris, garbage, tree trimmings, grass cuttings, dead animals and solid industrial waste, but shall not include human or animal excrements.

RODENTS: The so-called domestic rats, *Rattus norvegicus* and *Rattus rattus*, and domestic mice, *Mus musculus*, and wild native rodent, associated with transmission of disease or causing a nuisance to man and other animals.

APPROVED

JAN 30 2006

SAND SPRINGS RECHARGE AREA: A land area covering approximately 18,000 acres north of the Smoky Hill River between the cities of Abilene and Solomon. See Figure 1 entitled "General Site Map Sand Springs Project". The area, which is characterized by highly permeable soil and dune sand deposits, provides essential recharge to unconsolidated and bedrock aquifers beneath the surface. Both aquifers have unusually high transmissivities and ground water velocities. The following sections and portions of sections are included in the Sand Springs Recharge Area:

Township 12, Range 1 East (Willowdale Township)

- Section 34
- Section 35

Township 13, Range 1 East (Lincoln Township)

- Section 1
- Section 2
- Section 3
- Section 4
- East one-half of Section 5
- Sections 7 thru 17
- Section 18 north of Old Hwy. 40
- Section 19 north of Old Hwy. 40
- Section 20 north of Old Hwy. 40
- Section 21 thru 24

Township 13, Range 2 East (Grant Township)

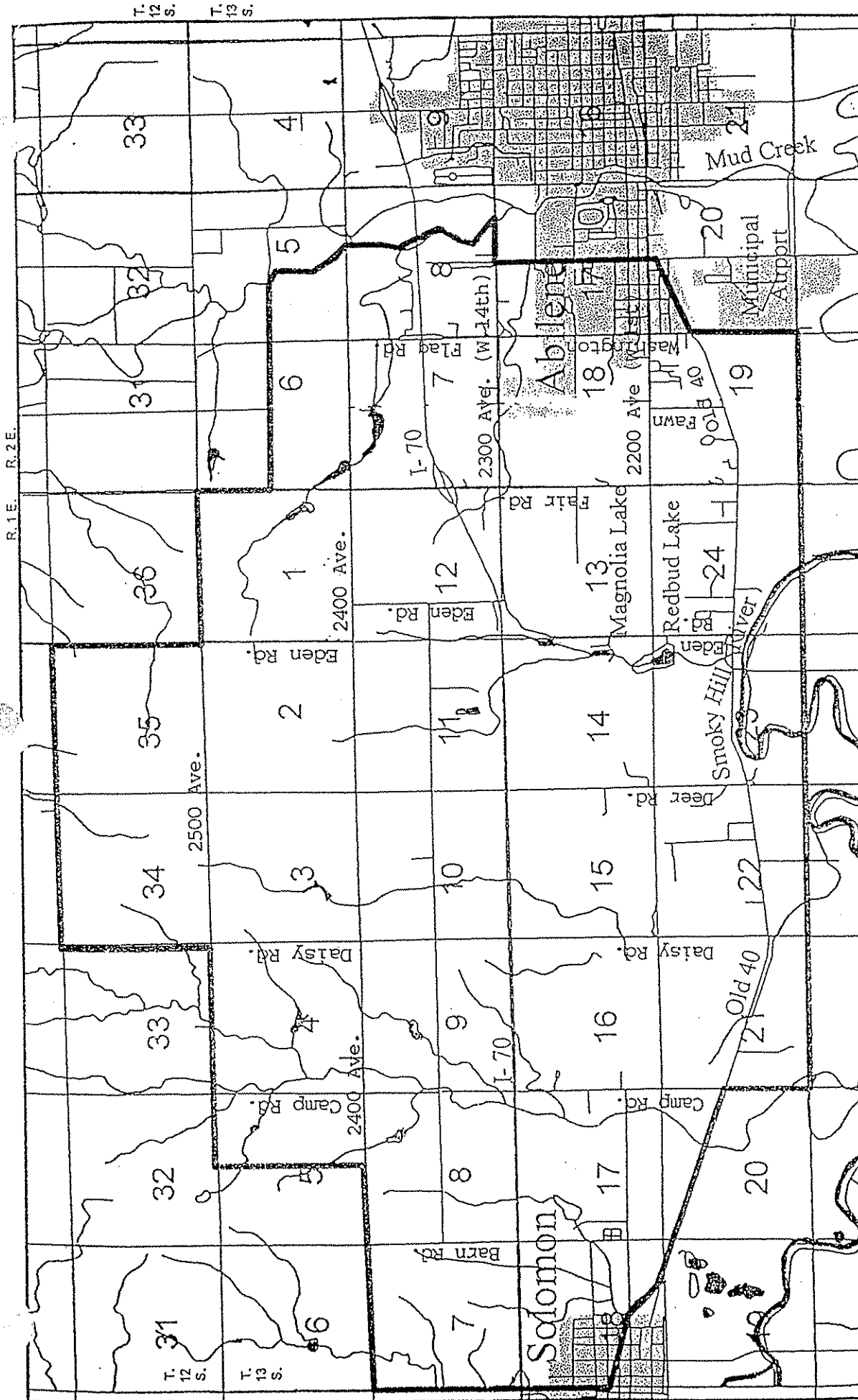
- South one-half of Section 5 west of Mud Creek
- South one-half of Section 6
- Section 7
- Section 8 west of Mud Creek
- West one-half of Section 17
- Section 18
- Section 19
- Northwest quarter of Section 20 north of Union Pacific railroad tracks

SANITARY PRIVY: A facility designed for the disposal of non-water carried wastes from the human body.

SANITARY SERVICE: The pumping out and/or removal of sewage, sludge or human excreta from privies, vaults, septic tanks or private wastewater systems and the transportation of such material to a point of final disposal.

APPROVED

JAN 30 2006

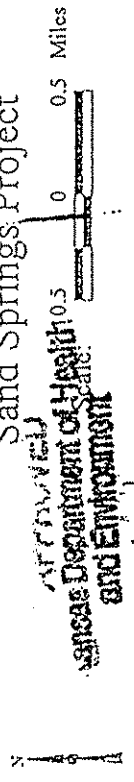


Source References: D, E






Prepared by KDHE/BER, 3/96

Figure 1: General Site Map
Sand Springs Project



LEGEND

-  APPROVED Site Boundary
-  Section Boundary
-  City Limits

JAN 30 2006

Kansas Department of Health and Environment

APPROVED
Kansas Department of Health and Environment
5/15/98
File

SALVAGE YARDS: Any premise used for:

1. Storage and or resale of used merchandise;
2. The disassembly of wrecked or used vehicles for the reuse and/or sale of parts; or
3. The storage and/or sale of various kinds of metal and/or used building materials.

SEEPAGE PIT: Gravel - or rock-filled hole, usually covered with soil, receiving septic tank effluent.

SELLER'S REPRESENTATIVE: Seller, or other person authorized by the seller to represent the seller.

SEMI-PUBLIC WATER SUPPLY: A system that serves two to nine service connections.

SENSITIVE GROUNDWATER AREA: Surface area which may susceptible to groundwater pollution due to characteristics of shallow fractured rock and/or permeable soils and shallow groundwater.

SEWAGE: 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 forms of industry.

SITE SCREENING: Any decorative fencing, evergreen vegetation or landscaped earth berm maintained for the purpose of concealing from view the area behind such site screening. When fencing is used for screening, it shall not be less than six nor more than eight feet in height.

STATE DEPARTMENT OF HEALTH: The Kansas Department of Health and Environment also abbreviated as KDHE.

SUBDIVISION: Any tract of land that is or has been subdivided into two or more lots for the purpose of sale or building development, whether immediate or future, including the streets, alleys, or other portions thereof intended to be dedicated for public use, and any resubdivision of lands. (See County Subdivision Regulations).

SURFACE WATERS: All permanent and intermittent streams and springs, and all bodies of water within the boundaries of the county.

SYSTEM INSTALLER: A contractor, firm, partnership, association or corporation who engages in the business of constructing private wastewater systems.

APPROVED

JAN 30 2006

VAULTS/HOLDING TANK: A watertight receptacle for the retention of sewage, before, during, or after treatment.

VECTOR: A mosquito, tick or other organism that transmits disease germs.

VEHICLE: A machine propelled by power other than human power that is designed to travel along the ground by use of wheels, treads, runners, slides or other devices, and that transports persons or property or pulls machinery and shall include without limitation an automobile, truck, motor home, fifth-wheeler, motorcycle, tractor, buggy or wagon.

WASTE TIRE: A whole tire that is no longer suitable for its original intended purpose because of wear, damage or defect.

WASTEWATER: Water that has been contaminated by sewage, originating from residential, farm and ranch, and/or commercial/industrial sources.

WASTEWATER SYSTEM: Any system along with attendant pipes and appurtenances designed and constructed to collect, store, treat and dispose of domestic, industrial or commercial waste.

WATER IMPOUNDMENTS: Situations created by improper drainage or discharge obviously not existing for any benefit, but not including a natural water course, artificial pool or lake.

WATER WELL CONTRACTOR: Any individual, firm, partnership, association or corporation who shall construct, reconstruct or treat a water well. The term shall not include:

1. An individual constructing, reconstructing or treating a water well located on land owned by the individual when the well is used by the individual for farming, ranching or agricultural purposes or for domestic purposes at the individual's place of abode;
2. An individual who performs labor or services for a licensed water well contractor at the contractor's direction and under the contractor's supervision.

102 **Administrative Powers and Procedures.**

- A. **Right of Entry.** Representatives of the Administrative Agency and/or its designees shall have the right to enter upon private property to inspect, to examine and/or to survey for any purpose related to enforcement of this code.

APPROVED

JAN 30 2006

B. Obstruction of Administrative Agency. No person shall willfully and knowingly impede or obstruct representatives of the Administrative Agency in the discharge of official duties under the provisions of this code. Providing false or misleading information constitutes obstruction. Any representative denied access to any premises for the purposes authorized in this code shall have authority to seek such injunctive or other legal or equitable relief from the District Court as is necessary to insure access and compliance with this code. Any violation as set forth herein shall constitute a misdemeanor and shall be punishable as set forth in Article 1-105.B, Enforcement Provisions.

C. Permit and License.

1. Applications for Permits and Licenses. Every person required by this code to obtain a permit or license shall make application for such permit or license to the Administrative Agency.

2. Issuance of Permit or License. After receipt of an application as required by this code, the Administrative Agency shall begin such investigation as deemed necessary to determine whether the permit or license should be issued or not issued, and shall issue or not issue the permit or license within 30 calendar days of such receipt. If the permit or license is not approved, the Administrative Agency shall send the applicant a written notice and state the reasons for it not being approved.

3. Permit Nontransferable. No permit or license required by this code shall be transferable to any other person.

4. Permit Revocation. All permits are subject to revocation by the Administrative Agency for reasons of misrepresentation or noncompliance.

5. Standard Fees. The Administrative Agency shall establish a fee schedule sufficient to recover direct and indirect costs of processing all permits and licenses required by this code. Such fees shall be paid to the Administrative Agency. The Agency shall not process any application for a permit or license until the required fee has been paid which is not refundable thereafter.

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

D. Policy. The Administrative Agency shall establish official policy in order to facilitate the Code's purpose and intent as stated in Article 1-100.B.3 Said policy is in writing in the administrator's office, and made available upon request.

APPROVED

JAN 30 2006

103 Notices, Orders and Appeals.

A. **Notices of Violations.** When the Administrative Agency determines that there has been a violation of any provision of this code, notice of such violation shall be issued to the person responsible. The notice shall:

1. Be in writing;
2. Include a statement of why the notice is being issued;
3. Allow a reasonable period of time for performance of any work required by the notice;
4. Be properly served upon the owner or agent; *and*
5. Shall notify that failure to correct the violation shall result in a mandatory minimum fine of \$100, up to \$500 per day per violation, commencing with the deadline as set forth in the Notice.

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

B. **Appeal for Hearing.** Any person aggrieved by any notice or order issued by the Administrative Agency under the provisions of this code may request, and shall be granted, a hearing on the matter before the Hearing Officer; provided, that such person shall file with the Agency within 10 working days after the date of issuance of the notice or order, a written petition requesting a hearing and setting forth the reasons upon which the request is made. The filing of the request for a hearing shall operate as a stay of the notice or order unless an emergency order is issued. Upon receipt of such petition, the 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, which shall be tape-recorded, the petitioner shall be given an opportunity to show why such notice or order should be modified or withdrawn. The hearing shall commence no later than 10 working days after the date on which the petition was filed; provided, that upon request of the petitioner, the Agency may postpone the hearing for a reasonable time beyond such 10 day period, when in the Agency's judgement the petitioner has submitted justifiable reason for such postponement. (See Article 1-103D for Emergency Abatement).

C. **Report of Hearing.** Within 10 working days after such a hearing, the Hearing Officer shall submit the findings of the hearing in writing to the County Commission. The findings shall include a recommendation that the order be sustained, modified or withdrawn. Upon the receipt of the report of the Hearing Officer, the County Commission shall consider the report and issue an order confirming, modifying or withdrawing the notice or order, and shall notify the petitioner in the same manner as is provided for in Article 1-103A.

- D. **Emergency Abatement.** Whenever the Administrative Agency finds that 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 Agency may act to correct or abate the emergency with any costs incurred to be assessed to the legal owner.

104 **Records.**

- A. **Permit Applications.** Applications for permits or licenses required by this code shall be filed with the Administrative Agency.
- B. **Official Actions.** A written record of all official actions taken on applications for permits and licenses required by this code shall be kept on file with the Administrative Agency.
- C. **Proceedings of Hearings.** The proceedings of all hearings, including findings and decisions of the Hearing Officer, and a copy of every notice and order related thereto shall be filed with the Administrative Agency. Transcripts of the proceedings of hearings need not be transcribed from the tape recording unless a judicial review of the decision is sought. The tape recording shall be retained in the file for at least 60 calendar days.

105 **Enforcement Provisions.**

- A. **Enforcement Procedure.** The County Attorney shall enforce the provisions of this code and is hereby authorized and directed to file appropriate actions for such enforcement upon request of the Administrative Agency. Actions of injunction, mandamus and quo warranto may be utilized for enforcement and shall be governed by the provisions of the Kansas Code of Civil Procedure.
- B. **Penalties.** Upon Conviction, each violation of this code shall result in a mandatory minimum fine of \$100, up to \$500 per day per violation unless a higher penalty is specified. Penalties will be enforceable via criminal prosecution.
- C. **Disclaimer of Liability.** This code shall not be construed or interpreted as (1) imposing upon the County or its officials or employees any liability or responsibility for damages to any property; or (2) providing any warranty that any system, installation or portion thereof that is constructed or repaired under permits and inspections required by this code will function properly.

ARTICLE 2. ON-SITE WASTEWATER MANAGEMENT

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

101 Requirements For Private Wastewater Systems.

A. Approval of Plans.

1. After adoption of this code, no person shall develop or modify any private wastewater system until the plans and specifications for such system have been approved by the Administrative Agency.
2. The most current KDHE Bulletin 4-2, "Minimum Standards for Design and Construction of Onsite Wastewater Systems," and other references approved by KDHE and the Administrative Agency will be used as a guide in approving the plans for a domestic private wastewater system.
3. When a system or part of a system has failed, repairs shall be made with components meeting current design standards.

B. Sanitary Service. No person shall engage in the cleaning of a private wastewater system or the transportation of wastewater to a disposal site, unless he holds a valid system cleaners license from the Administrative Agency.

C. Contracting for Sanitary Services with Unlicensed Persons Prohibited. No person responsible for operating a private wastewater system or privy shall contract with any person for sanitary services, unless that person holds a valid license.

D. System Installer, Licensing Requirements. No person shall modify or install a private wastewater disposal system unless they hold a valid Wastewater System Installer License from the Administrative Agency.

1. Every person wishing to obtain a Wastewater System Installer 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 Exam. A license shall be issued upon satisfactory completion of the exam. The license is not transferable.

APPROVED

JAN 3 0 2006

2. 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 license.
 3. A requirement for continuing education is set for extended renewal of a Wastewater System Installer License. The Licensee must complete at least two (2) hours of continuing education every year, starting at the time the first license is issued. The continuing education must be pertinent and related to wastewater. Continuing Education Units (CEUs) must be submitted to the Administrative Agency.
 4. Before a license can be issued, the applicant must provide a certificate of insurance for liability coverage.
 5. A license issued under the provisions of this chapter may be revoked for violation of any of the terms of this Code, or if the license was issued in error or on the basis of incorrect information. 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.
 6. Licensure in other counties shall be reciprocal with licensure in Dickinson County if training, exam, and passing scores are equal to or greater than those required for licensure in Dickinson County.
 7. 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 from the Administrative Agency to provide such services.
- E. Abandoned Systems to Be Disconnected, Plugged, Dismantled, Pumped, Removed and Filled.** Abandoned wastewater systems shall be disconnected from buildings or facilities, pipes plugged and receptacles dismantled or removed and any void space in which such receptacles were contained shall be filled with soil. Before filling, receptacle contents shall be pumped out and disposed of in accordance with Article 2-101B.
- F. Permit.** No person shall construct or modify or permit to be constructed or modified any private wastewater system until a permit has been issued by the Administrative Agency.
- G. Maintenance.** All persons holding a permit for use of a private wastewater system and responsible for its operation shall operate and maintain the system in good working condition with the tank pumped every 5 years as standard operation practices accepted by the Administrative Agency.

APPROVED

JAN 3 0 2006

H. Suitable Site. No site shall be approved if:

1. Connection to an approved public wastewater system is approved for an out of city hookup, and on a case by case basis or the site violates the provisions of Article 2-102 of this code;
2. The site contains less than three acres of land. The rights of way of roads and streets or easements may be included in the site area calculation if they are included as part of the legal description.
3. The soil, topography and geology do not meet the requirements set forth in Article 2-103.

Notwithstanding the above site requirement in Article 2-101H2, all platted lots of at least 2.5 acres contained in a preliminary plat that included provisions for on-site sewage disposal and water supply and which has been approved by proper authorities prior to the effective date of this code are hereby considered to be suitable sites as it pertains to the heretofore referenced section on site size irrespective of whether such sites as platted lots may be smaller than specified in such section. Lots of less than 2.5 acres approved by a Board of Zoning Appeals as a variance may also meet this exemption provision.

- I. Construction Approval.** All private wastewater systems developed or modified after the effective date of this code must be inspected and approved by the Administrative Agency for compliance with the approved plans and no portion of the system shall be covered or made inaccessible to inspection prior to approval.
- J. Proper Maintenance and Operation.** All private wastewater systems shall be maintained in good working condition. Whenever the Administrative Agency shall find any private wastewater system malfunctioning, the owner and/or user shall be ordered to correct the condition.
- K. Exception.** The Administrative Agency shall have the authority to grant exceptions to this article when reliable information is provided which can justify the exception without compromising human health and the environment.
- L. Construction References.** The enforcement of this section of the code shall be regulated in accordance with the following documents produced by either or both KDHE or KSU which are hereby incorporated by reference:
 1. KDHE Bulletin 4-2, "Minimum Standards for Design and Construction of Onsite Wastewater Systems" dated March 1997, and as may be amended.
 2. "Soil Absorption Alternatives" dated August 1992, and as may be amended.
 3. "Septic Tank Soil Absorption Systems" dated August 1992, and as may be amended.

APPROVED

JAN 30 2006

Kansas Department of
Health and Environment

4. "Wastewater Stabilization Plans" dated August 1992, and as may be amended.

M. Inspections for Sale of Habitable Structure. An inspection of the wastewater system is required before the sale of a habitable structure. The seller's representative shall request the inspection from the Administrative Agency that will allow 5 days for scheduling and will also allow for the inspection to be completed in no fewer than 14 business days prior to closing, as determined by the Administrative Agency's written policy.

The seller's representative shall determine the location of the tank and laterals, and shall cause the tank to be uncovered, opened, and properly pumped, unless satisfactory records are available to prove that it has been pumped and inspected in the last year. Any existing records of the wastewater system shall be provided to the Administrative Agency on request.

The Inspection shall include, but not be limited to, the observable condition of the wastewater system. The Administrative Agency's report of the inspection must be provided to the buyer no fewer than 5 business days prior to closing. Failure of the seller or seller's representative to provide the report to the buyer shall constitute a violation subject to enforcement.

Upon discovery by the Administrative Agency that the seller's representative has failed to cause a system inspection under this code, the Agency shall have the authority to demand an inspection be arranged by the seller's representative within 14 days of notice of violation. Such violation may also be turned over to the County Attorney for prosecution at the discretion of the Administrative Agency. Upon conviction, the seller's representative shall be responsible for bringing any violation discovered during the inspection up to code, at his or her expense, within 45 days of the inspection, and shall be subject to fines as set forth in Article 1-105.B, beginning with the date of closing.

N. Inspection for Daycare Facility. Where a private wastewater system serves a daycare, inspection of the system is required no less than every 5 years.

102 Prohibited Practices.

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

1. Been enjoined as a public health nuisance by a court of competent jurisdiction; or
2. Failed to comply with the provisions of this code, and written notice hereof has been given by the Administrative Agency; or

3. Discharged wastes onto the surface of the ground or waters of the state as defined in K.S.A. 65-161(a); or
4. Caused vector breeding, produces offensive odors or any condition that is detrimental to health and comfort.

Abandoned wastewater systems are not exempt from this article and shall be abandoned in accordance with Article 2-101E.

- B. Use of Private Wastewater Systems Within 400 Feet of Public Sewer.** No private wastewater system shall be constructed within 400 feet of an existing public sewer, unless the Administrative Agency finds that connection to such a sewer is not feasible and that a private wastewater system, meeting the requirements of this code, can be constructed on that property.
- C. Existing Systems Located Within 400 Feet of a Public Sewer.** It is not mandatory for existing wastewater systems located within 400 feet of a public sewer to connect as long as the private wastewater system works satisfactorily. When the system fails, connection is mandatory if a gravity interconnection can be made.
- D. Location of Private Wastewater Systems Within 50 Feet of Full/Flood Pool.** No portion of a private wastewater system shall be located within 50 feet of a flood pool elevation of any reservoir or full pool elevation of any pond, lake or water supply reservoir, unless written approval is obtained from the Administrative Agency.
- E. Location of a Private Wastewater System.** Minimum separation distances shall be the same as in KDHE Bulletin 4-2, "Minimum Standards for Design and Construction of Onsite Wastewater Systems", dated March 1997, as amended. Greater distances are recommended whenever possible.

APPROVED

JAN 30 2006

Table 2-A

	<u>Minimum Distance (ft.)</u>
	Required
Septic tank to habitable structure	10
Soil absorption system to habitable structure	20
Any part of a wastewater system to:	
Public potable water line	10
Private potable water line	10
Property line	10
Public water supply well or suction line	100
Private water supply well or suction line	50 <i>except see Art. 3</i>
which allows 10 ft. between tight sewer line and well in Table 3-A	
Surface watercourse	50
Wastewater lagoons to:	
Property line	100
Habitable structure	100

- F. Non-domestic sewage.** The discharging of waste other than domestic sewage to a private wastewater system is prohibited.
- G. Seepage pits and cesspools.** Installation of seepage pits and cesspools is prohibited. Modification or replacement of existing seepage pits and cesspools is also prohibited.

103 Minimum Standards For Soil Topography and Geology. No private wastewater system which is dependent upon soil absorption for the disposal of wastewater shall be constructed on any lot of any size, unless minimum standards for soil suitability and depth to impervious layer or groundwater are met, per Article 2-101L, Construction References.

104 Requirements For Sanitary Privies.

- A. Approval of Plans.** No person shall construct or modify any privy until the plans and specifications for the proposed construction and/or modification have been approved by the Administrative Agency.
- B. Approval of Construction.** No person shall use, or make available for use, any newly constructed or modified privy until the construction has been inspected by the Administrative Agency for compliance with approved plans.
- C. Proper Maintenance.** No person shall use, or offer for use, any privy that is not maintained in a clean and sanitary condition.

- D. **Vault Required.** A watertight vault shall be provided in lieu of the standard pit.
- E. **Location of Privy Within 50 Feet of a Private Water Supply Well.** No privy shall be installed less than 50 feet from an existing water well.

105 **Sanitary Services.**

- A. **License Required.** No person shall remove or transport any septage waste from any wastewater system or privy, unless that person holds a valid license obtained from the Administrative Agency.
- B. **Application and License Fees.** Every person wishing to obtain a sanitary service license shall make application on forms provided by the Administrative Agency. The application shall include:
 - (1) the business name, telephone number and fax number, if any;
 - (2) name and address of the applicant;
 - (3) license tag number and identification number of vehicle(s);
 - (4) the place of parking or storing the vehicle(s) on a regular basis;
 - (5) the manner by which such contents are to be removed, transported and given final disposal; and
 - (6) written documentation that septage removed and transported will be accepted at disposal sites.

Information must be kept current at all times. The applicant shall pay an initial fee and an annual renewal fee by the first of January of each year. Such fees support the periodic inspection of the equipment and evaluation of the person's operation procedures. See Figure 2 for current fee schedule.

- C. **Reciprocity with Other Licensing Programs.** Licensure in other counties shall be reciprocal with licensure in Dickinson County if standards are equal to or greater than those required by this code.
- D. **Contracting With Non-licensed Persons Prohibited.** No person responsible for operating a private wastewater system or privy shall contract with any person for sanitary service, unless that person holds a valid license.

APPROVED

JAN 30 2006

DICKINSON COUNTY SCHEDULE OF FEES

Figure 2

- New/modified wastewater system construction permit application
Includes site visit and soil evaluation \$75.00

- Existing wastewater system inspection \$50.00
property transfer
NPS cost-share
operating permit

- Routine compliance inspection no charge

- Follow up non-compliance inspection \$10.00

- Water screen for bacteria and nitrate \$15.00

- Inspection of well and water screen \$30.00
Done in conjunction with a wastewater system inspection \$15.00

- Sanitary Service License Fee \$100.00

APPROVED

JAN 30 2006

Kansas Department of
Health and Environment

E. 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 insure that all septage materials removed from any wastewater systems or privies will be transported to the designated point of disposal without spillage of the waste. All equipment shall be in good working condition and the operator shall demonstrate that the equipment is in good operating condition and will perform its function without leakage or spillage. Disposal of hauled septage is to be made at a public sewage treatment plant or as otherwise authorized by the Administrative Representative.

F. Revocation of License. A license issued under the provisions of this code 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. References. Persons hauling septage shall comply with requirements of the U.S. Environmental Protection Agency rules 503 as described in their publication entitled, "Standards for the Use or Disposal of Sewage Sludge", and as may be amended. The KDHE publication entitled, "Land Application of Septage"—may be used as a guide.

106 Requirements for Subdivision Development. After adoption of this code, no preliminary plat for any subdivision submitted to the Dickinson County Planning Board shall be approved until the plans and specifications for on-site wastewater management have been approved by the Administrative Agency or such plat is conditionally approved by the County subject to subsequent approval by the Agency.

107 Enforcement Provisions. Refer to Article 1-105 of this code.

APPROVED

JAN 30 2006

ARTICLE 3. NONPUBLIC WATER SUPPLIES

100 Purpose and Intent. The provisions of this article are for the purpose of regulating and controlling the development, maintenance and use of all water supplies other than public water supplies in order that public health will be protected and the contamination and pollution of the water resources of the County will be prevented.

101 Requirements For Nonpublic and Semi-public Water Supplies.

- A. Permit.** No person shall develop, use, sell or lease any water supply subject to regulations of this code until a permit has been obtained from the Administrative Agency.
- B. Approved Plans.** No permit to develop a nonpublic or a semi-public water supply subject to regulations of this code shall be issued, until the plans have been approved by the Administrative Agency. References approved by KDHE shall be used as a guide by the Agency in reviewing and approving plans for nonpublic water supply systems.
- C. Semi-public Water Supplies.** All nonpublic water supplies which serve two to nine service connections shall:
1. Mechanically chlorinate the water delivered to the connections;
 2. Test for bacteriological quality and nitrate at least every three months in a manner approved by the Administrative Agency; and
 3. Test for chlorine residuals weekly.
 4. Maintain logs to verify chlorine residuals, bacteriological quality, and nitrate for a period of at least one year. Records shall be readily available for inspection on request.
- D. Inspections for Transfer of Property.** Where a well serves a habitable structure, the wellhead shall be evaluated by the Administrative Agency. A water sample shall be taken and screened for bacteria and nitrate, unless there was a satisfactory water report within the past year. Such report shall be provided to the Administrative Agency on request. A satisfactory report is one in which bacteria is not detected and nitrate is less than 10 mg/l.
- E. Water Testing for Daycare Facility.** Where a well serves a daycare, a water sample shall be screened annually for bacteria and nitrate.
- F. Water Testing for Rental Housing.** Where a well serves the habitable structure, a water sample shall be screened annually for bacteria and nitrate.

APPROVED

JAN 30 2006

102 Minimum Standards For Groundwater Supplies.

A. Location of a Private Water Supply System from Pollution Sources. Minimum separation distances shall comply with the following table. Greater distances are recommended whenever possible.

Table 3-A

Pollution Source	<u>Minimum Distance (ft.)</u> Required
Subsurface absorption field for septic tank effluent	100
Pit privy	100
Septic tank	100
Barnyards, stable, manure piles, animal pens, etc.	100
Streams, lakes and ponds	100
Sewer lines, not constructed of cast iron	100
Section 1.01 Sewer lines constructed of cast iron or other equally tight construction	10

B. Construction References. The enforcement of this section of the code shall be regulated in accordance with the following, which are hereby incorporated by reference:

1. KDHE Bulletin 4-2, "Minimum Standards for Design and Construction of On-Site Wastewater Systems" dated March, 1997, and as may be amended or revised. This document is produced by either or both KDHE and KSU.
2. "Water Well Contractor's License; Water Well Construction and Abandonment," K.A.R. 28-30-1 thru 28-30-10, et seq., as may be amended.

C. Abandoned Wells. All abandoned wells whether they are cased or uncased shall be plugged in accordance with K.A.R. 28-30-7.

D. Well Contractors. All well contractors must be licensed in accordance with K.A.R. 28-30-1 et seq., as amended.

103 Requirements For Subdivision Development. After adoption of this code, no preliminary plat for any subdivision submitted to the Dickinson County Planning Board shall be approved until the plans and specifications for the provision and/or protection of the water supply have been approved by the Administrative Agency or such plat is conditionally approved by the County subject to subsequent approval by the Agency.

104 Enforcement Provisions. Refer to Article 1-105 of this code.

APPROVED

JAN 30 2006

**Kansas Department of
Health and Environment**

ARTICLE 4. STANDARDS FOR SAND SPRINGS RECHARGE AREA AND OTHER SENSITIVE GROUNDWATER AREAS

- 100 Purpose and Intent.** Sand Springs ground water is a major source of drinking water for a large portion of county and area residents. A sampling study conducted by the Kansas Department of Health & Environment (KDHE) indicated that nitrate and bacterial levels in the Sand Springs ground water are at times above maximum standards of the U.S. Environmental Protection Agency (EPA). The July, 1996 KDHE report entitled "The Evaluation of Nitrate Contamination in the Sand Springs Study Area" concluded that there are several potential sources of nitrogen in the Sand Springs Recharge Area, including, but not limited to: (1) human waste from septic tanks and cesspools; (2) animal waste from feedlots, barnyards, and kennels; (3) poorly constructed and abandoned water wells; (4) crop and lawn fertilizer application; and (5) golf courses.

The Sand Springs Recharge Area is identified as a sensitive groundwater area. It is the purpose of this article to reduce and minimize the amount of nitrates and other potential contaminants entering the environment and sensitive ground water areas. This article provides minimum standards for activities within sensitive ground water areas, including, but not limited to, on-site wastewater management and disposal, nonpublic water supplies, animal waste management, and fertilizer application.

- 101 Applicability.** Unincorporated land included in the sensitive groundwater areas shall be subject to the standards contained in this article and to all other regulations in this code. In the event of a conflict, the more restrictive standard shall apply.

102 On-site Wastewater Management.

A. Requirements for Sanitary Privies. A watertight vault shall be provided in lieu of the standard pit.

B. Requirements for Private Wastewater Systems.

1. Standard systems. New and replacement standard septic tanks with lateral fields are prohibited in the Sand Springs Recharge Area unless soil percolation tests indicate that a standard system is adequate. Standard systems do not remove nitrogen before discharging effluent into the soil.
2. High nitrogen removal systems. All persons that apply for a permit to construct or replace a private wastewater system shall install a high nitrogen removal system approved by the Administrative Agency. (See Article 1-101 for definition of HIGH NITROGEN REMOVAL SYSTEMS.)

APPROVED

JAN 30 2006

3. Maintenance.

- a. Standard septic tank and lateral field system. Check the septic tank and have the tank emptied every 3-5 years, depending on the number of bedrooms in the house and the water use. KSU Bulletin MS-947, "Septic Tank Maintenance", and as may be amended, shall be used as a guide. A copy of the maintenance report shall be submitted to Administrative Agency.
- b. Lined lagoon. Maintain fence and keep vegetation down. Refer to KSU Bulletin MS-1044, "Wastewater Pond Operation, Maintenance, and Repair" or manufacturer's instructions.
- c. Recirculating sand filter. Due to the use of pumps and other mechanical equipment, regular maintenance by an experienced professional is required.
- d. Fixed film aerated system. Due to the use of a blower and other mechanical equipment, regular maintenance by an experienced professional is required.

C. Maintenance Contract Requirement. All persons that apply for a permit to install a high nitrogen removal system other than a lined lagoon shall submit a copy of a signed maintenance contract with an experienced professional to the Administrative Agency prior to final approval of the permit. A maintenance contract shall be in place for the life of the system.

103 Nonpublic Water Supplies.

A. Abandoned Water Wells. All abandoned water wells shall be plugged as per Kansas Administrative Regulation (KAR) 28-30-1 through 28-30-10, and as may be amended.

B. Recommendations and Requirements for Nonpublic Water Supplies.

1. All persons that use a private water well for drinking water are encouraged to test their water at the primary tap at least once a year.
2. All persons that use a private water well shall check their well on a regular basis to determine its working condition and to ensure that it does not allow the transmittal of surface contaminants into the ground water.
3. The Administrative Representative, the Dickinson County KSU Extension Service, NRCS and the County Conservation District may provide technical assistance on well plugging, water well testing, and water well construction.

APPROVED

JAN 30 2006

104 Animal Waste Management. All persons that maintain confined animal facilities such as for cattle, swine, poultry, horses, dogs, etc. are encouraged to use animal waste disposal methods that minimize the discharge of nitrogen into sensitive ground water areas. Best animal waste management practices include, but are not limited to: (1) lined lagoons; (2) holding pits; (3) buffer strips; (4) high nitrogen-using grasses; and (5) manure application to crops (preferably on cropland not in the Sand Springs Recharge Area). The Natural Resources Conservation Service, Kansas Department of Agriculture and KDHE may provide technical assistance on animal waste management.

105 Land Application of Chemicals. All persons that apply fertilizer, pesticides or herbicides shall apply chemicals at or below the rate recommended by the manufacturer. Fertilizer application should also be based on regular soil tests and on the nutrient removal rate of the crop or lawn grass. The following KSU Bulletins shall be used as a guide: MS 734, "KSU Soil Testing"; MS 2258, "Lawn and Garden Fertilizers"; C-509, "Soil Test Interpretations and Fertilizer Recommendations"; L 828, "Using Pesticides Safely" and other applicable bulletins that may become available.

106 Enforcement Provisions. Refer to Article 1-105 of this code.

APPROVED

JAN 30 2006

(a)ARTICLE 5. NUISANCES

100 **Purpose and Intent.** The provisions of this article are for the purpose of abatement of nuisances in order that public health will be protected and the contamination and pollution of the water resources of the County will be prevented.

A. **General Procedure.** The Administrative Agency shall have the authority under K.S.A. 65-159 to examine all nuisances, sources of filth and causes of sickness that in their opinion may be injurious to the health of the inhabitants within the County or municipality. 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 their own expense to remove the nuisance, source of filth or cause of sickness within such reasonable time thereafter as the Administrative Agency may order. Public nuisances shall include, but shall not be restricted to those nuisances described in this Article 5.

B. **Right-to-Farm.** In the administration and enforcement of this code, it is the declared intent of the Administrative Agency to recognize the provisions of K.S.A. 2-3201, et seq., which is known as the Kansas Right-to-Farm law. The statute finds that agricultural activities conducted on farmland in areas in which nonagricultural uses have moved into agricultural areas are often subjected to nuisance lawsuits, and that such suits encourage and even force the premature removal of the lands from agricultural uses. It is the purpose of the statute to provide agricultural activities conducted on farmland protection from nuisance lawsuits. Thus, agricultural activities conducted on farmland, if consistent with good agricultural practices and established, are presumed to be reasonable and do not constitute a nuisance, public or private, unless the activity has a substantial adverse effect on the public health and safety. If such agricultural activity is undertaken in conformity with federal, state, and local laws and regulations, it is presumed to be good agricultural practice and not adversely affecting the public health and safety.

101 **Abatement of Nuisance.** It is unlawful for any person to maintain or to permit to exist any nuisance as herein described. The following conditions or materials are declared to be injurious to the health and well being of citizens or detrimental to property and are hereby declared to be nuisances together with those conditions not herein enumerated by coming under the definition of nuisance as described in this code.

A. **Wastewater.** Discharged or accumulated wastewater that could result in direct human contact with sanitary sewage or human or animal excreta; organic or inorganic pollution of ground or surface water; breeding, harboring or attraction of insects and rodents; or emission of offensive odors.

APPROVED

JAN 30 2006

- B. Dead Animals.** Dead animals that have not been properly disposed of, except those at slaughterhouses and those considered industrial refuse that are properly maintained for processing or disposal.
- C. Open Structures and Excavations.** Open basement structures, excavations, swimming pools, storm cellars, industrial tanks, cisterns, wells, or other excavations or structures that collect water or accumulate refuse or debris for no obvious benefit which result in places for mosquito infestation or create health or safety hazards to children and other persons who may fall into such open structures or excavations.
- D. Water Impoundments.** As defined in this article, water improvements that are capable of causing mosquito infestation.
- E. Refuse Disposal.** Refuse not stored or properly confined and regularly disposed of in a manner approved by the Administrative Agency. Proper storage of refuse shall consist of containers which discourage the entry of flies. Disposal of such refuse will be made as often as necessary in order to prevent the creation of a nuisance.
- F. Sewage.** Sanitary sewage or wastewater including septic tank cleaning that is not managed or disposed of in a sanitary and healthful manner, per Article 2-105 of this Code. Examples of proper disposal include, but are not limited to:
1. Disposal at a municipal wastewater treatment plant, or
 2. Land application
 - a. With pathogen and vector reduction methods:
 - i. Injecting septage into the soil, or
 - ii. Surface apply and incorporate (plow or disk) within six hours, or
 - iii. PH treat - Thoroughly mix hydrated lime into septage until the pH reaches 12, and then surface apply, and
 - b. Not to exceed crop nitrogen requirement, and
 - c. Maintain records of land application.

APPROVED

JAN 30 2006

G. Unsafe Structures. Minor auxiliary or accessory buildings or structures such as privies, sheds, barns, garages, tool houses, vacant houses or mobile homes or commercial structures which have become so dilapidated and deteriorated as (1) to result in a potential accident hazard (2) to provide vector harborage, or (3) to create an attractive nuisance for children. Examples of some, but not all factors which cause such dilapidation or deterioration, are:

1. Collapse of roof from storm, wind, or rotting due to age or neglect.
2. Doors or windows broken or missing.
3. Fire causing structure to be unsafe.
4. Flood causing structure to be unsafe.
5. Structure being a shelter for vermin or pests because of its neglected state.
6. Infestation of brush, trees and debris causing unsanitary and environmentally unsafe conditions

This code is applicable only to such unsafe structures as may be located in areas of recorded plats, unincorporated "towns" and near churches and schools.

H. Vehicles. Inoperable or abandoned vehicles which are parked, stored or left in a manner as to result in health, safety or environmental hazards, including, but not limited to: (1) vector infestation; (2) rodent harborage; or (3) discharge of hazardous materials or fluids into the environment. This section shall not apply to a duly licensed or commercial enterprise operated and conducted pursuant to law when such parking or storing of a vehicle is necessary to the operation of such enterprise.

I. Domestic Animals. All animals which are maintained so as to cause:

1. An offensive odor, as defined herein;
2. Safety or health hazards to occupants of residences on adjoining property due to infestations of insects, rodents, birds, reptiles or other vermin; or
3. The discharge of animal waste onto an adjoining owner's property public right-of-way.

This section shall not apply to confined feeding facilities with 300 or more animal units. Such facilities are required to obtain a permit or certification under K.S.A. 65-171d and administered by KDHE as K.A.R. 28-18-1, et seq., as may be amended.

It is the intent of this code to comply with the provisions of the Kansas Right-to-Farm law. (See Article 5-100B.)

APPROVED

JAN 30 2006

**Kansas Department of
Health and Environment**

- 102 **Storage of Salvage and Junk Materials.** No owner or occupant of any dwelling shall store salvage material, bulky waste, junk or discarded materials outside on the premises. The owner and/or occupant shall keep the premises free of litter, refuse, salvage material and junk; provided, that building materials to be used for construction on the premises may be kept if stored in such a manner that (1) grass, weeds and other vegetation can be regularly maintained; (2) natural drainageways would not be blocked or redirected so that stagnant water would accumulate such as to create an environment for the propagation of mosquitoes; and (3) spraying or other methods can be regularly utilized to avoid infestations of insects or the harboring or breeding of rodents. The owner and/or occupant of each dwelling, manufactured/mobile home park, unoccupied dwelling or nonresidential premises are responsible for arranging for the periodic removal, collection and disposal at a sanitary landfill site or other approved processing or disposal facility of all refuse and bulky waste. This shall not apply to licensed salvage yards, which are subject to other regulations.
- 103 **Waste Tires.** All waste tires must be disposed of according to K.S.A. 65-3424 through 65-3424i and K.A.R. 28-29-28 through 28-29-33 as administered by KDHE.
- 104 **Hazardous Waste.** Hazardous waste shall only be disposed of in sites approved by KDHE in accordance with K.S.A. 65-3430 through 65-3479, as amended. (See KDHE Hazardous Waste Generator Handbook.)
- 105 **Vector Control.** Every owner or occupant of real property or any structure thereon shall be responsible for the extermination of any insects, rodents, birds, reptiles, plants or other vermin therein or upon the premises. Wherever two or more dwelling units are in the same building, the owner or operator of the building shall be responsible for such extermination.
- 106 **Enforcement Provisions.** Refer to Article 1-105 of this code.

APPROVED

JAN 30 2006

(b)ARTICLE 6. SEVERABILITY AND EFFECTIVE DATE

- 100 Severability.** If any provisions of this code are held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, then such provisions shall be considered separately and apart from the remaining provisions of this code so as to be completely severable and the remaining provisions of this code shall remain in full force and effect.
- 101 Effective Date.** This code shall be in full force and effect from and after its adoption by the Board of County Commissioners by the approval of a resolution incorporating this code by reference and publication of such resolution in the official county newspaper. A published copy of the resolution should be appended to this code.

REVIEWED AND APPROVED by the Kansas Department of Health and Environment on ~~May 15, 1998~~.

PASSED AND APPROVED by the Board of Commissioners of Dickinson County, Kansas on ~~June 22, 1998~~.

Joe Nold, Chair

(SEAL)

William Kohman, Commissioner

Sheila Biggs, Commissioner

Sandra K. Emig, County Clerk

Adopted by Resolution No. ~~0622-98~~ by the Board of Commissioners of Dickinson County, Kansas on ~~June 22, 1998~~, officially published ~~June 25, 1998~~ and effective on ~~June 26, 1998~~.