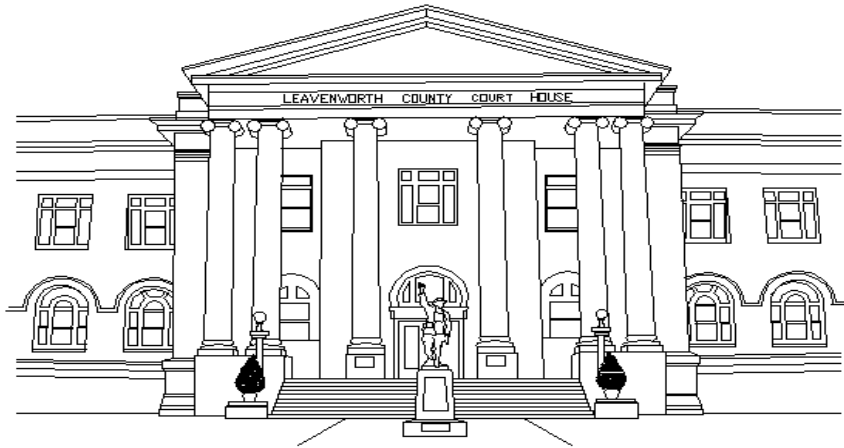


Leavenworth County Sanitary Code



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LEAVENWORTH COUNTY SANITARY CODE

CHAPTER 1

POLICY, ADMINISTRATION AND ENFORCEMENT

ARTICLE 1: GENERAL PROVISIONS

SECTION I. Title

This code shall be known and referred to as the Leavenworth County Sanitary Code.

SECTION II. Legal Authority

This Code is adopted under the authority granted to the Board of County Commissioners by K.S.A. 19-3701 et. seq. as amended.

SECTION III. Findings and Declaration of Policy

A fundamental duty of every government is the protection of the health and safety of its citizens and to thereby promote the public welfare. Consequently, the Board of County Commissioners hereby finds, determines, and declares that it is necessary to adopt a uniform system of rules, regulations, and standards to eliminate and prevent environmental conditions that are or may be hazardous to the public health, safety, and welfare and to thereby promote the safe, economical, and orderly development and conservation of the land and resources of the County.

SECTION IV. Purpose

The purpose of this Code is:

- A. To promote the public health, safety, comfort, and well being of the public; and
- B. To prescribe the procedures to be followed in administering this Code; and
- C. To prescribe rules, regulations, standards, and enforcement procedures to minimize, control, or eliminate potential or actual sources or causes of disease, infection, contamination, or pollution, whether in food, solid waste, sewage, air, water, or other media; and
- D. To protect the integrity of water, air, soil, and natural resources, including aquatic biota, flora, fauna, and wildlife through the prevention of pollution and degradation of the environment by regulation of activities, which may affect environmental conditions.

SECTION V. Jurisdiction and Application

This Code and all authorized rules, regulations, restrictions, and requirements shall apply from and after the effective date of adoption to and throughout the unincorporated area of Leavenworth County, Kansas, and to all persons, property, establishments, and business activities located or conducted, regardless of

ownership and acreage, within Leavenworth County, Kansas and outside the municipal boundaries of any city. 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.” In the case of any conflict of requirements between the Leavenworth County Sanitary Code and KDHE Bulletin 4-2, the more restrictive of these requirements shall apply.

SECTION VI. Applicability within City Boundaries

This Code and any or all of the authorized rules, regulations, restrictions and requirements shall apply within and throughout any city in Leavenworth County, Kansas and to all persons, property, establishments and business activities located or conducted within the municipal boundaries of any city from and after the effective date of adoption of this Code, by appropriate ordinance, by the governing body of the City.

SECTION VII. Public Health Jurisdiction and Application

This Code and any or all rules, regulations, restrictions, and requirements shall apply to and throughout all areas of Leavenworth County, Kansas, including those areas located within the municipal boundaries of any city, whenever authorized or required under application of the Laws of the State of Kansas or of the United States, whether by statute, contract, rule, regulation, or pursuant to the jurisdiction of the Leavenworth County Board of Health.

SECTION VIII. Severability

If any clause, sentence, paragraph, section, or subsection of this Code shall be adjudged invalid for any reason whatsoever, such judgment shall not affect, repeal, or invalidate the remainder thereof, but shall be confined to the clause, sentence, paragraph, section, or subsection thereof found to be invalid.

SECTION IX. Disclaimer of Liability

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

SECTION X. Amendments and Additions

This Code may be supplemented or its provisions may be amended by resolution adopted by the Board of County Commissioners, after notice and hearing, as required by law, and any such amendments or additions shall be incorporated within and codified as a part of this Code. Any changes, modifications, or additional provisions adopted and imposed by State or Federal law, rule or regulation are applicable to and administered through the jurisdiction of Leavenworth County, Kansas shall be incorporated within and made a part of this Code, with or without notice and hearing, as authorized or required by State or Federal law.

SECTION XI. Repeal and Supersede Effect

This Code shall supersede any and all previously adopted resolutions or regulations, which are, in whole or in part, in conflict with any provision of this Code, where applicable, and any rule, regulation or resolution which is or was in effect upon the effective date of this Code shall be repealed to the extent necessary to give this Code full force and effect, and in the case of any conflict of provisions, whether real or apparent, then the provisions of this Code shall govern wherever applicable.

SECTION XII. Effective Date

This Code shall become effective from and after the date of adoption by the Board of County Commissioners, or other appropriate jurisdiction, and publication of notice as required by law.

ARTICLE 2: ADMINISTRATION

SECTION I. Administering Authority

Unless otherwise specifically designated within a separate and particular Chapter or Article of this Code, the Director of the Planning and Zoning Department, and/or his designee, shall have the primary authority and responsibility for the administration of this Code.

Under the authority of any particular Chapter or Article of this Code, the Director of the Planning and Zoning Department may implement such administrative procedures, consistent with this Code, as he deems necessary for the effective administration of any regulations or which may be required or imposed under application of the laws of the State of Kansas or the United States.

The Board of County Commissioners, or appropriate authority of any city which adopts this Code, may designate code enforcement officers who shall be responsible for the enforcement of all provisions of this Code in coordination with the Director of the Planning and Zoning Department or his designees.

SECTION II. Administrative Actions and Decisions

It is the intent of this Code to establish regulations and standards for the protection of the public health and safety. To the extent possible, all administrative actions and

decisions required or authorized for the administration of this Code shall be made solely in accordance with the standards enumerated in the Code. Whenever, in the course of administrative decision or taking action for which standards are not provided, then the decision or action shall be made according to the purpose and intent of this Code so that the result will best serve the public health and safety.

SECTION III. Interpretation of Terms or Words

All terms and words used in this Code shall be interpreted and given meaning according to their common understanding and to provide reasonable application of the purpose and intent of the Code. Whenever applied to this Code, the terms and phrases used shall be interpreted in the following manner:

- A. Words appearing in the singular number shall include the plural, and those appearing in the plural shall include the singular.
- B. Words used in the present tense shall include the past tense and future tense, and words used in the future tense shall include the present tense and past tense.
- C. Words appearing in the masculine gender shall include the feminine and neutral genders.
- D. The word "shall" is mandatory; the word "may" is permissive.
- E. The phrase "this Code" shall refer to the Code and all authorized rules, regulations, restrictions, and requirements, and the phrase "the regulations" shall include rules, regulations, restrictions, and requirements authorized by the Code.

SECTION IV. Definitions

The following words, terms, and phrases appear in more than one Section of this Code and, thus, have general application and usage. Words, terms, and phrases appropriate or applicable to specific Sections within this Code are defined, where necessary, within those Sections. Unless the Code requires or specifies otherwise, the following words, terms, or phrases, as used in this Code, shall be given the meaning defined in this Section.

- A. Access: Entry into or upon any real estate, structure, or vehicle including any part thereof.
- B. Administering Agency: The agency or official designated in any of the Sections contained in this Code to administer the provisions of that Section or any Section therein.
- C. Administrative Rules: Any regulation adopted by an administering agency, which the agency determines to be necessary and appropriate to enable it to fulfill its duties and responsibilities under this Code.
- D. Agricultural Purpose: A land use related to the production of livestock or crops, including growing crops or pasture and functions immediately and necessarily related thereto, and the feeding of livestock by the resident on the land, but does

not include any structure used as a dwelling or the sewage disposal system servicing such dwelling.

E. Applicant: Any person who submits an application or requests permission to do some act regulated by this Code.

F. Application: The application forms provided by an administering agency, including the filing fee and any other supporting documents required by the agency.

G. Authorized Representative: A person who is designated by an administering agency to administer the provisions of this Code or any Section therein.

H. Board of Health: The Board of County Commissioners acting as the Board of Health.

I. Board of County Commissioners: The Board of County Commissioners of Leavenworth County, Kansas

J. Cesspool: Cesspool means a "drywell" that receives solely untreated sanitary waste, and which sometimes has an open bottom and/or perforated sides. Drywell means a well, other than an improved sinkhole or subsurface fluid distribution system, completed above the water table so that its bottom and sides are typically dry except when receiving fluids.

K. Class V Well: Those wells defined in the Federal Underground Injection Control (UIC) Program as Class V and regulated by the Kansas Department of Health and Environment under Article 46.

L. 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.

M. Effluent: The liquid waste discharged from a sewage disposal/treatment system.

N. Establishment: Any structure or self-contained unit therein, including single and multiple family dwellings, commercial and industrial buildings, schools, churches, and public institutions.

O. Flood Plain: Special Flood Hazard Zone AE as defined by the Federal Emergency Management Agency (aka: 100-year floodplain).

P. Ground Water Table: The upper surface of ground water in the zone of saturation of a geologic formation.

Q. Health Officer: The legally appointed Health Officer of Leavenworth County, appointed in accordance with K.S.A. 65-201 or his duly authorized representative.

- R. Industrial and Commercial Wastes: Any wastes produced as a byproduct of any industrial or commercial process or operation, other than domestic sewage.
- S. Industrial and Commercial On-Site Wastewater System: Any onsite wastewater system designed to receive industrial or commercial process water or any Class V well used exclusively for domestic waste which has the capacity to serve twenty (20) or more persons.
- T. KDHE: Means the Kansas Department of Health and Environment.
- U. Law: Includes federal, state, and local statutes, ordinances, regulations and resolutions.
- V. Minimum On-Site Wastewater Standards: Reference: Current edition Kansas Department of Health and Environment Minimum Standards for Design and construction of On-Site Waste Water Systems. Used for minimum guidelines for techniques and materials in on-site systems in the absence of requirements in the Leavenworth County Sanitary Code.
- W. Minimum Sewerage System: For domestic sewerage from facilities other than domiciles, the minimum sewerage system shall consist of a 1200-gallon septic tank and 900 square feet of absorptive lateral.
- X. Permit: Document or license provided by the Administering Agency on standard forms to perform tasks required by this code.
- Y. Person: An individual, corporation, partnership, association, state, or political subdivision thereof, federal agency, state agency, municipality, commission, or interstate body or other legal entity.
- Z. Point Source: Any discernable, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged.
- AA. Pollution: Any induced alteration of the physical, chemical, biological, and radiological integrity of water, air, soil (both surface and subsurface), or contamination of food or foodstuffs.
- BB. Premise: Any lot or tract of land and all buildings, structures or facilities located thereon.
- CC. Private Onsite Wastewater System: A sanitary sewage system which retains sewage generated by an individual establishment on the same premises as the establishment and the sewage is treated onsite by soil absorption, evaporation, transpiration, holding tanks, aeration or any combination of the above and which does not hold a Kansas Water Pollution Control Permit.
- DD. Sanitary Privy: 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 waste from the human body.

Material removed from the water-tight receptacle is transported and disposed of at a publicly owned wastewater treatment facility or other means as approved by local authorities.

EE. Sanitary Sewage System: Any system of pipes, tanks, conduits, structures or other devices for the collection, transportation, storage, treatment and disposal of sewage.

FF. Schedule of Compliance: A schedule of remedial measures and times including an enforceable sequence of actions or operations leading to compliance with any regulation or limitation.

GG. Seepage Pit: A dry well that receives effluent from a treatment device. The dry well is completed above the water table so the bottom and sides are dry except when receiving fluids.

HH. Sewage: A combination of liquid wastes which may include chemical, house wastes, laundry wastes, human excreta, animal or vegetable matter in suspension or solution, and other solids in suspension or solution, which is discharged from a dwelling, building, or other establishment.

II. Sewer District: Any quasi-municipal corporation duly formed, authorized and empowered to plan, construct and operate a public sewer system.

JJ. Soil Absorption System: A system consisting of trenches (although beds and pits have been historically used as well), together with piping or gravel or other medium, or other devices installed in appropriate soils for the purpose of receiving waste flow from a septic tank or other treatment device and transmitting it into soil for final treatment and disposal.

KK. Subdivision: Any land, vacant or improved, which is divided or proposed to be divided into two (2) or more lots, parcels, sites, unit, plots or interests for the purpose of offer, sale, lease, or development, either on the installment plan or upon any and all other plans, terms and conditions, including re-subdivision. "Subdivision" includes the division or development of residential and nonresidential-zoned land, whether by deed, metes and bounds description, map, plat or other recorded instrument.

LL. Wastewater Stabilization Pond: A constructed basin surrounded with berms and lined with either low-permeability soils or a synthetic liner, used to treat domestic wastewater through wind or mechanical aeration, sunlight, and natural bacteria.

SECTION V. Technical and Scientific Terms

Unless otherwise defined, any technical or scientific term used within this Code or within any rule, regulation, restriction or requirement shall be given the meaning most commonly known and applied within the appropriate literature or manuals applicable for that science, industry or technological skill.

SECTION VI. Vested Interests

Nothing contained in this Code or any regulations shall be deemed or construed to grant any vested interest or protected right to any person beyond the express limited terms of any permit or ruling issued under this Code, and the Code and regulations are expressly declared to be subject to amendment, change, or modification.

SECTION VII. Compatibility with Other Laws

Nothing contained in this Code or any regulations shall be deemed to alter or modify the application of any other laws, codes or regulations which are or may be applicable to the property, use, business activity or other object or matter regulated under this Code, and any permit, approval or other condition given or acknowledged under this Code shall be limited in effect to the requirements of this Code and shall not, under any circumstances, relieve the holder from compliance with all other applicable laws, codes, regulations or requirements.

ARTICLE 3: PERMITS AND LICENSES

SECTION I. Permits and Licenses Required

No person shall conduct, carry-on or perform any business or activity identified in this Section without first having obtained a valid permit in conformance with the requirements of this Code.

A. Private Sewage Disposal System

Every person who installs, removes, alters, repairs or replaces or causes to be installed, removed, altered, repaired or replaced any private sewage disposal system or part thereof shall, prior to commencement of any work, apply for and obtain a permit to perform such work, and no private sewage disposal system shall be installed, removed, altered, repaired or replaced except pursuant to a permit issued under this Article.

B. Installer

Every person who conducts the activity of an installer as defined in Chapter II of this Code, shall apply for, obtain and maintain a valid operator's license to perform that activity.

C. Designer

Every person who conducts the activity of a Designer, as defined in Chapter II of this Code, shall apply for, obtain and maintain a valid license to perform that activity; provided, however, that any person licensed under this Code as an Installer shall be deemed a licensed designer for the design of those conventional and shallow-in-ground systems which are pumped or gravity-fed, as determined by the administering agency.

D. Sanitary Disposal Contractor

Every person who engages in or conducts the activity of a Sanitary Disposal Contractor, including homeowners, as defined in Chapter II of this Code, shall apply for, obtain and maintain a valid operator's license to perform that activity.

E. Industrial or Commercial On-Site Wastewater System Operation:

1. Every property owner or other responsible agent or person who has installed for use or who uses and operates an industrial or commercial on-site wastewater system shall, prior to its use, apply for and obtain a valid operations permit for the system. No industrial or commercial on-site wastewater system shall be installed, used, operated, altered, replaced or repaired except pursuant to a permit issued under this Section and pursuant to the requirements of Chapter II of this Code.

2. Any underground holding tank and Class V well shall comply with and satisfy all requirements and regulations now or hereafter adopted by the Kansas Department of Health and Environment.

3. Discharge of industrial or commercial waste to a soil absorption system is prohibited. Any such system in effect at the time of passage of this code shall cease and desist immediately.

SECTION II. Application Forms and Procedures

A. Content

An application for a permit or license shall be made on forms provided for that purpose. The application shall give a description of the character of the work proposed to be done, or activity to be engaged in, and, if appropriate, the locations, ownership, occupancy, and use of the premises in connection therewith. The administering agency may require plans, specifications or drawings and such other information as deemed necessary.

B. Filing

An application for any permit or license required under this Code shall be filed with the Planning and Zoning Department, or such other administering agency as the Director may designate or acknowledge.

C. Verification

An application for a permit must be signed by the person for whose benefit the permit is being requested or his or her authorized representative. The administering agency may require proof of such authorization.

D. Compliance

The applicant shall be responsible for compliance with the permit requirements as further set out in this Code. Only a person who complies with the requirements of this Code shall be entitled to receive or retain a permit or license.

SECTION III.

Permit Issuance; Investigations

If the administering agency determines that the application complies with the requirements of this Code, a permit shall be issued. In making its determination on whether to issue a permit the administering agency may perform an inspection to determine compliance with this Code. Within five (5) days, Saturdays, Sundays and holidays excepted, after receipt of an application for a permit, the administering agency shall begin such investigations and inspections as it shall deem necessary to determine whether the permit or license should be issued or denied, and shall issue or deny the permit or license within fourteen (14) days of receipt of the application. If the application is denied, the agency shall give the applicant written reason for denial.

It shall be the duty of the person performing the work authorized by a permit to notify the administering agency when work is ready for any required inspection. Such notification shall be given not less than one regular working day before the work is to be inspected.

SECTION IV.

Permit Conditions

Every permit and license issued under this Code shall be subject to the terms and conditions specified in this Section.

A. Right of Access

Application for, and acceptance of, any permit issued under this Code shall grant to any inspector, code or law enforcement officer, and any representative of the administering agency the right to enter upon any property subject to the permit, at any reasonable time during standard business hours, with or without notice, for the purpose of inspection to determine and ensure qualifications for and compliance with the permit, and shall allow for reasonable access to the review of records, property or other materials necessary to perform the inspection.

B. Authorized Activity

Each permit or license issued under the authority of this Code shall be limited to and expressly provide for the type and manner of activity permitted for the holder and shall not be used nor applied for any other purpose, type or manner of activity. The permit or license issued shall specifically refer to the activity description contained within the permit or license application, and any change in the type, manner, scope or location of any activity shall require application for the modification of the permit or license.

C. Permit Non-transferable

No permit or license required by this Code shall be transferable to another person or premises and the holder of the permit or license shall notify the administering agency prior to any change in ownership or location of any permitted licensed activity.

D. Term Expiration

Each permit or license issued under the authority of this Code shall clearly state the date of issuance, the term of the permit or license, and the expiration date. The term of each permit or license issued under this Code shall be for a period not to exceed one (1) year unless the Director of the Planning and Zoning Department determines, for cause shown, that the permit or license should be issued for a period of time other than one (1) year; in which case, the Director may designate a lesser time when the activity can or will be fully completed within the shorter period, or may designate a greater time, but in no event more than three (3) years, subject to annual review and payment of any required fee, where the activity is reasonably known or contemplated for continuation beyond one year.

E. Renewal

Any permit or license issued under the authority of this Code may be renewed for one or more additional terms upon application for renewal filed with the Director of the Planning Department on a form authorized for that purpose. No permit or license which has been expired for more than thirty (30) days or which is subject to revocation, for any reason, may be renewed, and such permits or licenses may be reissued only upon the filing of a complete application for a new permit or license.

F. Error and Omissions

The issuance of a permit or license shall not prevent the administering agency from thereafter requiring the correction of errors in plans and specifications or from preventing construction activity being carried on there under when such activity would be in violation of this code or of any other code or resolution or from revoking any permit or license when issued in error. The Director of the Planning and Zoning Department may, in writing, suspend or revoke a permit issued under provisions of this Code whenever the permit is issued in error or on the basis of incorrect information provided by the applicant.

SECTION V. Standard Fees

For the purpose of defraying all or part of the cost of administration of this Code and to assist in the regulation of matters affecting the public health, there shall be and hereby imposes a standard fee for and upon the issuance and administration of any permit or license under this Code.

A. Double Fee for Unauthorized Practices

Any person who shall commence any activity for which a permit is required by this Code without first having obtained the permit shall, if subsequently permitted to

obtain a permit, pay double the permit fee fixed by this section for such activity, provided, however that this provision shall not apply to emergency work when such work was urgently necessary to protect public health and safety and it was not practical to obtain a permit before commencement of such emergency work. In all such cases, a permit must be obtained as soon as possible after the performance of such work, and if there is a delay of more than three (3) working days in obtaining such permit, a double fee as herein provided shall be charged.

B. Adjustments to Fee Schedule

The fees imposed under this Code may be adjusted or changed by Resolution adopted by the Board of County Commissioners, after publication notice and hearing, and upon adoption. The Director of the Planning and Zoning Department shall publish annually the applicable fee schedule and shall provide copies to all interested persons.

SECTION VI. Supplemental to State Regulations

The permits or licenses, and all fees, conditions and regulations imposed under this Section or any other Section of this Code shall be supplemental to and in additions to any permits, licenses, fees or regulations imposed or required by any other law, including those administered by the Kansas Department of Health and Environment.

SECTION VII. Administration of State Requirements

In the event that any rules, regulations or requirements arising under the Laws of the State of Kansas are assumed or administered through the jurisdiction of the Board of County Commissioners by the Planning and Zoning Department acting under any lawful executive or administrative order or pursuant to a contract agreement, whereby the jurisdiction of any state authority is delegated to or administered by the Planning and Zoning Department, then any permit or license issued or assumable by the State authority shall apply and shall satisfy the permit or license requirements imposed by this Section subject to the following conditions and exceptions:

A. Permit or License Fees

The permit or license fees imposed by this Section V, shall apply and be required for payment greater than or equal to any state-imposed fees. The state-imposed fee shall apply whenever it is greater, but only one fee shall be imposed and required for payment.

B. Conflict in Regulations or Requirements

All rules, regulations, restrictions, and requirements of this Code shall remain in effect and shall apply to any activity or condition covered by this Code except when in direct conflict with a provision of the State rules or regulations, in which case the State-imposed rule or regulation shall apply. Terms and conditions, rules, requirements, regulations or limitations which are supplemental to those imposed

by the State and which are not specifically or expressly excluded or prohibited shall not be considered conflicting and shall be imposed and in effect.

C. Additional Regulations

Rules, regulations, and requirements applicable to any conduct, activity, condition or standard which is not expressly regulated by the State law operation but which is regulated by this Code, shall be and remain in full force and effect as specifically applied under this Code for and within Leavenworth County, Kansas.

ARTICLE 4: INSPECTIONS AND INVESTIGATIONS

SECTION I. Inspections Required

Physical site inspections shall be authorized and performed for all permitted or licensed activities under this Code.

A. Construction Activity

Whenever plans and specifications are required by this Code to be submitted to an administering agency as part of a permit application, the agency shall inspect the premise prior to the start of operations to determine compliance with the approved specifications and with any other requirements of this Code.

B. Private Sewage Disposal Systems

Private sewage disposal systems shall be inspected by the staff of the Planning and Zoning Department prior to being placed in operation to ensure compliance with this code. Such systems shall be inspected thereafter as often as necessary to ensure compliance with this Code.

C. Repairs and Replacements

Any repair or replacement to a private sewage disposal system, which constitutes a structurally significant alteration, shall require a permit. (This includes septic tank replacement and replacement of or additions to absorptive laterals.) The alteration shall be inspected prior to undertaking and up on completing the repairs and replacements.

D. Minor Repairs and Emergencies

All minor repairs, which do not affect the structural integrity of the existing system, do not require pre-notification and permitting from the Planning and Zoning Department. Emergency repairs require notification of the Department within 24 hours.

SECTION II. Inspection Reports

A written inspection report shall be made for all inspections conducted under the authority of this Code, stating the name of the inspector, the date and time of the

inspection, the type of inspection and the property inspected. The report shall enumerate all findings made during the inspection. Whenever a private sewage disposal system is inspected and after a permit is issued, the findings of the inspector shall describe any determined violations, the Code section violated, and the correction to be made. A copy of the completed report shall be issued to the owner of the premise and, if different than the owner, to the holder of the permit. The report is a public document.

SECTION III. Inspection Scheduling and Re-inspections

Whenever inspections are required under this Code to be scheduled for any installation, construction, initial activity, or for the correction of any violation or other non-conforming condition, it shall be the duty of the holder of the permit or license or the operation of the establishment to notify the administering agency and schedule the time and date for the inspection.

SECTION IV. Access and Right of Entry

The administering agency shall have the right to make inspections of establishments, premises, places and localities for the purpose of determining compliance with this Code. Inspections shall be done at a reasonable time. The agency may examine the water usage records of any establishment, which uses a private sewage disposal system for information pertaining to the amount of water used by the establishment. If the building, premises or establishment to be inspected is occupied, the agency representative shall first present proper identification and request entry; if such building or premises be unoccupied, he shall first make a reasonable effort to locate the owner, or other persons having charge or control of the building or premises, to request entry. If entry is refused, the agency shall have recourse to all remedies provided by law to secure entry. The agency shall have reasonable access to the business records of any person licensed to perform any activity under this Code where the records, daily logs, or other documents are reasonably necessary to determine compliance with the requirements of this Code.

SECTION V. Property Resale; Courtesy Inspections

Whenever any property connected to, or served by, a private sewage disposal system is offered for or subject to a contract of sale, upon the request of the property owner or contract buyer, the administering agency may provide a courtesy inspection, upon terms and at a fee cost established by the Director of the Planning and Zoning Department, to inspect and determine the condition of the system. Any inspection provided under this section shall be performed as a courtesy only and shall not constitute nor be deemed a warranty, and neither the administering agency nor any other official of the County or municipality shall be liable for any failures of the system or for other claims arising out of the inspection. Upon completion of the inspection, a letter shall be issued to the property owner reporting the results. Issuance of the letter shall not relieve a person of compliance with the requirements of this Code.

ARTICLE 5: ENFORCEMENT PROCEEDINGS

SECTION I. Emergency Orders

The Director of the Planning and Zoning Department, or other authorized code enforcement office or representative of the administering agency, may issue such orders or directives as he deems necessary upon a determination that such action is required to prevent, contain or eliminate an obvious violation of this Code or an imminent threat to the health or safety of the public.

A. Health Risk

Whenever a duly appointed representative of an administering agency determines that a condition exists which requires immediate action to protect public health, he or she may, without prior notice or hearing, issue an emergency order stating the nature of the threat to public health and directing that action be taken as he may deem necessary to eliminate or minimize such condition. Notwithstanding any other provisions of this Code, such order shall be effective immediately upon issuance and shall be reduced to writing as soon as practicable.

B. Work Stoppage

Whenever any work is being performed on a private sewage disposal system contrary to the provisions of this Code, the administering agency representative may order the work stopped immediately by issuing an emergency order and serving it on any persons engaged in the doing or causing such work to be done, and any such person shall forthwith stop such work until authorized by the agency to proceed with the work.

C. Compliance

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

SECTION II. Suspension of Permit or License

The administering agency may suspend any permit or license that it issues if the holder thereof does not comply with the requirements of this Code. The suspension shall become effective ten (10) days after the holder of the license or permit, or the person in charge of such establishment or premises subject to the permit, receives written notice of such suspension. The holder or other aggrieved party may request a hearing in accordance with Section VI of this Chapter. After a hearing, the hearing officer may uphold the suspension as originally ordered or modify it as he sees fit, but in no event shall he enter an order of suspension for a period longer than that set out in the original order. Both the original order and any order entered after an appeal may condition the length of suspension upon correction of the conditions upon which the suspension is based.

SECTION III. Revocation of Permit or License

The administering agency may revoke a permit or license for serious or repeated violations of any of the requirements of this Code or for interference with the administering agency in the performance of its duties.

Prior to revocation, the administering agency shall notify, in writing, the holder of the license or permit, or the person in charge of the establishment or premise subject to the permit, of the specific reason(s) for which the permit or license is to be revoked and that the permit shall be revoked at the end of the ten days following service of such notice unless a written request for hearing is filed with the regulatory authority by the holder of the permit or license within the 10-day period. If no request for hearing is filed within the 10-day period, the revocation of the permit becomes final.

Whenever a revocation of a license or permit has become final, the holder of the revoked permit or license may make written application for a new permit or license and pay the fee required.

SECTION IV. Abatement of Nuisances

Upon a determination by the County Health Officer or designee that a residence in the County is unfit for habitation due to unsanitary or unsafe conditions the County Health Officer or designee may place upon said residence, in a conspicuous location, a sign stating such. Prior to the placement of said sign, the County Health Officer or designee shall have, at a minimum, inspected the premise of the residence to determine if an unsafe or unsanitary condition exist and shall have provided to the owner or tenant of said residence a written notice of said unsafe or unsanitary conditions, said notice being provided not less than three days prior to the placement of the sign per Resolution 1997-47. The removal or covering of said sign by any person other than the County Health Officer or designee shall be deemed a Class C misdemeanor and shall be punishable by a fine not to exceed \$500.00 or thirty (30) days in prison, or both. The administering agency may maintain a civil action in injunction, in the name of the Board of County Commissioners of Leavenworth County, or any municipality in which this Code is applicable, to abate and enjoin a nuisance.

ARTICLE 6: APPEALS

SECTION I. Appeal for Hearing

Except as otherwise provided in Section V of this Article, any person aggrieved by any notice, final order, or denial of a permit or license by an administering agency if such person files with the agency within ten (10) days after the date of issuance of the notice, order, or denial a written request for a hearing setting forth the grounds on which the request is made. The filing of the request for hearing shall operate as a stay of any notice or order except in emergency order.

SECTION II. Hearing Officer

Every administering agency shall designate, in writing, one or more officials to act as that agency's hearing officer to hear appeals under this Code. The officer may be an employee of the agency but shall not be the person who, in the name of that agency, made the determination or issued the order upon which the appeal is based.

SECTION III. Conduct of Hearing

Upon receipt of the appeal request, the Hearing Officer shall set a time and place for a hearing, and shall give the petitioner written notice thereof. The hearing shall be commenced not later than ten (10) days after the date on which the request for hearing was filed; provided, that upon request of the aggrieved party, the hearing may be postponed for a reasonable time beyond such ten-day period.

A record shall be made at the hearing, and the aggrieved party may be represented by counsel or another authorized person. The administering agency shall have the burden to sustain any notice, final order, or other decision subject to the appeal.

SECTION IV. Decision

Within ten (10) days after the conclusion of the appeal hearing, the hearing officer shall issue a written decision to the petitioning party. That decision may sustain, modify or deny the decision of the agency.

SECTION V. Proceedings of Hearings

A summary of all proceedings of hearing, including the findings and the decision of the Hearing Officer, together with a copy of every notice and order related thereto, shall be filed with the administering agency.

SECTION VI. Application of State Law Procedures

The appeal of any final decision action of the administering agency which is taken under the authority of a state administrative agency in application of the Laws of the State of Kansas shall be subject to and conducted in accordance with the Kansas Administrative Procedures Act, K.S.A. 77-501, et seq, and the provisions of that Act shall supersede any and all-time limitations and procedures otherwise specified in this Code.

The Kansas Administrative Procedures Act shall not apply to any proceeding arising out of an appeal from any decision or action taken solely under the authority of the Board of County Commissioners or the governing body of any city.

ARTICLE 7: VIOLATIONS AND PENALTIES

SECTION I Unlawful Conduct

The following acts shall be unlawful:

A. Obstruction of Administering Agency

No person shall willfully impede or obstruct a representative of an administering agency in the discharge of these official duties under the provision of this Code.

B. Operation without a Permit or License

No person shall do any act or engage in any activity for which a permit or license is required by this Code unless first obtaining such permit or license. The existence of emergency conditions may be a defense to this provision.

C. Failure to Comply with Emergency Order

No person shall fail or refuse to comply with an emergency order of an administering agency issued under Article 5, Section I. Emergency Orders.

D. Failure to Comply with Permit or License

No person shall fail to comply with the specified terms or conditions of any permit or license issued under this Code nor do any act or engage in any activity or conduct regulated by this Code without a valid permit or license, nor continue activities or conduct subject to any permit or license which has expired, been suspended or been revoked under this Code.

E. Failure to Comply with Regulations

No person shall do any act or engage in any activity which is regulated by any Section or Chapter of this Code except as authorized and permitted under the Code, and no person shall knowingly operate any activity regulated by this Code in any manner which does not comply with the requirements of the conditions and regulation specified in this Code.

F. Falsification and Misrepresentation

No person shall falsify nor misrepresent any fact, information, product or data provided, required or submitted for any application, permit, license, inspection, examination, investigation, report, record, test or other determination required under this code.

G. Improper Discharges

No person shall cause nor permit any wastewater or sewage to be discharged to or upon the ground surface, the ground water, or other natural water course which creates or causes a health hazard or unlawful pollution, and no person shall cause nor permit any effluent from any private sewage disposal system to be so discharged, or to leak, seep or otherwise escape from the system such as to create or cause a health hazard or unlawful pollution. No cesspools, seepage pits and dry wells (rat holes) are allowed under this Code.

H. Failure to Repair or Correct

No person shall fail or refuse to repair or correct any defect, deficiency or other condition, whether natural or otherwise, in any private sewage disposal system which has caused, or which the Administrating Agency or its designees may determine is likely to cause, within reasonable certainty, any improper discharge or other health hazard, unsanitary condition, or unlawful pollution.

SECTION II. Penalties

Any violation of any provision or requirement of this Code or the commission of any unlawful act or conduct specified in this Chapter shall be deemed to be a Class C infraction under the Codes and Regulations of Leavenworth County, Kansas, and punishable upon conviction by a fine of not less than \$100.00 and not more than \$500.00. Each day's violation shall constitute a separate offense.

SECTION III. Prosecution

The County Counselor shall prosecute violations of this Code in the name of the Board of County Commissioners of Leavenworth County, Kansas. Prosecution shall be commenced in the District Court of Leavenworth County, Kansas, unless a municipality adopting this Code provides otherwise for the prosecution of violations arising within municipal jurisdiction.

In that event, the City Attorney of the municipality adopting this Code may prosecute violations of this Code in the name of the city in the municipal court of that city.

CHAPTER 2

SEWAGE DISPOSAL

ARTICLE 1: GENERAL PROVISIONS

SECTION I. Purpose

Sewage is a potential source of disease and a potential hazard to the health, safety and welfare of the public. It also poses a direct threat to the environment as a potential pollutant of the air, water and soil, and presents a hazard to all forms of plant and animal life. It is the purpose of this Chapter to provide minimum standards for the sanitary disposal of all sewage generated or transported within Leavenworth County unless otherwise regulated by competent authority.

SECTION II. Scope

All sewage must be disposed of by the use of a sanitary sewer system as defined in this Section. A sanitary sewer system may be classified as either a public sewage disposal system or a private sewage disposal system.

SECTION III. Definitions

Unless the context requires or specifies otherwise, the following words, terms or phrases, as used in this Code, shall be given the meaning defined in this section.

A. Absorption System: A private sewage disposal system for the treatment of sewage by means of a leaching field and adjacent soil or by other means of absorption into the ground.

B. Absorption Trenches: One or more trenches of varying length and depth and of fixed horizontal separation in which effluent is percolated into the soil.

C. Aerobic Sewage Treatment System: A private sewage disposal system employing biological action, which is maintained by the addition of air or oxygen.

D. Aquifer: A subsurface water-bearing bed or stratum of sand, gravel, or bedrock which stores or transmits water in recoverable quantities or is capable of yielding water to, or transmitting water contaminants or pollutants to, wells or springs.

E. Bedrock: A soil horizon that contains greater than 50% consolidated material by volume.

F. Designer: A registered professional engineer, registered sanitarian, professional soils scientist, or licensed designer, approved by the Planning and Zoning Department, duly licensed to plan or design private sewage disposal systems, including alternative systems, such as a mound, low-pressure pipe, or at-grade system, as well as conventional systems.

G. Distribution Box: A watertight chamber below the outlet level of a septic tank or treatment unit and from which effluent enters the absorption system.

H. Installer: Any person duly licensed to construct, install and/or repair private sewage disposal systems.

I. Holding Tank: A watertight receptacle constructed of concrete or other material, designed to receive, store and provide for periodic removal of non-water carried wastes from the human body.

J. Minor Repair: When used in reference to private sewage disposal systems, the term "minor repair" shall be defined as a replacement or repair of any solid pipe component of the system or the replacement or repair of septic tank components such as tees or baffles or such similar type of work as designated by the Director of the Planning and Zoning Department or his designee.

K. Mound system: An alternative aboveground system used to absorb effluent from septic tanks in cases where seasonally high water table zones, high bedrock considerations, slow permeable soils, or limited land areas prevent conventional subsurface absorption systems.

L. Private Sewage Disposal: An on-site sanitary sewerage system serving every premise constructed or renovated for human occupancy after adoption of this Code shall be provided with at least one flush toilet. No human waste may be disposed of except in a flush toilet. Flush toilets must be connected to an approved sewage disposal system. Neither treatment facilities operated under a NPDES nor other state or federal permits, nor holding tanks serving commercial or industrial establishments are included in this definition.

M. Public Sewage Disposal System: An on-site sanitary sewer system which collects untreated or partially treated sewage from individual establishments or premises or recreational areas and transports it from the establishment or premises by means of pipes or conduits to a plant or location for treatment, and which is available for use by any person within the geographic area served by such a system. This includes, but is not limited to:

1. Systems built, served, or operated by public sewer districts and municipal sewer systems
2. Systems which are privately owned and operated but which are required to obtain a permit under the National Pollutant Discharge Elimination system (NPDES). This also includes non-discharge lagoons holding a Kansas Water Pollution Control Permit.

N. Sanitary Disposal Contractor: Any person duly licensed to perform sanitary disposal services.

O. Sanitary Disposal Service: The pumping out and removal of sewage from private sewage disposal systems and the transportation of such material to another location for treatment or disposal.

P. Septic Tank: An approved, watertight, accessible, covered receptacle designed and constructed to receive sewage in which three processes take place: settling of the solids, the digestion of some of the accumulated solids by anaerobic action, and separation of the floatable scum.

Q. Soil Mottles: Spots or streaks of contrasting soil colors that indicate the presence of a seasonal water table zone.

R. Structurally Significant Alteration (Major Repairs): When used in reference to private sewage disposal systems, the term "structurally significant alteration" means any of the following:

1. Replacement, repair or extension of any portion of the lateral field of the system; and/or
2. Replacement, repair or reconstruction of any one or more of the critical parts of the system, as designated by the Director of the Leavenworth County Planning Department, or his designee; and/or
3. Any replacement, repair or reconstruction, which upon review of the administering agency is determined to be an essential, repair in order to correct or prevent an improper discharge or imminent health hazard or unlawful pollution.

S. Trunk Line: The pipe from which the absorptive system extends in a septic tank system.

T. Water Table Zone: A zone in the soil, which is either continually or seasonally saturated with water.

SECTION IV. Rules of Application

The requirements established by Chapter 2 of the Leavenworth County Sanitary Code shall apply and be applicable to any and all private sewage disposal systems now or hereafter installed, used or operated upon any property located within Leavenworth County, Kansas subject to the provisions of this Code, and shall apply for regulatory purposes to holding tanks.

A. General Rule

Unless otherwise provided or excepted in accordance with this Section, from and after the effective date of the Code, no person shall design, install, replace, alter, repair, use or operate, nor cause or allow the installation, replacement, alteration, repair, use or operation of any private sewage disposal system except as permitted under and as which complies with the established requirements of this Code. No commercial process wastewater shall be directed to a domestic soil absorption wastewater system. Surface runoff from roofs and paved areas, subsurface drainage from footing drains and sump pumps, and cooling water are not domestic wastewater and must be excluded for soil absorption systems. Such water may be used to maintain operating water level in wastewater ponds.

B. Existing Systems Treating Domestic Waste

Any private sewage disposal system lawfully installed prior to the effective date of this Code and used exclusively for domestic sewage, and not industrial nor commercial wastes, may remain in use if, and as long as, it continues to operate in accordance with the original design and location, does not experience any system failure, and does not present any hazard to the public health, safety or welfare; however, any replacement, alteration, enlargement, repair, removal, conversion, improvement or demolition shall comply with the requirements of this Code or any later amendments, revisions or versions.

C. Existing Systems for Industrial and Commercial On-Site Wastewater Systems

1. Discharge of industrial or commercial waste to a soil absorption system is prohibited. Any such systems in effect at the time of passage of this code shall cease and desist immediately.
2. Industrial and/or commercial wastes collected and retained on site using above ground or underground holding tanks shall be subject to all Kansas Department of Health and Environment permit and inspection requirements, and shall comply with or satisfy all requirements and regulations now or hereafter adopted by the Kansas Department of Health and Environment.
3. Subsection 2. above, shall also apply to holding tanks.

D. Existing Tracts and Lots of Record

The owner of any unimproved land, which is a tract or lot of record on the effective date of this Code but which does not contain sufficient size or acreage to satisfy the minimum lot size requirements for any permit specified under this Code, may apply for and receive a permit under the applicable provisions of this Chapter if:

1. The tract or lot size is at least one (1) acre; and
2. The installation and use of the system shall be exclusively for Domestic Sewage and will comply with all other requirements of this Code; and
3. The lot or tract is not located within the boundaries of any sewer sub district operation by Leavenworth County Unified Wastewater Districts or other municipalities; and

Private Sewage Disposal Systems on parcels between 1 and 2.49 acres are required to be designed by a licensed designer. Parcels 2.5 acres and larger are allowed a conventional system as long as the soils and any limiting factors allow.

SECTION V. Variances

As of the adopted date of the Leavenworth County Sanitary Code, any person who owns a lot or tract of land which has been recorded or platted as a lot or tract of record prior to the effective date of this code may apply for and receive a variance from the minimum lot size requirements established by this Code for the installation, use or operation of any type of private sewage disposal system if, after inspection and evaluation, the code official of the Planning and Zoning Department determines that the system can and will comply with all other applicable requirements of this Code and the applicable zoning and subdivision regulations of the County. The Planning and Zoning Department shall adopt standards to apply in granting such variances. The request for a variance for the proposed system must be submitted prior to construction to remain in compliance with KAR 28-5-9.

SECTION VI. Rule Exceptions

The owner of any land or the user of any on-site sewage disposal system regulated by this Chapter may apply for an exception to any standard, specification, rule or regulation prescribed in this Chapter, which is not otherwise discretionary, under the authorities granted to the Director of the Planning and Zoning Department or other administering agency.

A. Application

Application for any rule exception under this Section shall be filed with the Director of the Planning and Zoning Department on approved and authorized forms and shall contain the following information:

1. The name of the applicant;
2. The name of the property owner if different than the applicant;
3. The address and legal description of the property;
4. The zoning and land use, existing and proposed, for the property;
5. The express rule, regulation or requirement for which exception is sought;
6. A detailed description of the plan, action, or other specification, which is proposed in alternative to the rule or requirement.

B. Application Fee

There shall be and hereby is imposed a fee of fifty dollars \$50.00 for and upon each application for a rule exception filed under this Section. The fee shall be charged and paid for each separate tract, lot or sub-part of a tract or lot subject to the application and for each rule, regulation or requirement for which exception is sought.

C. Report and Recommendation

Upon receipt of any application for a rule exception under this Section, the Director of the Planning and Zoning Department or his designee shall evaluate the application and may conduct such site inspections or other investigations as he deems appropriate, and may require, the applicant to submit additional facts, information or tests as may be reasonably necessary to render a decision on the application. The Director or his designee shall prepare a report and recommendation on the application within seven (7) days after receipt of the application and of all required additional information. A copy of the report and recommendation shall be sent to the applicant, to any appropriate planning or governmental body, to the Leavenworth County Board of County Commissioners, and to any other interested person or party.

D. Final Decision

The report and final recommendation of the Director, or his designee, shall be and become the final decision on the application unless, within fourteen (14) days after the date of the report and final recommendation, the applicant or other interested party or governmental body requests in writing a formal review of the application or final recommendation. Any final decision of the Director, or his designee, shall be issued in the form of a written administrative order, and the order shall be certified and recorded with the County Register of Deeds.

E. Review Proceeding

Whenever a timely request for review of any application or final recommendation is filed with the Planning and Zoning Department, a review proceeding shall be conducted in accordance with this subsection.

1. Review of Design, Specifications, or Standards

If the applicant requests an exception to any design criteria or technical specification or standard required under this Article, then the review shall be conducted by the Board of Code Review and shall hold its meeting to consider the application or recommendation within fourteen (14) days after a request for review is filed with the Planning and Zoning Department. Notice of the meeting shall be provided in writing to the applicant, the party seeking review, the Director, and any other interested person or governmental body.

2. Review of Land use Considerations

If the applicant requests an exception to any land use consideration, including but not limited to minimum lot sizing, then the review shall be conducted by the Board of County Commissioners. A notice stating the exception requested and the date, time and place of the review proceeding shall be published by the applicant in a newspaper of general circulation in the area where the site is located at least seven (7) days, but not more than fourteen (14) days, prior to the proceeding date. A copy of the notice shall be mailed by the applicant to the owner of any property located within 1000 feet of the site location and to any appropriate planning or governing body at least seven (7) days prior to the date set for the review proceeding.

F. Standards for Review

The report and recommendation of the Director, or his designee, shall be given substantial deference upon any review, but the person applying for any rule exception shall have the responsibility, in all instances, to demonstrate that the exception is justified and necessary. No rule exception shall be granted, either by final decision of the Director, or his designee, or upon any order of a review proceeding unless it is found and determined that:

1. The rule or requirement for which an exception is sought cannot practically be met as applied to the property without extreme and undue hardship; and
2. The rule exception will not adversely affect the proper and efficient operation of the private sewage disposal system nor require extraordinary monitoring, care or maintenance; and
3. The system as proposed will comply with all other applicable rules, regulations or requirements and will not cause nor result in any identifiable risk to the environment or public health.

C. Decision on Review

The decision in any review proceeding authorized in this Section shall be issued, in writing, within seven (7) days after completion of all review proceedings. A copy of the final decision shall be certified and recorded with the County Register of Deeds. Any final decision on any application for a rule exception under this Article shall be solely within the discretion of the Director or the reviewing board and shall not be subject to review by nor overturned in any court or other jurisdictional body in the absence of demonstrated fraud or deliberate, capricious action.

ARTICLE 2: PUBLIC SEWAGE DISPOSAL SYSTEMS

SECTION I. Regulation of Municipal or Public District Systems

Any public sewage disposal system, which is maintained and operated by a municipality, by a lawfully created public sanitary sewer district, or by a lawfully organized public improvement district authorized under application of the Laws of the State of Kansas or the United States and located in whole or part within Leavenworth County, Kansas, shall be built and operated only as permitted by the rules and regulations of the Kansas Department of Health and Environment and the United States Environmental Protection Agency and shall comply with and be governed by such laws, rules, regulations and administrative actions.

SECTION II. Privately Owned NPDES Systems

Any sanitary sewage disposal system which is maintained and operated by any private person, pursuant to a national Pollutant Discharge Elimination System (NPDES) permit issued by any federal or state authority, or which by law would be required to obtain such permit, and which is located within Leavenworth County, Kansas, shall comply with and be regulated by the terms and conditions of the

permit and all rules, regulations and requirements imposed by the applicable federal or state regulatory authority. Any system covered by this Section shall operate within Leavenworth County, Kansas, only pursuant to a valid and effective NPDES Permit or Kansas Water Pollution Control Permit, and no person shall build, maintain or operate any such system without valid permits.

SECTION III. Systems Serving Commercial or Industrial Users

Every premise or property which is used as or occupied by a commercial or industrial establishment and which is not connected to a public sewage disposal system as identified by Section I or Section II of this Article must install, use, and maintain a holding tank facility, and no other type of on-site sewage disposal system, for sewage disposal (except as provided in Section IV of Article 1 of this Chapter). The holding tank facility shall meet the specifications and requirements of Article 8 of this Chapter.

ARTICLE 3: PRIVATE SEWAGE DISPOSAL SYSTEMS

SECTION I. All private sewage disposal systems shall be viewed and approved for use by the Planning and Zoning Department before put into use. All abandoned or unused septic tanks, cesspools, seepage pit or other holes that have received wastewater shall be emptied and plugged following procedures described in K-State Research & Extension bulletin MF-2246.

A. Types

Private Sewage Disposal Systems are classified as being one of the following systems:

1. Septic Tank/Absorption Field
2. Aerobic (Activated Sludge)
3. Mound System
4. Sanitary Privy
5. Holding Tank
6. Other

SECTION II. Proper Maintenance and Operation

All private sewage disposal systems shall be maintained in good working condition and shall not discharge onto the surface grade, or into the groundwater, or drain into any stream, or roadside ditch, or produce any offensive odors; or become a breeding place for flies, mosquitoes or rats and other disease vector. Surfacing of effluent in pools or streams or groundwater contamination will indicate system failure. Whenever the administering agency shall find any private sewage disposal system malfunctioning and causing any prohibited condition, it shall order the owner and/or user to correct the condition within thirty (30) days.

SECTION III. Location of a Private Sewage Disposal System within One Hundred (100) Feet of Well

A. No portion of a private sewage disposal system shall be located within one hundred (100) feet of a water well or a pump suction line from a water well.

B. No water line shall extend through a septic tank absorption field.

SECTION IV. Connecting to Public Sewage Disposal Systems

To the extent feasible, public sewage disposal systems shall be used for the disposal of all sewage within Leavenworth County, and no private sewage disposal system shall be permitted under this Chapter whenever a public sewage disposal system is available to serve the property. Any property served by a private sewage disposal system authorized under this Chapter shall connect to a public system as provided in this Section.

A. Existing Systems

After the effective date of this Code, no permit for construction or for a structurally significant alteration of a private sewage disposal system shall be issued for any lot or tract of land any part of which is located within 660 feet of a main or lateral sewer line, which is part of a public sewage disposal system which can serve the lot or tract, and when it is determined that connection to the public system is feasible and reasonably available to the property owner.

B. New Systems

The use of any private sewage disposal system for which a permit to construct was issued after the effective date of this Code shall be prohibited two years after a main or lateral sewer line first becomes available for service within 660 feet of the lot or tract served by the private sewage disposal system, and when it is determined that connection to the public system is feasible and reasonably available to the property owner.

C. Extensions or Waivers

The requirement for connection to a public sewage disposal system, as in Section IV. B. New Systems, may be waived, or the time extended, by official action of the Board of County Commissioners, or other applicable governing body. The conditions for this would be undue hardship or for compelling cause.

SECTION V. Repairs and Corrections

Any private sewage disposal system, which, for any reason, does not function properly as designed and permitted, shall be replaced or repaired. Plans and specifications for the replacement or repairs shall be submitted to and reviewed by the administering agency, and no repairs or replacements, other than ordinary maintenance, shall be performed without a permit and inspection as required under this Code.

ARTICLE 4: REGULATIONS FOR SEPTIC SYSTEMS

SECTION I. Permits Required

It shall be unlawful for any person, firm, or corporation to erect, construct, perform any structurally significant alteration, remove, convert, or demolish any septic tank system regulated by this Code, without first obtaining a septic system permit from the Planning and Zoning Department. Permits issued under this Article shall be subject to the following qualification.

A. Property Use

Permits may be issued under this Article only for single-family residences or duplexes, where each unit is occupied as a residence and where each unit shall be served by a separate septic tank and system.

B. Minimum Lot Size

Unless a waiver or rule exception is granted pursuant to Article 1 of this Chapter, a minimum lot or tract size of 1 acre per living unit shall be required for any permit issued under this Article.

C. Transfer

A permit issued under this Article shall not be transferable.

D. Standards

No permit shall be issued to any person, property, or establishments, which does not comply with and satisfy the specified requirements of all applicable section of this Article.

SECTION II. General System Requirements

Every premise requires at least one approved flush toilet. The system shall be designed to consist of a building connection, treatment unit such as a septic tank, and disposal field. The system shall receive all domestic sewage including laundry waste. Use of a distribution box is optional. The design of the system shall ensure that the wastes discharged from the private sewage disposal systems:

- A. Do not contaminate any drinking water.
- B. Are not accessible to insects, rodents or other possible carriers of disease, which may come in contact with food or drinking water.
- C. Do not contaminate the waters of any bathing beach or streams used as a water supply or for recreational purposes.
- D. Do not surface above ground level.
- E. Are not a danger by being exposed and accessible to animals or people.
- F. Do not give rise to a nuisance due to odor or unsightly appearance.

G. There shall be no permanent structure (patio, building, driveway, etc.) over the Tank, lateral or other part of an onsite wastewater system.

SECTION III. Application Procedure

The person applying for the septic system permit shall first file an application in writing on a form furnished for that purpose by the Planning and Zoning Department. The application shall:

- A. Identify and describe the activity for which permission is requested. (e.g., construction, repair, etc.)
- B. Identify the location of the activity for which permission is requested by legal description and street address.
- C. Indicate the type of establishment, which the septic system will service (e.g., single family residential, commercial, etc.).
- D. Be accompanied by a soil profile with a drawing of the proposed septic system.
- E. Soils with limitation such as bedrock, ground water, slope, or administrative requirements require a design plan drafted by a licensed designer in Leavenworth County. The application must be accompanied by two (2) sets of plans and specifications as defined in Section IV of this Article.
- F. Be accompanied by a set of building blueprints, including site elevations (front, side and rear).
- G. Be signed by the owner of the premise where the activity is to be conducted, or his or her duly authorized representative. The representative may be required to submit evidence of such authority.

SECTION IV. Plans and Specifications

Plans and specifications, shall be drawn to scale, no greater than one inch to fifty feet (1"=50'), and shall include but not be limited to the following information:

- A. Location of the soil profile site for the sewage disposal system.
- B. Size of lot, dimensions, and relative location of structures.
- C. Proposed location of the sewage disposal system for a total of 5,000 square feet.
- D. Proposed location of a replacement area for the sewage disposal system consisting of at least 5,000 square feet, or a total set aside of 10,000 square feet for the system.

Retention of Plans: One set of approved plans shall be retained by the Leavenworth County Planning Department and one set of approved plans shall be returned to the applicant.

SECTION V. Inspections Required for System Approval

No septic tank or system shall be placed into service and no person may use any establishment connected to such system until the system has been inspected and approved by the Director of the Planning Department or his designee.

A. Pre-Conditions

No inspection or system approval will be initiated until and unless the applicant or property owner has fully complied with the permit and application requirements of Section I and Section III of this Article. Any required permit must be posted and displayed at the property job site.

The applicant or property owner shall provide a minimum of one working day's notice to the Planning and Zoning Department to perform any required septic system inspection. An inspection will be conducted only when proper notice is given, only where the site address is posted and visible from the road, and only where the foundation is finished before installation of the system.

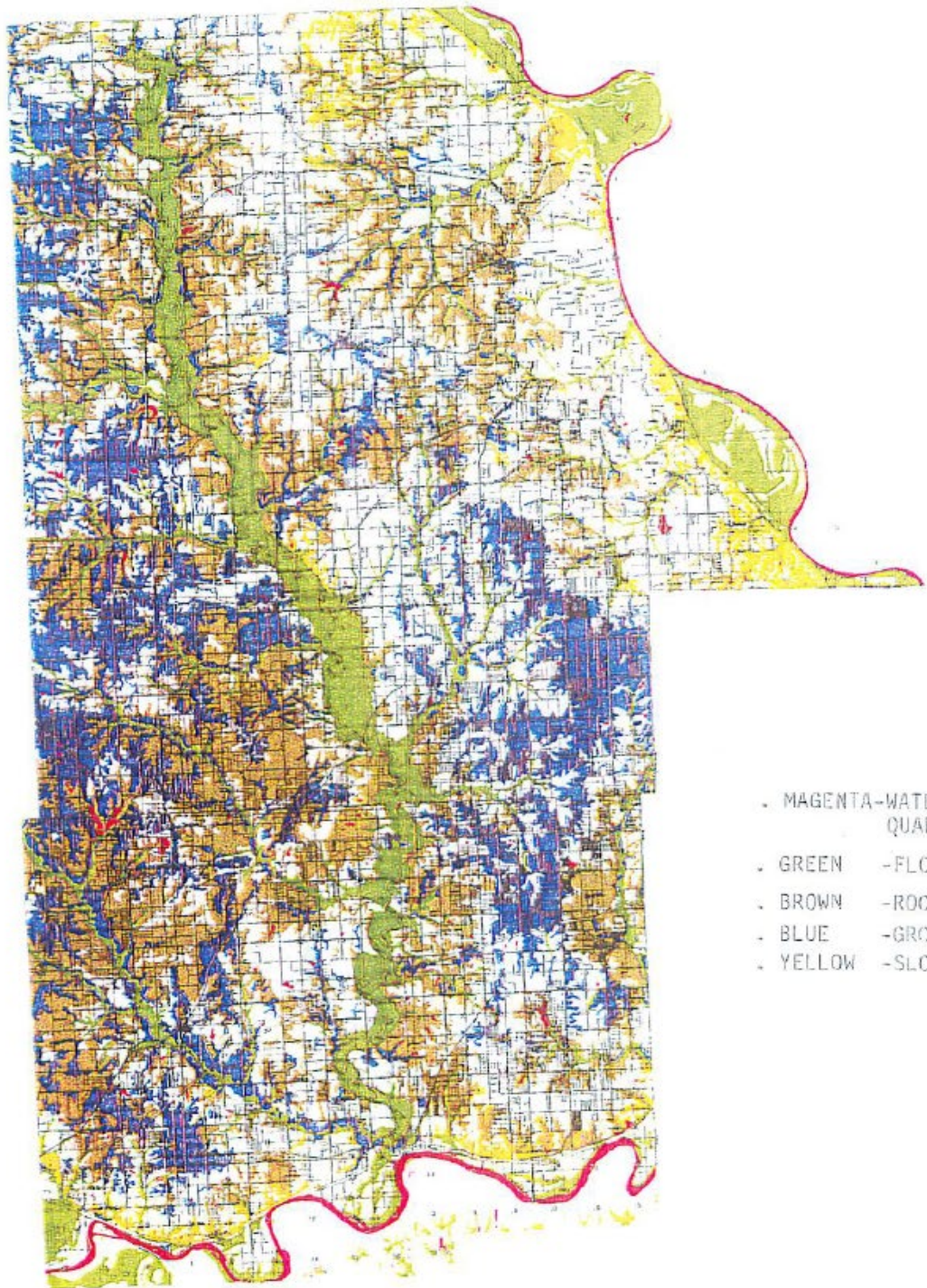
B. Inspection Procedures

There may be at least three (3) separate inspections required for each septic system.

The first site inspection shall be performed before issuance of any septic system permit and includes the following:

1. Complete a soil profile test in the desired location of the new lateral field. If the soil type and conditions indicate a standard septic system is not suitable, then an engineered wastewater system may be required. Four feet of aerated soil below the bottom of the absorption field is necessary for a standard septic system.
2. Inspection of the proposed area for the size requirement of an additional replacement system.

SOILS LIMITATIONS MAP



See chart below for soil suitability by type.

SOIL SUITABILITY CHART

Map Symbol	Map Unit name	STANDARD SEPTIC TANK/ LATERAL	LIMITATION	G/SqFt LOAD RATE
4350	Chase silty clay loam	NO	Slow Perc	*
7005	Bourbonais-Bismarckgrove Complex	NO	Flooding	*
7006	Bismarckgrove silt loam	NO	Flooding	*
7035	Eudora-Bismarckgrove fine sandy loams	NO	Flooding	*
7036	Eudora-Bismarckgrove silt loams	NO	Flooding	*
7050	Kennebec silt loam	NO	Flooding	*
7051	Kennebec silt loam	NO	Flooding	*
7055	Kimo silty clay loam	NO	Flooding	*
7061	Muscotah silty clay loam	NO	Slow Perc	*
7087	Sarpy-Haynie Complex	NO	Flooding	*
7088	Stonehouse sand	NO	Flooding	*
7089	Stonehouse-Eudora fine sandy loams	NO	Flooding	*
7090	Wabash silty clay loam	NO	Bedrock	*
7091	Wabash silty clay	NO	Bedrock	*
7095	Kiro silty clay	NO	Flooding	*
7099	Zook silty clay	NO	Flooding	*
7105	Belue silt loam	NO	Flooding	*
7106	Eudora-Bismarckgrove silt loams	Yes		.6
7107	Bismarckgrove-Kimo complex,	YES		.4
7120	Eudora complex	YES		.6
7123	Eudora silt loam	YES		.6
7132	Stonehouse-Eudora complex	YES		.6
7150	Haig silty clay loam	NO	Slow PERC	*
7155	Kimo silty clay loam	NO	Slow PERC, Ponding	*
7170	Reading silt loam	NO	Slow PERC	*
7176	Rossvile silt loam	YES		.4
7208	Muscotah silty clay loam	NO	Slow PERC	*
7210	Basehor complex	NO	Slope, sandstone	*

7211	Bremer silty clay loam	NO	Waterlog, ponding	*
7214	Eudora silt loam	YES		.6
7219	Basehor-Elmont complex	NO	Slope, Sandstone	*
7234	Elmont silt loam	YES		.4
7236	Elmont silt loam	YES		.4
7250	Gosport-Sogn complex	NO	Slope rock	*
7252	Grundy silty clay loam	NO	Slow PERC, waterlog	*.2
7254	Grundy silty clay loam	NO	Slow PERC	*.2
7256	Grundy silty clay loam	NO	Slow PERC	.3
7262	Gymer silt loam	YES		.2
7270	Falleaf-Grinter soils	NO	Seepage	*.4
7271	Falleaf-Grinter soils	NO	Seepage	*.4
7285	Ladoga silt loam	YES		.4
7290	Marshall silt loam	YES		.4
7291	Marshall silt loam	YES		.4
7292	Marshall silt loam	Yes		.4
7301	Martin silty clay loam	NO	Slow PERC	*
7302	Martin silty clay loam	NO	Slow PERC	*
7303	Martin silty clay loam	NO	Slow PERC	*
7305	Martin silty clay loam	NO	Slow PERC	*
7423	Morrill clay loam	NO	Slow PERC	*
7424	Morrill clay loam	NO	Slow PERC	*
7431	Morrill clay loam	NO	Slow PERC	*
7440	Morrill-Gravelly Land complex	NO	Slow PERC	*
7450	Olmitz clay loam	NO	Slow PERC	*
7460	Oska silty clay loam	NO	Bedrock	*
7461	Oska silty clay loam	NO	Bedrock	*
7502	Pawnee clay loam	YES		.2
7503	Pawnee clay loam	YES		.2
7506	Pawnee clay loam	YES		.2
7507	Pawnee clay loam	YES		.2

7508	Pawnee clay loam	YES		.2
7526	Chillicothe-Oska silty clay loam	NO	Slow PERC	*
7540	Sharpsburg silty clay loam	YES		.2
7542	Sharpsburg silty clay loam	YES		.3
7550	Rosendale-Bendena silty clay loams	NO	Slow PERC, Bedrock	*
7555	Saroxie silty loam	NO	Slow PERC	*
7575	Shelby clay loam	Yes		.3
7576	Shelby clay loam	YES		.3
7588	Shelby loam	YES		.3
7589	Shelby loam	YES		.3
7590	Shelby loam	YES		.3
7591	Shelby-Pawnee complex	YES		.3
7592	Shelby-Pawnee complex	YES		.3
7602	Sibleyville complex	NO	Depth to Bedrock	*
7604	Sibleyville loam	YES	Rock	*
7659	Vinland-Sibleyville complex	NO	Bedrock, slope	*
7665	Vinland-Sibleyville complex	NO	Bedrock, slow PERC	*
7666	Vinland-Sibleyville complex	NO	Bedrock, slope	*
7667	Vinland-Rock Outcrop complex	NO	Bedrock, slope	*
7672	Walluala-Vinland complex	NO	Slow PERC, Bedrock	*
7674	Welda silt loam	YES		.3
7675	Welda silt loam	NO	Slope	*
7741	Haynie silt loam	NO	Subject to flooding	*
7743	Haynie-Onawa complex	NO	Subject to flooding	*
7760	Onawa and Waldron silty loams	NO	Flooding, ponding	*
7761	Onawa loam	YES		*.2
7763	Onawa silty clay loam	YES	Seasonal High	*.2
7764	Onawa soils	NO	Flooding, slow PERS	*
7765	Onawet silty clay loam	NO	Flooding slow PERC	*
7790	Wathena-Haynie complex	NO	Flooding, slow PERC	*

7850	Judson silt loam	YES		.4
7906	Armster clay loam	YES		.4
7907	Armster clay loam	YES		.2
7910	Armster clay loam	YES		.2
7911	Armster clay loam	YES		.2
7913	Armster clay loam	YES		.2
7950	Gosport complex	NO		*
7951	Gosport silty clay loam	NO		*
7955	Knox silt loam	YES		.4
7956	Knox silt loam	YES		.6
7957	Knox complex	NO	Slope	*
7958	Knox silty clay loam	YES		.4
7959	Knox-Gosport complex	NO	Slope	*
7970	Palermo silty clay loam	NO	Slope	*
7971	Palermo-Knox complex	YES		.4
9971	Arents, earthen dam			
9980	Fluvaquents, ponded			
9982	Fluvents, frequently flooded			
9983	Gravel pits and quarries			
9984	Made land			
9986	Miscellaneous water			
9999	Water			

*Designed by Professional Engineer

The second inspection is made when the system is installed. The tank and pipe shall be in the ground but must be uncovered for the inspector to check the following:

1. Tank size and inside structure, including the inlet and outlet baffles or tees.
2. Depth of gravel in laterals.
3. Level and depth of pipes
4. Trunk line on undisturbed soil.
5. Anticipated depth of fill over laterals
6. Quality of all construction materials to assure compliance with minimum standards set forth by the Planning and Zoning Department.
7. A sketch of the wastewater disposal system as constructed, showing measurements shall be made and delivered to the homeowner, and filed with the permit.

The third inspection is made after final grading has occurred, but before occupancy. The inspector will check for the following:

1. Depth of soil cover over septic tank (not to exceed 24 inches).
2. Depth of soil cover over lateral lines.
3. Contour of soil to assure allowance for water diversion around lateral field.

SECTION VI. Septic Tanks

A. Minimum Design and Construction

Septic tanks shall be approved by the State of Kansas and materials and construction certified by the State of Kansas.

The distance from the top of the tank to the liquid line shall be at least twenty (20) percent of the liquid depths.

A cleanout, with at least a four (4) inch diameter, shall extend to the surface from each compartment of the septic tank. Each cleanout shall be equipped with a tight-fitting, lockable cap consisting of 3/8" bolts or a chain and padlock, or secured by 2 screws that are rust proof. Water tight manhole covers may be used.

If manhole covers are installed within 6" of the surface or higher, a safety screen or shield must be installed.

The septic tank including all extensions to the surface shall be watertight to prevent leakage into or out of the tank.

The tank shall be structurally sound and made of materials resistant to corrosion from soil and acids.

Steel tanks are not acceptable.

Septic tank liquid depth must be at least three feet but shall not exceed six-and-one-half feet.

The effective inside length of tanks shall be a minimum of six (6) feet.

The inlet and outlet baffle or tee and compartment baffle shall extend above the liquid level to one inch below the top of the tank.

The invert of the inlet pipe shall be located at least three (3) inches but not more than four (4) inches above the invert of the outlet when the tank is level.

Septic tanks shall be watertight.

Two-piece tanks that are assembled on-site must be tested following placement but before backfilling.

A single compartment septic tank is acceptable.

B. Compartment

A single compartment septic tank is acceptable. A two-compartment septic tank shall meet the following criteria:

1. The inlet compartment shall have approximately two-thirds of the total capacity of the tank. The second compartment shall have a capacity of not less than 400 gallons.
2. Partitions or baffles between compartments shall be of durable material and shall extend not less than six (6) inches above the liquid level. An inverted fitting equivalent in size to the tank inlet, but in no case less than four (4) inches in size, shall be installed in the inlet compartment side of the baffles with the bottom of the fitting centered 35% of liquid depth below the liquid level.
3. Venting between compartments must be provided.
4. Baffles shall be made of fiberglass, acid-resistant concrete, or other materials approved by the State of Kansas.

C. Capacity

Septic tanks shall have a minimum of 1200 gallons capacity for residences with 1, 2, or 3 bedrooms; 1500 gallons capacity for residences with 4 or 5 bedrooms; residences with more than five bedrooms will be sized on an individual basis. Larger septic tanks for special conditions may be required when reason and justification are furnished.

D. Location

The septic tank shall be located as set forth in Table 1. No septic tank shall be installed within:

1. Ten (10) feet of a house or structure if set below the lowest floor, including basement floor
2. Fifteen (15) feet or more if set above the lowest floor, including basement floor
3. Ten (10) feet of a property line, absorption trench, driveway, swimming pool, or foundation drain.

4. Fifty (50) feet of any stream, or cistern
5. Fifty (50) feet of any pond, or water main
6. Twenty-five (25) feet of any water service line
7. Slope greater than 15%
8. One hundred (100) feet of a Regulatory floodway
9. Twenty-Five (25) feet of the 100-year Floodplain
10. In areas subject to high water table or seasonally high water table, plastic and fiberglass tanks shall not be used unless precautions are taken to drain groundwater.

The administrative agency, after site inspection, may stipulate greater separation than cited herein, due to adverse on-site conditions, including location of a well on-site or nearby; site configuration or structural placement; subsurface soil characteristics and/or groundwater interference.

E. Foundation and Backfill

Septic tanks shall be constructed or installed level on a foundation that will prevent settling. Backfill shall be free of voids, stumps, broken masonry, or other such materials. The lid of the tank shall be covered with earth. Tank hole shall provide ample space around the tank for access to do compaction. Backfill shall be uniform, compacted layers not exceeding two feet thick and surround the tank. On unsuitable natural soil, tanks shall be placed on a bed at least four inches of sand, pea gravel, or crushed non-corrosive granular material. Material shall be no larger than two inches in diameter. Bed depth shall be at least four times the largest material diameter.

TABLE 1: REQUIRED DISTANCE FROM THE SYSTEM

	<u>SEPTIC TANK</u>	<u>LATERAL FIELD</u>
PROPERTY LINE, DRIVEWAY	10 FEET	10 FEET
WELLS	100 FEET	100 FEET
SWIMMING POOL	10 FEET	25 FEET
POND, LAKE, OR STREAM NOT USED FOR PUBLIC DRINKING WATER SUPPLY	50 FEET	50 FEET
POND, LAKE, OR STREAM USED FOR PUBLIC DRINKING WATER SUPPLY	200 FEET	200 FEET
WATER LINE	25 FEET	25 FEET
BUILDING	10 FEET	25 FEET
DITCH OR CUT		20 FEET
REGULATORY FLOODWAY	100 FEET	

F. Capacity

The liquid capacity of a septic tank serving a dwelling shall be based primarily on the number of bedrooms in the dwelling served and shall conform to capacities given in the following table

NO. OF BEDROOMS	1	2	3	4	5	*
CAPACITY (GALLONS)	1200	1200	1200	1500	1500	

* In the event that any installation serves more than a six-bedroom or its equivalent, or serves a facility other than a home the equivalent of twelve persons or more, approval of septic tank capacity and design must be obtained from the Leavenworth County Planning and Zoning Department Director.

G. Lateral Size

All laterals shall be sized in accordance with the results of the soil profile test to determine the rate of absorption for the trench bottom area. (Refer to Tables 3 and 4.) The number of square feet of materials to be installed will be determined by the results of the test which indicates the greater number required. On standard septic systems, when using a chamber system, the required lateral may be reduced by 25%.

WASTEWATER LOAD RATE (gpd/ft ²)	TWO-BEDROOM	THREE-BEDROOM	FOUR-BEDROOM	FIVE-BEDROOM
0.8	1000	1200	1300	1625
0.6	1100	1300	1400	1750
0.5	1200	1400	1600	2000
0.4	1300	1500	1800	2250
0.3	1400	1600	2000	2500
0.2	1600	2000	3000	3750

TABLE 4: GUIDE TO ESTIMATING WASTEWATER INFILTRATION RATES FOR

BELOW-GRADE SOIL ABSORPTION SYSTEMS

SOIL HORIZON CHARACTERISTICS

WASTEWATER
LOADING gpd/ft²

- | | |
|---|---------|
| 1. Gravelly coarse sand; moderate or strong platy structure; sandy clay loam or silty clay loam with weak platy structure; cemented consistence or any consistence stronger than firm moist), orchard (dry); sandy clay, clay or silty clay with massive or weak structure; silt loam, clay loam or silty clay loam with massive structure. | 0.0 |
| 2. Sandy clay, clay or silty clay of low clay content with moderate or strong structure; sandy clay loam, clay loam or silty clay loam with weak structure. | 0.1-0.2 |
| 3. Sandy clay loam, clay loam or silty clay loam with moderate or strong structure; sandy loam, loam or silt loam with weak structure. | 0.3-0.4 |
| 4. Sandy loam, loam or silt loam with moderate or strong structure; fine sand, very fine sand, loamy fine sand or loamy very fine sand. | 0.5-0.6 |
| 5. Coarse sand, sand, loamy sand or loamy coarse sand with single-grain structure. | 0.7-0.8 |

H. Lateral Trench

The acceptable lateral trench width shall be from 24 inches to 36 inches with the following minimum distances between trenches observed:

TABLE 5: DISTANCES BETWEEN TRENCHES

Trench Width Minimum Distances Between
Center line of Trenches

24 – 36”

9.0 feet

An approved standard trench pipe (Schedule 35 or better rigid PVC for inlet pipe and tight line and 3000# crush for perforated line in the absorptive trench) shall be used. The sewer line from the house to the tank, all fittings and pipe in the tank, all extensions to the surface from the top of the tank and first 10 feet exiting the tank shall be schedule 40 pipe or heavier. Perforations are to be circular, 1/2” diameter, positioned at four and eight o’clock. Slotted pipe is not acceptable. The ends of each lateral shall be capped. There shall be a minimum of 4" of slope from outlet end of the tank to the first lateral. Individual trenches shall have a maximum slope of 4 inches per 100 feet. Individual trenches shall have a maximum length of 100 feet. Drainage lines shall be installed on top of at least 6 inches of washed gravel or other approved medium. This gravel or medium shall be nominally sized at 3/4" with 98% of the gravel or other medium being retained on a 1/2" screen and 100% passing through a 1 & 1/2" screen. There is to be no more than a slight amount of particulate matter. The Planning and Zoning Department shall approve materials that will be placed over the gravel before backfilling. Serial or "step-down" distribution may be required for excessively sloping absorptive fields. Valves or drop boxes may be required on all serial distribution systems. Depth of absorptive trenches will be 24 to 30 inches. Use at least 6" of medium below the distribution pipe with sufficient medium to cover over the pipe by 2 inches. A maximum 12" of backfill dirt will be placed over the medium, pipe, and a geotextile barrier material (at least 3 ounce nylon or 5 ounce polypropylene nonwoven filter fabric) covering material placed over the gravel or other medium.

I. Lateral Field

No septic tank lateral field or any portion thereof shall be placed in filled material unless approved by the administering agency.

No part of the lateral field shall be covered by more than twelve (12) inches of backfill.

Soil must contact the septic tank effluent, treat the wastewater, and transmit treated wastewater away from the soil absorption areas.

Some method of detection or location of the system components shall be used.

The lateral field shall not be installed in areas subject to excessive surface water, ponding, or runoff, including but not limited to storm water from building gutters, driveway drains, and sprinkler systems.

J. Site Preparation

The area proposed to be occupied by the private sewage disposal system shall not be disturbed or compacted prior to system installation. Fencing or other appropriate barriers are recommended to designate these areas. During and after installation, care shall be taken to avoid excessive compaction or destruction of the soil profile.

SECTION VII. Applicable Building Codes

In addition to the standards and requirements established under this Chapter, the installation, alteration, construction, reconstruction, repair, replacement, or other

work for or upon any private sewage disposal system regulated under this Code shall comply with and satisfy the specifications and requirements, whenever applicable, of the Uniform Building Code and the Uniform Plumbing Code, or similar codifications, as adopted by and in effect in Leavenworth County, Kansas, or other codes and ordinances, as adopted by any city adopting this Code. The administering agency shall have available copies of any such codes and code specifications and shall delineate those parts and requirements, which are applicable to private sewage disposal systems. All materials used in the plumbing, wastewater line, and lateral fields shall meet standards specified by ASTM (American Society for Testing and Materials International).

SECTION VIII. Soil Percolation Tests

Soil percolation tests are not suitable to determine soil load rating. A soil profile must be completed.

SECTION IX. Soil Profile Procedure

Subsurface profiles are necessary to determine the existence and location of formations and to determine the suitability of the soil for a septic tank system. Persons conducting the soil profile shall be qualified and shall be approved by the Planning and Zoning Department.

ARTICLE 5: REGULATIONS FOR AEROBIC DISPOSAL SYSTEMS

SECTION I. Compliance Standards

All individual mechanical aerobic wastewater treatment plants shall meet the standards prescribed in Standard No. 40, Section 5 of NSF (National Sanitation Foundation).

SECTION II. Permit Required

It shall be unlawful for any person to erect, construct, or perform any structurally significant alteration, remove, convert, or demolish any aerobic disposal system regulated by this Code without notifying, in writing, or, if required, obtaining a permit from the administering agency.

SECTION III. Application Procedure

The person applying for the permit shall first file an application in writing on a form furnished for that purpose by the Director of the Planning and Zoning Department. The application shall:

A. Identify and describe the activity for which permission is requested (e.g., construction, repair, etc.).

B. Identify the location of the activity for which permission is requested by legal description and street address.

C. Be signed by the owner of the premises where the activity is to be conducted, or his or her duly authorized representative. The representative may be required to submit evidence of such authority.

SECTION IV. Permit Qualifications

A permit authorized under this Article shall be issued subject to the qualifications specified in this Section.

A. Land Use

Permits may be issued under this Article only for single-family residences or duplexes, where each unit is occupied as a residence and where each unit shall be served by a separate system.

B. Minimum Lot Size

Unless a waiver or rule exception is granted pursuant to Article 1 of this Chapter, a minimum lot or tract size of 1 acre per living unit shall be required for any permit issued under this Article.

C. Standards

No permit shall be issued to any person, property, or establishment, which does not comply with and satisfy the standards specified in this Article and all applicable terms, conditions, and requirements of this Code.

SECTION V. General Requirements and Standards

All individual wastewater treatment plants requiring mechanical assistance to achieve aerobic conditions or pressurized delivery to the soil absorption site shall be maintained by a contracted manufacturer's representative. Copies of current maintenance contracts are to be forwarded to the Planning and Zoning Department and kept on file. Effluent from individual wastewater treatment plants shall receive additional treatment through the use of a subsurface absorption system, which complies with the standards and specifications, provided for septic tank systems under Section VI of Article 4 of this chapter. No plant shall discharge any effluent into or onto surface waters, ground water, air, or surface grade.

ARTICLE 6: REGULATIONS FOR MOUND SYSTEMS

SECTION I. Permits

It shall be unlawful for any person to erect, construct, or perform any structurally significant alteration, remove, cover, or demolish any mound disposal system without notifying in writing or, as required, obtaining a permit from the Planning and Zoning Department.

SECTION II. Permit Qualifications

A permit authorized under this Article shall be issued, and any mound system operated under the provisions of this Code, shall be approved subject to the qualifications specified in this Section.

A. Land Use

A mound system may be permitted or operated only for single-family residences or duplexes, where each unit is occupied as a residence and where each unit shall be served by a separate system.

B. Minimum Lot Size

Unless a waiver or rule exception is granted pursuant to Article 1 of this Chapter, a minimum lot or tract size of 1 acre per living unit shall be required for use, operation or permittance of any mound system under this Article.

C. Standards

Any mound system permitted or operated under authority of this Article shall comply with the standards prescribed in this Article and all applicable terms, conditions and requirements of this Code.

SECTION III. General Requirements and Standards

Mound systems shall be permitted only after a thorough site evaluation has been made, and landscaping, dwelling placement, effect on surface drainage and general topography have been considered. Mound systems shall not be utilized on soils where the high groundwater level or bedrock occurs within 12 inches of natural grade.

SECTION IV. Design

All mound systems shall be designed by a Licensed Designer, and approved by the Planning and Zoning Department prior to receipt of a building permit. The designer is responsible to ensure that his/her design mitigates the limiting factor(s) noted by the administrative requirements or the soils information contained in the Soil Survey of Leavenworth County, Kansas. The designer will submit an "as built" drawing of the mound (or other non-standard) system to the Planning and Zoning Department. This drawing will attest the on-site system meets his/her design standards and installation criteria. The drawing will bear the designer's signature, and/or engineer's seal and signature.

ARTICLE 7: REGULATIONS FOR SANITARY PRIVY

SECTION I. Permit

No sanitary privy shall be constructed or erected on any premises.

ARTICLE 8: REGULATIONS FOR HOLDING TANKS

SECTION I. Scope

For purposes of this Article, the term "Holding Tank" refers to a watertight receptacle to retain sewage on-site prior to removal from the site by a Sanitary Disposal Contractor licensed under Article II of this Chapter.

SECTION II. Authorized Usage

A holding tank may only be used for the temporary, on-site, retention of sewage before the contents are removed by a Sanitary Disposal Contractor.

A. Residential Properties

Not authorized for residences.

B. Commercial and Industrial Properties

A holding tank shall be the only type of system authorized under this Chapter which may be used to retain any commercial and/or industrial wastewater, and which may include domestic sewage, generated by a commercial or industrial establishment, and such holding tank system shall comply with all provisions of this Article but shall be administered and regulated as provided under Article 2 of this Chapter. Any underground holding tank retaining such wastes must also meet all requirements and regulations adopted by the Kansas Department of Health and Environment.

SECTION III. Permit Required

It shall be unlawful for any person, firm or corporation to construct, perform any structurally significant alteration, convert or use any holding tank without first obtaining a permit from the Planning and Zoning Department. Prior to issuance of a permit, the owner of the holding tank shall provide a copy of his service contract with a Sanitary Disposal Contractor licensed pursuant to Article 11 of this Chapter.

SECTION IV. Permit Qualifications

Any permit authorized under this Article shall be issued subject to the qualifications specified in this Section.

A. Term and Renewal

Permits for holding tanks used for commercial or industrial wastes are valid for twelve (12) months from the date of issuance and are renewable annually. Applications for renewals shall be submitted no later than thirty (30) days prior to permit expiration with the applicable fee. Upon receipt of the application and fee, a permit will be issued for the following year.

B. Minimum Lot Size

Unless a waiver or rule exception is granted pursuant to Article 1 of this Chapter, a minimum lot or tract size of 1 acre per occupied unit shall be required for the use, operation, or permittance of any holding tank for any property usage under this Article.

C. Standards

No permit shall be issued to any person, property, or establishment that does not comply with and satisfy the standards prescribed in this Article and all applicable terms, conditions, and requirements of this Code.

D. Transfer

Permits are not transferable.

SECTION V. General Requirements

The system shall be designed by a Registered Professional Engineer to consist of a building connection and tank. The design of the system shall ensure that waste discharged to the system:

- A. Does not contaminate any groundwater or drinking water.
- B. Is not accessible to insects, rodents or other possible carriers of disease.
- C. Does not contaminate the waters of any bathing beach or streams used as a water supply or for recreational purposes.
- D. Is not a danger by being exposed or accessible to animals or humans.
- E. Does not give rise to a nuisance due to odor or unsightly appearance.

SECTION VI. Standards and Specifications

Any holding tank system authorized under this Article shall be designed, constructed and operated to comply with standards and specifications deemed necessary and advisable by the Director of the Planning and Zoning Department, or his designee, including the minimum requirements specified in this section.

A. Capacity Requirements

Tanks serving commercial, retail, or industrial establishments shall have minimum 5-day holding capacity, but not less than 2,000 gallons.

B. Site Location

Tanks shall be located at least 10 feet from any part of a building. Holding tanks shall be so located to an all-weather access road or drive so that the pumper may drive pumping equipment to within 10 feet of the servicing manhole.

C. Warning Device

A high-water warning device shall be installed so that it activates 1 foot below the inlet pipe. This device shall be either an audible or illuminated alarm.

D. Access Opening

Each tank shall have an access manhole extended to finished grade, and shall consist of a circular cast iron ring and lid or other material which meets with the approval of the Planning Department. Any opening larger than 8 inches that extends to the surface shall be child and tamper resistant. If a manhole is installed within 6” of the surface or higher a safety screen or shield must be installed.

SECTION VII. Changes in Use

The permit holder shall notify the administering agency in writing within five (5) working days of any change in the use of the premises, which are serviced by the holding tank, or any change in ownership or occupancy of the premise.

ARTICLE 9: REGULATIONS FOR OTHER SYSTEMS

SECTION I. Approval

Other systems such as the At-Grade, Low Pressure Pipe, Evapotranspiration Bed, or similar systems, may be approved by the Planning and Zoning Department upon submission of plans and specifications.

SECTION II. Permit Required

A permit shall be required for any alternative system authorized or approved under this Article.

SECTION III. Permit Qualifications

Any permit or approval authorized under this Article shall be issued subject to the qualifications specified in this Section.

A. Land Use

Permits may be issued under this Article only for single-family residences or duplexes, where each unit is occupied as a residence and where each unit shall be served by a separate system.

B. Minimum Lot Size

Unless a waiver or rule exception is granted pursuant to Article 1 of this Chapter, a minimum lot or tract size of 1 acre per living unit shall be required for any permit issued under this Article.

C. Standards

No permit shall be issued to any person, property or establishment which does not comply with and satisfy standards prescribed for the alternative system by the Director of the Planning and Zoning Department, or his designee, consistent with standards imposed for the systems designated in this Chapter, and all applicable terms, conditions and requirements of this Code.

SECTION IV. Waste Stabilization Ponds

The use of individual waste stabilization ponds, usually referred to as lagoons, will be considered only if the installation of a septic-tank-lateral field disposal system, engineered or professionally designed system, or an alternative system is not practical or possible. The tract must be five (5) acres or more in size with a minimum of 300 feet of road frontage. No further subdivision will be allowed on such tracts, until a public sewer is constructed, and all dwellings are connected to a sanitary sewer. Waste Stabilization ponds shall meet the minimum standards set forth by the KDHE Environmental Health Handbook. A Waste Stabilization pond must be placed 100' from the property line at a five (5) foot working depth. The separation may be reduced to 50' if the adjoining property owner signs a Waiver of Property Line Separation form provided by the Planning and Zoning Department. Directing non-domestic (industrial/commercial) wastes into a Waste Stabilization Pond is prohibited.

ARTICLE 10: REGULATIONS FOR INSTALLER

SECTION I. License Required

No person shall install, engage in the installation of, or repair a private sewage disposal system unless that person holds a valid Installer License issued by the Planning and Zoning Department. Employees of a validly licensed installer are not required to be separately licensed. Persons licensed under this code as an installer may, without separate license, design conventional and shallow in-ground systems that are pumped or gravity fed.

SECTION II. License Term and Renewal

Any license issued under this Article shall expire on December 31 of each year and must be renewed annually, on or before January 15 of any following year. Applications for licenses and renewal shall be filed on forms supplied by the Planning and Zoning Department. All required license fees shall be paid at the time of application for the license or renewal, and no fee required under this Code shall be prorated or refunded for any partial term or part-year application.

SECTION III. Standard of Performance

Prior to the issuance or renewal of a license under this Article, the applicant shall be required to demonstrate adequate knowledge of the regulations pertaining to private sewage disposal systems and general engineering principles pertaining to such

systems. The administering authority may consider actual experience, education, or professional licensing of the applicant in the granting or denial of an application for an initial license or renewal, including prior revocations or disciplinary action.

Attendance by any applicant at an appropriate training workshop, conducted or sponsored by the Planning and Zoning Department or other recognized governmental, educational or professional institution, and satisfactory completion of a written examination administered by the Planning and Zoning Department covering subjects related to public health concerns, sewage disposal techniques, standards for design or construction or installation of sewage disposal systems, sewage treatment theory, and/or hydraulics, shall satisfy the requirements of this Section. Any applicant who fails to satisfactorily complete the written examination may retake the examination after thirty (30) days.

SECTION IV. Continuation Training

Every person licensed, as an Installer under the authority of this Article must obtain a minimum of three (3) hours of approved continuation training each calendar year, and no license issued under this Article will be renewed without submission of a certification of the training to the Director of the Planning and Zoning Department. The training, to be approved, must be directly related to the knowledge requirements necessary for issuance of the license under Section III. Attendance at any workshop conducted, sponsored, or approved by the Planning and Zoning Department or any applicable professional association shall satisfy the requirements of this Section.

SECTION V. Installation Bonds

The administering agency may establish a requirement for bonding of any installer licensed under this Article and may prescribe reasonable terms and conditions for those bonds.

SECTION VI. Certificate of Insurance

A licensed installer shall have and maintain insurance for liability and workmanship in amounts and forms as designated by the administering agency, and a copy of the certificate of insurance shall be filed with the agency.

SECTION VII. Code Compliance

The installation, relocation, or repair of any private sewage disposal system shall be in compliance with the provisions of this Code.

SECTION VIII. License Revocation

A license may be revoked for failure to comply with this Code. The revocation procedure shall comply with the provisions of Chapter 1 of this Code.

SECTION IX. One Time Installer

A property owner requesting to install or repair their own residence's septic system may do so after attendance of a course of instruction by the Planning and Zoning Department and passing an examination and paying a set fee. Certificate of insurance will not be required for a one-time installer.

ARTICLE 11: REGULATIONS FOR SANITARY DISPOSAL CONTRACTORS

SECTION I. License Required

No person may engage in the pumping cleaning of a private sewage disposal system or transport sewage to a disposal site unless that person holds a valid Sanitary Disposal Contractor's License. Employees of a validly licensed Sanitary Disposal Contractor are not required to be separately licensed. The license shall also designate the vehicles to be used by the licensee.

SECTION II. License Term and Renewal

Any license issued under this Article shall expire on December 31 of each year and must be renewed annually, on or before January 15 of the following year. Applications for licenses and renewals shall be filed on forms supplied by the Planning and Zoning Department. All required license fees shall be paid at the time of application for the license or renewal, and no fee required under this Code shall be prorated or refunded for any partial term or part-year application.

SECTION III. Standard of Performance

Every person licensed as a sanitary disposal contractor under this Article shall comply with the performance requirements specified in this Section.

A. Cleaning

A license holder, when cleaning a septic tank, shall remove the liquid, sludge and scum, leaving no more than three (3) inches depth of sewage.

B. Equipment

A license holder shall maintain his equipment so as to ensure that no spillage of sewage will occur during transportation, and that his employees are not subjected to undue health hazards. All sewage shall be transported in an enclosed tank.

C. Vehicles

Sewage shall be transported only in vehicles approved for that purpose by the Planning and Zoning Department. Each such vehicle must be inspected prior to issuance or renewal of a license to a Sanitary Disposal Contractor. The vehicle must be kept in good working condition and both the name of the licensee and the Sanitary Disposal Contractor license number shall be clearly displayed on both sides of the vehicle in bold letters not less than five inches high.

D. Disposal and Reporting

Sanitary disposal contractors may be required to certify that all sewage and household or industrial wastewater is being disposed of in a municipal wastewater treatment facility. No surface or subsurface disposal of septage shall be permitted in the County. The handler maybe required to submit to the Director of Planning and Zoning Department a report stating dates, sources, volume, and disposal site of each load or partial load of sewage or waste transported. The report must be verified by the person operating the disposal site for each load or partial load received from the contractor.

E. Experience

Prior to the issuance or renewal of a license the applicant shall be required to demonstrate adequate knowledge of the regulations pertaining to Sanitary Disposal Contractors. The administering authority may consider prior conduct of the applicant in localities not subject to this Code in the granting or renewal of a license as well as any prior violations of this Code.

F. License Holder

The license holder shall comply with any applicable federal, state, and local regulations or laws including, but not limited to, those set forth now or hereafter adopted in Standards for the Use or Disposal of Sewage Sludge, volume 58, number 32, page 9248, of the Federal Register, February 19, 1993, as amended.

G. Insurance

The license holder shall maintain general liability insurance in the amount of \$1,000,000.00 and provide proof to the Planning and Zoning Department as part of the application process.

SECTION IV. License Revocation

A license may be revoked for failure to comply with this Code. The revocation procedure shall comply with the provisions of Chapter 1 of this Code.

ARTICLE 12: REGULATIONS FOR DESIGNER

SECTION I. License Required

No person shall conduct or perform the services of designer for any non-standard sewage disposal system regulated under the Chapter or for other purposes of this Code, unless that person holds a valid license issued by the Planning and Zoning Department. Employees of a validly licensed Designer are not required to be separately licensed. A licensed professional engineer shall be deemed licensed for the purposes of this Section. A person licensed as an installer under this Code shall be deemed licensed under this section for the purpose of designing conventional and shallow in ground systems that are pumped or gravity fed, as determined by the

administering agency, but no others. A license shall be required for the design of any alternative system such as mound, low pressure pipe, or other permitted alternative systems.

SECTION II. License Term and Renewal

Any license issued under this Article shall be valid for a term of two (2) years, running concurrently with the calendar year, and shall expire on December 31 of each succeeding calendar year. Any license issued under this Article may be renewed, on or before January 15 of any succeeding year. Applications for licenses and renewals shall be filed on forms supplied by the Leavenworth County Planning Department. All required license fees shall be paid at the time of application for the license or renewal, and no fee required under this Code shall be prorated or refunded for any partial term or part-years application.

SECTION III. Standard of Performance

Prior to the issuance or renewal of a license under this Article, the applicant shall be required to demonstrate adequate knowledge consistent with the provisions of Section III of Article 10 of this Chapter.

SECTION IV. Continuation Training

Every person licensed, as a Designer under the authority of this Article must obtain a minimum of three (3) hours of approved continuation training each calendar year, and no license issued under this Article will be renewed without submission of a certification of the training to the Director of the Planning and Zoning Department. Any training shall be consistent with the provisions of Section IV of Article 10 of this Chapter.

SECTION V. License Revocation

A license issued under this Article may be revoked for any failure to comply with this Code. The revocation procedure shall comply with the provisions of Chapter 1 of this Code.

CHAPTER 3

PUBLIC AND/OR COMMUNITY SEWERAGE SYSTEMS

ARTICLE 1: PURPOSE

SECTION I. General Statement

The population of Leavenworth County has reached such a density, combined with the proliferation of subdivisions, that many once rural areas now approximate urban environments. In order to provide for the health and safety of the public, both existing and future, subdivision resulting in near urban living conditions must be provided with urban utilities and services.

SECTION II. Growth Management Areas and Map

Growth Management Areas were defined as part of the Leavenworth County Comprehensive Plan and are utilized in this Sanitary Code to determine sewerage requirements for various areas of the County.

SECTION III. Public Sewerage Installation

All subdivision plats with lots less than 2 and 1/2 acres must consider public sewerage. Gravity sewers are considered the standard. Alternative systems will be reviewed in accordance with Kansas Department of Health and Environment Policy Memorandum 87-6 (See Appendix I). Standard specifications for sewer line construction in Leavenworth County, Kansas, shall be completed in accordance with standards contained in the current document entitled, Standard Specifications for Sewer Line Construction. New public sanitary sewer lines will require submittal of a sewer extension application including plans and specifications to be reviewed and approved by KDHE.

SECTION IV. Damage to Public Sewerage System

A. It shall be unlawful for any person to deposit, by any means whatsoever, into any plumbing fixture, floor drain, interceptor, sump, receptacle or device which is connected to any drainage system, or public sewer system; ashes; cinders; solids; rags; flammables, poisonous, or explosive liquids; gasses; ores; greases; and anything which could cause damage to the public sewer.

B. No rain, surface or subsurface water shall be connected to or discharged into any drainage system unless approved by the administrative authority.

C. No cesspool, septic tank or seepage pit, or drain field shall be connected to any public sewer.

D. An approved watertight sewage or wastewater holding tank, the contents of which, due to their character, must be periodically removed and disposed of at some approved off-site location, shall be installed only when required by the local health officer or his administrative assistant. This is to prevent surface or subsurface contamination damage to the public sewer or other hazardous or nuisance condition.

ARTICLE 2: SUBDIVISIONS

SECTION I. General Statement

Due to the environmental changes, required utilities and services necessary for perpetuating healthful occupancy of subdivisions in the unincorporated area of Leavenworth County must be developed with a sanitary sewer system, unless a waiver is granted as provided for in the Leavenworth County Zoning and Subdivision Regulations.

SECTION II. New Subdivisions

The requirement for a sewerage system is based on protecting the existing communities and to provide for the safe healthful longevity of the new subdivision. The developer shall submit, as part of the preliminary plat review process, a feasibility study made by a licensed engineer, of the best means of developing a sewer system for the proposed major subdivision. The feasibility study must include a statement or estimate of probable cost and whether the developer can expand the community's sewerage system and if the community is willing to allow the developer to do what is necessary to enlarge the community system to serve the proposed major subdivision.

A. When it appears that the most feasible and economic procedure is to expand the community's sewerage system, the developer must work with the community at its convenience to obtain the expansion.

B. In cases where the feasibility study indicates that the best and most economical procedure is to develop a separate sewerage system for the major subdivision, the only near-by community coordination required is that covered in the subdivision code regulation regarding 660-foot distance limitations. The separate sewerage system planned and developed for the proposed major subdivision must be designed in accordance with and approved by the Kansas Department of Health and Environment, and to the satisfaction of Leavenworth County. The construction of the state approved sewerage system shall be performed by a licensed contractor and supervised by the County Engineer.

SECTION III. Responsibility for Operation

The responsibility for operation of sewerage systems not connected to an existing public/community system must be vested in a sewer district, improvement district,

or similar public agency authorized to operate public wastewater systems in the State of Kansas.

SECTION IV. Existing Subdivisions

Failure of three (3) private on-site sewage management systems or ten (10) percent of the private on-site systems, whichever is lesser, within a subdivision, where the cause of the failure is due to soil conditions, geology, or hydrology, shall cause the subdivision to be declared a potential health hazard in accordance with KSA65-159, and reported to the Kansas Department of Health and Environment.

All subdivision property owners will be notified of the conditions and potential health hazard by the County Health Officer or Joint Board of Health or the Secretary of Kansas Department of Health and Environment. And given sixty (60) days to form a sewer benefit district. As soon as the benefit district has been formed, the board of County Commissioners will have an engineering feasibility study made to determine the best and most economical means of correcting the sanitary problems. The study should be completed and the findings and possible solution and alternatives presented to the Board of County Commissioners within 120 days. At this point, one-half year has passed since the problem became a matter of public record. A decision as to what means or methods of correcting the problem should be made within an additional sixty (60) days. Allowing another four (4) months or 120 days to develop plans and complete necessary coordination; work should at least be started on correcting the problem and returning the subdivision to a safe, healthful neighborhood. If a one-year time schedule can not be met due to unusual or extreme conditions, special action on a case by case basis will be required, with the coordination and overview of the Kansas Department of Health and Environment as required by KAR 28-5-6.

CHAPTER 4

SOLID WASTE DISPOSAL

ARTICLE 1: PURPOSE

SECTION I. General Statement

The provisions of this chapter of the Sanitary Code have been adopted for the purpose of regulating and providing for the safe and sanitary storage, collection, transportation, processing and disposal of solid waste. This Code shall apply to all unincorporated areas of the County and those incorporated areas within the County that adopt this Sanitary Code.

SECTION II. 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:

A. Solid Waste: means garbage, refuse and other discarded materials including, but not limited to, solid, semi-solid, sludge liquid, and contained gaseous waste materials resulting from industrial, commercial, agricultural, and domestic activities.

B. Garbage shall include wastes from the preparation, cooking and consumption of foods and foodstuffs, and market refuse and waste from the handling, preparation, storage and sale of foods and foodstuffs.

C. Trash shall include:

1. Combustible Trash, which shall include papers, cartons, boxes, barrels, wood and excelsior, tree branches, yard trimmings, wood furniture, bedding.
2. Noncombustible Trash, which shall include the following:
 - a. Metals, tin cans, metal furniture, broken glass, crockery, bottles, jars, small quantities of rock and pieces of concrete and other mineral refuse and bones
 - b. Manure and decayed animal and vegetable matter;
 - c. Loose earth and sand, gravel, and ashes;
 - d. Dead animals

D. Trash shall not include: Earth and wastes from building operations, solid wastes resulting from industrial processes and manufacturing operations, such as: food-processing wastes, boiler house cinders, lumber, scraps and shavings or any item that is considered a special waste or a listed waste by the Kansas Department of Health and Environment.

ARTICLE 2: STANDARDS FOR SOLID WASTE TEMPORARY STORAGE AT POINT OF ORIGIN

SECTION I. General

A. The owner and/or occupant of any dwelling, business establishment or industrial plant shall provide temporary sanitary storage for all solid waste produced on his property which meets standards set forth in this code. All solid waste shall be stored so that:

1. It does not attract rats, flies, mosquitoes, or other vectors
2. It does not provide shelter or a breeding place for vectors
3. It does not create a health or safety hazard
4. It is not unsightly
5. The production of offensive odors is minimized

B. Each premise shall be provided with a sufficient number of acceptable containers to accommodate all solid waste materials.

SECTION II. Solid Waste Storage Containers

A. Solid waste from residential, commercial and industrial establishments shall be stored in approved solid waste containers.

B. On commercial and industrial premises, where the quantity of waste generated is large and where the use of individual storage containers is impractical, bulk containers may be used for on-premise storage of waste. The bulk container may be equipped with compaction equipment and shall be of such size, design and capacity as to be compatible with the collection equipment. Bulk containers shall be constructed of durable metal or plastic material; be easily cleaned; and be equipped with tight-fitting self-closing lids or doors, both of which can be easily opened from the inside for child safety.

ARTICLE 3: SPECIFIC STORAGE STANDARDS FOR GARBAGE, PUTRESCIBLE WASTE, HAZARDOUS WASTES AND NON-PUTRESCIBLE WASTE

SECTION I. Garbage and Putrescible Waste

A. Garbage and putrescible wastes shall be stored in any of the following:

1. Rigid durable containers, non-absorbent, water tight and rodent proof, with close fitting lids.

2. Rigid containers equipped with disposable liners (bags) of reinforced kraft paper or polyethylene or similar material designed for storage or garbage.
3. Other types of containers meeting the above general requirements and acceptable to the collection agency.

SECTION II. Hazardous Wastes

A. Hazardous wastes shall be stored in compliance with the Kansas Department of Health and Environment and U.S. Environmental Protection Agency (EPA) requirements and in a manner, which will prevent spillage, leakage of liquid, and/or the concentration or generation of harmful or explosive vapors or offensive odors from the stored materials. Containers for hazardous wastes shall be of durable, corrosion resistant, watertight fitting lids and covers. Containers shall be properly labeled, and kept in a safe location, protected from tampering by unauthorized persons.

B. Other types of containers may be used when written approval of the Kansas Department of Health and Environment has been obtained for use of a container at a specific location for a specific purpose. All piping, valves and other appurtenances associated with the storage and transfer of hazardous wastes shall be constructed of corrosion resistant materials and maintained in a leak-proof condition.

C. The provisions of this chapter of the Sanitary Code apply concurrently with all applicable state statutes and regulations governing solid waste and/or hazardous waste. The Kansas Department of Health and Environment retains exclusive authority to administer and enforce applicable state law notwithstanding compliance with any provision of this chapter of the Sanitary Code determined contrary to or in conflict with state law.”

SECTION III. Non-putrescible Bulky Wastes

These wastes shall be stored for collection in a manner that does not create a health hazard, fire hazard, rodent harborage, or permit any unsightly condition to develop.

ARTICLE 4: COLLECTION REQUIREMENTS

SECTION I. General

All solid waste shall be removed from the premise on which it was generated at least once each week to prevent nuisance or health hazards from occurring.

SECTION II. Residential Solid Waste Collection

In the unincorporated areas of the County, the individual resident shall be responsible for the handling and disposal of their own solid waste. Each resident shall have the option of transporting their solid waste to an approved transfer

station, landfill, or incinerator and be responsible for gate fees, or employing a licensed private solid waste collector of their choice.

SECTION III. Commercial and Industrial Solid Waste Collection

The owner and/or occupant of each commercial or industrial establishment in the County are responsible for the collection of all solid waste generated upon such premise. Each commercial or industrial establishment shall have the option of transporting its own solid waste to the approved transfer station, landfill, or incinerator, or employing a licensed private solid waste collector of their choice. Garbage and putrescible materials shall be removed from commercial and industrial properties at least once each week to prevent unhealthy or nuisance conditions. Non-putrescible materials shall be removed from commercial and industrial establishments as often as necessary to prevent overfilling of storage facilities or creation of fire hazards.

SECTION IV. Hazardous Wastes

Hazardous waste shall be removed from commercial and industrial premises in accordance with timeframes established by KDHE and EPA to prevent explosions or fire hazards. Whenever hazardous wastes, in any quantity which could be reasonably expected to be hazardous to public health or the environment, are to be transported off the premises to a licensed disposal site, the producer of such wastes shall comply with all KDHE regulations for hazardous waste, render them harmless in accordance with all required KDHE and EPA permits, and shall issue a hazardous waste manifest to accompany each shipment of wastes, shall provide such information as is necessary to insure safe handling, and the producer shall make prior arrangement with the management of the licensed disposal site, processing facility to prevent the operation of the disposal area to be altered as is necessary for safe handling. Every producer of hazardous wastes shall provide labels for all containers

ARTICLE 5: COLLECTION EQUIPMENT

SECTION I. Vehicles and Equipment

All vehicles and equipment used for collection and transportation of solid waste and recycling materials shall be designed, constructed, maintained and operated in a manner that will prevent the escape of any solid, semi-solid, or liquid wastes from the vehicle or container onto the ground, street, or highway. No solid waste shall be transported in the loading hoppers of compaction type bodies.

All vehicles used for the collection and transportation of solid waste in Leavenworth County shall be maintained in a safe, clean and sanitary condition.

Prior to approving any application for a collection permit, the Solid Waste Department shall inspect all equipment used in the collection of solid waste for cleanliness and function.

SECTION II. Permits

No person shall engage in the business of collecting, transporting, processing, or disposing of solid waste within Leavenworth County without first obtaining a permit. The term of all permits to be issued hereunder shall be for a period of one year commencing on August 1 and expiring on July 31 of the new year.

SECTION III. Collection and Transportation Vehicle Permits

Any person desiring to collect, transport, and dispose of solid waste in Leavenworth County shall obtain an annual permit from the Solid Waste Division for each vehicle to be used for said collection, transportation and disposal of solid waste. Provided that this requirement shall not be construed to apply to persons, firms, or corporations engaged in the occupations of tree trimmers or surgeons, or to persons transporting their own solid waste to a processing or disposal site. However, such persons who are not required to obtain a permit, hereunder shall comply with all other regulations of the County or appropriate municipality pertaining to the transportation and disposal of solid waste.

SECTION IV. Permitting

A. All commercial vehicles transporting solid waste in Leavenworth County shall be registered by permit.

B. Application for a permit shall be made to the Leavenworth County Solid Waste Division and shall set forth:

1. The name of the applicant.
2. The address of the applicant.
3. The title number, make and type of the vehicle to be operated for the transportation of solid waste to the Leavenworth County Solid Waste Transfer Station.
4. Shall be accompanied by a certificate of insurance for the vehicle to be permitted.

C. Prior to the issuance of any permit, the Leavenworth County Solid Waste division shall inspect each vehicle to be permitted.

D. All vehicles and equipment used for the collection and transportation of solid waste in Leavenworth County shall be designed, constructed, maintained, and operation in a manner that will prevent the escape of any solid, semi-solid, liquid, or gaseous waste from the vehicle or container.

E. All vehicles permitted shall be maintained in a sanitary condition.

F. Permits shall be issued for a period of one year, commencing on the second Tuesday of August and expiring on the Second Monday of August of the following year.

F. The permit fee for the one year period shall be set by the Board of County Commissioners, with a prorated fee based on the number of months remaining

in the permit year charged to applicants applying for a permit subsequent to the second Tuesday of any August following the adoption of this Code.

G. No permit issued hereunder shall be assigned or transferred.

H. All vehicles operating under the permit required by this code shall display the County permit number on lower right corner of windshield.

1. Permit number displays shall be provided by the Leavenworth County Solid Waste Division.

SECTION V. New Applications and Refunds

A. New applications shall pay a prorated fee based on the number of months remaining in the permit year and the above fee schedule. Once a fee has been paid, no refunds shall be made.

SECTION VI. Transferring of Permit

A. No permit issued hereunder shall be assigned or transferred by persons holding the same as permit holder.

B. Such permit holder may, however, change the registration of the vehicle operated under his permit upon the following condition:

1. The registration of the vehicle theretofore operated under such permit shall be surrendered.
2. The sum of \$100.00 shall be paid by the permit holder to the administrative agency as a fee for the transfer of registration of such vehicle.
3. If the vehicle to be registered is of greater gross weight than the vehicle originally registered, the permit holder shall pay an additional sum equal to the difference between the original and new fees.

SECTION VII. Vehicle Permit Numbers

All motor vehicles operating under the permit required by this Sanitary Code shall display the County permit number so issued.

SECTION VIII. Revocation of Permit; Appeal

A. Notwithstanding any other provision contained in this Code, the Leavenworth County Solid Waste Division may, upon just cause, refuse to accept any waste transported, to the Solid Waste Transfer Station that would be detrimental to the operation of this station.

B. In the event any permit holder fails to comply with the provisions of this chapter, the Director of the Leavenworth County Solid Waste Division may, upon having provided written notice of violation to the permit holder, revoke any permit issued.

1. Any permit holder whose permit is so revoked shall not be eligible for reinstatement for a period of one year from the revocation.

C. Any permit holder wishing to appeal the decision of the Director of the Leavenworth County Solid Waste Division to revoke a permit may do so by providing to the Board of County Commissioners of Leavenworth County, Kansas, within ten (10) working days of the receipt of the notice of revocation of permit, in writing, a request that the Board of County Commissioners conduct a hearing to determine whether the revocation of the permit was justified. The Board of County Commissioners shall, upon receipt of the written notice of appeal, conduct a hearing on the appeal within ten (10) working days, providing notice both to the permit holder and Director of the Leavenworth County Solid Waste Division of the time and place of the hearing.

1. At the hearing the Board shall rule and determine whether the permit in question shall be revoked.

ARTICLE 6: SOLID WASTE PROCESSING AND DISPOSAL

SECTION I. General

Solid waste shall be disposed of at a processing facility or disposal site approved by the administrative agency and complying with all requirements of the Kansas Department of Health and Environment and any applicable county or municipality requirements. No person shall dispose of any solid waste by depositing or dumping the same in or upon any street, alley, road, highway, park, or public grounds or along the banks, or in any river, stream, drainage canal, drainage ditch, creek, or natural water course, or any other place within Leavenworth County, except at approved processing facility or disposal site. Provided, however, that upon private rural property rubbish may be utilized for control of soil erosion if such does not constitute a public health hazard or nuisance.

SECTION II. Transfer Stations

Solid waste may be separated and consolidated at transfer stations that are approved by the Kansas Department of Health and Environment and meet any other applicable regulations of the County.

SECTION III. Incinerators

Combustible solid waste may be burned in incinerators that are approved by the Kansas Department of Health and Environment and meet any other applicable requirements of the County.

SECTION IV. Solid Waste Disposal Facilities

A. All non-hazardous solid wastes and residue from solid waste processing operations shall be disposed of in permitted municipal solid waste landfills located on sites approved by the Kansas Department of Health and Environment, and meeting any other applicable County regulations.

B. No sanitary landfill may be established or operated in Leavenworth County unless that landfill has been designed, constructed and a permit issued by the

Kansas Department of Health and Environment and all other applicable County regulations have been met.

C. No materials of a hazardous nature, including but not limited to sewage solids, oil sludge, dry concentrates, waste chemicals, pathological and biological wastes, radioactive materials, or explosives, shall be disposed of in a sanitary landfill until the locations, method of disposal and other site factors have been evaluated by County and the Kansas Department of Health and Environment and the specific arrangements for handling the materials have been approved.

SECTION V. Demolition Landfill

A. A private landfill may be established for disposal of specified construction and demolition non-hazardous solid waste from a designated project, and where the fill can contribute to erosion control.

B. To establish such a landfill, a permit must be issued by the Kansas Department of Health and Environment and all applicable County regulations must be met.

CHAPTER 5

WATER SUPPLY

ARTICLE 1: PURPOSE AND INTENT

The purpose of the provisions of this chapter is to protect public health and the environment through the regulation of environmental factors that affect water quality and availability.

SECTION I. Water Supply Required

Owners of private homes that are used as a principle residence and all rented or leased homes shall furnish at least one convenient outlet supplying an adequate quantity of potable water. Owners of permanent establishments shall furnish an adequate supply of safe water for the clientele.

SECTION II. Public Water Supplies

A. State Permit Required

No person shall operate a public water supply without obtaining a permit from the Kansas Department of Health and Environment.

B. State Approved Plans

No person shall construct any public water supply on any property subject to the provisions of this code until the plans and specifications have been submitted and approved by the Kansas Department of Health and Environment. A copy of the plans and specifications shall be made available to the Leavenworth County Health Department, if requested.

ARTICLE 2: AREA OF APPLICABILITY

SECTION I. Tract Size

Tracts of land with five (5) acres or more may obtain their domestic non-public water supply from a water well. Use of surface water (lakes, ponds, or streams) as a source of water for a private water supply shall not be permitted:

1. Where public water supply line is available; or
2. Where a satisfactory groundwater source is available; or

3. Unless adequate treatment is provided, in no case shall surface water be used without filtration and chlorination; or
4. Where the pond or lake receives any drainage or discharges from septic tanks or sewage treatment plants.

SECTION II. Residences and Subdivisions

Domestic water supply for tracts of land of less than five (5) acres must be furnished by a public water supply.

SECTION III. Public Water Supply System

The term "public water supply system" means a system for delivery to the public of piped water for human consumption, if this system has at least ten (10) service connections or regularly serves at least twenty-five (25) individuals daily at least sixty (60) days out of the year. This term includes any source, treatment, and storage or distribution facilities used in connection with the system.

Non-Public Water Supply

The term "non-public water supply" means all water supplies for domestic use, which do not meet the definition of a public water supply system in K.S.A. 65-162a.

ARTICLE 3: COMMERCIAL OPERATIONS

SECTION I. General

Commercial operations requiring a potable water supply must follow the general guidelines for domestic supply. The preferred source is from an established public water supply. If the commercial operation is located on a tract of land of less than ten (10) acres, a treated, processed supply must be used. On tracts of more than ten (10) acres, a well meeting all requirements of State regulation including K.A.R. 28-30-2 to 28-30-10, as amended June 2013 may be used. Any required county permit application for business operation or zoning must be accompanied by verification of all state requirements for water supply, or meter receipt from a RWD, indicating that the facility can be supplied.

CHAPTER 6

SEPTAGE WASTE HAULERS

ARTICLE 1: PURPOSE

SECTION I. Purpose

The provisions of this chapter of the Sanitary Code have been adopted for the purpose of regulating and providing safe disposal of septic sludge and other solid wastes.

SECTION II. Sewage Removal Permit

No person, firm or corporation may remove, transport, or dispose of the contents of septic tanks, or on-site sewage management systems without having first obtained from the Planning and Zoning Department an annual sewage removal permit. The application for the permit shall be submitted in writing on forms provided by Planning and Zoning Department. The application shall include 1) the business name and address; 2) name and address of the applicant; 3) license tag number and identification number of vehicle; 4) the manner by which such contents are to be removed, transported, and given final disposal; and 5) written documentation that sewage removed and transported will be accepted at disposal sites.

SECTION III. Disposal Methods

Disposal of sewage from on-site sewage management systems shall be by discharge to a public or community sewerage system.

SECTION IV. Vehicle Identification

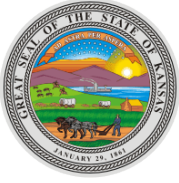
The name of the person or firm engaging in the removal of sewage from on-site sewage management systems shall be lettered on both sides of each vehicle used for sewage removal purposes. Letters and numerals shall not be less than two (2) inches in height.

SECTION V. Vehicle Maintenance

Every vehicle used for removal of sewage from on-site sewage management systems shall be equipped with a watertight tank or body. All pumps, hose lines, valves and fittings shall be maintained so as to prevent leakage. The operator shall demonstrate that the equipment is in good operating condition and will perform its function without leakage or spillage.

SECTION VI. Revocation of a Sanitary Services License

A permit may be revoked for failure to comply with these regulations.



DEPARTMENT OF HEALTH AND ENVIRONMENT

Policy Memorandum 87-6
April 1987

FROM: Gyula F Kovach, P.E.
Manager, Bureau of Water Protection

SUBJECT: CONSTRUCTION ALTERNATIVES TO CONVENTIONAL SANITARY
SEWER SYSTEMS

PURPOSE:

To establish the Bureau of Water Protection's policy regarding approval of nonconventional alternatives to standard gravity sanitary sewage collection systems. This policy explains when the Bureau of Water Protection will consider nonconventional sanitary sewer collection systems, and what conditions must be satisfied before nonconventional sanitary sewer systems will be approved.

BACKGROUND:

Historically, sanitary sewage service in Kansas has been provided through construction of eight-inch minimum diameter gravity sewer lines with pump stations provided as necessary. Increased interest in alternative sewer collection systems is being expressed in Kansas as an alternative to the traditional eight-inch gravity line approach to sanitary sewage service. The Kansas Department of Health & Environment's Minimum Standards of Design for Water Pollution Control Facilities, adopted pursuant to K.S.A. 65-171h, address pressure sewer collection systems briefly in Chapter 6, Sanitary Sewer Design. The minimum standards state, "Pressure sewer collection systems may be utilized where adequate justification is given for their use. The entity with responsibility for maintaining the system must demonstrate it has the capability and manpower to operate and; maintain the system."

Conventional sanitary sewer design, due to its proven technology, simplicity, energy efficiency, and ease of operation and maintenance, is the accepted method of approach for providing sanitary sewage service to Kansas communities and new developments. However, the Department recognizes there are unusual circumstances that may require consideration of alternative technology such as septic tank effluent pump systems, pressure sewer systems, variable grade sewers, and use of grinder pumps as alternatives to conventional gravity sewer systems. The circumstances include industrial applications, end line usage, post sewer construction basement service, unusually deep basement service, low population density, poor soil conditions, high groundwater elevation, and rocky or hilly terrain. Initial cost savings realized with installation of alternative sewer systems must be compared with additional operation and replacement costs inherent

APPENDIX I

Policy Memorandum 87-6

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With the more sophisticated, maintenance-intensive alternative systems, and the capability of the owner to operate and maintain the system must also be demonstrated. Kansas Department of Health and Environment's review will encompass these areas and approval will not be provided unless the Department is assured the application of alternative technology is appropriate to the requested sewerage service.

POLICY

Bureau of Water Protection approval for alternative sewer systems will be considered only when the present worth cost difference of conventional sewers and nonconventional sewers is significant, and if the responsible entity can demonstrate it has the financial, legal and organizational capability and manpower to operate and maintain the system. The entire nonconventional system shall be publicly owned and operated with appropriate right-of-ways for maintenance, repair and replacement.

The present worth cost comparison must include capital cost provisions for spare pumps and parts, system failure detection, maintenance costs, standby equipment costs, right-of-way costs, and other costs as appropriate. For the purposes of this comparison, the design life of conventional sanitary sewer systems shall be considered 50 years, the design life of conventional pump stations shall be considered 20 years, while the design life of either grinder pumps or individual household pumping units shall not exceed 10 years. The sewage piping for the individual household units may also have a lifetime of 50 years.

Information provided by Kansas Department of Health and Environment to address the capability of the responsible entity to operate and maintain the system shall include provisions for routine and emergency maintenance; right of access for repairs and maintenance; an assessment of man-hour requirements and availability; an assessment of standby equipment needs; an assessment of emergency operation including power failure, component malfunctions and emergency operating procedures; and a proposed method of sewer charges to address these items. A statement by the responsible public entity requesting approval of the alternative technology must be submitted indicating I is committed to providing the increased attention to maintenance necessary to assure a continuously operating system and to maintaining a sufficient spare parts inventory. Further proof of public ownership for the entire nonconventional system shall also be submitted with all other technical and nontechnical information. The contractor shall be required to furnish a two-year cash performance bond to the owner for 100% of the system cost in the event of system failure. The owner must submit assurances a conventional system will be constructed within one year of system failure, and must provide Kansas Department of Health and Environment a performance certification at the end of the two-year period.

PUBLICATIONS REFERENCE LIST

KANSAS STATE RESEARCH & EXTENSION WATER QUALITY PUBLICATIONS

Groundwater and Well Contamination	MF932
Safe Domestic Wells	MF970
Septic Tank-Soil Absorption Systems	MF944
Soil Evaluation for Home Septic systems	MF945
Wastewater Lagoons for Private Homes	MF1044
Why Do Septic Systems Fail	MF946
K-State Bulletin	MF-2246

KDHE Environmental Health Handbook

KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT PUBLICATIONS

Bulletin 4-1: A Manual of Recommended Standards for Locating
Constructing, and Equipping Water Wells for Rural Homes

Bulletin 4-2: Minimum Standards for Design and Construction
of On-Site Wastewater Systems

LEAVENWORTH COUNTY
PROFESSIONAL ENGINEER
ON-SITE WASTEWATER DISPOSAL SYSTEM WORKSHEET

This completed worksheet and accompanying system diagram is necessary for the issuance of a Building Permit in Leavenworth County.

System is site specific for:

NAME _____

ADDRESS/LEGAL DESCRIPTION _____

Soil Limiting Factor (s): (Slope, bedrock, groundwater, slow perc)_____

How limiting factor(s) has (have) been mitigated: _____

Type of system to be installed: _____

System capacity in gallons: _____

Preliminary drawing is attached _____

Certification:

An as-built diagram will be submitted to the Leavenworth County Planning Department within five days (5) days of project completion. This diagram will be accompanied by a statement certifying that the system meets the designer's design criteria and installation standards.