

**RESOLUTION 2011-12**

A resolution of the Leavenworth County Kansas Board of Commissioners, adopting Real Estate Resale Inspection for On-Site Sewage Management Systems for all habitable structures under the jurisdiction of the Board of County Commissioners, Leavenworth County, Kansas.

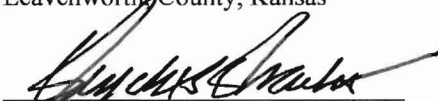
WHEREAS, there came before the Board of County Commissioners for consideration the adoption, by reference of the current Leavenworth County Sanitary Code, the addition of Real Estate Resale Inspection for On-Site Sewage Management Systems;

WHEREAS, the Board of County Commissioners meeting in session on the 14<sup>th</sup> day of April, 2011, did consider the recommendation of the Leavenworth County Planning and Zoning Staff.

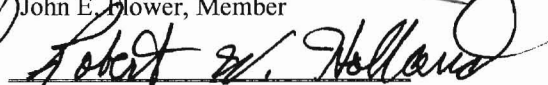
NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Leavenworth County, Kansas, that:

1. Whenever any property connected to, or served by, a private sewage treatment system is offered for or subject to a contract of sale, an inspection of the on-site sewage management system shall be required to verify compliance with the Leavenworth County Sanitary Code.
2. The inspection process shall follow the steps and use the forms indicated in the Real Estate Resale Inspection Protocol for On-Site Sewage Management Systems as provided by the Planning and Zoning Department.
3. The inspection shall be completed by an installer or designer licensed by Leavenworth County. The inspection shall be completed prior to the transfer of the property. Inspection shall be valid for sixty (60) days from the date of inspection.
4. The inspector shall submit a Real Estate Resale Inspection for On-Site Sewage Management Systems Report for all completed inspections to Leavenworth County Planning and Zoning Department, the owner of the property, and the person(s) requesting the inspection. The following information shall be provided to above mentioned parties:
  - a. As-built plan showing the following items but not limited to; location of septic tank, lateral field, pumps, clean outs, tight lines, required setbacks, and any other items that are part of the system.
  - b. Completed forms and applicable reports.
  - c. Applicable fee if required.
5. In the event that there is a dispute by either the property owner or potential buyers regarding the results of the inspection, the applicant may request that the Leavenworth County Planning and Zoning Staff make an inspection of the On-Site Sewage Management System. The Leavenworth County Planning and Zoning Department shall make the final determination of the On-Site Sewage Management System. Any inspection provided shall not constitute nor be deemed a warranty, and neither the inspector or the administering agency nor any other official of the County shall be liable for any failures of the system or for other claims out of the inspection.
6. The fees shall be as indicated in the Fee Schedule as provided by the Planning and Zoning Department.
7. Enforcement of the said resolution shall begin June 1, 2011.

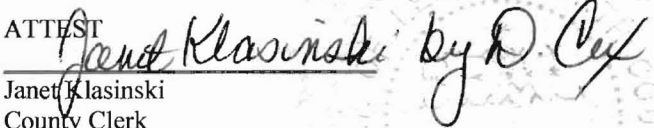
Adopted this 14<sup>th</sup> day of April, 2011  
Board of County Commissioners  
Leavenworth County, Kansas

  
Clyde D. Graeber, Chairman

  
John E. Blower, Member

  
Robert Holland, Member

ATTEST

  
Janet Klasinski  
County Clerk

