


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



Signature
Chairman, Board of County Commissioners

08-27-07
Date

Return to:

KDHE-Watershed Management Section
1000 SW Jackson, Suite 420
Topeka, KS 66612-1367

RESOLUTION 2007-12

**Revision of the Barton County Sanitary Environmental Code
and Rescinding Certain Related Resolutions**

WHEREAS, the Board of County Commissioners of Barton County, Kansas, has the authority to implement sanctions for the betterment of life in Barton County; and

WHEREAS, in order to protect the health and welfare, a sanitary code would provide for adequate and reasonable control over environmental conditions in Barton County, establish standards to eliminate and/or prevent development of environmental conditions that are hazardous to health and safety and promote economical and planned development of land and water resources.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Barton County, Kansas, pursuant to K.S.A. 19-3701, et. seq., that the Sanitary Environmental Code be revised for Barton County, Kansas. Such Revised Barton County Sanitary Environmental Code shall be incorporated into this Resolution as "Exhibit A"; and

BE IT FURTHER RESOLVED that copies of the Sanitary Environmental Code shall be available for inspection by the public at the Barton County Environmental Management Division; and

FURTHER, should this Resolution be in conflict with any previous resolutions of the Board of County Commissioners of Barton County, Kansas, that only the conflicting part of any previous resolutions and not the previous resolutions in total be declared void and ineffective; and

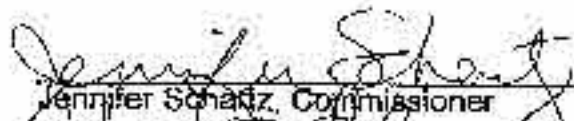
FURTHER, that Resolution 1984-24, Resolution Adopting and Incorporating a Sanitary Code for Barton County, adopted December 19, 1984; Resolution 1985-01, A Resolution Amending the Barton County Sanitary Code, adopted May 7, 1985, and Resolution 1993-19, Adoption of Sanitary Code for Barton County, Kansas, adopted September 13, 1993, be rescinded.

ADOPTED this 27th day of August, 2007.

BOARD OF COUNTY COMMISSIONERS


Rick Scheffler, Chairman

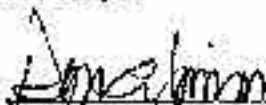

Betty Chlamsky, Commissioner


Jennifer Schatz, Commissioner


Kenny Schremmer, Commissioner

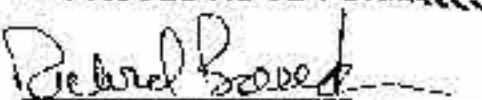

Joe Wilson, Commissioner

ATTEST:


Donna Zimmerman,
County Clerk



APPROVED AS TO FORM:


Richard A. Boeckman,
County Counselor

**ENVIRONMENTAL AND SANITARY CODE
BARTON COUNTY, KANSAS**

TABLE OF CONTENTS

		Page
Chapter 1	Administrative Procedures	
Section 1-1.0	Authority and Policy	3
Section 1-2.0	Definitions	3
Section 1-3.0	Administrative Powers and Procedures	2
Chapter 2	On-Site Wastewater Management	
Section 2-1.0	Purpose and Intent	7
Section 2-2.0	Applicability	7
Section 2-3.0	Definitions	7
Section 2-4.0	Prohibited Practices	8
Section 2-5.0	Requirements for Private Wastewater Systems	10
Section 2-6.0	Minimum Standards for Soil Topography and Geology	14
Section 2-7.0	Requirements for Sanitary Privies	14
Section 2-8.0	Sanitary Services	14
Section 2-9.0	Requirements for Subdivision Development	15
Section 2-10.0	Requirements for Wastewater System Contractors	15
Section 2-11.0	Property Transfer Inspections	18
Chapter 3	Non-public Water Supplies	
Section 3-1.0	Purpose and Intent	17
Section 3-2.0	Applicability	17
Section 3-3.0	Definitions	17
Section 3-4.0	Requirements for Non-public Water Supplies	17
Section 3-5.0	Minimum Standards for Groundwater Supplies	18
Section 3-6.0	Requirements for Subdivision Development	19
Section 3-7.0	Property Transfer Inspections	19
Appendix 1	KDFIE Bulletin No. 4-2 Minimum Standards for Design Construction of Onsite Wastewater Systems	
Appendix 2	Wastewater System Requirements 2007	
Appendix 3	Lender Evaluation Policy, July 7, 2003	
Appendix 4	Article 30 (K.A.R.28-30)	

APPROVED

Jul 23 2007

Kansas Department of
Health and Environment

**CHAPTER 1
ADMINISTRATIVE PROCEDURES**

SECTION 1-1.0 AUTHORITY AND POLICY

- 1-1.1 *Legal Authority.* This code is adopted under authority granted to Barton County Board of Commissioners by K.S.A. 19-3701.
- 1-1.2 *Declaration of Finding and Policy.* The County Commission finds that provisions for adequate and reasonable control over environmental conditions in Barton County are necessary and desirable. An environmental code establishes standards to eliminate and/or prevent development of environmental conditions that are hazardous to health and safety, and promotes economical and planned development of land and water resources of Barton County. For these reasons and objectives, it will be policy of the County Commission to adopt and maintain a sanitary code to provide current regulations of practices that affect health and safety.
- 1-1.3 *Purpose.* The purpose and intent of this chapter is to prescribe administrative procedures to be followed in administering this environmental code or any amendments thereto.
- 1-1.4 *Title.* This code shall be known and referred to as Barton County Environmental Code, Barton County Sanitary Code, or Barton County Environmental and Sanitary Code.
- 1-1.5 *Applicability.* Procedures prescribed in this chapter shall be followed in administering this code and any amendments thereto.
- 1-1.6 *Effective Date.* This code shall become effective

SECTION 1-2.0 DEFINITIONS

The following words, terms, and phrases appear in more than one chapter of this code and thus have general application and usage. Words, terms, and phrases appropriate or applicable to specific chapters within this code may be found in that particular chapter.

- 1-2.1 *Administrative Agency* means the entity authorized to implement the provisions of this code.
- 1-2.1.1 The administrative agency for Barton County is the Barton County Environmental Management Division.
- 1-2.2 *Administrative Rules* mean those rules and regulations contained in chapter one of this environmental code which prescribe general procedures to be followed in administration of the environmental code adopted by the county.
- 1-2.3 *Authorized Representative* means any person who is designated by the administrative agency to administer this code.

APPROVED

JUL 23 2007

- 1-2.4 *Board of County Commissioners and Commission* means Board of County Commissioners of Barton County, Kansas.
- 1-2.5 *Board of Health* means Board of County Commissioners of Barton County, Kansas.
- 1-2.6 *Environmental Code Appeals Board* means a five-member board appointed by the Board of County Commissioners to hear appeals from decisions relating to administration of this code. The Environmental Code Appeals Board for Barton County shall be the same board members which serve on the Barton County Zoning Appeals Board.
- 1-2.7 *Person* means an individual, corporation, partnership, association, state, or political subdivision thereof, federal, state, municipality, commission, or interstate body or other legal entity recognized by law as the subject of rights and duties.
- 1-2.8 *Premise* means any lot or tract of land and all buildings, structures, or facilities located thereon.
- 1-2.9 *KDHE* means Kansas Department of Health and Environment.

SECTION 1-3.0

ADMINISTRATIVE POWERS AND PROCEDURES

- 1-3.1 *Right of Entry.* Representatives of the administrative agency shall have power and authority to inspect for compliance with Barton County Environmental Code.
- 1-3.2 *Permit and License.*
- 1-3.2.1 Applications for Permit and Licenses. Every person required by this environmental code to obtain a permit or license shall make application for such permit or license to the administrative agency.
- 1-3.2.2 Issuance of Permit or License. After receipt of an application, the administrative agency shall begin such investigation as deemed necessary to determine whether the permit or license should be issued or denied, and shall issue or deny the permit or license within 30 days of such receipt. If the permit or license is denied, the administrative agency shall send the applicant a written notice and state the reasons for rejection.
- 1-3.2.3 Permit Nontransferable. No permit or license required by this environmental code shall be transferable, nor shall any fees required and paid therefore be refundable.
- 1-3.2.4 Permit Revocation. All permits are subject to revocation for reasons of noncompliance or misrepresentation.

APPROVED

JUL 23 2007

Kansas Department of
Health and Environment

1-3.2.5 Standard Fees. The Board of County Commissioners, based upon recommendations from the administrative agency, shall establish a schedule of fees sufficient to recover direct and indirect costs of processing all permits and licenses required by this code, and said fees shall be paid to the administrative agency. The administrative agency shall not process any application for a permit or license until the required fee has been paid.

1-3.3 Notices, Orders, Appeals.

1-3.3.1 Notice of Violations. When the administrative agency determines that there has been a violation of any provision of this code, notice of such violation shall be issued to the person responsible. The notice shall:

- (1) be in writing;
- (2) include a statement of why the notice is being issued;
- (3) allow a specified period of time for performance of any work required by the notice; and
- (4) be properly served upon the owner or agent.

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

1-3.3.2 Appeal for Hearing. Any person aggrieved by any written notice or order issued by the administrative agency under provisions of this environmental code may request, and shall be granted, a hearing on the before the Environmental Code Appeals Board. Such person shall file with the administrative agency within ten (10) working days after the date of issuance of the notice or order, a written petition requesting a hearing and setting forth the grounds upon which the request is made. Filing of a request for hearing shall operate as a stay of notice or order.

Upon receipt of such petition, the administrative agency shall:

- (1) confer with the Environmental Code Appeals Board and
- (2) set a time and place for such hearing and

APPROVED

JUL 23 2007

Kansas Department of
Health and Environment

- (3) give the petitioner and the appeals board written notice thereof.

At such hearing, the petitioner shall be given an opportunity to show why such notice or order should be modified or withdrawn. The hearing shall be commenced no later than ten (10) working days after the date on which the petition was filed; provided, that upon request of the petitioner, the administrative agency may postpone the hearing for a reasonable time beyond such ten (10) day period, when in agency's judgment the petitioner has submitted justifiable reasons for such postponement. The burden of proof shall be on the petitioner by a preponderance of the evidence.

1-3.3.3

Report of Hearing. Within ten (10) working days after such a hearing, the board shall submit the findings of the hearing in writing to the administrative agency and the petitioner. Findings shall include a finding that the order be either sustained, modified, or withdrawn. The administrative agency may provide clerical assistance to the board in preparation of the board's findings.

- (a) Any person, official or governmental agency dissatisfied with any order or determination of the Environmental Code Appeals Board may bring an action in the district court of the county to determine the reasonableness of any such order or determination. Such appeal shall be filed within 30 days of the final decision of the Environmental Code Appeals Board.

1-3.3.4

Emergency Orders. Whenever the administrative agency finds that an emergency exists which requires immediate action to protect human health, safety or the environment, the agency may issue an order reciting the existence of such an emergency, and specifying action to be taken to meet the emergency.

An emergency may also be deemed as any activity that is in violation of the provisions of this code. Such an order shall be effective immediately. Any person to whom such an order is directed shall comply therewith immediately and shall have the same appeal rights as set forth above, except that there will not be a stay of the order pending the appeal.

APPROVED

JUL 23 2007

Kansas Department of
Health and Environment

1-3.4 *Records.*

1-3.4.1 Permit Applications. Applications for permits or licenses required by this code shall be filed with and managed by the administrative agency.

1-3.4.2 Official Actions. A written record of all official actions taken on applications for permits and licenses required by this environmental code shall be kept on file by the administrative agency.

1-3.4.3 Proceedings of Hearings. Proceedings of all hearings, including findings and decisions of the appeals board, together with a copy of every notice and order related thereto shall be filed with the administrative agency.

1-3.5 *General Provisions.*

1-3.5.1 Enforcement Procedure. This code is being adopted pursuant to county home-rule power and K.S.A. 19-101d. Violations of this code by any person shall be punishable as a Class B Misdemeanor with penalties for each separate offense by a term of confinement in the Barton County Detention Facility not to exceed six months and/or a fine in an amount not to exceed \$1,000.

Each day the violation occurs shall be deemed a separate violation of this code.

As authorized by K.S.A. 19-101d, the county may request the court enjoin violations of this code.

The County Attorney shall enforce the provision of this code and other environmental codes adopted by the county and is hereby authorized and may file appropriate actions for such enforcement, upon request of the administrative agency. Action of injunction, mandamus, and quo warranto may be utilized for enforcement of these codes and shall be governed by provisions of Kansas Code of Civil Procedure.

1-3.5.2 Disclaimer of Liability. This code and other environmental codes adopted shall not be construed or interpreted as imposing upon the county or its officials or employees:

- (1) any liability or responsibility for damages to any property; or

APPROVED

JUL 23 2007

Kansas Department of
Health and Environment

- (2) any warranty that any system, installation or portion thereof that is constructed or repaired under permits and inspections required by code will function properly.

1-3.5.2

Separability. If any clause, sentence, paragraph, section or subsection of this code shall for any reason be found by any court of competent jurisdiction to be unconstitutional and invalid, such finding shall not affect, repeat or invalidate the remainder thereof, but shall be confined to the clause, sentence, paragraph, section or subsection found unconstitutional and invalid.

APPROVED

JUL 23 2007

Kansas Department of
Health and Environment

