

CRAWFORD COUNTY, KANSAS
ENVIRONMENTAL HEALTH CODE

CHAPTER 1
GENERAL PROVISIONS

- 1-1 **Legal Authority.** This Code enacted by resolution duly adopted by the Board of County Commissioners of Crawford County, Kansas under the authority granted by K.S.A. §§ 12-3301 et seq., 19-101 et seq., 19-3701 to -3709, 19-4701 to -4738, as amended.
- 1-2 **Title.** This Code shall be designated as the Crawford County Environmental Health Code, hereinafter referred to as the "Code".
- 1-3 **Declaration of Finding and Policy.** The Board of County Commissioners of Crawford County, Kansas finds that the provisions for adequate and reasonable control over the environmental conditions in and of Crawford County are necessary and desirable to protect the health, safety, and general welfare of the citizens of Crawford County. For these reasons and objectives, it is the policy of the Board of County Commissioners to adopt and to periodically amend the Code to provide current regulation of practices that affect environmental conditions and quality, health, safety, and general welfare.
- 1-4 **Purpose and Intent.** The purpose of this Code is to regulate and control those environmental conditions that adversely affect the health and safety of the citizens of Crawford County and/or the integrity of the natural resources in and of Crawford County. The Code: (1) establishes standards to eliminate and prevent the development of environmental conditions that are hazardous to health and safety; (2) promotes the environmentally responsible economical and planned development of the natural resources of Crawford County; and (3) requires and promotes the conservation, protection, enhancement, and sound management of existing and potential natural resources in and of Crawford County. The intent of this Code is to authorize and empower the Administrative Agency to adopt and enforce policies, regulations, and standards to sustain and enhance the health and safety of the citizens and environmental quality and integrity of Crawford County.
- 1-5 **Applicability.** The provisions of this Code shall apply to all Premises and to all Dwelling Units located in the unincorporated areas of Crawford County, Kansas.
- 1-6 **Effective Date.** This Code is effective from and after the

adoption of Resolution #95-188 on September 26, 1995,
adopting and enacting this Code in Crawford County, Kansas.

**CHAPTER 2
DEFINITION OF TERMS**

- 2-1 **Purpose and Intent.** As used in this Code, unless the context otherwise requires, the following words and phrases in this Code shall have the meanings ascribed to them in this Chapter.
- 2-2 **Applicable Statutes, Regulations, Guidelines and Standards** means all applicable federal, state, and local laws, statutes, codes, resolutions, ordinances, rules, regulations, standards, guidelines, directives, bulletins, policies, procedures, and protocols promulgated from time to time by appropriate agencies, including but not limited to the United States Environmental Protection Agency, the Kansas Department of Health and Environment, and the Administrative Agency.
- 2-3 **Abandoned Water Well** means a well:
- a. Which has been permanently discontinued for use;
 - b. From which the pumping equipment has been permanently removed;
 - c. Which is in a state of disrepair such that it cannot be used to supply water or it has the potential for transmitting surface contaminants into the aquifer or both; or
 - d. Which possesses potential health and safety hazards or which is in such a condition it cannot be placed in active or inactive status.
- 2-4 **Administrative Agency** means the Crawford County Health Department, which shall be responsible for administering and enforcing this Code.
- 2-5 **Administrative Procedures** as used herein means those rules and regulations contained in Chapter 3 of this Code which prescribe general procedures for the administration of the Crawford County Environmental Code.
- 2-6 **Agricultural Purposes** means the use of the land as pasture or for growing crops, functions related thereto, or the feeding of livestock by the resident owning or leasing the land.
- 2-7 **Animal Pen** means any cage, pen, holding area, feeding lot, or other means of concentrating animals in one location.
- 2-8 **Authorized Representative** means any employee of the Administrative Agency.
- 2-9 **Board of County Commissioners** refers to the Board of County Commissioners of Crawford County, Kansas.

- 2-10 **City** means each incorporated municipality in Crawford County, Kansas.
- 2-11 **Code** means this Crawford County Environmental Health Code.
- 2-12 **Composting** is the degrading of organic matter into a stable humus-like product.
- 2-13 **Construction and Demolition Waste** means waste building materials and rubble resulting from construction, remodeling, repair, or demolition operations on houses, commercial buildings, other structures, or pavements.
- 2-14 **Containerized Unit** means a solid waste storage container of one cubic yard capacity or larger that is fly-tight, water-tight, and rodent proof and which is emptied into the collection vehicle by mechanical means or is attached to or loaded into the collection vehicle for transportation to the disposal site.
- 2-15 **County** means Crawford County, Kansas.
- 2-16 **Cross Connection** means any actual or potential connection or structural arrangement between a public or private potable water system and any other source or system through which it is possible to introduce into any part of the potable water supply system any sewage, water, industrial fluid, gas or substance other than the intended potable water with which the system is supplied.
- 2-17 **Demolition Disposal Site** means any site for demolition and construction waste that is in accordance with Applicable Statutes, Regulations, Guidelines and Standards.
- 2-18 **Department of Health and Environment** means the Kansas Department of Health and Environment (KDHE).
- 2-19 **Disposal** means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid or liquid waste or hazardous waste into or on any land or water so that such solid or liquid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.
- 2-20 **Distances** mean horizontal measurements unless otherwise designated.
- 2-21 **Domestic Purpose** means the use of water by any person, family unit or household for household purposes, the watering of livestock, poultry, farm and domestic animals used in

operating a farm or the irrigation of lands not exceeding a total area of two acres for the growing of gardens, orchards, or lawns.

- 2-22 **Domestic Sewage** means water-borne wastes originating primarily from kitchen, bathroom, laundry and other grey water sources, including waste from food preparations, dishwashing, garbage grinding, toilets, baths, showers, and sinks, and does not include storm water, foundation drains, swimming pool drain water, and cooling water.
- 2-23 **Dump** means any site where solid, liquid, or any combination of liquid and solid waste is disposed of, other than a state permitted landfill or a site or facility which is authorized by the Administrative Agency, in accordance with Applicable Statutes, Regulations, Guidelines, and Standards.
- 2-24 **Dwelling Unit** means any structure, including a mobile home, manufactured housing, duplex, or private residence, which is intended for occupancy by a Family.
- 2-25 **Family** means either (a) an individual or two or more persons related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit including any number of guests or minor children not related by blood, marriage, or adoption; or (b) a group of not more than four persons who need not be related by blood, marriage, or adoption, living together as a single housekeeping unit in a Dwelling Unit; plus in either case, usual domestic servants.
- 2-26 **Garbage** means to put recyclable waste resulting from the handling, processing, storage, packaging, preparation, sale, cooking and serving of meat, produce and other foods that are potentially compost-able, and shall include unclean containers.
- 2-27 **Gray-water** means wastewater from sources other than water closets, latrines, or toilets that carry or contain human wastes or excrement. Gray-water (also spelled Grey-water) is usually collected from sink, shower, and laundry washing machines.
- 2-28 **Hazardous Wastes** means waste which because of its quantity, concentration, or characteristics is determined by the Administrative Agency to (1) cause an increase in mortality or illness; or (2) be dangerous to the environment when improperly treated, stored, transported, disposed of, or managed. Said term includes household hazardous wastes and small quantity generator hazardous wastes but does not include oil and gas field drilling mud and brines.
- 2-29 **Hearing Officer** means any person designated by the Board of County Commissioners to hear appeals of decisions made by the Administrative Agency relating to the enforcement and administration of this Code.

- 2-30 **Human Excreta** means the normal body wastes from humans, including but not limited to feces and urine.
- 2-31 **Incineration** means the controlled process of burning solid, liquid and gaseous wastes.
- 2-32 **Incinerator** means any device or structure used for Incineration.
- 2-33 **Industrial and Commercial Waste** means any and all solid, liquid or water-borne wastes produced in connection with any industrial or commercial process or operation, but does not include Domestic Sewage or domestic types of Solid Wastes.
- 2-34 **Institutional Medical Waste** means Medical Waste generated within a hospital, medical clinic, or other health care facility, a nursing home, a regulated child care facility, a physician's clinic or office, an emergency services vehicle or facility, or a veterinary clinic or office.
- 2-35 **Littering** is dumping, throwing, placing, depositing or leaving or causing to be dumped, thrown, deposited or left any refuse of any kind or any object or substance which tends to pollute, mar or deface, into, upon or about:
- a. any public street, highway, alley, road, right of-way, park or other public place (except as directed at a permitted landfill);
 - b. any lake, stream, watercourse, groundwater, or other body of water; or
 - c. any private property without the consent of the owner or occupant of such property.
- 2-36 **Medical Waste** means any Solid Waste material that is potentially capable of causing disease or injury and is generated in connection with human or animal care through inpatient, outpatient, and home health care services. Medical Wastes shall not include any solid waste which has been classified by the secretary of KDHE as a Hazardous Waste or which is radioactive treatment material licensed by KDHE under Applicable Statutes, Regulations, Guidelines and Standards.
- 2-37 **Medical Waste Collector** means any Person that collects Medical Waste and provides proper Disposal thereof.
- 2-38 **Misrepresentation** means providing to the Administrative Agency incorrect or misleading information about a situation, problem or circumstance.
- 2-39 **Mobile Home Park** means a parcel or tract of land occupied or intended to be occupied by two or more mobile homes.

- 2-40 **Multi-Family Dwelling** means a structure containing two or more dwelling units.
- 2-41 **Natural Resources** means natural living or nonliving resources, including streams, lakes, wetlands, native grasslands, woodlands, soils, flora, fauna, oil, natural gas, coal, and others.
- 2-42 **Noncompliance** means failure or refusal to comply or to act in accordance with any request, order, directive, rule or regulation issued by the Administrative Agency.
- 2-43 **Nuisance** means the existence or creation of a condition or conditions which:
- a. reduces the existing or expected state of health, safety, and welfare of any person;
 - b. reduces the existing or expected state of health, safety, or welfare of domestic animals and is not a part of accepted procedures for humane management of domestic animal(s); or
 - c. reduces the health or quality of the Natural Resources and environment of the County through a process not permitted or exceeding limits permitted under Applicable Statutes, Regulations, Guidelines, and Standards.
- 2-44 **Person(s)** means any individual(s), firm(s), partnership(s), joint stock company(s), corporation(s), association(s), institution(s), trust(s), estate(s), or other legal entity or entities.
- 2-45 **Pollution** means contamination or other alteration of the physical, chemical, or biological properties of the environment which is likely to produce a Nuisance or prove harmful, detrimental, or injurious to public health, safety, or welfare, to plant, animal, or aquatic life or reduces the quality of Natural Resources, including air and water, below limits established under Applicable Statutes, Regulations, Guidelines, and Standards. Pollution includes but is not limited to "point sources" such as industrial and municipal discharges, regulated feedlots, solid and hazardous waste landfills, combined sewer outflow, and storm water runoff, and "non-point sources" such as cropland, unregulated feedlots, pasture, silvi-culture, abandoned mine lands, urban runoff, landfill seepage, septic systems, underground storage tanks, and oil/gas well sites.
- 2-46 **Potable Water** means water free from impurities in amounts sufficient to cause disease or harmful physiological effects in humans or other animals, and conforming with Applicable Statutes, Regulations, Guidelines and Standards.

- 2-47 **Premises** means any lot or tract of land and all buildings, structures, or facilities located thereon.
- 2-48 **Onsite Wastewater System** means a system that includes a septic tank and absorption field, single family wastewater lagoon, aeration system, and submerged flow wetland. A written statement by a certified contractor that a wastewater system exists shall be required prior to any new construction or modifications to the wastewater system. A permit will be issued by the Crawford County Environmental Health Department when all the requirements have been met.
- 2-49 **Private Water Supply** means a water supply for Domestic Purposes which is provided and used by no more than one Family in a Single-Family Dwelling.
- 2-50 **Privy** means a small, permanent building or structure located near a dwelling, typically having a seat with a hole over a deep pit and used for the disposal of Human Excreta, and does not include portable privies known as "port-a-potties" used for special events.
- 2-51 **Public Medical Supply Vendor** means any wholesaler or retailer that sells, to the public, medical supplies, which when used in the home, generate Medical Waste.
- 2-52 **Public Sewerage System** means any sewerage system which holds a National Pollutant Discharge Elimination System (NPDES) permit under the Federal Clean Water Act from the Environmental Protection Agency or a Water Pollution Control Permit (wastewater permit) from KDHE.
- 2-53 **Public Water Supply** means a water supply for Domestic Purposes that has at least ten service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year.
- 2-54 **Salvaging** means the controlled removal of reusable materials from Solid Waste.
- 2-55 **Sanitary Landfill** means a solid waste Disposal area permitted by KDHE.
- 2-56 **Sanitary Service** means a Person who pumps out or removes Sewage, sludge, or Human Excreta from Private Sewerage Systems, or transports such material to a point of final Disposal.
- 2-57 **Semi-Public Water Supply** means a water supply system that has from two to nine service connections.
- 2-58 **Sewer District** means any political subdivision or special

benefit district authorized and empowered by state statutes to plan, construct, and operate a public sewerage system.

- 2-59 **Sewerage System** means the pipes and all appurtenances related to the collection and treatment of Domestic Sewage, industrial, or commercial wastes.
- 2-60 **Single-Family Dwelling** means a structure containing one Dwelling Unit.
- 2-61 **Solid Waste** means Garbage, refuse, and other discarded materials including but not limited to solid, semisolid, sludge, liquid and contained gas waste material resulting from industrial, commercial, agricultural and domestic activities, and hazardous and medical wastes.
- 2-62 **Solid Waste Collector** means any Person licensed or designated by the Administrative Agency to collect, transport, and dispose of Solid Waste, subject to this Code.
- 2-63 **Solid Waste Collection Vehicle** means a vehicle designed and intended for the collection or transportation of Solid Waste.
- 2-64 **Special Solid Waste** means Solid Waste other than that normally relating to or produced by domestic, agricultural, commercial or industrial activities, and includes but is not limited to: large trees, bulky items such as furniture, appliances, shipping crates, or items too large to fit into waste containers; demolition and construction material; abandoned vehicles, implements and machinery; and hazardous or toxic wastes which may be dangerous, offensive, or create Nuisance conditions.
- 2-65 **Subdivision** means any division of a tract or parcel of land into two or more lots, plots or sites for the purpose, whether immediate or future, of sale for building development, including the streets, alleys or other portions thereof intended to be dedicated for public use; and any further subdivision of land or lots.
- 2-66 **Trash** means all non-putrescible materials, which are Compost-able, degradable, reclaimable or recyclable, such as paper, tin cans, bottles, glass, crockery, rags, ashes, lawn and tree trimmings, tree branches, limbs, trunks, and stumps, boxes and barrels, wood, street sweepings and mineral refuse, but does not include dirt or other earthen materials or Demolition and Construction Waste, or process waste from industrial processes or manufacturing operations.
- 2-67 **Water District** means any political subdivision or special

benefit district authorized and empowered by State Statute to plan, construct, and operate a public water supply system.

2-68 **Usable Land** means the solid part of the land, available for an on-site wastewater system, that meet all separation specifications required by the Crawford County Environmental Code.

**CHAPTER 3
ADMINISTRATIVE POWERS AND PROCEDURES**

- 3-1 **Purpose and Intent.** The provisions of Chapter 3 define and describe the activities, intentions, authority and responsibilities of the Administrative Agency.
- 3-2 **Right of Entry.** After receiving a verbal or written and signed complaint letter, an authorized representative from the Administrative Agency shall investigate said complaint after contacting the property owner. Legal steps to correct the violation will be taken should entry of property be denied or restricted by the property owner. If an emergency situation occurs, refer to Section 3-8, Emergency Abatement.
- 3-3 **Obstruction of Administrative Agency.** No Person shall impede or obstruct representatives of the Administrative Agency in their discharge of official duties under the provisions of this Code.
- 3-4 **Enforcement.** The County Attorney, the County Counselor, and any attorney specifically designated by the Board of County Commissioners shall enforce the provisions of this Code and are hereby authorized and directed to file appropriate civil or criminal actions for such enforcement, upon request of the Administrative Agency. This Code shall be construed, interpreted and enforced in accordance with Applicable Statutes, Regulations, Guidelines and Standards, in particular, but without limiting the generality of the foregoing, such standards for the design, location, construction, operation, maintenance, and equipping of those systems covered under the provisions of this Code, with currently approved technology.
- 3-5 **Applications and Permits**
- A. **Applications for Permits.** Every person is required to obtain a permit and make application to construct a private waste water system. Appropriate forms shall be provided by the Administrative Agency or the County Zoning Administrator.
- B. **Record of Official Actions.** The Administrative Agency shall maintain such applications and a written record of all official actions taken on any application.
- C. **Issuance of Permit.** Within thirty (30) days after receipt of an application for permit required by this Code, the Administrative Agency shall complete such investigations and inspections as shall be deemed necessary to determine whether the permit should be issued or denied, and shall issue or deny the permit. If the permit is denied, the Administrative Agency shall send the applicant a written notice and state the

reasons for denial.

- D. **Transfer of Permits.** No permit required by this Code shall be transferable.
- E. **Revocation of Permits.** All permits are subject to revocation by the Administrative Agency for reasons of Noncompliance or Misrepresentation.
- F. **Issuance of Building Permit.** Any permit required under this Code shall be secured from the Administrative Agency before a building permit, when required, shall be issued.
- G. **Standard Fees.** Any application under this Code shall be accompanied by payment to the Administrative Agency of such fee as shall be required under the then current schedule of fees for applications, permits, and licenses required under this Code as shall be adopted by the Board of County Commissioners from time to time. No fees paid for any permit, license, or application hereunder shall be refundable. The Administrative Agency shall issue a receipt for all fees received pursuant to this section, and a copy thereof shall be attached to the application for such permit or license.

3-6 **Violations**

- A. **Notice of Violation.** Whenever the Administrative Agency determines that there has been a violation of any provision of this Code, it shall give notice of such alleged violation to the Person that owns the subject property or is otherwise responsible for the violation. The notice shall be (1) in writing; (2) include a statement of why the notice is being issued; (3) allow a reasonable period of time for performance of any work required by the notice; and (4) be served upon the owner or their agent by delivery of a copy thereof in Person or by registered mail to the last known address of the owner or agent.
- B. **Penalties.** In addition to, and independently of the enforcement procedures provided in Sec. 3-4 herein, any violation of any provision of this Code shall, upon conviction, be punishable by a fine of not less than one hundred dollars (\$100) nor more than two hundred dollars (\$200) for each offense. Each day's violation shall constitute a separate offense.
- C. **Unpaid Penalties.** Unpaid penalties will be levied against the property tax for collection.

3-7 **Hearing Procedures**

- A. **Administrative Appeal.** Any Person aggrieved by any notice or order issued by the Administrative Agency under the provisions of this Code may request, and shall be entitled to an administrative hearing on the matter before the Hearing Officer; provided such Person shall file with the Administrative Agency within ten (10) days after the date of issuance of the notice or order (which period may be extended for not more than an additional ten (10) days by the Hearing Officer for good cause shown), a written petition requesting such an administrative hearing and setting forth the grounds upon which the request is made. The filing of the request for a hearing shall operate as a stay of the notice or order. Upon receipt of such petition, the Administrative Agency shall confer with the Hearing Officer and set a time and place for such hearing, and shall give the petitioner written notice thereof. At such hearing, the petitioner shall be given the opportunity to show cause why such notice or order should be modified or withdrawn. The hearing shall be commenced not later than thirty (30) days after the date on which the petition was filed, provided, that upon request of the petitioner and for good cause shown, the Hearing Officer may continue the hearing for a reasonable period (not to exceed ten (10) days).
- B. **Report of Hearing Officer.** Within ten (10) working days after such a hearing, the Hearing Officer shall submit a written report of findings to the Board of County Commissioners, and a copy of the report to the Administrative Agency with a recommendation that the Board of County Commissioners issue an order sustaining, modifying or withdrawing the notice or order of the Administrative Agency and shall notify the petitioner in the same manner as provided for above.
- C. **Proceedings.** A complete file of the proceedings of all hearings, including any minutes thereof and the findings and decision of the Hearing Officer, together with a copy of every notice and order related thereto shall be filed with the Administrative Agency.

- 3-8 **Emergency Abatement.** Whenever, in the judgment of the Administrative Agency, an emergency exists which endangers public health, safety or welfare, or the environment, an order may be issued directing the Person that owns the subject property or is otherwise responsible for the violation, to take appropriate action to immediately correct or abate the cause of the emergency. Any emergency abatement order issued pursuant to this section shall not be subject to an administrative appeal as provided in the preceding

section. If the Person that owns the subject property or is otherwise responsible for the violation does not take immediate action to correct or abate the emergency or is not immediately available, the Administrative Agency is hereby authorized to act to correct or abate the emergency, with any costs incurred to be charged to the Person that owns the subject property or is otherwise responsible for the violation and, if not paid within thirty (30) days, shall be assessed and charged as additional taxes against the lot or parcel of ground upon which said condition was located, and the county clerk shall extend the same on the tax roll of the county against the lot or parcel of ground, and it shall be collected by the county treasurer as other taxes are collected and paid.

3-9 **Nuisances.** Whenever any Nuisance, environmental threat, or cause of sickness shall be found to exist on any private property or upon any watercourse in the County, the Administrative Agency shall have the power and the authority to order, in writing, the Person that owns the subject property or is otherwise responsible for the existence of the conditions, at his or her own expense, to remove the Nuisance, environmental threat, or cause of sickness, within twenty-four (24) hours or within such reasonable time thereafter as the Administrative Agency may order. Noncompliance with such order shall result in designation of the condition as a situation subject to Emergency Abatement under Section 3-8 above. Conditions subject to the provisions of this section shall include but not be limited to the following:

- i. any privy, privy vault, septic system, waste lagoon, or other place used for the deposit of Human Excreta which permits animals or insects access to the Excreta; which produces foul or objectionable odors; or is likely to pollute any water supply.
- ii. the collection or accumulation of any putrescible wastes that may decompose and create an attraction or breeding place for insects or rodents.

3-10 **Disclaimer of Liability.** This Code shall not be construed or interpreted as imposing upon Crawford County, the Administrative Agency, its officials, or employees (1) any liability or responsibility for damages to any property while in discharge of their official duty, or (2) any warranty that any system, installation or portion thereof that is constructed or repaired under permits and inspections required by the Code will function properly.

3-11 **Severability.** If any chapter, section, subsection, paragraph, sentence, clause or phrase of this Code should be

determined to be unconstitutional or invalid for any reason whatsoever, by a court competent jurisdiction, such decision shall not repeal or invalidate the remaining provisions of this Code, which shall remain in full effect; and to this end the provisions of this Code are hereby declared to be severable and shall be presumed to have been adopted knowing that the part of the section declared invalid would be so declared.

3-12 **Rulemaking Authority.** The Administrative Agency is authorized and is hereby directed to promulgate such rules and regulations, standards and procedures as may be necessary to carry out the purposes and provisions of this Code, subject to the approval of the Board of County Commissioners.

3-13 **Variances.** The Board of County Commissioners may by resolution grant variances from specific provisions of this Code, upon the recommendation of the Administrative Agency. Any Person requesting such a variance shall make application to the Administrative Agency on such forms as shall, from time to time, be prescribed by the Administrative Agency. Such application shall establish to the satisfaction of the Administrative Agency and the Board of County Commissioners that compliance with such provision(s) is not feasible, either from an engineering or an economic standpoint, and that the alternative proposal submitted by such Person will meet the spirit and intent of this Code and be in accordance with Applicable Statutes, Regulations, Guidelines and Standards.

3-14 **Public Awareness and Education.** The Administrative Agency is hereby charged with responsibility for coordinating public awareness and education programs in the County. Such programs shall provide information about:

- a. the requirements of this Code,
- b. encouraging conservation of water, soil, and other resources,
- c. protecting environmental quality and integrity,
- d. health hazards resulting from improper construction or operation of Sewage Disposal systems and water supply wells,
- e. other issues and activities related to sustaining and enhancing human health and the qualities of Natural Resources and the environment.

CHAPTER 4
DOMESTIC SEWAGE DISPOSAL

4-1 **Purpose and Intent.** The provisions of Chapter 4 define and describe the activities required to insure safe Disposal of all Domestic Sewage, to protect the health of the individual, Family, and community, and to prevent the occurrence of Nuisances and Diseases.

4-2 **Prohibited Practices**

- A. **Use of Permitted Private Sewerage Systems.** No Person shall construct or use any system that (1) fails to comply with the provisions of this Code, (2) is not in accordance with Applicable Statutes, Regulations, Guidelines and Standards or (3) is subject to a temporary restraining order or an injunction as a public health Nuisance.
- B. **Use of Structures Not Served by a Sewerage System.** Any person occupying a dwelling or industrial/commercial structure shall have a properly functioning sewerage system.
- C. **Use of Private Sewerage Systems Within 400 Feet of Public Sewer.** No Person shall construct or modify any Private Sewerage System within 400 feet of an existing public sewer, unless geographical features make such connections economically infeasible.
- D. **Location of Private Sewerage Systems in Groundwater Table.** No Person shall construct, drill, dig, bore, or otherwise excavate any Private Sewerage System or part thereof to within a vertical separation of 4 feet above the static water table elevation as determined by groundwater reports from a state or federal geological survey and by current water table elevation measurements of local water wells.
- E. **Location of Private Sewerage Systems in Full Flood Pool.** No Person shall build, construct, or modify any Private Sewerage System that will be located in the full flood pool elevation of any federal reservoir or the full pool elevation of any pond, lake or water supply reservoir, as determined from time to time by the U.S. Army Corps of Engineers or other Federal, State, or local agency with jurisdiction.
- F. **Location of Private Sewerage System within 100 Feet of a Well.** No Person shall build, construct or modify any Private Sewerage System that will be located less than 100 feet from a water well.

- G. **Unauthorized Discharge of Domestic Sewage.** No Person shall cause or allow any Domestic Sewage, from any Private Sewerage System, facility, dwelling unit, business, or Sanitary Service, to be discharged onto the surface of the ground, into any well, pit, mine shaft, sinkhole, or subsurface excavation, or any river, stream, spring, lake, or strip pit, or into any roadside ditch, drainage canal, or other outlet, except as provided with applicable Statues, Regulations, Guidelines and Standards.
- H. **System Connections.** No Person shall cause or allow more than a single dwelling unit or industrial or commercial structure to discharge Domestic Sewage into any single Private Sewerage System, unless temporary approval is acquired from the Administrative Agency.
- I. **Abandoned Systems.** Any Person who owns or is otherwise responsible for any property upon which is located any Private Sewerage System which is determined by the Administrative Agency to have been permanently abandoned, or is in such a state of disrepair as to make it unusable, shall have the sewage removed by a licensed sanitary service and remove or fill the System with material approved by the Administrative Agency.
- J. **Private Sewerage Systems.** Private Sewerage Systems existing prior to adoption of this Code are exempt from meeting the requirements of this Code unless the system:
 - a. has been enjoined as a public health nuisance by a court of competent jurisdiction.
 - b. receives non-domestic wastewater.
 - c. discharges Domestic Sewage onto the surface of the ground or waters of the State as defined in K.S.A. 65-161 (a) or is in violation of Section 4-2G of the Code.

4-3 Requirements for Public Sewerage Systems

- A. **Approval of Plans.** No Person shall construct or modify any Public Sewerage System without having first submitted the plans and specifications for such construction or modification to, and received the written approval of, the KDHE.
- B. **Permit for Use.** No Person shall operate or put into operation any Public Sewerage System without having first obtained a permit for operation of said system from the KDHE.

4-4 Requirements for All Private Sewerage Systems.

- A. **Approval of Plans.** No Person shall construct or modify any Private Sewerage System without having first (a) submitted the plans and specifications for such system to the Administrative Agency for approval, and (b) been issued a

building permit to construct or modify such system by the County Zoning Administrator, or, in the case of a mobile home, been issued a temporary permit to locate said mobile home on subject property by the County Zoning Administrator or been granted a special exception to locate said mobile home on subject property by the Crawford County Joint Board of Zoning Appeals. The County Zoning Administrator shall not issue a building permit or a temporary mobile home permit, and the Crawford County Joint Board of Zoning Appeals shall not grant a special exception, to any Person for any such project until the plans and specifications for such system have been approved in writing by the Administrative Agency.

B. System Construction or Modification Plan Requirements.

References which utilize currently approved technology and are in accordance with Applicable Statutes, Regulations, Guidelines and Standards may be used as a guide by the Administrative Agency in reviewing and approving plans for Private Sewerage Systems. The following actions shall be required by and considered by the Administrative Agency reviewing said plans and specifications: results of a soil percolation test, performed in compliance with current Administrative Agency Guidelines, shall be submitted with the plans and specifications to the Administrative Agency, unless waived by the Administrative Agency due to the availability of adequate alternate soil condition and percolation data. All percolation rates shall be based on standard test procedures and shall be the responsibility of the Person applying for the permit. The Administrative Agency may request additional tests.

In addition,

i. the Administrative Agency may conduct on-site inspections during construction to ensure that approved plans and specifications are followed.

ii. the contractor must certify that the system has been properly installed according to approved plans.

C. Responsibility for Operations. The Person that owns the subject property or is otherwise responsible for the use of the Private Sewerage System shall regularly inspect and maintain the system to insure its proper operation. No Person shall operate and maintain any Private Sewerage System except in compliance with Applicable Statutes, Regulations, Guidelines and Standards including but not limited to the following:

i. system shall be maintained and inspected on a regular basis so that none of the conditions described in the following subsections develop. Maintenance shall include periodic removal of sludge by a Sanitary Service provider. Inspection and maintenance of the system should be conducted at

intervals recommended by the Administrative Agency or as necessary to maintain optimal system functioning.

- ii. operation shall not cause the surfacing of sewage, or draining onto the surface of the ground.
- iii. operation shall not create any condition hazardous to health, or cause damage or impair the quality of the environment.
- iv. operation shall not overload the system so as to produce offensive odors or cause malfunctioning.
- v. operation shall not create or cause to be created a breeding place for vectors, such as flies, mosquitoes, rats, and other disease carriers associated with this type of malfunction.

D. Minimum Standards. No Person shall construct, modify or operate any Private Sewerage System except in compliance with the requirements as prescribed in this code and the minimum standards for the design, construction, operation, and maintenance of said Private Sewerage System as promulgated from time to time by the Administrative Agency and otherwise in accordance with Applicable Statutes, Regulations, Guidelines and Standards.

E. Inspection for Compliance. All Private Sewerage Systems may be inspected by the Administrative Agency for proper operation. Systems inspected that fail to meet standards shall have 60 days from notice of violation to be brought into compliance. At the discretion of the Administrative Agency an extension may be granted.

F. Unauthorized Discharge to a Private Sewerage System. No cooling water, discharge from footing tile drains, or swimming pool wastewater shall be directed to a private sewage disposal or wastewater treatment system. No automotive grease oil, antifreeze, or toxic or hazardous other than domestic waste shall be discharged to a private sewerage or wastewater treatment system.

4-5 **Requirements for Onsite Wastewater Systems.**

A. Lot Size - Platted or Un-platted Sites. No person shall construct or modify any Private Sewerage System on a platted or un-platted building site that contains less than two (2) acres of usable land including easements, and exclusive of roads and public right-of-ways, unless an exception is requested and approved in writing by the Crawford County Environmental Health Department. Building sites must be served by public water. Sites not served by public water must contain three (3) acres of usable land.

B. **Separation from Water Wells and Property Line.** No Person shall locate any portion of the soil absorption system less than 100 feet from any water well or less than 10 feet from the property line of the Premises it serves.

C. **Minimum Standards for Soil Topography and Geology.** No Person shall construct or modify any septic tank-soil absorption system, which is dependant upon soil absorption for the Disposal of wastewater, on any lot regardless of size where:

- i. the soil percolation rate is faster than one (1) inch per 2 minutes or slower than one (1) inch per 60 minutes. All percolation rates shall be based upon percolation testing to be performed in accordance with current Crawford County Standards.
- ii. impervious rock formations are within four (4) feet of the top of the ground.
- iii. the groundwater table is, at any time, four (4) feet of the surface of the ground.
- iv. the natural slope of the land is greater than ten (10) percent.
- v. methods of current technology such as soil profiles show the soil not suitable.

4-6 **Requirements for Waste Stabilization Lagoon.**

No Person shall construct or modify any waste stabilization lagoon unless said waste stabilization lagoon shall be separated from other areas by Distances equal to or greater than the following Distances:

<u>Minimum Separation</u>	<u>Area</u>
100 ft	House it serves
100 ft	Any Private Water Supply Well
50 ft	Property Line
(Less than 50 ft. requires permission by adjacent owner)	
100 ft	Public Water Supply Well
50 ft	Public Water Transmission Line
25 ft	Water Supply Line

The entire Waste Stabilization Lagoon shall be fenced with a minimum of four feet high chain link fence or woven wire fence with 2" x 4" maximum openings. A locked four foot wide gate shall be provided for maintenance access.

4-7 **Privies.**

No person shall construct or modify any Privy.

4-8 **Certification and Examination.**

- A. **Certification.** No Person shall construct or modify any Private Sewerage System until such Person has certification issued by the Administrative Agency or the Zoning Administrator.
- B. **Examination.** The Administrative Agency is authorized to and shall set standards for written examination and
 - a. knowledge of system constructing and functioning,
 - b. personal experience in constructing or supervising the construction of systems, and
 - c. knowledge of the legal authorities and regulations related to system permitting, installation, construction, modification, use, and maintenance.
- B. **System Certification.** Each Person certified under this Section to construct or modify Private Sewerage Systems shall, upon the completion of such project, certify in writing to the Administrative Agency and to the owner, that such project was completed consistent with plans and specifications.

4-9 **Requirements for Sanitary Services**

- A. **Permit Required.** No Person shall remove, haul or transport or offer to move, haul, or transport any Domestic Sewage or Industrial or Commercial Waste from any Private Sewerage System, or offer to remove or transport or offer to transport such wastes unless they hold a valid Permit from the Administrative Agency.
- B. **Disposal of Domestic Sewage.** Disposal of hauled Domestic Sewage shall be in such manner as approved by the Administrative Agency. Said Disposal shall not create a public Nuisance, adversely affect the public health, or create an environmental hazard or cause harm to the environment as a result of such Disposal.
- C. **Contracting with Un-licensed Persons Prohibited.** No Person responsible for operating a Private Sewerage System shall contract, or offer to contract, with any Person for sanitary services unless that Person holds a current Permit to provide such a service from the Administrative Agency.

CHAPTER 5

WATER SUPPLIES

- 5-1 **Purpose and Intent.** The provisions of Chapter 5 define and describe the activities regulating and controlling the development, maintenance, and use of Public and Private Water Supplies of Crawford County to the end that public health shall be protected, the contamination and Pollution of the water resources of the County shall be prevented, and the water resources of the County shall be conserved in a Potable form.
- 5-2 **Requirements for Public Water Supplies.**
- A. **Approval of Plans.** No Person shall construct, renovate, or modify any Public Water Supply without having first submitted the plans and specifications for such construction, renovation, or modification to, and received the written approval of, KDHE.
 - B. **Permit to Operate.** No Person shall operate a Public Water Supply without obtaining a Public Water Supply permit from KDHE.
- 5-3 **Requirements for Private Wells.**
- A. **Approval of Plans.** No Person shall drill or construct A private well on any Premises for Domestic Purposes without having first submitted the plans and specifications for such system to the Administrative Agency for approval. A water well record (WWC-5 form) must be submitted to KDHE within 30 days after the completion of the constructed well.
 - B. **Construction.** Private wells shall be drilled or constructed by a State of Kansas certified water well contractor. Landowners can construct water wells on their property provided the well is constructed as required by Kansas Administrative Regulations 28-30-2, et seq. A well record must also be filed with K.D.H.E. after the construction is finished.
 - C. **Abandoned Wells.** No person shall plug any Abandoned well except in accordance with Applicable Statutes, Regulations, Guidelines and Standards.
- 5-4 **Minimum Standards for Groundwater Supplies.** No Person shall drill any well used as a Potable Water within the following prescribed minimum separation distances to the corresponding areas.

Minimum Separation Area:

50 ft Barnyard stables, manure piles, feedlots,

	Animal Pens, and etc.
50 ft	Home or Residence
100 ft	Petroleum and fertilizer storage
200 ft	Pit Privy
50 ft	Property lines
100 ft	Septic Tank and Lateral Lines
50 ft	Streams, lakes, ponds, and wetlands
100 ft	Subsurface absorption field and above surface "mound" type absorption field for septic tank effluent
100 ft	Waste Stabilization Lagoon

The Administrative Agency is hereby authorized to establish minimum separation Distances required to be provided between such a well and other sources of contamination not specified in this section. Such Distances shall be sufficient to provide reasonable assurance that the well will not be contaminated by such activity.

CHAPTER 6

SOLID WASTE MANAGEMENT

- 6-1 **Purpose and Intent.** The provisions of Chapter 6 define and describe the activities required to insure safe storage, collection, transportation and Disposal of Solid Waste to protect the health of the individual, Family, community, and to prevent the occurrence of Nuisances.
- 6-2 **Prohibited Practices.**
- A. **Improper Disposal.** No Person shall Litter or Dump Solid Waste, except in a permitted Sanitary Landfill, or other approved processing or Disposal site.
 - B. **Storage, Collection, Maintenance of Solid Waste.** No Person shall store, collect, or maintain Solid Waste in a manner that is offensive or hazardous to the health and safety of the public, or which constitutes a Nuisance.
 - C. **Covered Loads.** No Person shall haul Solid Waste in any Vehicle unless the Solid Waste is adequately secured or covered so as to prevent it from blowing, leaking, or otherwise escaping from the vehicle.
 - D. **Collecting Without a Permit.** No Person shall engage in the business of collecting, transporting, processing, or disposing of Solid Waste within Crawford County without a Solid Waste Collectors permit.
- 6-3 **Storage of Solid Waste.** The following standards are established for storage of Solid Waste in the County:
- A. **Residential Solid Waste.** No Person shall store Solid Waste in any manner not in accordance with this Code. The following requirements shall be used to designate storage activities:
 - 1. **Single-Family Dwellings.** Any Person who owns or is otherwise responsible for any property upon which exists any Single-Family Dwelling shall provide sufficient covered containers to store all residential Trash accumulated on such Premises.
 - 2. **Multi-Family Dwellings and Mobile Home Parks.** Any person who owns or is otherwise responsible for any property upon which exists any Multi-Family Dwelling or Mobile Home Park shall provide a minimum of one Containerized Unit per dwelling unit or a sufficient number of bulk containers to handle all waste generated between pickups. The owner or operator of each Multi-Family Dwelling and Mobile Home Park shall be responsible for the trash being in containers

- B. **Commercial Solid Waste.** Any Person who owns or is otherwise responsible for any property upon which exists any Commercial Solid Waste shall store Commercial Solid Waste in suitable covered containers.
- C. **Industrial Solid Waste.** Any Person who owns or is otherwise responsible for any property upon which exists any Industrial Solid Waste shall store all such Solid Waste produced thereon in suitable Containerized Unit(s) or facilities or a fenced or walled facility.
- D. **Avoidance of Nuisance Conditions.** No Person, Business or Industry shall store solid waste in such a manner as to allow Nuisance conditions. Trash containers and storage facility shall have sufficient capacity to contain all Solid Waste produced on the Premises between collection or Disposal periods and shall be maintained so as to prevent Nuisance conditions.

6-4 **Collection of Solid Waste.**

- A. **Responsibility.** Any Person who owns or is otherwise responsible for any property upon which exists any Multi-Family Dwelling, Mobile Home Park, Single-Family Dwelling, commercial, or industrial, or any other type of Premises, shall be responsible for the collection of Solid Waste produced thereon.
- B. **Collection Frequency.** Collection frequency shall be determined by the volume of Solid Waste produced and the on-site storage capacity, so as to prevent Nuisance conditions.

6-5 **Disposal of Solid Waste.**

- A. **Solid Waste Disposal.** The Disposal of Solid Waste shall be in accordance with Applicable Statutes, Regulations, Guidelines and Standards, and shall be performed in such a manner as to not create a Nuisance condition. All Solid Waste generated in the County shall be disposed of only in a state permitted landfill or such other site or facility to be authorized by the Administrative Agency in accordance with Applicable Statutes, Regulations, Guidelines and Standards.
- B. **Alternative Disposal Methods.** The Administrative Agency is hereby charged with the responsibility to evaluate, plan and coordinate alternative disposal methods for Solid Waste. Such alternative methods may include, but not limited to:
 - 1. **Recycling.** Material being held for recycling shall be stored in an enclosed building, transport truck, or other such container until scheduled for collection. Such storage shall not create Nuisance conditions.

2. **Household Composting.** Private Composting shall be allowed so long as it does not result in Nuisance conditions.
3. **Solid Waste Recovery.** Salvaging or recovery of Solid Waste from previously operated, currently operated, or future landfill operations, shall be conducted only with the prior approval of and under conditions prescribed by the Board of County Commissioners. Such approval shall include but are not restricted to, provisions for proper control to prevent interference with prompt sanitary Disposal of Solid Waste, proper control to retain the integrity of the leachate containment and Pollution control facilities of the landfill, and proper control of facilities specifically designed for the purpose of salvaging or processing Solid Waste. Such operations shall be conducted in a manner that shall not create a Nuisance.

6-6 **Special Solid Waste.**

- B. **Special Solid Wastes.** Bulky material including appliances, furniture, etc. may be stored on the Premises of a Single-Family Dwelling, Multi-family dwellings, Mobile Home Parks, or those other than residential, outside of an enclosed building no longer than thirty (30) days. Refrigerators and freezers must have their doors removed.
- B. **Construction and Demolition Waste.** Construction and Demolition Waste shall be removed by the contractor within twenty (20) days from completion of the contracted work. Such waste shall be disposed of only in a state permitted landfill, a Demolition Disposal Site, or such other site or facility to be authorized by the Administrative Agency, in accordance with Applicable Statutes, Regulations, Guidelines and Standards including those relating to the disposal of asbestos and lead based paints.
- C. **Hazardous Waste.** Hazardous Waste shall be managed only in a permitted hazardous waste Treatment, Storage or Disposal Facility or such other site or facility to be authorized by the KDHE, in accordance with Applicable Statutes, Regulations, Guidelines and Standards.

CHAPTER 7

NONPOINT SOURCE POLLUTION CONTROL

- 7-1 **Purpose and Intent.** The provisions of Chapter 7 promote interagency and public coordination to further enhance the quality of the environment, with specific aims at protection of surface water resources from non-point source Pollution.
- 7-2 **Non-point Source Management.** The Administrative Agency is hereby charged with the responsibility to coordinate with the Crawford County Conservation District, K.D.H.E., and other related or interested agencies to establish appropriate management approaches to control non-point source pollution.

CHAPTER 8

SUBDIVISION AND PLAT DEVELOPMENT REGULATIONS

- 8-1 **Purpose and Intent.** The provisions of Chapter 8 define the requirements with respect to the platting and subdividing of tracts of land located in Crawford County, Kansas.
- 8-2 **Applicants Responsibilities.** Any Person desiring to plat or subdivide any tract of land in the County shall provide and document (1) an adequate sewerage system plan, including when applicable, the establishment of a municipal Sewer District, or adequate individual systems; (2) an adequate water supply, including when applicable, the establishment of a Water District; (3) that all located Abandoned wells have been plugged. The required plans and activities shall be implemented and shall comply with this Code and Applicable Statutes, Regulations, Guidelines and Standards.
- 8-3 **Administrative Review.** No Person shall plat, subdivide, or otherwise deed any parcel until the plans for same shall have been submitted for approval by the Administrative Agency, by the County Zoning Administrator, and by the Board of County Commissioners. Approval, if granted, shall be indicated directly on said plat, subdivision, or parcel deeds.
- 8-4 **Standards for Review.** The following requirements shall be satisfied before any plat, Subdivision plan or other deeded activities shall be approved for filing:
- A. **Sewers.** The plat must establish that an adequate sewerage Disposal has been devised for and will be included in said Subdivision.
- i. the plan should also identify the present availability of a connection to the nearest municipal sewer line, and possible alternatives of a sewerage system to collect and treat all sewage from that Subdivision.
 - ii. the developer must provide a declaration of intent to ensure that all construction relating to sewage and sewage disposal shall comply with provisions of this Code and Applicable Statutes, Regulations, Guidelines and Standards.
 - iii. the minimum acreage in a new subdivision shall be as set forth in Section 4-5 A. of this Code.
- B. **Water Supply.** The plat must establish that an adequate water supply has been devised for and will be included in said Subdivision.

- i. the plan should also identify the present availability of a connection to the nearest municipal or rural water supply line.
- ii. the developer must provide a declaration of intent to ensure that all construction relating to water supplies shall comply with provisions of this Code and Applicable Statutes, Regulations, Guidelines and Standards.

8-5 **Concurrent Regulations.** The provisions of this code shall be in addition to, and supplemental to, other applicable resolutions, codes and regulations, including but not limited to Crawford County Zoning Resolutions and Subdivision Regulations.