



*All Times are Approximate*

- |           |   |   |            |
|-----------|---|---|------------|
| <b>1</b>  | Call To Order<br>Prayer<br>Flag Salute  |   | 8:00 a.m.  |
| <b>2</b>  | Public Forum<br><i>This is reserved for public comment for any items not on the agenda limited to 3 minutes</i> |   | 8:00 a.m.  |
| <b>3</b>  | Sanitary Code   | Phillip Morrow, Sanitarian                      | 8:05 a.m.  |
| <b>4</b>  | EMS Discussion  | Karl Leech and Tony Swetson                     | 8:15 a.m.  |
| <b>5</b>  | Community Corrections Update  | Michelle Callam, Community Corrections Director | 8:30 a.m.  |
| <b>6</b>  | Flint Hills Area Agency on Aging MOU  | Julie Govert-Walter, FHAAA                      | 9:00 a.m.  |
| <b>7</b>  | Department Head Meeting   |   | 9:30 a.m.  |
| <b>8</b>  | Executive Session Attorney/Client Privelage   | Jeff Eble, County Attorney                      | 8:15 a.m.  |
| <b>9</b>  | Consent Agenda<br>Accounts Payable<br>Commission Minutes (March 16th and March 23rd)<br>Payroll<br>AAE's        |   | 10:30 a.m. |
| <b>10</b> | Clerk Comments  | Tammi Cox, County Clerk                         | 10:45 a.m. |
| <b>11</b> | Commissioner's Comments   |   | 10:50 a.m. |
| <b>12</b> | Announcements   |   | 10:55 a.m. |
| <b>13</b> | Adjournment   |   | 11:00 a.m. |

## In this Document

Steps

Timeline

FAQ

Resources

### Documents for Requesting Code Review:

Code Review Form

Concurrence Form

### General Procedure:

Submission of Code and Documents

KDHE Review and Comment

County Revision

KDHE Approval (Pending County Adoption)

County Public Notice and Adoption of Code

K.S.A. 19-3704

KDHE Final Approval

# Procedure for Adopting or Revising County Sanitary Codes

## Background and Legal Authority

Preventing surface and subsurface water pollution and soil pollution is vital to protect the health of Kansas residents and its natural resources. The development of local environmental codes, or sanitary codes, is an important step in preserving the beneficial uses of state waters, preventing detrimental sanitary conditions, and promoting the longevity of state environmental resources.

Local sanitary codes contain rules and regulations designed to minimize environmental conditions that may adversely affect the health and well-being of the public. Authority for county commissioners to adopt local sanitary codes, and for local agencies to administer these codes is given by K.S.A. 19-3701 et. Seq.

Local codes must be at least as restrictive as state and federal minimum standards. In Kansas, sewage discharge into the environment is regulated under K.A.R. 28-5-1 through 9, and onsite wastewater systems standards are provided through KDHE Bulletin 4-2, "Minimum Standards for Design and Construction of Onsite Wastewater Systems." Rules related to pollution control, waste disposal, and local authority exist in a combination of federal, state, and local laws.

Technical support and guidance can be provided by LEPP staff. Please also see the Resources section for additional reference.

## Overview of Local Sanitary Code Review Timeline

Code reviews can take a minimum of 3 months, but may take up to 12 months, depending on a variety of factors. Some of those factors include the complexity of the code (or code changes), responses to comments and changes required, etc. Please refer to the Local Sanitary Code Step-by-Step Procedure on the following page for details.

## Local Sanitary Code Step-by-Step Procedure

*Prior to submission of draft code to KDHE*

- 1 County decides to adopt or revise a sanitary code
- 2 New or revised code is drafted by the County Code Committee
- 3 Draft code is presented to county commissioners and county attorney for comment.

*Submission of draft code to KDHE*

- 4 Draft code and all supporting documents are submitted to KDHE

*KDHE Review of Code*

- 5 LEPP staff perform initial review of draft code for alignment with state regulations

*Initial Comments Returned to County (45 business days from submission date)*

LEPP staff distribute draft code to appropriate Agency sections for review and comment

- 6 A. If comments are received, LEPP staff notify the County, outlining required and/or recommended changes

*Note: Steps 4 through 6 may be repeated, as comments are addressed*

B. If no comments are received and no changes are required, then LEPP staff conduct WMS Concurrence Procedure for approval of the code

*Public Notice Provided by County*

- 7 For approved codes, the County completes Public Notice requirements, per KSA 19-3704

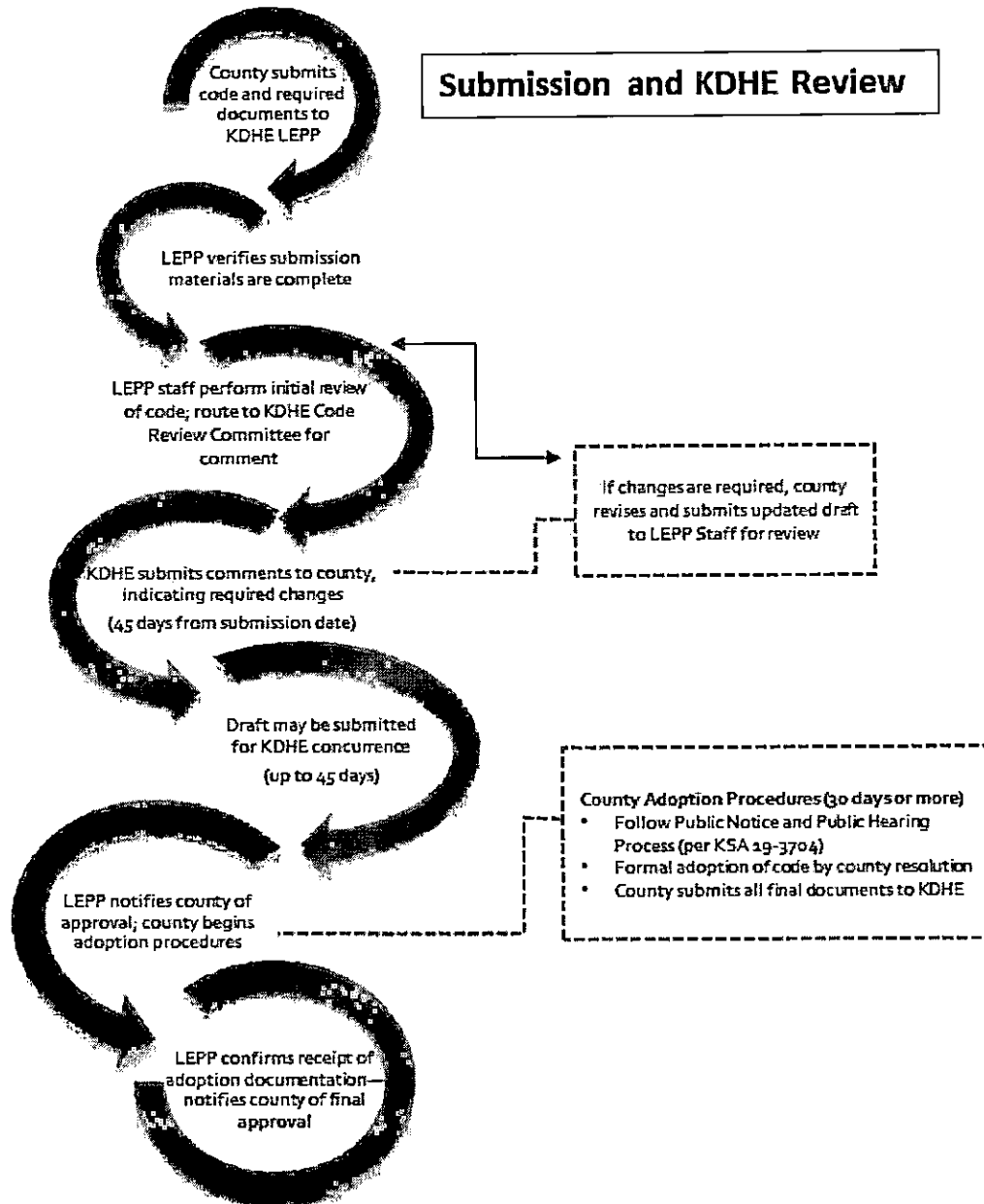
*Hearing, County/Local Adoption*

- 8 County Commission adopts the code by resolution
- 9 County submits electronic copy of the code, resolution, and proof of adoption to KDHE

*Note: KSA 19-3704 requires minimum of 3 consecutive weeks notice*

- 10 KDHE closes review, providing final, stamped copy of approved code to county, and retains a copy for record

## Procedure Flow Chart



## **Code Revision FAQ**

### ***Why would a county adopt or revise a sanitary code?***

- The county may have no code
- The county wants to incorporate changes to the existing code, such as:
  - To clarify language
  - Adopt licensing requirements
  - Adopt real estate inspection requirements
  - Add information about private water wells
  - Add information about subdivisions
  - Articulate requirements or procedures for alternate systems
  - Update soil evaluation methods (i.e. add soil profiles, etc.)
  - Articulate MOUs with other local agencies
  - Bring code to align with KARs
  - Bring code to align with other local ordinances
  - Other

### ***Who typically sits on the County Code Committee (at the local level)***

- LEPP Committee
- County Commissioners
- County Attorney
- County Sanitarian
- Planning and Zoning Department Representative
- Lenders
- Other

### ***How do I know if my county code is in compliance with KDHE Minimum Standards (Bulletin 4-2)?***

- Use Bulletin 4-2 checklist as a guide

### ***What does the KDHE review of the draft code entail?***

- LEPP Staff verify the code is in alignment with Bulletin 4-2
- Code is distributed to key areas within KDHE with content-specific expertise
- Comments from all reviewers are compiled and sent to the county, indicating any required changes, as well as recommendations to consider.

***How long does a full KDHE review take, from the time my submitted request is complete?***

- Approximately 6-12 months. This may vary based on several factors, including (but not limited to) complexity of changes, complexity of the overall code, and to what extent and how clearly does the code (including changes) align with minimum standards.
- Note: any changes to the local sanitary code will constitute a full KDHE review and approval. Please contact our office for questions pertaining to code review requirements.

***What resources may be helpful in revising or drafting a new local sanitary code?***

Please see the “Resources” appendix item for the most commonly used resources related to revising or drafting new local sanitary codes.

Document	Description
<u>KSA 65-201</u>	County, city-county and multi-county units; local health officers; appointment, tenure, removal; laws applicable
<u>KSA 65-159</u>	Abatement of nuisances, failure to remove, penalties
<u>KAR 28-5-1 through 9</u>	Sewage and Excreta Disposal
<u>KSA 19-3701 through 9</u>	Sanitation Controls
<u>K.A.R Article 30</u>	Water Well Contractor's License; Water Well Construction
<u>KDHE EPA 503</u>	Kansas Guidance on Land Application of Septage
<u>KDHE Bulletin 4-2</u>	Minimum Standards for Design and Construction of Onsite Wastewater Systems
<u>Environmental Health Handbook</u>	<u>Preface and Contents</u> <u>Private Water Wells</u> <u>Wastewater Characteristics and Health Concerns</u> <u>Legal Authorities for Pollution Control</u> <u>Site and Soil Evaluations</u> <u>Septic Tanks</u> <u>Enhanced/Advanced Treatment</u> <u>Soil Absorption Systems</u> <u>Water Conserving Toilets and Holding Tanks</u> <u>Wastewater Pond (Lagoons)</u> <u>Pumps and Hydraulics</u> <u>Septage Management</u>
<b>Other Guidance</b>	<u>MF 2645 Site and Soil Evaluation for Onsite Wastewater Systems</u> <u>MF 1044 Wastewater Pond Design and Construction</u> <u>MF 2290 Wastewater Pond Operation, Maintenance and Repair</u> <u>MF 2542 Selecting an Onsite Wastewater or Septic System</u> <u>KDHE Floor Drains</u> <u>MF 970 Private Wells—Safe Location and Construction</u> <u>MF 2396 Private Well Maintenance and Protection</u>

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MAR 14 2001  
BUREAU OF WATER

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

Ray Millerson  
Signature  
Chairman, Board of County Commissioners

3/5/01  
Date



**KANSAS**  
**DEPARTMENT OF HEALTH & ENVIRONMENT**  
BILL GRAVES, GOVERNOR  
Clyde D. Graeber, Secretary

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January 16, 2001

Ms. Jo Funk  
Salina-Saline County Health Department  
125 West Elm  
Salina KS 67401

Dear Ms. Funk:

The proposed Ottawa County Sanitary Code has been reviewed and approved by the Kansas Department of Health and Environment in accordance with Kansas Statutes Annotated 19-3704. An official copy of the proposed code, as approved by this Agency, is attached for your records.


After the Ottawa County Sanitary Code has been officially adopted by the Board of County Commissioners, please send one copy of the adopted code and the attached form to the following address:

Kansas Department of Health and Environment  
Bureau of Water - Nonpoint Source Section  
Attn. Debra Baker  
Building 283, Forbes Field  
Topeka, Kansas 66620-0001

KDHE recommends you contact the conservation district, extension office, contractors and lending institutions within Ottawa County informing them of the code adoption/changes to the code.

If you have any questions, please call Don Chisam at 785-827-9639.

Sincerely,

  
Karl Muedener, Director  
Bureau of Water

KM/DB/lmd  
Enclosures  
pc- Board of County Commissioners  
Don Chisam  
Ottawa County Code file

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DIVISION OF ENVIRONMENT  
Bureau of Water

Forbes Field, Building 283  
(785) 296-5500

Printed on Recycled Paper

Topeka, KS 66620-0001  
FAX (785) 296-5509

OTTAWA COUNTY  
SANITARY CODE  
FOR  
ENVIRONMENTAL PROTECTION

CHAPTER 1

1-1 **AUTHORITY AND POLICY.**

1-1.1 **Legal Authority.** This code is adopted under the authority granted to the Board of County Commissioners by K.S.A. 19-3701 et. seq. or K.S.A. 12-3301 et. seq.

1-1.2 **Declaration of Finding and Policy.** The Commissioners find that the provision of adequate and reasonable control over environmental conditions in the county is necessary and desirable. A sanitary code establishes standards to eliminate and/or prevent the development of environmental conditions that are hazardous to health and safety, and promotes the economical and planned development of the land and water resources of the county. For these reasons and objectives, it will be the policy of the Board of County Commissioners to adopt and amend a sanitary code to provide current regulation of practices that affect health and safety.

1-1.3 **Purpose.** The purpose and intent of this chapter is to prescribe the administrative procedures to be followed in administering this sanitary code or any amendments thereto; and to prescribe rules and regulations for controlling practices to minimize health and safety hazards.

1-1.4 **Title.** This code shall be known and referred to as the Ottawa County Sanitary Code.

1-1.5 **Applicability.** The 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 ninety (90) days after adoption by the Ottawa County Commissioners.

1-2 **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. The Administrative Agency for Ottawa County is designated as the Ottawa County Health Department.

1-2.2 **Administrative Rules** means those rules and regulations contained in chapter one of this sanitary code which prescribe general procedures to be followed in the administration of the sanitary code adopted by the county.

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- 1-2.3 **Authorized Representative** means any person who is designated by the Administrative Agency to administer this code.
- 1-2.4 **Board of County Commissioners** means the Board of County Commissioners of Ottawa County, Kansas.
- 1-2.5 **Code** means any model or standard published compilation of rules in a book or pamphlet form which has been prepared by a technical association, a federal agency, this state, or any agency thereof, municipalities of this state or agency or instrumentality and any metropolitan thereof, or regional agency within this state and such codes may be specifically, but shall not be limited to: wastewater disposal, water supply systems, solid waste management, food management, swimming pools, and mass gatherings. (K.S.A. 12-3301)
- 1-2.6 **Hearing Officer** means an individual, appointed by the Ottawa County Commissioners, to hear appeals from decisions made by the Administrative Agency relating to the administration of this code.
- 1-2.7 **Person** means an individual, corporation, partnership, association, state, or political subdivision thereof, federal, state agency, municipality, commission, or interstate body or other legal entity recognized by law as the subject of rights and duties.
- 1-2.8 **Premise** means any lot or tract of land and all buildings, structures, or facilities located thereon.
- 1-2.9 **State Department of Health** means the Kansas Department of Health and Environment.
- 1-3 **ADMINISTRATIVE POWERS AND PROCEDURES.**
- 1-3.1 **Right of Entry.** Representatives of the Administrative Agency shall have the right to enter, examine, and/or survey at any reasonable time such premises, establishments, and buildings as they shall deem necessary for the enforcement of this chapter and to obtain an order for this purpose from a court of competent jurisdiction in the event entry is denied or resisted.
- 1-3.2 **Permit and License.**
- a. **Applications for Permits and Licenses.** Every person required by this sanitary code to obtain a permit or license shall make application for such permit or license to the Administrative Agency.
  - b. **Issuance of Permit or License.** After receipt of an application as required by this code, the Administrative Agency shall begin such investigation as deemed necessary to determine whether the permit or license should be issued or 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.
  - c. **Permit or License Nontransferable.** No permit or license required by this sanitary code shall be transferable, nor shall any fees required and paid therefore be refundable.
  - d. **Permit or License Revocation.** All permits or licenses are subject to revocation for reasons of noncompliance or misrepresentation.

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- e. **Standard Fees.** The Administrative Agency shall establish a schedule of fees for all permits and licenses required by the code, and said fees shall be paid into the Administrative Agency. The Administrative Agency shall not process any application for a permit or license until the required fee has been paid. (K.S.A. 19-3702.)

### 1-3.3 Notices, Orders, Appeals.

- a. **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 reasonable 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 registered mail to the last known address of the owner or agent.

- b. **Appeal for Hearing.** Any person aggrieved by any notice or order issued by the Administrative Agency under the provisions of this sanitary code may request, and shall be granted, a hearing on the matter before the Hearing Officer; provided such person shall file with the Administrative Agency within ten 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. 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 an opportunity to show why such notice or order should be modified or withdrawn. The hearing shall be commenced no later than ten 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-day period, when in the Agency's judgment the petitioner has submitted justifiable reason for such postponement.
- c. **Report of Hearing.** Within ten working days after such a hearing, the Hearing Officer shall submit the findings of the hearing in writing to the Administrative Agency. The findings shall include a recommendation that the order be sustained, modified, or withdrawn. Upon the receipt of the report of the Hearing Officer, the Administrative Agency shall consider the report and issue an order, confirming, modifying or withdrawing the notice or order, and shall notify the appellant in the same manner as is provided for in Sec. 1-3.3.a.
- d. **Emergency Orders.** Whenever the Administrative Agency finds that an emergency exists which requires immediate action to protect the public, the Administrative Agency may issue an order reciting the existence of such an emergency, specifying action be taken to meet the emergency. Such an order shall be effective immediately. Any person to whom such an order is directed shall comply therewith immediately.

### 1-3.4 Records.

- a. **Permit or License Applications.** Applications for permits or licenses required by this

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code shall be filed with the Administrative Agency.

- b. **Official Actions.** A written record of all official actions taken on applications for permits and licenses required by this sanitary code shall be kept on file with the Administrative Agency
- c. **Proceedings of Hearings.** The proceedings of all hearings, including findings and decisions of the Hearing Officer, and a copy of every notice and order related thereto shall be filed with the Administrative Agency. Transcripts of the proceedings of hearings need not be transcribed unless a judicial review of the decision is sought.

#### 1-4 GENERAL PROVISIONS

- 1-4.1 **Enforcement Procedure.** The County Attorney shall enforce the provisions of this code and other environmental codes adopted by the county and is hereby authorized and directed to file appropriate actions for such enforcement, upon request of the Administrative Agency. Actions of injunction, mandamus, and quo warranto may be utilized for enforcement of these codes and shall be governed by the provisions of the Kansas Code of Civil Procedure.
- 1-4.2 **Penalties.** In addition to, and independently of, the enforcement procedures provided in section 1-4.1 herein, upon conviction of any violation of any provision of a sanitary code shall be deemed to be a misdemeanor and punishable by a fine not to exceed two hundred dollars (\$200) for each offense. Each day's violation shall constitute a separate offense. (K.S.A. 19-3707.)
- 1-4.3 **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 (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.
- 1-4.4 **Separability.** If any clauses, sentences, paragraph, section or subsection of this code shall for any reason, be adjudged by any court of competent jurisdiction to be unconstitutional and invalid, such judgment shall not affect, repeal or invalidate the remainder thereof, but shall be confined to the clause, sentence, paragraph, section or subsection thereof so found unconstitutional and invalid.(K.S.A.19-3708)

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## ON-SITE WASTEWATER MANAGEMENT

### CHAPTER 2

#### 2-1 PURPOSE AND INTENT.

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

#### 2-2 APPLICABILITY.

The provisions of this chapter shall not apply to incorporated areas or to any premises under one ownership which exceeds 462,720 acres, more or less, and which is used only for agricultural purposes, located in Ottawa County, Kansas, pursuant to KSA 19-3706.

#### 2-3 DEFINITIONS.

- 2-3.1 **Cesspool** means a dry well that receives solely untreated sanitary waste, and which sometimes has an open bottom or perforated sides.
- 2-3.2 **Nuisance** means conditions or activities which have or threaten to have a detrimental effect on the health of the public or its members.
- 2-3.3 **Private Wastewater System** means any system which is not required to hold a Kansas Water Pollution Control Permit. This includes wastewater disposal systems which function by soil absorption, evaporation, transpiration, holding tanks, or any combination of the above.
- 2-3.4 **Sanitary Privy** means a facility designed for the disposal of non-water carried wastes from the human body.
- 2-3.5 **Sanitary Service** means the pumping out and/or removal of sewage, sludge, or human excreta from privies, vaults, septic tanks, or private wastewater systems; and the transportation of such material to a point of final disposal.
- 2-3.6 **Seepage Pit** means any subsurface vertical shaft lined with unmortared stone or other material which is filled with rock or gravel and receives septic tank effluent.
- 2-3.7 **Sewage** means any substance that contains any of the waste products or excrementitious or other discharges from the bodies of human beings or animals, or chemical or other wastes from domestic, manufacturing or other forms of industry.
- 2-3.8 **Subdivision** means the division of a lot, tract or parcel of land into two or more lots, tracts, parcels or other divisions of land for sale, development or lease.
- 2-3.9 **Vault/Holding Tank** means a water-tight receptacle for the retention of sewage either before, during, or after treatment.
- 2-3.10 **Waste Stabilization Pond** means a pond designed specifically to treat sewage by natural water stabilization processes under the influence of air and sunlight.

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2-3.11 **Wastewater System** means any system along with attendant pipes and appurtenances designed and constructed to collect, store, treat, and dispose of domestic, industrial or commercial waste.

2-4 **PROHIBITED PRACTICES.**

2-4.1 **Use of Nonapproved Private Systems.** No person shall use, or cause to be used, any new private wastewater system, or privy constructed after adoption of this sanitary code until it has been inspected and determined to comply with the provisions of this code by the Administrative Agency.

2-4.2 **Pre-existing Systems.** A private wastewater system in use before the adoption of this code shall not be required to comply with the provisions of this code unless it:

- a. has been enjoined as a public health nuisance by a court of competent jurisdiction;
- b. discharges wastes onto the surface of the ground, or waters of the state, or,
- c. causes vector breeding, produces offensive odors or any condition that is detrimental to health.
- d. is a cesspool or seepage pit, or,
- e. directs nonsanitary wastes to private systems.

2-4.3 **Use of Private Systems Within 400 Feet of Public Sewer.** No private wastewater system shall be constructed within 400 feet of an existing public sewer, unless the Administrative Agency finds that connection to such a sewer is not feasible and that a private wastewater system, meeting the requirements of this code, can be constructed on that property.

2-4.4 **Location of Private Wastewater Systems Below Full/Flood Pool.** No portion of a private wastewater system shall be located below the flood pool elevation of any reservoir or full pool elevation of any pond, lake, or water supply reservoir unless written approval is obtained from the appropriate Administrative Agency.

2-4.5 **Location of a Private Wastewater System Within 50 Feet of Well.** No portion of a private wastewater system shall be located less than 50 feet from a water well or a line from a water well, unless the facility is of water tight construction. No sanitary sewer line, regardless of construction, shall be located less than 25 feet from a water well or from a line from a water well.

2-5 **MINIMUM STANDARDS FOR SOIL TOPOGRAPHY AND GEOLOGY.**

No private wastewater system which is dependent upon soil absorption for the disposal of wastewater, shall be constructed on any lot of any size unless minimum standards for percolation rates or soil profiles and depth to impervious rock or groundwater are met. This includes evidence of seasonal water table intrusion, rock ledges, shale, or other impervious materials within 4 feet of the bottom of the excavation. These tests shall be the responsibility of the person applying for the permit. A representative of the Administrative Agency shall visit the site to observe the results of the tests. With percolation rates of one (1) inch per hour or more, a soil absorption system shall be installed. With percolation rates of less than one (1) inch per hour, a waste stabilization pond or other approved alternative system shall be installed. Special exemptions, approved by the Administrative Agency, may be issued. If the person applying for the permit wishes to re-run a test or submit a different test, it is their option and the applicant shall be responsible for the costs incurred by the recheck test. All results shall

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then be reviewed by the Administrative Agency to make a final decision.

**2-6 REQUIREMENTS FOR PRIVATE WASTEWATER SYSTEMS.**

**2-6.1 Approval of Plans.** After adoption of this code no person shall develop any private wastewater until the plans and specifications for such system have been approved by the Administrative Agency. References approved by the Kansas Department of Health and Environment may be used as a guide by the Administrative Agency in reviewing and approving plans for private wastewater systems.

**2-6.2 Permit.** No person or private wastewater system contractor shall construct or modify, or permit to be constructed or modified, any private wastewater system until a permit has been issued by the Administrative Agency. Failure to comply shall result in a fine of \$50.00 for each occurrence.

**2-6.3 Suitable Site.** No site shall be approved if:

- a. connection to an approved public wastewater system is feasible or the site violates the provisions of Section 2-4 of this code;
- b. the site contains less than three acres of land exclusive of roads, streets, or other public rights-of-way or easements; and,
- c. the soil, topography, and geology do not meet the requirements set forth in Section 2-5.

**2-6.4 Location of Private Wastewater Disposal Systems.**

Table 2-1

Area	Minimum Separation
Any part of a wastewater system to:	
Septic tank to house	10'
Wastewater effluent from groundwater	4'
Streams, lakes, and ponds	50'
House it serves	20'
Applicant's private water supply well	50'
Public water supply well	100'
Private water transmission lines	25'
Public water transmission lines	25'
Property lines, including rights-of-way	25'*
Waste stabilization ponds to:	
House it serves	100'
Other residential structures	250'
Property lines, including rights-of-way	100'*

\*may be waived to no less than 10 feet if other separations can be maintained and the adjoining property is used for non-residential and non-commercial use or if written permission is obtained from the adjoining property owner (shall not be waived to less than 50 feet for waste stabilization ponds). When the adjoining property is a road right-of-way, half of the right-of-way may be considered part of the separation distance.

**2-6.5 Construction Approval.** All private wastewater systems developed or modified after the effective date of this sanitary code must be inspected and approved by the Administrative Agency for compliance with the approved plans; and no person shall

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portion of the system shall be covered or made inaccessible to inspection prior to approval.

**2-6.6 Proper Maintenance and Operation.** All private wastewater systems shall be maintained in good working condition. Whenever the Administrative Agency shall find any private wastewater system in violation of this code, the owner and/or user shall be ordered to correct the condition.

**2-6.7 Waiver.** The Administrative Agency shall have the authority to grant exceptions when reliable information is provided which can justify the exception without causing a health hazard or contaminating surface or groundwater of the State.

## **2-7 REQUIREMENTS FOR INSPECTION OF PROPERTY TRANSACTIONS**

An inspection is recommended of all wastewater systems before the sale or refinancing of a house or a manufactured or mobile home on an individually owned site. After the owner determines the location of the tank and laterals, the tank should be uncovered, opened, and pumped, unless satisfactory records are available to prove that it has been pumped and inspected in the last five years.

## **2-8 REQUIREMENTS FOR PRIVIES.**

**2-8.1 Approval of Plans.** No person shall construct or modify any privy until the plans and specifications for the proposed construction and/or modification have been approved by the Administrative Agency.

**2-8.2 Approval of Construction.** No person shall use, or make available for use, any newly constructed or modified privy until the construction has been inspected by the Administrative Agency for compliance with approved plans.

**2-8.3 Proper Maintenance.** No person shall use, or offer for use, any privy that is not maintained in a clean and sanitary condition.

### **2-8.4 Location.**

- a. No privy shall be installed less than 50 feet from an existing well.
- b. No privy shall be constructed or reconstructed on any premise served by a public water supply or on which water is delivered to any building under pressure, unless special permission for use of a privy is obtained from the Administrative Agency.
- c. No privy shall be constructed or reconstructed after adoption of this code unless it has a water-tight vault.

## **2-9 SANITARY SERVICES.**

**2-9.1 License.** No person shall remove or transport any wastes from any private wastewater system or privy, unless that person holds a valid license from the Administrative Agency.

**2-9.2 Contracting With Unlicensed Persons Prohibited.** No person responsible for operating a private wastewater system or privy shall contract with any person for sanitary service unless that person holds a valid license.

**2-9.3 Minimum Standards for Sanitary Service Equipment.** All equipment used for the rendering of sanitary service shall be of watertight construction and maintained in good working condition. This ensures that all materials removed from private wastewater systems or privies will be transported to an approved

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point of disposal without spillage of the waste.

**2-10 REQUIREMENTS FOR WASTE STABILIZATION PONDS.**

**2-10.1 Plans.** No person shall construct or modify any waste stabilization pond until the plans and specifications for the proposed construction and/or modification have been approved by the Administrative Agency.

**2-10.2 Site.** Waste stabilization ponds shall be separated from other areas by distances equal to or greater than those shown in Table 2-1.

**2-10.3 Operation.** All waste stabilization ponds must be non-discharging, and free from cattails, weeds, and trees.

**2-10.4 Maintenance.** All waste stabilization ponds, regardless of when installed, must be fenced. Minimum height of required fence is four feet, with additional barbed wire required above the fence when livestock is present. The fence itself can have no openings in wire larger than 2" X 4" and no space greater than two (2) inches at the bottom. A gate must be present and have no opening larger than 2" X 4", with no space larger than two (2) inches along the bottom and sides. The gate must have a means to keep it closed.

**2-11 WASTEWATER SYSTEM INSTALLER AND MAINTENANCE LICENSURE**

**2-11.1 License Required.** No person shall repair or install a private wastewater disposal system unless they hold a valid Wastewater System Installer and Maintenance License from the Administrative Agency. Property owners are exempt from the license requirements, but not exempt from code requirements.

**2-11.2 Application, Class, and Examination.** Every person wishing to obtain a Wastewater System Installer and Maintenance License shall make application for a license at the Administrative Agency. The application will be notified of the next class and exam date. A fee shall be paid to the Administrative Agency for the Wastewater System Installer and Maintenance Exam. A license shall be issued upon completion of the exam with a score of 70% or higher.

**2-11.3 License Fee.** An annual fee may be paid to the Administrative Agency by January 1 of each year, following the initial issuance of the Wastewater System Installer and Maintenance license.

**2-11.4 Continuing Education.** A requirement for continuing education is set for extended renewal of a Wastewater System Installer and Maintenance License. The Licensee must complete at least 2 hours of continuing education every five years starting at the time the first license is issued. The continuing education must be pertinent and related to wastewater. Continuing Education Units (CEU's) must be submitted to the Administrative Agency.

**2-10.5 Liability Requirements.** Before a license can be issued, the application must provide a certificate of insurance for liability coverage.

**2-10.6 Revocation of License.** A license issued under the provisions of this Chapter may be revoked for violation of any of the terms of this Code. No license shall be revoked until the license holder has been given notice in writing of the violation and reasonable opportunity to comply with the provisions of this Code.

**2-11.7 Reciprocity With Other Licensing Programs.** Licensure in other counties shall be reciprocal with licensure in Ottawa County if training, exam, and passing scores are equal to or greater than those required for licensure in Ottawa County.

**2-11.8 Contracting With Unlicensed Persons Prohibited.** No person responsible for operating a private wastewater system shall contract with any person for services unless that person holds a valid permit or license to provide such services from the Administrative Agency.

**2-12 REQUIREMENTS FOR SUBDIVISION DEVELOPMENT.**

After adoption of this code, no person shall develop any subdivision until plans and specifications for onsite wastewater provisions and/or protection have been approved by the Administrative Agency.

**2-13 NON-CONFORMING LOTS.**

**2-13.1 Structure Alteration.** In no case shall a structure, served by a private wastewater disposal system and located on a lot that does not meet size and separation requirements of this Code, be altered, replaced, reconstructed, or enlarged in such a manner that would enable an increase in the number of persons residing in said structure or otherwise produce an increase in the volume of wastewater.

**2-13.2 Reconstruction Limited.** Repairs, maintenance, or reconstruction of said structure shall be limited to those items necessary to keep the structure in sound condition.

**2-13-3 Change of Usage.** Use of said structure shall not be changed in any manner which increases the volume of wastewater used.

**2-13-4 Case-by-Case Basis.** Each occurrence of repair, reconstruction, or alteration done to structures on non-conforming lots shall be reviewed on a case-by-case basis.

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## NONPUBLIC WATER SUPPLIES

### CHAPTER 3

#### 3-1 PURPOSE AND INTENT.

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

#### 3-2 APPLICABILITY.

The provisions of this chapter shall not apply to incorporated areas or to any premises under one ownership which exceeds 462,720 acres, more or less, and which is used only for agricultural purposes, located in Ottawa County, Kansas, pursuant to KSA 19-3706.

#### 3-3 DEFINITIONS.

**3-3.1 Nonpublic Water Supply** means all water supplies not meeting the definition of Public Water Supply.

**3-3.2 Public Water Supply** means a system that has at least ten (10) service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year. (K.S.A. 65-162a)

**3-3.3 Subdivision** means any tract of land that is or has been subdivided into two or more lots for the purpose of sale or building development, whether immediate or future, including the streets, alleys, or other portions thereof intended to be dedicated for public use, and any re-division of lands.

#### 3-4 REQUIREMENTS FOR NONPUBLIC WATER SUPPLIES.

**3-4.1 Permit.** No person or water well contractor shall construct any water supply subject to regulations of this code until a permit has been obtained from the Administrative Agency. Failure to comply shall result in a fine of \$50.00 for each occurrence.

**3-4.2 Approved Plans.** No permit to develop a water supply subject to regulations of this code shall be issued until the plans have been approved by the Administrative Agency.

**3-4.3 Nonpublic Water Supplies Which Serve Two to Nine Service Connections.** All nonpublic water supplies which serve two to nine service connections shall:

- mechanically chlorinate the water delivered to the connections; and,

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- b. test for bacteriological quality at least every three months; and,
- c. maintain logs to verify chlorine residuals and bacteriological quality for a period of at least one year.

**3-5 MINIMUM STANDARDS FOR GROUNDWATER SUPPLIES.**

**3-5.1 Location.** All wells used as sources of water for water supplies shall be separated from the specified sources of pollution by distances equal to or greater than those shown in Table 3-1. Such distances may be increased by the Administrative Agency to provide assurance that the well will not be contaminated.

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<b>Area</b>	<b>Table 3-1</b>	<b>Minimum Separation</b>
Subsurface absorption field for septic tank effluent		50'
Pit privy		50'
Septic tank		50'
Barnyards, stables, manure piles, animal pens, etc.		50'
Streams, lakes and ponds		50'
Sewer lines, not constructed of cast iron or other equally tight construction		50'
Sewer lines, constructed of cast iron or other equally tight construction		25'
Lagoons		50'
Property lines		25'
Petroleum and fertilizer		50'
House/outbuildings		50'

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**3-5.2 Construction.** The enforcement of this section of the sanitary code shall be regulated in accordance with K.A.R. 28-30-1 et. seq. as amended. Recommended standards for design, construction and location; and practices consistent with current approved technology shall be followed.

**3-5.3 Plugging Abandoned Wells.** No sale or conveyance of any real property shall be complete until the seller provides documented proof that all abandoned wells on such real property are plugged. Dug wells on real property shall be plugged in

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accordance with KAR 28-30-1 through 28-30-10 et seq., as amended.

**3-6 WATER WELL PUMP INSTALLER AND MAINTENANCE LICENSURE.**

- 3-6.1 License Required.** No person shall repair or install a water well pump unless they hold a valid Water well pump Installer and Maintenance License from the Administrative Agency. Property owners are exempt from the license, but not exempt from provisions of the code.
- 3-6.2 Application, Class, and Examination.** Every person wishing to obtain a Water well Pump Installer and Maintenance License shall make application for a license at the Administrative Agency. The applicant will be notified of the next class and exam date. A fee shall be paid to the Administrative Agency for the Water well Pump Installer and Maintenance Exam. A license shall be issued upon completion of the exam with a score of 70% or higher.
- 3-6.3 License Fee.** An annual fee may be paid to the Administrative Agency by January 1 of each year, following the initial issuance of the Water well Pump Installer and Maintenance License.
- 3-6.4 Continuing Education.** A requirement for continuing education is set for extended renewal of a Water well Pump Installer and Maintenance License. The Licensee must complete at least 2 hours of continuing education every five years starting at the time the first license is issued. The continuing education must be pertinent and related to water wells. Continuing Education Units (CEU's) must be submitted to the Administrative Agency.
- 3-6.5 Liability Requirements.** Before a license can be issued, the applicant must provide a certificate of insurance for liability coverage.
- 3-6.6 Revocation of License.** A license issued under the provisions of this Chapter may be revoked for violation of any of the terms of this Code. No license shall be revoked until the license holder has been given notice in writing of the violation and reasonable opportunity to comply with the provisions of this Code.
- 3-6.7 Reciprocity With Other Licensing Programs.** Licensure in other counties shall be reciprocal with licensure in Ottawa County if training, exam, and passing scores are equal to or greater than those required for licensure in Ottawa County.
- 3-6.8 Contracting with Unlicensed Persons Prohibited.** No person responsible for operating a private well shall contract, or offer to contract, with any person for services unless that person holds a valid permit or license to provide such service from the Administrative Agency.

**3-7 REQUIREMENTS FOR SUBDIVISION DEVELOPMENT.**

After adoption of this code, no person shall develop any subdivision until the plans and specifications for water supply provision and/or protection have been approved by the Administrative Agency.

## MEMORANDUM OF UNDERSTANDING (MOU)

Between

North Central-Flint Hills Area Agency on Aging, Inc. (NC-FH AAA)

And

Golden Wheel Senior Center (Minneapolis, Kansas)

### I. PURPOSE

This Memorandum of Understanding (MOU) establishes the terms and conditions under which the North Central-Flint Hills Area Agency on Aging, Inc. (NC-FH AAA) and the Golden Wheel Senior Center will collaborate to provide **Friendship Meals**, including congregate, home-delivered and Grab and Go meals to eligible older adults in Minneapolis/Ottawa County, Kansas and surrounding service areas.

### II. PARTIES

#### A. North Central-Flint Hills Area Agency on Aging, Inc. (NC-FH AAA)

The NC-FH AAA, a 501(c)3 organization, is the designated Area Agency on Aging responsible for developing and administering a comprehensive system of services for older adults under the Older Americans Act (OAA). Its mission is to support older Kansans and caregivers in maintaining independence, dignity, and quality of life through coordinated community-based services

#### B. Golden Wheel Senior Center

The Golden Wheel Senior Center, a 501(c)3 organization, is a community-based senior center dedicated to enhancing the well-being of older adults through nutrition services, socialization, and supportive programming. Its mission centers on promoting healthy aging, independence, and community engagement for older Kansans in Minneapolis and in Ottawa County.

### III. DESCRIPTION OF FRIENDSHIP MEALS PROGRAM

The Friendship Meals program is funded in part by the Older Americans Act and administered by NC-FH AAA. This program is intended to address nutritional needs, reduce isolation, and support independent living among older adults.

The program includes both **congregate meals** (served at a senior center) and **home-delivered meals** for eligible individuals.

Key program elements include:

- Meals are available to individuals aged 60 and older who complete registration and assessment or meet other eligibility requirements in NC-FH AAA policy.
- Eligible participants are encouraged to contribute a suggested voluntary donation for each meal set by the NC-FH AAA Board of Directors or whatever the participant can afford,

but no eligible individual may be denied a meal due to inability to pay; voluntary contributions must remain confidential.

- Individuals under 60 or without assessments may purchase meals at a full cost rate as set by NC-FH AAA Board of Directors.
- Services include:
  - **Congregate meals (CMEL)** are consumed at a senior center (supporting nutrition and socialization)
  - **Home-delivered meals (HMEL)** for individuals' unable to attend congregate sites; and
  - **"Grab & Go" meals (GMEL)** picked up at a senior center but not consumed at the senior center

#### **IV. COMPLIANCE AND REGULATORY REQUIREMENTS**

Both parties agree to comply with all applicable federal, state, and local regulations governing Older Americans Act nutrition programs, including the Kansas Department for Aging and Disability Services (KDADS) Field Services Manual [found at: <https://www.kdads.ks.gov/partners-providers/manuals-and-instructions>], the Kansas Department of Agriculture's Food Safety regulations [found at: <https://www.agriculture.ks.gov/divisions-programs/food-safety-and-lodging>], and the NC-FH AAA's *Friendship Meals employee policy handbook*.

##### **A. Eligibility and Assessment Requirements**

- Participants must be assessed and registered using required tools which include the:
  - 1) **Uniform Program Registration (UPR)** for congregate meals or short-term (30 days or less) home delivery completed by the Center Manager or a trained volunteer;
  - 2) **Abbreviated Uniform Assessment Instrument (AUAI)** for home delivery, grab & go or congregate meals completed by the Center Manager or a trained volunteer; or
  - 3) **Uniform Assessment Instrument (UAI)** completed by the NC-FH AAA Case Manager.
- Services may only be reimbursed for individuals determined eligible through proper assessment\registration.

##### **B. Customer Rights and Protections**

- Participants must receive information on "rights and responsibilities", and grievance procedures.
- NC-FH AAA and Golden Wheels Senior Center must ensure non-discrimination, confidentiality of contributions, and access to appeal processes.

##### **C. Service Delivery Standards**

- NC-FH AAA Nutrition services are delivered as part of a coordinated system of community-based services for older adults.
- Services must be accessible, equitable, and responsive to needs, particularly for individuals with greatest economic or social need.

#### **D. Documentation and Reporting:**

- Both parties agree to maintain and secure accurate records. NC-FH AAA employees have responsibility to maintain, secure and report:
  - Participant eligibility and assessments
  - Participant contributions collected and deposited according to NC-FH AAA policy.
  - Daily reservation sheets
  - Meals served.
  - Aggregate voluntary contributions received from meal participants to NC-FH AAA's central office.
- Records are the property of NC-FH AAA. All records must be retained and reported to NC-FH AAA in accordance with KDADS and NC-FH AAA requirements. All HIPAA protected documents must be secured.

#### **E. Staff and Volunteer Requirements:** It is agreed that:

- NC-FH AAA is the employer of record for the Head Cook, Center Manager and Food Transport positions at the Golden Wheel Senior Center; personnel involved in service delivery must meet applicable training and, where relevant, meet background check requirements for services provided in-home.
- Head Cook and Center Manager and Transport Driver shall support the mission of the NC-FH AAA, and avoid conflicts of interest while carrying out their job responsibilities.
- NC-FH AAA employees at the Golden Wheel Senior Center shall designate their substitutes who will work in the event of employee absences as per NC-FH AAA policy.
- In the event of vacant positions, NC-FH AAA will advertise in local and on-line media. Agency will make a priority to find other sources for meals including hot or frozen meals from other meal locations. Priority for meals during these situations, will participants with the highest needs.

### **V. ROLES AND RESPONSIBILITIES**

#### **A. NC-FH AAA Responsibilities**

##### **1. Program Administration**

- Administer the Friendship Meals program in compliance with the Older Americans Act, Kansas Department for Aging and Disability Services (KDADS), and NC-FH AAA policy requirements.
- Develop, communicate, and provide training and technical assistance on policies, procedures, and provide program monitoring and oversight.
- Provide training and guidance to Golden Wheel Senior Center staff and members of Golden Wheel Senior Center governing board members.

## **2. Funding and Financial Support**

- Provide OAA and state funding for food, supplies, and base wages for Friendship Meals staff based on established policies.
- Ensure proper allocation, monitoring, and accountability of federal, state, and local funds.

## **3. Eligibility and Assessment Oversight**

- Ensure proper assessment/registration of each participant and maintain compliance with Uniform Program Registration (UPR) and Abbreviated Uniform Assessment Instrument (AUAI) requirements.

## **4. Monitoring Compliance and Reporting**

- Conduct monitoring visits, audits, and performance counseling reviews to ensure compliance with KDADS Field Services Manual and OAA regulations.
- Collect and report required data on meals, participation, and voluntary contributions from participants; collect information to report wait-list and unmet needs.

## **B. Golden Wheel Senior Center Responsibilities and Governing Board's Role:**

1. Establish or maintain a local governing board with written by-laws and policies to ensure the success of the local dining center's Friendship Meals services including congregate and home delivered meals and any other services the center deems appropriate to provide.
2. Establish and maintain the dining center's infrastructure including paying utilities, taxes, insurance, upkeep and certain supplies and equipment needed for Friendship Meals services.
3. Conduct fundraising to supplement and support NC-FH AAA employees at the Golden Wheel Senior Center and dining center activities.
4. Recruit an active cadre of volunteers to assist with meal preparation, delivery of meals to homes, conduct activities and assist with center maintenance.
5. Establish policies and procedures to collect, spend and account for all funds non-Friendship Meals funds received.

6. Reports to the County Council on Aging--or equivalent county group--as requested or required.
7. Establish activities at the Golden Wheel Senior Center that attract participants, educate participants on health and nutrition and mitigate isolation.
8. Establish and maintain positive communications flow with the NC-FH AAA to regularly identify issues and achieve mutual goals.
9. In the event of staff vacancies, Golden Wheel Senior Center will take an active role in identifying and recruiting qualified staff for all vacant positions, utilizing volunteers where needed.
10. Assist NC-FH AAA staff in completing annual inventory of equipment for the purpose of identifying equipment ownership; assist with inventory of food supplies.
11. Provide general operational oversight and support for preparation and delivery of home-delivered meals. Communicate regularly with NC-FH AAA regarding program operation needs.
12. Provide up-to-date contact information for all key volunteers at the Golden Wheel Senior Center who work with the Friendship Meals program.
13. Other duties determined by the Golden Wheel Senior Center's Governing Board.

**VI. COLLABORATIVE COMMUNICATION AND MUTUAL RESPECT**

Both parties agree to maintain a professional, respectful, and collaborative relationship in support of the shared goal of serving older Kansans. Each party acknowledges the importance of fostering trust, transparency, and constructive communication. To support this partnership, both parties agree:

- to communicate openly and in good faith on all matters regarding program operations, concerns, and opportunities for improvement.
- to make reasonable efforts to address and resolve concerns directly with the other party in a timely and constructive manner.
- to represent the partnership and each other in a manner that reflects mutual respect and a shared commitment to quality services.

Nothing in this section is intended to limit either party's obligation to report concerns as required by law, regulation, or funding requirements. This provision is intended to promote a positive working relationship that supports effective service delivery and community confidence in the Friendship Meals program at the Golden Wheel Senior Center.

**VII. TERM AND TERMINATION**

This MOU shall become effective upon signature by both parties and remain in effect until terminated by either party with 60 days written notice.

**VIII. LIABILITY AND INDEPENDENCE**

Each party shall remain an independent entity and shall be responsible for its own acts, omissions, employees, and liabilities.

**IX. AMENDMENTS**

This MOU may be amended only by written agreement signed by both parties.

**X. SIGNATURES**

**For: North Central-Flint Hills Area Agency  
on Aging, Inc.**

**For: Golden Wheel Senior Center**

Signature: \_\_\_\_\_

Signature: \_\_\_\_\_

Name/Title: \_\_\_\_\_

Name/Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

4/3/2026