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**ORDINANCE NO. 2178**

**AN ORDINANCE AMENDING ARTICLE 7 OF CHAPTER XV OF THE CODE OF THE CITY OF DE SOTO RELATING TO ADOPTION OF THE 2006 INTERNATIONAL PRIVATE SEWAGE DISPOSAL CODE**

WHEREAS, Article 7 of Chapter XV of the City Code addresses use of private sewers in the City of De Soto; and

WHEREAS, City Staff and the City Planning Commission have recommended that the City adopt, with certain amendments, the 2006 International Private Sewage Disposal Code.

**NOW THEREFORE, BE IT ORDAINED** by the Governing Body of the City of De Soto:

**Section 1.** The Governing Body hereby adopts the following amendments to Article 7 of Chapter XV of the Code of the City of De Soto:

**ARTICLE 7. PRIVATE SEWER SYSTEMS**

15-701. **ADOPTION OF INTERNATIONAL PRIVATE SEWAGE DISPOSAL CODE.** There is hereby adopted and incorporated by reference, for the purpose of establishing rules and regulations governing private sewage disposal systems, the International Private Sewage Disposal Code, 2006 Edition, such code being made a part of the ordinances and code of the city as if the same had been set out in full herein, all as authorized and in the manner prescribed by K.S.A. 12-3009 through 12-3012 including any amendments thereto. No fewer than three copies of the International Private Sewage Disposal Code shall be marked or stamped "Official Copy as Incorporated by the Code of the City of DeSoto," and shall be filed with the city clerk to be open to inspection and available to the public at all reasonable hours of business.

15-702. **ADDITIONAL AND REVISED PROVISIONS.** The following sections of this article are in addition to, or are revisions of, the standard code incorporated by reference in section 15-701:

(a) **101.1 Title.** These regulations shall be known as the Private Sewage Disposal Code of De Soto, Kansas hereinafter referred to as "this code".

(b) **101.2 Scope.** Septic tank and effluent absorption systems or other treatment tank and effluent disposal systems shall be permitted where a public sewer is not available to the property served and the minimum lot or parcel area is 1.00 acres. For any lot or parcel that has

not been created nor is contained within an approved final plat at the time this standard code is adopted, the minimum 1.00 acre requirement shall not include areas within the boundary of the building lot or parcel that are dedicated for roads, streets, alleys, utility easements, drainage easements, pedestrian easements, landscaping easements, or any other similar encumbrances. Unless specifically approved, the private sewage disposal system of each building shall be entirely separate from and independent of any other building. The use of a common system or a system on a parcel other than the parcel where the structure is located shall be subject to the full requirements of this code as for systems serving public buildings.

Appendix A and B of the International Private Sewage Disposal Code are hereby adopted.

(c) **102.1 General.** The provisions of this code shall apply to all matters affecting or relating to structures, as set forth in Section 101. Where, in any specific case, different sections of this code, or the Kansas Department of Health and Environment Bulletin 4-2, specify different materials, methods of construction or other requirements, the most restrictive shall govern.

(d) **102.3.1 Maintenance.** All new or replacement Private Sewage Disposal Systems, which may include filters, pumps, timers or mechanical treatment as determined by the Code Official, will require semi-annual or annual maintenance contracts by an approved company or provider. All service contracts must include a clause that the City of De Soto Code Official or his designee will be notified in writing should the contract be terminated. Should any required Service Contract be terminated and a replacement is not provided by the property owner or designee within 30 days, then according to the regulations of the code, the Private Wastewater System will be considered an Unsafe System under 108.7 of the code.

(e) **104.1.1 Licensing.** A person licensed as an installer, in Johnson County or in a Kansas county with similar licensing requirements as determined by the Code Official, shall be considered licensed for the purpose of designing and installing conventional and shallow in-ground or conventional mound private wastewater systems that are pumped or gravity fed, as determined by the Code Official. Alternative systems such as aerobic, low pressure pipe drip systems or other permitted alternative systems, must be designed by a licensed Professional Engineer, or by a person licensed as a designer in Johnson County or in a Kansas county with similar licensing requirements as determined by the Code Official.

(f) **106.4.2 Fee schedule.** The fees for all private sewage disposal work shall be as indicated in the annual Fee Resolution adopted by the City of De Soto.

(g) **302.2 Cesspools and privies.** The use of privies and other types of dry toilets will be allowed only on sites where there is no sewage produced or under certain temporary conditions as determined by the Code Official. Cesspools shall be prohibited.

(h) **405.1.1 Primary Method.** The accepted primary method for determining the wastewater loading rates shall be actual soil verification and the resulting assignment of soil acceptance rates following accepted KDHE guidelines.

(i) **406.1 Minimum Horizontal Separation Distances for Soil Absorption Systems.** For a habitable building, slab-on-grade, the separation distance shall be 20 feet. The distance from a lot line shall be 10 feet.

(j) **504.3 Steel tanks.** Steel tanks are not allowed by the City of De Soto.

(k) **601.1 Scope.** The most restrictive provisions of this chapter, and the provisions of KDHE Bulletin 4-2, shall govern the sizing and installation of soil absorption systems.

(l) **705.3 Alarm System.** Alarm systems shall consist of an audible (bell/horn) and visual (light) mounted in the structure, and shall be located to be easily seen or heard. The high-water sensing device shall be installed approximately 2 inches (51 mm) above the depth set for the "on" pump control but below the bottom of the inlet to the pumping chamber. Alarm systems shall be installed on a separate circuit from the electrical service.

(m) **802.1.1 Welded Steel.** Welded steel shall not be used for septic tank construction.

(n) **802.5 Manhole covers.** Manhole risers shall be provided with a fitted, water-tight cover of concrete, steel, cast iron or other approved material capable of withstanding all anticipated loads. All septic tanks shall have one (1) manhole cover terminated above grade and said cover shall have an approved locking device.

(o) **802.7.1.1 Septic Tank Capacity for One-and Two Family Dwellings.** One (1) bedroom family dwellings shall have a septic tank with a minimum of 1,000 gallon capacity, two (2) bedroom family dwellings shall have a septic tank with a minimum of 1,200 gallon capacity, three (3) bedroom family dwellings shall have a septic tank with a minimum of 1,350 gallon capacity, four (4) bedroom family dwellings shall have a septic tank with a minimum of 1,800 gallon capacity, and five (5) bedroom family dwellings shall have a septic tank with a minimum of 2,250 gallon capacity,

(p) **802.8.1 Minimum Horizontal Separation Distances for Treatment Tanks.** The following elements shall be separated from treatment tanks by the following distances: Building (10 feet), Foundation wall (10 feet), Lake (50 feet), Property line (10 feet), Pond (50 feet), Reservoir (50 feet), Stream (50 feet), Water Service (10 feet), and Well (50 feet).

(q) **805.1 Approval.** Holding tanks shall be prohibited for new or permanent installations. Special situations may be submitted for consideration and approval for temporary use by the Code Official. A pumping and maintenance schedule for each holding tank installation shall be submitted to the Code Official.

(r) **SECTION 1001 CESSPOOLS.** Cesspools shall be prohibited for new or permanent installations.

**Section 2.** This Ordinance shall take effect upon its adoption by the City Council, approval by the Mayor and publication in the City's official newspaper.

ADOPTED BY THE GOVERNING BODY OF THE CITY OF DE SOTO, KANSAS  
AND APPROVED BY THE MAYOR ON THE 9<sup>th</sup> DAY OF October, 2007.

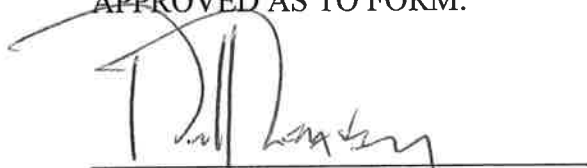
(seal)

  
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DAVID R. ANDERSON, Mayor

ATTEST:

  
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LANA R. McPHERSON, MMC  
City Clerk

APPROVED AS TO FORM:

  
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PATRICK G. REAVEY  
City Attorney