

Ordinance No. _____ Summary

On November 15, 2018, the City of De Soto, Kansas, adopted Ordinance No. _____, (to be effective January 1, 2019) adopting and incorporating into the De Soto City Code, with certain delineated additions, exceptions, or revisions, the 2018 Edition of the International Private Sewage Disposal Code, as recommended by the International Conference of Building Officials. A complete copy of this ordinance may be obtained or viewed free of charge at the Office of the City Clerk at City Hall, 32905 West 84th Street, De Soto, Kansas or at www.desotoks.us. This summary is certified by Patrick G. Reavey, De Soto City Attorney pursuant to K.S.A. 12-3001, et seq.

ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLE 7 OF CHAPTER XV OF THE CODE OF THE CITY OF DE SOTO RELATING TO ADOPTION OF THE 2018 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, § 15-701 of Article 7 of Chapter XV of the De Soto City Code adopts the 2012 Edition of the International Private Sewage Disposal Code; and

WHEREAS, the City desires to update its standards by adopting the 2018 Edition of the International Private Sewage Disposal Code; and

WHEREAS, to allow those who will be affected by the new codes to familiarize themselves with them, the effective date of this Ordinance will be January 1, 2019.

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, 2018 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. One copy of the International Private Sewage Disposal Code shall be marked or stamped "Official Copy as Incorporated by the Code of the City of De Soto," and shall be available from 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) **107.1.1 Re-Sale Inspection** Add the following: A Re-sale Inspection is required for all properties having a Private Wastewater System. Inspection should be scheduled in advance of closing date to allow enough time to make any repairs. The City Code requires that an inspection be performed within 30 days after a property is purchased. If major repairs are determined, an additional repair permit may be required before system approval.

(h) **202 General Definitions Re-Sale Inspection.** A Re-Sale Inspection is a procedure performed by a City Code Inspector to determine the functional status of a private wastewater system. It involves inspection of the indoor plumbing, the functional components of the system, lot site conditions, and a historical file review. A System Inspection is required at sale of any properties with a private wastewater system in the City of De Soto, with the intent of bringing non-conforming systems up to minimum City Code requirements.

(i) **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.

(j) **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.

(k) **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.

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

(m) **504.5 Manholes** Manhole risers, collars and extensions shall be of approved materials. Manhole covers shall be water tight and capable of withstanding anticipated loads. All septic tanks shall have one (1) manhole cover or more terminated above grade and said cover shall have an approved locking device.

(n) **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.

(o) **602.1.1 General** The use of individual waste stabilization ponds, usually referred to as lagoons, will be considered only if the installation of a septic tank-lateral field

disposal system is not practical. Lagoons require approval from City Engineer, Code Official and additional State permits may be required from the Kansas Department of Health and Welfare.

(p) **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.

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

(r) **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.

(s) **Table 802.7.1** Revise numbers in columns to read as follows:

1-750
2-1000
3-1250
4-1500
5-2000
6-2500
7-2750
8-3000

(t) **Table 802.8** Revise to read as follows:

Building – 10
Cistern-50
Foundation Wall-10
Lake, high water mark-50
Lot line-10
Pond-50
Reservoir-50
Spring-50
Stream or watercourse-50
Swimming pool-15
Water service-10
Well-50

(u) **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.

(v) **1001 Cesspools.** Cesspools shall be prohibited for new or permanent installations.

Section 2. This Ordinance shall take effect and be in force on January 1, 2019 in the event of its prior passage, approval and publication as provided by law.

ADOPTED BY THE GOVERNING BODY OF THE CITY OF DE SOTO, KANSAS
AND APPROVED BY THE MAYOR ON THE 15th DAY OF NOVEMBER, 2018.

(seal)

RICK WALKER, Mayor

ATTEST:

LANA R. McPHERSON, MMC
City Clerk

APPROVED AS TO FORM:

PATRICK G. REAVEY
City Attorney