Unified Government of Wyandotte County and Kansas City, Kansas

Board of Commissioners

Commission Chambers
701 N. 7th Street Trafficway, Kansas City, KS 66101

Mayor Christal E. Watson
Commissioner At-Large Dist. 1 Melissa Bynum – Commissioner At-Large Dist. 2 Andrew Kump – Commissioner Dist. 1 Jermaine Howard – Commissioner Dist. 2 Bill Burns – Commissioner Dist. 3 Christian Ramirez – Commissioner Dist. 4 Evelyn Hill – Commissioner Dist. 5 Carlos Pacheco – Commissioner Dist. 6 Phil Lopez – Commissioner Dist. 7 Chuck Stites – Commissioner Dist. 8 Andrew Davis

UPDATED AGENDA

Thursday, May 7, 2026
5:30 PM

1. CALL TO ORDER/ROLL CALL

2. INVOCATION

3. PLEDGE OF ALLEGIANCE

4. REVISIONS TO AGENDA

ADDING ITEM 7.12 TO THE CONSENT AGENDA, SUBSTITUTING DOCUMENTS TO ITEM NOS. 9.1, 9.2, 9.3 UNDER THE STANDING COMMITTEES' AGENDA, AND REMOVAL OF ITEM NO. 10.1 UNDER THE ADMINISTRATOR'S AGENDA.

5. PUBLIC ANNOUNCEMENTS

6. MAYOR'S AGENDA

6.1 **PRESENTATION: ELECTION OFFICE CONTEST AND CONTEST WINNER**

Synopsis: Michael Abbott, Election Commissioner, will present information on the "I Voted" sticker design contest and introduce Melanie Estrada-Quintero, a Senior at Turner High School, and Rylee Adkins, a Senior at Piper High School, the winning designs.

For information only.
Tracking #: 21345

6.2 **PRESENTATION: JEWISH HERITAGE MONTH**

Synopsis: Presentation on Jewish Heritage Month.

For Information Only.

Tracking #: 21346

7. REGULAR CONSENT AGENDA

7.1 **ORDINANCE: STORMWATER ORDINANCE CHANGES**

Synopsis: Approve ordinances making updates to the Stormwater Ordinance, Chapter 8 and Chapter 30. The updates include correcting typos, providing clarity, modifying requirements and modifying definitions to ensure inspections of stormwater treatment facilities.

*On April 13, 2026, the **Public Works and Safety Standing Committee**, chaired by Commissioner Kump, voted unanimously to approve and forward to the Board of Commissioners meeting.*

Tracking #: 21164

7.2 **ORDINANCE: ALARM BUSINESSES AND SYSTEMS ORDINANCE CHANGES**

Synopsis: Approve an ordinance amending Chapter 19, article VII – Alarm Businesses and Systems of the Unified Government Code of Ordinances, to update the ordinance in light of current alarm technologies and amend the fee structure for alarm permits and excessive false alarms.

*On April 13, 2026, the **Public Works and Safety Standing Committee**, chaired by Commissioner Kump, voted unanimously to approve and forward to the Board of Commissioners meeting.*

Tracking #: 21235

7.3 **RESOLUTION: FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) PUBLIC ASSISTANCE REIMBURSEMENT GRANT**

Synopsis: Adopt a resolution to approve the Federal Emergency Management Agency (FEMA) Public Assistance reimbursement grant for the July 17 - 22, 2025, flooding and severe weather in Kansas City, KS. A 25% local match is required. it will be allocated from in-kind services.

*On April 13, 2026, the **Public Works and Safety Standing Committee**, chaired by Commissioner Kump, voted unanimously to approve and forward to the Board of Commissioners meeting.*

Tracking #: 21119

7.4 **RESOLUTION: SELLING CERTAIN UNIFIED GOVERNMENT PROPERTIES TO THE PUBLIC**

Synopsis: Adopting a resolution to authorize the sale of 10039 Leavenworth Road, 9913 Leavenworth Road, 3042 N. 99th Street, 3030 N. 99th Street, 2938 N. 99th Street, 12 N. James Street, 16 N. James Street, and 72 Central Avenue.

*On April 13, 2026, the **Administration and Human Services Standing Committee**, chaired by Commissioner Ramirez, voted unanimously to approve and forward to the Board of Commissioners meeting.*

Tracking #: 21264

7.5 **RESOLUTION: HOUSE SUBSTITUTE FOR SENATE BILL 244**

Synopsis: Adopting a resolution authorizing the County Administrator to implement a policy related to ensuring compliance with House Substitute for Senate Bill 244 regarding the designation and use of multiple-occupancy private spaces in public buildings.

*On April 13, 2026, the **Administration and Human Services Standing Committee**, chaired by Commissioner Ramirez, voted unanimously to approve and forward to the Board of Commissioners meeting.*

Tracking #: 21231

7.6 **APPROVAL: HR GUIDE REVISION: 5.13 PAID CHILDBIRTH AND PARENTAL LEAVE**

Synopsis: Language is proposed to modify the policy whereby the amount of childbirth and parental leave granted is prorated to equivalent 6 week and 4 weeks of paid childbirth and parental leave, respectively. Additional proposed language includes parameters for leave taken at the end of employment.

*On April 13, 2026, the **Administration and Human Services Standing Committee**, chaired by Commissioner Ramirez, voted unanimously to approve and forward to the Board of Commissioners meeting.*

Tracking #: 21228

7.7 **APPROVAL: HR GUIDE REVISION: 2.13 IDENTIFICATION BADGES**

Synopsis: New language is proposed to clarify that employees must wear UG ID badges while on duty; Employees can only use their own ID badge to gain entry into authorized facilities and supervisors must promptly collect and disable badge access from employees that are no longer employed.

*On April 13, 2026, the **Administration and Human Services Standing Committee**, chaired by Commissioner Ramirez, voted unanimously to approve and forward to the Board of Commissioners meeting.*

Tracking #: 21229

7.8 **APPROVAL: HR GUIDE REVISIONS: 6.6 TAKE-HOME VEHICLE POLICY**

Synopsis: As a result of the elimination of the residency requirement for Unified Government employees, it is necessary to amend the Take-Home Vehicle policy to mitigate risks associated with storing UG vehicles outside of Wyandotte County.

*On April 13, 2026, the **Administration and Human Services Standing Committee**, chaired by Commissioner Ramirez, voted unanimously to approve and forward to the Board of Commissioners meeting.*

Tracking #: 21230

7.9 **APPOINTMENT: BOARDS AND COMMISSIONS**

Synopsis: **Golf Advisory Board**:
Appointment of Steve Pope-Term 5/7/26 to 12/15/29, submitted by Commissioner Davis.

Housing Authority:
Appointment of Brennan Crawford-Term 5/7/26 to 12/15/29, submitted by Commissioner Kump.

Solid Waste Management Plan Committee:
Appointment of Amanda DeVriese-Term 4/22/26 to 12/15/30, submitted by Mayor Watson.
Appointment of Monica Mendez-Term 4/22/26 to 12/15/30, submitted by Mayor Watson.
Appointment of Kori Hall-Term 4/22/26 to 12/15/30, submitted by Mayor Watson.
Appointment of Nick Morena-Term 4/22/26 to 12/15/30, submitted by Mayor Watson.

Tracking #: 21398

7.10 **MINUTES**

Synopsis: Minutes from the Regular Session meeting on July 10, 2025, April 2, 2026, and minutes from the Special Meeting on April 23, 2026.

Tracking #: MINUTES

7.11 **WEEKLY BUSINESS**

Synopsis: Weekly business materials dated March 12 and 26, 2026, and April 2, and 9, 2026.

Tracking #: WEEKLY BUSINESS

7.12 **RESOLUTION: APPROVING ISSUANCE OF INDUSTRIAL REVENUE BONDS (HOMEFIELD AMD PARTNERS SENIOR HOUSING PROJECT) (ADDED PER AGENDA UPDATE)**

Synopsis: Adopting a resolution determining the intent to issue Industrial Revenue Bonds in the amount of not to exceed $15,000,000 to finance the costs and equipping a Commercial Multifamily facility for the benefit of AMD Partners LLC. located at approximately 94th Street in the Homefield STAR bonds area for sales tax exemption on construction.

*This item was scheduled to appear before the **Economic Development and Finance Standing Committee**, chaired by Commissioner Bynum, on May 4, 2026. It was requested to fast track this item to the May 7, 2026, Board of Commissioners meeting.*

Tracking #: 21455

8. PUBLIC HEARING AGENDA

9. STANDING COMMITTEES' AGENDA

9.1 **PRESENTATION: STORMWATER UTILITY RATES (SUBSTITUTING DOCUMENTS PER AGENDA UPDATE)**

Synopsis: The Public Works Department will present the enterprise utility funds and proposed rate options for 2026 and 2027, including an overview of each option and the associated outcomes.

This item was originally scheduled before the Public Works and Safety Standing Committee on March 16, 2026. The standing committee voted unanimously to move this item forward to the Board of Commissioners with no recommendation. This item was heard before the Board of Commission on April 16, 2026, and voted unanimously to be tabled for the May 7, 2026, Board of Commission meeting.

Tracking #: 21427

9.2 **PRESENTATION: SANITARY SEWER UTILITY RATES (SUBSTITUTING DOCUMENTS PER AGENDA UPDATE)**

Synopsis: The Public Works Department will present the enterprise utility funds and proposed rate options for 2026 and 2027, including an overview of each option and the associated outcomes.

This item was originally scheduled before the Public Works and Safety Standing Committee on March 16, 2026. The standing committee voted unanimously to move this item forward to the Board of Commissioners with no recommendation. This item was heard before the Board of Commission on April 16, 2026, and voted unanimously to be tabled for the May 7, 2026, Board of Commission meeting.

Tracking #: 21428

9.3 **PRESENTATION: SOLID WASTE UTILITY RATES (SUBSTITUTING DOCUMENTS PER AGENDA UPDATE)**

Synopsis: The Public Works Department will present the enterprise utility funds and proposed rate options for 2026 and 2027, including an overview of each option and the associated outcomes.

This item was originally scheduled before the Public Works and Safety Standing Committee on March 16, 2026. The standing committee voted unanimously to move this item forward to the Board of Commissioners with no recommendation. This item was heard before the Board of Commission on April 16, 2026, and voted unanimously to be tabled for the May 7, 2026, Board of Commission meeting.

Tracking #: 21429

10. ADMINISTRATOR'S AGENDA

10.1 **PRESENTATION: DEVELOPMENT REVIEW PROCESS (REMOVED PER AGENDA UPDATE)**

11. COMMISSIONERS' AGENDA

12. EXECUTIVE SESSION

12.1 **EXECUTIVE SESSION**

Synopsis: The governing body will adjourn into executive session regarding consultation with an attorney on matters that would be deemed privileged in an attorney-client relationship. **The executive session portion of the meeting is closed to the public under the Kansas Open Meetings Act.**

Tracking #: 21408

13. ADJOURN

The Unified Government of Wyandotte County and Kansas City, Kansas will provide necessary, reasonable auxiliary aids and services, such as ASL translators, machine-readable copies of meeting materials, or on-site language interpretation. Individuals requiring any auxiliary aids or services should contact the Unified Government Office of the Clerk by emailing or calling UGclerkrequest@wycokck.org or 913-573-5260 at least 48 hours in advance of the meeting. Persons may address the Commission during the time set aside for Public Comment on each item scheduled or at any time by suspension of the rules. All persons must address the commission and state their name and address for the record. Comments shall be limited to three (3) minutes for each participant. Disruptive comments and behavior are not permitted and may result in removal from the meeting.

Some commissioners, staff, and the public may attend remotely via Zoom or by phone. All participants joining by phone should mute their phones when not speaking to avoid background noise. During the meeting, all speakers are asked to please announce yourself by name and title every time you speak so the public that is observing knows who is speaking. This is critical given the number of remote participants and is current guidance from the Kansas Attorney General.

El Gobierno Unificado del Condado de Wyandotte y Kansas City, Kansas, proporcionará ayudas y servicios auxiliares necesarios y razonables, como traductores de ASL, copias legibles por máquina de los materiales de la reunión o interpretación de idiomas en el lugar. Las personas que requieran ayuda o servicios auxiliares deben comunicarse con la Oficina del Secretario del Gobierno Unificado enviando un correo electrónico o llamando al UGclerkrequest@wycokck.org o al 913-573-5260 al menos 48 horas antes de la reunión.

Join from PC, Mac, iPad, or Android:
https://wycokck.zoom.us/j/86971076459
Webinar ID: 869 7107 6459

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+13462487799,,86971076459# US (Houston)
Join via audio:
+1 253 215 8782 US (Tacoma), +1 346 248 7799 US (Houston), +1 669 444 9171 US, +1 669 900 9128 US (San Jose), +1 719 359 4580 US, +1 253 205 0468 US, +1 646 558 8656 US (New York), +1 646 931 3860 US, +1 689 278 1000 US, +1 301 715 8592 US (Washington DC), +1 305 224 1968 US, +1 309 205 3325 US, +1 312 626 6799 US (Chicago), +1 360 209 5623 US, +1 386 347 5053 US, +1 507 473 4847 US, +1 564 217 2000 US, 888 475 4499 US Toll Free, 877 853 5257 US Toll Free
International numbers available: https://wycokck.zoom.us/u/kdKMmalufT

Cell phones may mute and unmute by dialing *6.
Raise and lower your hand to be acknowledged by dialing *9.
To raise your digital hand from your PC or Mac, click the button labeled “Raise Hand” at the bottom of the window on the right side of the screen.

AGENDA UPDATE
UNIFIED GOVERNMENT BOARD OF COMMISSIONERS MEETING
THURSDAY, MAY 7, 2026

ADDING ITEM

7. CONSENT AGENDA

Item No. 7.12– RESOLUTION: APPROVING ISSUANCE OF INDUSTRIAL REVENUE BONDS (HOMEFIELD AMD PARTNERS SENIOR HOUSING PROJECT) (ADDED PER AGENDA UPDATE)

Synopsis: Adopting a resolution determining the intent to issue Industrial Revenue Bonds in the amount of not to exceed $15,000,000 to finance the costs and equipping a Commercial Multifamily facility for the benefit of AMD Partners LLC. located at approximately 94th Street in the Homefield STAR bonds area for sales tax exemption on construction.

*This item was scheduled to appear before the **Economic Development and Finance Standing Committee**, chaired by Commissioner Bynum, on May 4, 2026. It was requested to fast track this item to the May 7, 2026, Board of Commissioners meeting.*

Tracking #: 21455

SUBSTITUTING DOCUMENTS

9. STANDING COMMITTEES' AGENDA

Item No. 9.1– PRESENTATION: STORMWATER UTILITY RATES

Synopsis: The Public Works Department will present the enterprise utility funds and proposed rate options for 2026 and 2027, including an overview of each option and the associated outcomes.

This item was originally scheduled before the Public Works and Safety Standing Committee on March 16, 2026. The standing committee voted unanimously to move this item forward to the Board of Commissioners with no recommendation. This item was heard before the Board of Commission on April 16, 2026, and voted unanimously to be tabled for the May 7, 2026, Board of Commission meeting.

Tracking #: 21427

Item No. 9.1– PRESENTATION: STORMWATER UTILITY RATES

Synopsis: The Public Works Department will present the enterprise utility funds and proposed rate options for 2026 and 2027, including an overview of each option and the associated outcomes.

This item was originally scheduled before the Public Works and Safety Standing Committee on March 16, 2026. The standing committee voted unanimously to move this item forward to the Board of Commissioners with no recommendation. This item was heard before the Board of Commission on April 16, 2026, and voted unanimously to be tabled for the May 7, 2026, Board of Commission meeting.

Tracking #: 21428

Item No. 9.1– PRESENTATION: STORMWATER UTILITY RATES
Synopsis: The Public Works Department will present the enterprise utility funds and proposed rate options for 2026 and 2027, including an overview of each option and the associated outcomes.

This item was originally scheduled before the Public Works and Safety Standing Committee on March 16, 2026. The standing committee voted unanimously to move this item forward to the Board of Commissioners with no recommendation. This item was heard before the Board of Commission on April 16, 2026, and voted unanimously to be tabled for the May 7, 2026, Board of Commission meeting.
Tracking #: 21429

REMOVING ITEM

10. ADMINISTRATOR'S AGENDA

Item No. 10.1– PRESENTATION: DEVELOPMENT REVIEW PROCESS

Tracking ID: 21345

Report to
Board of Commissioners

MEETING DATE	PRESENTER	DEPARTMENT
		Mayor's Office

AGENDA ITEM #6.1.

PRESENTATION: ELECTION OFFICE CONTEST AND CONTEST WINNER

BACKGROUND

Michael Abbott, Election Commissioner, will present information on the "I Voted" sticker design contest and introduce Melanie Estrada-Quintero, a Senior at Turner High School, and Rylee Adkins, a Senior at Piper High School, the winning designs.

RECOMMENDATION

For information only

BUDGET IMPACTS / FINANCIAL CONSIDERATIONS

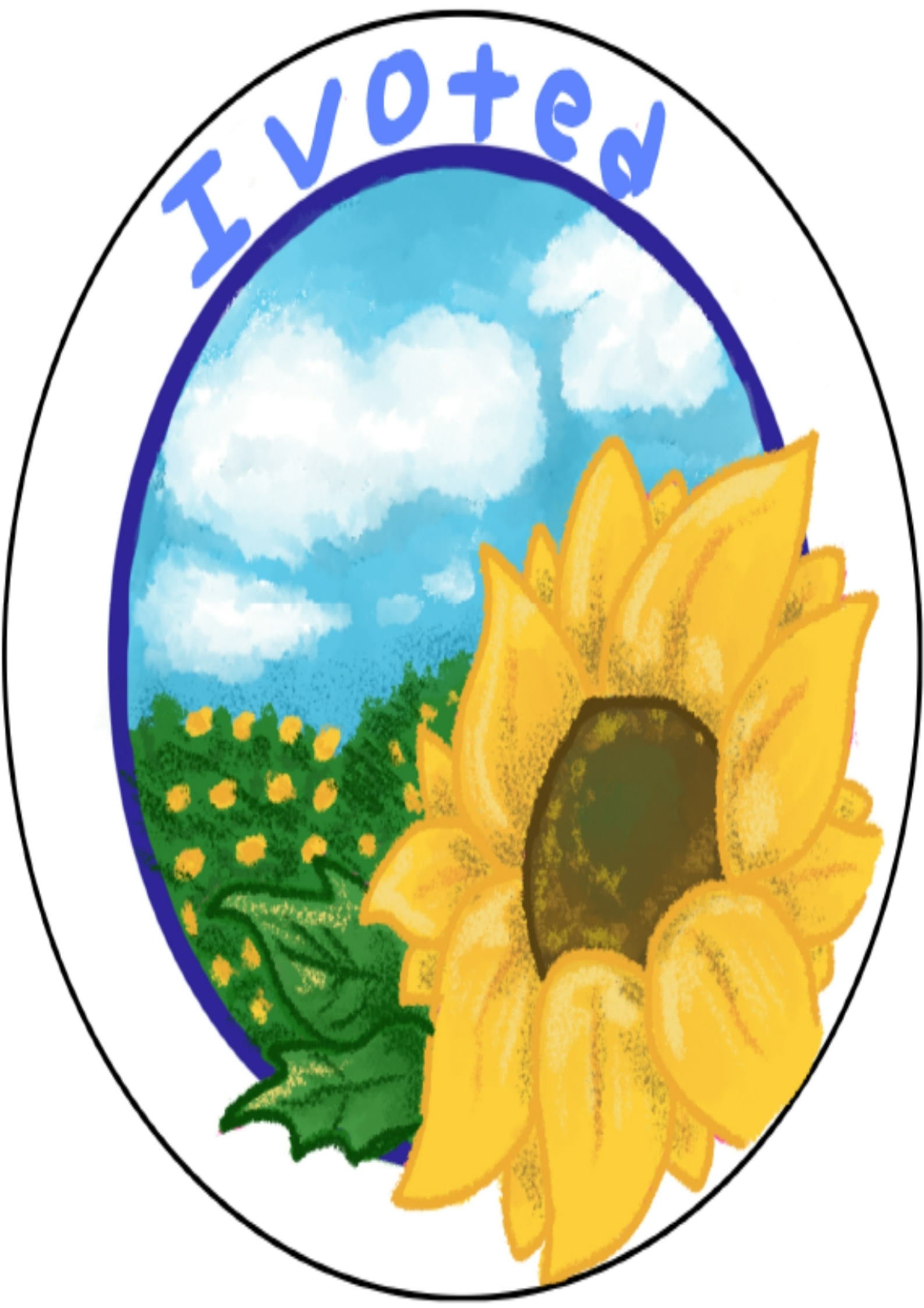
LEGAL/ POLICY CONSIDERATIONS

ATTACHMENTS

Melanie Estrada-Quintero sticker design, Rylee Adkins sticker design, May 7 2026 Commissioner Meeting PPT (1)

Approved by Mayor/Administrator to add to agenda.


I
YOtBO


I voted



2ND ANNUAL "I VOTED"

STICKER DESIGN CONTEST

Wyandotte County Election Office

ABOUT THE CONTEST

Students in Wyandotte County were invited to design a unique "I Voted" sticker for the 2026 elections.

- Contest was open for three months to allow students to design their entries
- All submissions were to be original artwork that captured the spirit of voting in Wyandotte County

Community benefit of the contest:

- Encourages younger generations to participate in the democratic process
- Plants the seeds for future civic involvement
- Offers our voters an exciting and unique sticker special to Wyandotte County

Future of the Contest:

- This was the second year of the contest and even more successful than the first
- Next contest will be announced early next year on the Wyandotte County Election Office's Facebook page
- Intended to be an annual contest for WYCO students

CONGRATULATIONS!

To the 2026 “I Voted” Sticker Design Contest Winners



RYLEE ADKINS

PIPER HIGH SCHOOL - SENIOR



MELANIE ESTRADA-QUINTERO

TURNER HIGH SCHOOL - SENIOR

All contest submissions are showcased in the lobby of the Wyandotte County Election Office. We invite you to visit during business hours to admire the fantastic designs crafted by our WYCO students!

Tracking ID: 21346

Report to
Board of Commissioners

MEETING DATE	PRESENTER	DEPARTMENT
	Alicia Deville, Chief of Staff adeville@wycokck.org X5438	Mayor's Office

AGENDA ITEM #6.2.

PRESENTATION: JEWISH HERITAGE MONTH

BACKGROUND

Presentation on Jewish Heritage Month.

RECOMMENDATION

For information only

BUDGET IMPACTS / FINANCIAL CONSIDERATIONS

LEGAL/ POLICY CONSIDERATIONS

ATTACHMENTS

Jewish American Heritage Month 2026

Approved by Mayor/Administrator to add to agenda.

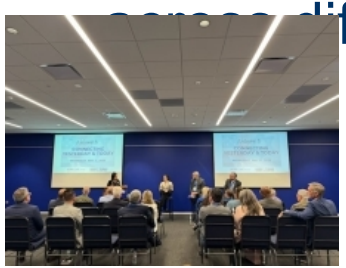
Jewish American Heritage Month



JCRB | AJC Kansas City

Connect. Educate. Advocate.
Community

For more than 80 years, JCRB|AJC (Jewish Community Relations Bureau | American Jewish Committee) has served as the Jewish community's advocate in Kansas and Western Missouri. We **advocate** for community security, **educate** across differences, and **connect** partners throughout interfaith and civic spaces.





JCRB | AJC Kansas City

COMBATING ANTISEMITISM & PURSUING JUSTICE

Jewish American Heritage Month

Each May, Jewish American Heritage Month offers an **opportunity to recognize and celebrate the contributions of Jewish Americans to our nation's history, culture, and civic life**. From advancements in science and medicine to achievements in arts, culture, public service, and the fight for civil rights, these contributions are part of the broader American story.

This month is not only about celebrating history; it is also about **deepening understanding**. Jewish identity is both a **religion and a peoplehood**, rooted in shared traditions, values, and a long history of resilience. Core values such as education, responsibility to community, and working to improve the world (*tikkun olam*) continue to guide Jewish life today.





JCRB | AJC Kansas City

COMBATING ANTISEMITISM & PURSUING JUSTICE

Contact JCRB|AJC Kansas City

- Seeking a training for your workplace or community group? We can help!
  - Office phone: 913-327-8127
  - Website: www.jcrbajc.org
  - Email: jcrbajc@jewishkc.org

Read AJC's Jewish American Heritage Month Elected Officials Toolkit

JCRB | AJC Kansas City

COMBATING ANTISEMITISM & PURSUING JUSTICE

Tracking ID: 21164

Report to
Board of Commissioners

MEETING DATE	PRESENTER	DEPARTMENT
	Troy Shaw, County Engineer/ Director of Public Works tshaw@wycokck.org x5416	Public Works

AGENDA ITEM #7.1.

ORDINANCE: STORMWATER ORDINANCE CHANGES

BACKGROUND

- On May 20, 2013, the Unified Government and the State of Kansas entered into a federal Partial Consent Decree (PCD) with the Department of Justice on behalf of the United States Environmental Protection Agency.

- The NPDES MS4 Permit issued in 2024, addresses the Municipal Separated Storm Sewer System and requires the Unified Government to develop a Stormwater Management Plan (SMP) to reduce stormwater pollution to the maximum extent practicable
- The MS4 Permit requires the Unified Government to provide sufficient legal authority to comply with and administer the programs set out in the SMP.
- The Unified Government has legal authority in place prior to the 2024 MS4 Permit, but there were areas in which additional clarification and revisions were required to properly implement the programs outlined in the SMP.
- **Proposed Changes to Chapter 8, Article XIV Ordinances**
    - Definitions were modified to provide clarity to commonly asked questions from the public.
    - Added definition to ensure inspections are performed by an unbiased unaffiliated third-party qualified erosion control professional.
    - Land Disturbance Permit Requirement was modified to refer to Kansas Water Pollution Control General Permit to conform to State and regional standards.
    - The exemptions section was replaced with a reference to the Kansas Water Pollution Control General Permit to provide clarity and conform to State and regional standards regarding exemptions.
    - The Inspections section was modified to include language that ensures inspections are performed by an unbiased, unaffiliated third-party qualified erosion control professional.
- **Proposed Changes to Chapter 8, Article XV Ordinances**
    - Definition added to ensure inspections and certifications of Stormwater Treatment Facilities (STFs) are performed by an unbiased unaffiliated third-party qualified professional.
    - The Protection, maintenance and repair of facilities section was modified to include language that requires inspections and certifications of Stormwater Treatment Facilities are performed by an unbiased unaffiliated third-party qualified professional.
- **Proposed Changes to Chapter 30 Ordinances**
    - Replaced "Water Pollution Control" references with "Environmental Services"
    - Corrected typos.

- Numerous definitions and abbreviations were added, modified or eliminated to the Ordinances.
- Revised and added definitions for clarity.

RECOMMENDATION

Approve

Approval

BUDGET IMPACTS / FINANCIAL CONSIDERATIONS

N/A

LEGAL/ POLICY CONSIDERATIONS

N/A

ATTACHMENTS

Amendment to Chapter 8 (1), Ch 8 Land Disturbance -Redline (2025.11.10), Chatper 8 Article XIV Post Construction - Redline (2025.11.10), Amendment to Chapter 30 (1), Chapter_30___SEWERS_AND_SEWAGE_DISPOSAL_Redline (2025.11.10), Ch 8 Land Disturbance - FINAL (2026.02.06), Chatper 8 Article XIV Post Construction - FINAL (2026.02.06), Chapter_30___SEWERS_AND_SEWAGE_DISPOSAL_FINAL (2026.02.06)

Approved by Mayor/Administrator to add to agenda.

Published_____

ORDINANCE NO. _____

An ordinance relating to Chapter 8, Land Disturbance, Article XIV, amending Sections 8-611, 8-613, and 8-615; and Article XV, amending Sections 8-631, 8-636, and 8-638.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

Section 1. That Sections 8-611, 8-613, 8-615, 8-631, 8-636, and 8-638 are hereby amended to read as follows:

Sec. 8-611. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Approved plan means drawings or other documents that have been submitted by an applicant as a prerequisite to obtaining a land disturbance permit and that contain the information and specifications required by the unified government engineer to minimize off-site sedimentation from land disturbance activities and that have been approved by the unified government as complying with the provisions of this article.

Applicant means any person who makes application for a land disturbance permit, as required by this article.

Best management practice (BMP) means the stormwater management practice used to prevent or control the discharge of pollutants, including sediment, and minimize runoff, both directly and indirectly, to stormwater, receiving waters, or stormwater drainage systems, waters of the U.S. or water body found in the unified government. BMPs may include structural or nonstructural solutions, a schedule of activities, prohibition of practices, maintenance procedures, or other management practices and programs.

City means all of the territory of Wyandotte County, except the territory of the cities of Bonner Springs, Edwardsville, and Lake Quivira and the unincorporated area of Wyandotte County.

Clearing means any act by which vegetative cover, structures or surface material is removed, including, but not limited to, root mat or topsoil removal.

County administrator means the individual appointed by the mayor/CEO of the unified government as the unified government county administrator or his designee.

County engineer means the individual appointed by the county administrator as county engineer or his or her designee.

Design criteria means the erosion and sediment control design criteria adopted in writing, as authorized by section 8-613(a)(2).

Development means any human activity that alters the elevation, cover or other hydrologic feature of the land. Such activities include but are not limited to the subdivision of land and the addition or alteration of improvements such as cuts and fills, drainage alterations, utilities, buildings, pavements, landscape, and any combination of these elements. Also, the project, lot, parcel or tract or land where development or redevelopment occurs.

Director of urban planning and land use means the individual appointed by the county administrator as unified government director of urban planning and land use or his or her designee.

Erosion means the process by which the ground surface is worn away by the action of the wind, water, ice, gravity, or artificial means, and/or land disturbance activities.

Grading means any act by which soil is cleared, stripped, moved, leveled, stockpiled, or any combination thereof, and includes the conditions that result from that act.

Land disturbance activity means any act by which soil is moved and land changed that may result in erosion or the movement of sediments, and may include tilling, clearing, grading, excavating, stripping, stockpiling, filling and related activities, and the covering of land surfaces with an impermeable material.

Licensed land surveyor means an individual who is duly licensed by the state board of technical professions, pursuant to K.S.A. 74-7001 et seq., to practice surveying.

Maximum extent practicable means the result of the use of those best management which, based on sound engineering and hydro-geological principles, will, to the greatest degree possible, given all relevant considerations, including technology, climate and site conditions, prohibit erosion and sedimentation during and after development.

Municipal separate storm sewer system (MS4) or *public storm sewers* means the publicly maintained stormwater drainage system within the unified government, including all appurtenances and ancillary structures thereto, any conveyance or system of conveyances for stormwater, including road drainage systems, streets, catch basins, detention basins, curbs, gutters, ditches, man-made, channels, or storm drains, as well as any system that meets the definition of a municipal separate storm sewer system or "MS4" as defined by the Environmental Protection Agency in 40 C.F.R. 122.26, or amendments thereto.

Notice of violation means a written notice from the county engineer of deficiencies in the sediment and erosion control management of the site.

Permit means the land disturbance permit issued by the unified government authorizing land disturbance activities in accordance with the requirements of this article.

Permittee means any person to whom a land disturbance permit is issued pursuant to this article.

Permittee's agent means any representative, contractor, foreman, or superintendent who acts at the instruction of, or with the permission of, or to the benefit of the permittee.

Person means any natural or corporate person, business association or business entity including, but not limited to, a corporation, a partnership, a sole proprietorship, a political subdivision, a public or private agency of any kind, a utility, a successor or assign of any of the foregoing, or any combination thereof.

Pollutant means any substance or material which contaminates or adversely alters the physical, chemical or biological properties of water, including changes in temperature, taste, odor, turbidity, or color.

Professional engineer means an engineer duly licensed by the state board of technical professions, pursuant to K.S.A. 74-7001 et seq., to practice engineering.

Property owner means the person listed as owner of the property by the county recorder of deeds.

Qualified erosion control professional means a ~~natural~~ person ~~with at least one of the following qualifications~~who meets the criteria set forth by the most recent version of the *Unified Government of Wyandotte County Technical Provisions Section 1100 General Requirements.*

Sediment means soils or other materials transported or deposited by the action of wind, water, ice, gravity, or artificial means.

Site means any lot or parcel of land or a series of lots or parcels of land adjoining or contiguous or joined together under one ownership on which land disturbance activity is proposed in an application or which would require a land disturbance permit under this article.

Slope means the inclined surface of a fill, excavation, or natural terrain.

Soil means a natural mixture of mineral and organic particles bound to one another only by gravity or ionic bonds that is found on the immediate surface of the earth.

Stop work order means an order issued which requires that all construction activity on a site be stopped.

Storm drain means any enclosed structure for the conveyance of storm water runoff, including culverts, box culverts, storm sewer mains, or tunnels.

Stormwater pollution prevention plan (SWPPP) means BMPs and other structural, procedural and operations and maintenance provisions designed and operated to reduce or eliminate the discharge of pollutants, particularly in stormwater runoff.

Stripping means any activity by which the vegetative cover is removed or significantly disturbed, including tree removal, clearing, grubbing and storage, or removal of topsoil.

Unaffiliated – means the person(s) performing inspection work on behalf of the facility and/or property owner may not be directly employed by the facility or property owner.

Unified government means the unified government of Wyandotte County/Kansas City, Kansas.

Vegetative cover means any grasses, shrubs, trees and other vegetation that hold and stabilize soils.

Watercourse means any natural or artificial path for the concentrated flow of storm water or surface water, including but not limited to streams, rivers, creeks, ditches, channels, canals, conduits, culverts, drains, swales, waterways, gullies, ravines, or washes, including any area adjacent to it that is subject to overflow of floodwater.

(Ord. No. O-81-21 , § 1, 6-24-2021)

Sec. 8-613. Land disturbance permit.

(a) *Permit required.* No person may engage in any land disturbance activity, including persons engaged in land disturbance activity related to utility installation or maintenance, without first obtaining a land disturbance permit from the unified government, except as provided in this article. Any land disturbance permit shall encompass all land disturbance activity at the locations and during the times covered by the permit, whether such land disturbance activity is performed by the permittee, his or her contractor or subcontractors, a utility or its contractors, or any other independent agent. The permit fee shall be doubled for sites where land disturbance has occurred without a permit in violation of this article. Refer to the most recent version of the Kansas Water Pollution Control General Permit under "authorization to discharge" for who must obtain authorization to discharge.

(b) *Permit issuance.* The issuance of a permit shall constitute an authorization to do only that work described in the permit or shown on the approved plan. All work shall be completed in strict compliance with the requirements of this article. A copy of the approved plan and the permit must be available on the site for inspection by the county engineer. Field markings showing limits of disturbance must be on site during all installation of erosion and sediment control measures, construction, or other land disturbance activities.

(c) *Other construction permits delayed.* When a person is developing a site and a permit is required in accordance with this article, no other construction permits shall be issued to make improvements on that site until the person has secured a land disturbance permit for the same site.

(d) *Exemptions.* Refer to the most recent version of the Kansas Water Pollution Control General Permit under "authorization to discharge" for activities that do not require permit coverage.

~~A permit is not required under this article for the following:~~

~~(1) Any land disturbance activity that, in the course of the subject development, disturbs or will disturb a cumulative total of less than one acre of surface area; provided that none of the following scenarios exist:~~

~~a. Land disturbance is proposed within 50 feet of a natural or improved channel or drainage way.~~

~~b. Building construction of new roofed structures of more than 1,000 square feet on a site.~~

~~c. Land disturbance that includes 50 cubic yards or more of fill.~~

~~(2) All land farming operations, including plowing or tilling of land for the purpose of crop production or the harvesting of crops on land located in the agricultural districts, including AG and AG (county) zoning districts;~~

~~(3) Existing nursery operations conducted as a permitted main or accessory use;~~

~~(4) Any noncommercial garden in any zone that disturbs less than one acre of surface area; or~~

~~(5) Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.~~

(e) *Application.*

(1) To obtain a permit, the property owner of the site where the land disturbance activity is to be performed or the property owner's authorized representative first must submit a complete application in writing upon forms prescribed by the unified government.

(2) Each application shall bear the name(s) and address(es) of the property owner and developer of the site, and of any consulting firm retained by the applicant together with the name of the applicant's principal contact and shall be accompanied by a filing fee. A land disturbance permit will only be issued in the name of the current property owner.

(3) A qualified erosion control professional shall be identified on every permit as a responsible party who the unified government official may contact regarding installation, maintenance, notice of violations and removal of erosion and sediment control measures and to ensure that all work is completed in compliance with the SWPPP and all requirements of the land disturbance permit approved by the unified government. The permit holder is responsible for timely written notification to the unified government of any changes to the qualified erosion control professional.

(4) The property owner may designate, in writing, others to act on his or her behalf, however, the responsibility for compliance shall remain with the property owner until the issued permit has been officially closed.

(5) The land disturbance activity described in the land disturbance permit application shall be commenced within the time limits defined on the application.

(6) Application shall include a statement that any land clearing, construction, or development involving the movement of earth shall be in accordance with

the erosion and sediment control plan and that a certified contractor shall be on site on all days when construction or grading activities take place.

(f) *Review and approval.* The county engineer will review each application to determine its conformance with the provisions of this article and the erosion and sediment control design criteria authorized hereby. The county engineer shall, in writing:

(1) Approve the permit application if the application complies with all the requirements of this article and the county engineer determines that best management practices will be employed to control erosion and sedimentation to the maximum extent practicable;

(2) Approve the permit application subject to conditions, as herein authorized, as may be reasonably necessary to secure the objectives of this article or prevent the creation of a nuisance or an unreasonable hazard to persons or to public or private property, and issue the permit subject to these conditions; or

(3) Disapprove the permit application, indicating, in writing, the reason therefore.

(g) *Conditions of approval.* In approving the issuance of any permit, the county engineer may impose conditions as may be reasonably necessary to secure the objectives of this article or prevent the creation of a nuisance or unreasonable hazard to persons or to public or private property. These conditions may include, but are not limited to:

(1) The granting (or securing from others) and the recording in county land records of easements for drainage facilities, including the acceptance of their discharge on the property of others, and for the maintenance of slopes or erosion control facilities;

(2) Adequate control of dust by watering, or other control methods acceptable to the county engineer;

(3) Improvements of any existing grading, ground surface or drainage condition on the site (not to exceed the area as proposed for work or development in the application) to meet the standards required under this article for land disturbance, drainage and erosion control;

(4) Installation of additional safety related devices when in the proximity of an elementary school, playground or other areas where small children may congregate without adult supervision;

(5) Stormwater pollution prevention plan and any other conditions believed necessary to protect the general public's health, safety, and welfare; and

(6) Liability insurance if, in the opinion of the county engineer, the nature of the work is such that it may create a hazard to human life or endanger adjoining property or property at a higher or lower elevation, or any street or street improvement, or any other private or public property, then the county engineer may, before issuing the permit, require the applicant to file a

certificate of liability insurance. That certificate must be with an insurer admitted to do business in the state. The amount shall not be less than $1,000,000.00 per occurrence and $2,000,000.00 in aggregate. The insurance shall protect the permittee and the unified government from and against all claims by any person whatsoever for loss or damage from personal injury, bodily injury, death, or property damage to the extent caused or alleged to have been caused by the negligent acts or omissions of permittee, its employees, agents, or subcontractors. The values noted above may be adjusted at the discretion of the county engineer based on the exposure and risk involved in the project. Neither issuance of a permit, nor compliance with these provisions or any condition imposed by unified government relieves any person from any responsibility for damage to persons or property otherwise imposed by law, nor imposes any liability upon the unified government for damages to persons or property.

(h) *Assignment or transfer.*

(1) The permittee may request that the permit be transferred to another party. The transfer of a permit from one party to another shall be subject to the approval of the county engineer and not be effective until written approval is issued.

(2) If the permittee sells any portion of the property before the termination of the permit, the permittee will remain responsible for that portion of the property until the new property owner obtains a permit or until a completion certificate is issued for the portion sold.

(3) A new owner of a portion of property covered by an approved plan with respect to which a completion certificate has not been issued, shall, before a building permit is issued, obtain a permit, if, and as, required by this article.

(i) *Termination upon completion.* To terminate the permit, the permittee shall submit a request to terminate permit form, as provided by the unified government, to the county engineer. The county engineer will then inspect the site and make a determination as to whether the permit can be terminated. The site will be considered stabilized when perennial vegetation, pavement, buildings, or structures using permanent materials cover all areas that have been disturbed. The permittee will be notified in writing of the determination. A certificate of occupancy (CO) or temporary certificate of occupancy (TCO) for a building permit may not be released until the land disturbance permit is approved for termination as a result of a successful final inspection.

(Ord. No. O-81-21 , § 1, 6-24-2021)

Sec. 8-615. Inspections.

The county engineer may perform inspections of the land disturbance site to verify compliance with the erosion and sediment control plan. Should it be found that erosion

and control methods are ineffective or are not being maintained properly, the county engineer may take enforcement actions described within this chapter. The county engineer has the right to waive inspections, except the final inspection.

In addition to its own inspections, the county engineer may require that any portion of the construction of basins or structures be inspected and certified for structural integrity by a professional engineer at the permittee's expense. At the county engineer's option, the permittee shall obtain the services of an unaffiliated qualified erosion control professional to inspect the sediment and erosion control installation to provide the unified government with a fully documented certification that all construction is done in accordance with the provisions of the approved plan, applicable rules, regulations and criteria.

(a) *Secure inspections.* The permit holder shall request an inspection from the county engineer when work pursuant to the permit reaches the milestones set forth below. Requests for inspection shall be made at least 48 hours in advance (exclusive of Saturdays, Sundays, and unified government holidays) of the time the inspection is desired. Work shall not proceed past the milestones without request of inspection.

(1) Upon installation of initial erosion and sediment controls, and prior to proceeding with any other land disturbance activity. No land disturbance activities shall begin prior to approval from the county engineer that all pre-construction erosion and sediment control measures are correctly installed per the approved plan.

(2) Prior to the removal or modification of any erosion and sediment control measure or practice;

(3) Immediately after the installation or modification of any erosion and sediment control measures required by the approved plan; and

(4) Upon restoration of disturbed areas, including establishment of ground covers and planting, installation of all vegetative measures, and all other work in accordance with the approved plan.

(b) *Routine inspection.* The permit holder shall ensure the entire construction site including but not limited to disturbed areas, BMPs, waste and construction storage areas, drainage areas, locations where stormwater can flow from the construction site, and permanent and temporarily stabilized areas is inspected on a regular schedule and, with the exception of Saturdays, Sundays, established federal holidays and the day after thanksgiving. The permit holder may elect to perform regular inspections at a minimum by one of two methods:

(1) At least once every 14-days and by the end of the next day following a rain event which results in a rainfall total of 0.5 inches or greater; or

(2) ~~a~~As defined in the latest revision of Kansas Construction Stormwater General Permit~~No. S MCST 1703 1~~.

The frequency of regular inspections should be proportional to the amount of construction activity. The permit holder should increase the frequency of inspections when construction activity increases. ~~Regularly scheduled inspections~~

~~shall at a minimum be once every 14 days.~~ For disturbed areas that have not been finally stabilized all installed BMPs and other pollution control measures shall be inspected for proper installation, operation and maintenance. Locations where stormwater runoff leaves the site shall be inspected for evidence of erosion or sediment deposition. Any deficiencies shall be noted in a report of the inspection and corrected within seven calendar days of the inspection. Inspection reports shall be submitted to the county engineer upon request. The inspection report shall include the following minimum information:

(1) Inspector's name;

(2) Date of inspection;

(3) Observations relative to the effectiveness of the BMPs;

(4) Actions taken or necessary to correct deficiencies;

(5) Listing of areas where construction operations have permanently or temporarily stopped; and

(6) Observations of stormwater discharge locations with respect to the effectiveness of the upgradient BMPs.

The inspection report shall be completed within 24 hours of the inspection and be signed by the person performing the inspection.

(c) *Maintenance of control measures.* All prescribed erosion and sediment control measures shall be maintained in good order and in compliance with the erosion and sediment control plan at all times. The permittee or the permittee's agent shall inspect and maintain, in good and effective condition, and promptly repair or restore all grade surfaces, diversions, barriers, drains, dams, walls and structures, plantings, vegetation, ground cover, erosion and sediment control measures, and other protective devices. Inspection, maintenance and repair or restoration shall be at the times and in the manner directed by the approved plan, permit and the design criteria, construction standards and regulations.

(d) *Closure of land disturbance activities.* Once the site is stabilized a final inspection shall be requested. The site shall be considered stabilized when perennial vegetation, pavement, buildings or structures using permanent materials, cover all areas that have been disturbed. Perennial vegetation shall be considered established and completed for stabilization when it has established a healthy and growing stand with a density of at least 70 percent of undisturbed areas at the site.

(e) *Removal of temporary erosion and sediment control measures.* Subsequent to a satisfactory final inspection of the land disturbance, all temporary erosion and sediment control measures must be removed and the final segments of the storm sewer system shall be constructed in the manner described within the approved plans. Such removal shall be complete prior to closure of the permit which authorized the land disturbance.

(Ord. No. O-81-21 , § 1, 6-24-2021)

Sec. 8-631. Definitions.

In this article, these words and phrases have the following meanings:

As-built plan means a record drawing or plan prepared and certified by a professional engineer that represents the actual dimensions, contours, elevations, design calculations, etc., of a completed structure, facility, or constructed feature.

Best management practice (BMP) means the stormwater management practice used to prevent or control the discharge of pollutants, including sediment, and minimize runoff, both directly and indirectly, to stormwater, receiving waters, or stormwater drainage systems, waters of the U.S. or water body found in the unified government. BMPs may include structural or nonstructural solutions, a schedule of activities, prohibition of practices, maintenance procedures, or other management practices and programs.

Channel means a natural or artificial watercourse with defined bed and banks that conducts continuously or periodically flowing water.

City means all of the territory of Wyandotte County, except the territory of the cities of Bonner Springs, Edwardsville, and Lake Quivira and the unincorporated area of Wyandotte County.

County administrator means the individual appointed by the mayor/CEO of the unified government with the consent of the commission as the unified government county administrator or his/her designee.

County engineer means the individual appointed by the county administrator as the unified government county engineer or his/her designee.

Dedicate means the deliberate appropriation of property by its owner for general public use.

Developer means any person who owns a development or redevelopment site, or who authorizes, plans, undertakes, executes, or is otherwise directly responsible for development or redevelopment to occur on a given parcel.

Development or *redevelopment* means any human activity that alters the elevation, cover or other hydrologic feature of the land. Such activities include but are not limited to the subdivision of land and the addition or alteration of improvements such as cuts and fills, drainage alterations, utilities, buildings, pavements, landscape, and any combination of these elements. Also, the project, lot, parcel or tract or land where development or redevelopment occurs.

Development site means any lot or parcel of land or a series of lots or parcels of land adjoining or contiguous or joined together under one ownership on which development or redevelopment of land occurs after the effective date of this article.

Drainage easement means a legal right granted by a property owner to a grantee allowing the use of private land for stormwater management purposes.

Erosion means the process by which the ground surface is worn away by the action of the wind, water, ice, gravity, or artificial means, and/or land disturbance activities.

Impervious cover means those surfaces that cannot effectively infiltrate rainfall, including building rooftops, pavement, sidewalks, and driveways.

Land disturbance means any activity by which soil is moved and land changed that may result in erosion or the movement of sediments, and may include tilling, clearing, grading, excavating, stripping, stockpiling, filling and related activities, and the covering of land surfaces with an impermeable material.

Landscape architect means an individual who is duly licensed by the Kansas State Board of Technical Professions, pursuant to K.S.A. 74-7001 et seq. to practice landscape architecture.

Maintenance agreement means a legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of stormwater treatment facilities.

Municipal separate storm sewer system (MS4) or *public storm sewers* means the publicly maintained stormwater drainage system within the unified government, including all appurtenances and ancillary structures thereto, any conveyance or system of conveyances for stormwater, including road drainage systems, streets, catch basins, detention basins, curbs, gutters, ditches, man-made, channels, or storm drains, as well as any system that meets the definition of a municipal separate storm sewer system or "MS4" as defined by the Environmental Protection Agency in 40 C.F.R. 122.26, or amendments thereto.

Person means any natural or corporate person, business association or business entity including, but not limited to, a corporation, a partnership, a sole proprietorship, trust, a political subdivision, a public or private agency of any kind, a utility, an owners association, a successor or assign of any of the foregoing, or any combination thereof.

Pollutant means any substance or material which contaminates or adversely alters the physical, chemical or biological properties of water, including changes in temperature, taste, odor, turbidity, or color.

Pollution prevention plan means BMPs and other structural, procedural and operations and maintenance provisions designed and operated to reduce or eliminate the discharge of pollutants, particularly in stormwater runoff.

Previously constructed development means all buildings, parking, sidewalks, and other impervious surfaces that currently exist on a site that were built in accordance with an approved development plan.

Professional engineer means an engineer duly licensed by the Kansas State Board of Technical Professions, pursuant to K.S.A. 74-7001 et seq. to practice engineering.

Property owner means the person listed as owner of the property by the county Wyandotte County Register of Deeds.

Stop work order means an order issued which requires that all construction activity on a site be stopped.

Stormwater means surface flow resulting from any form of natural precipitation, also any discharge to the public storm sewer allowed under the unified government's NPDES stormwater discharge permit.

Stormwater treatment facility (STF) means any constructed facility, or designated natural or restored open space, designed either to reduce the pollution load of stormwater, or to reduce the peak flow or volume of stormwater, or both.

Stormwater treatment facility owner means the person who controls, possesses, or takes stewardship of a stormwater treatment facility, which is planned and constructed in order to meet the requirements of this section.

Stormwater treatment standards or *standards* means the detailed design criteria, construction specifications, standard details, and maintenance requirements adopted in writing by the county engineer.

Unaffiliated – means the person(s) performing inspection work on behalf of the facility and/or property owner may not be directly employed by the facility or property owner.

Unified government means the unified government of Wyandotte County/Kansas City, Kansas.

Watercourse means any natural or artificial path for the concentrated flow of storm water or surface water, including but not limited to streams, rivers, creeks, ditches, channels, canals, conduits, culverts, drains, swales, waterways, gullies, ravines, or washes, including any area adjacent to it that is subject to overflow of floodwater.

(Ord. No. O-81-21, § 2, 6-24-2021)

Sec. 8-636. Construction inspections.

(a) *Inspections.* Regular inspections of the stormwater management system construction shall be the responsibility of the project designer (certifying professional engineer) or other owner's representative who has been approved by the county engineer. Inspection results of said inspections shall be forwarded to the county engineer. The property owner/developer shall notify the county engineer before beginning construction of any stormwater treatment facility and shall keep the county engineer advised as to the progress of the work and any changes in the schedule. For certain types and locations of stormwater treatment facilities, the county engineer may at ~~his~~their discretion require additional or parallel inspections by unified government staff. A final inspection will be required by the unified government before a certificate of occupancy and/or temporary certificate of occupancy can be released.

(b) The unified government may also require the property owner/developer to retain a third party inspector, if at the county engineer's discretion, the complexity of the stormwater treatment facility, inexperience by the property owner's contractor, or harsh site conditions warrant the need for full-time third party inspection staff.

(c) In addition to inspections established under previously adopted or subsequently amended unified government regulation of buildings and development, the county engineer may during the construction period inspect any stormwater treatment facility required under this article to ensure that it is correctly installed and adequately protected from construction phase sedimentation.

(Ord. No. O-81-21, § 2, 6-24-2021)

Sec. 8-638. Protection, maintenance and repair of facilities.

(a) *Protection of stormwater treatment facilities.* No person shall remove, destroy, or otherwise impair the effectiveness ~~or~~of any stormwater treatment facility either installed in compliance with this chapter or installed voluntarily not as part of a development or redevelopment activity.

(b) *Maintenance responsibility.* The property owner on whose land the stormwater treatment facility has been constructed pursuant to this chapter and any other person or agent in control of such land, shall maintain the stormwater treatment facility in good condition and promptly repair and restore all grade surfaces, walls, drains, dams and structures, vegetation, erosion and sediment control measures, and other protective devices. Such repairs or restoration and maintenance shall be in accordance with relevant agreements, plans and reports accepted by the county engineer and any amendments thereto.

(c) *Required maintenance agreement.* Prior to issuance of any permit that includes construction of a stormwater treatment facility, the applicant or property owner of the site shall provide a maintenance agreement for approval by the county engineer. At a minimum, the maintenance agreement shall:

(1) Identify the responsible party (with contact information) for those individuals responsible for maintaining all stormwater treatment facilities;

(2) Include an attachment showing the locations and dimensions of all stormwater treatment facilities;

(3) Provide access for the responsible party to maintain all stormwater treatment facilities, as well as right of access to the unified government as provided in other sections of this chapter;

(4) Establish minimum frequency and levels of maintenance to be completed;

(5) Establish the frequency of inspections;

(6) Identify the unified government's rights in the event that the responsible party fails or is unable to perform the obligations of the maintenance agreement;

(7) Clarify how modifications or additions can be made to the maintenance agreement; and

(8) The maintenance agreement shall be recorded in the Wyandotte County Register of Deeds and associated with all lots with stormwater treatment facility maintenance responsibilities.

(d) *Notice on plat or title.* The final plat shall contain language approved by the county engineer to provide notice of facility presence and maintenance obligations. Said deed restriction shall be recorded with the unified government records and tax administration concurrent or prior to recording of the final plat or approval of final plans. The notice shall run with the land and failure to provide this notice to any purchaser prior to transferring any interest in the property shall be in violation of this chapter. The notice shall be in a form approved by the county engineer and substantially as set forth below:

(1) "Notice: This site includes Stormwater Treatment Facilities, as defined and regulated in the Unified Government Code. Restrictions on the use or alteration of the said Facilities may apply. This property is also subject to the obligations and requirements of the Stormwater Treatment Facility Maintenance Agreement approved by the County Engineer or his/her designee."

(2) When the development involves a final plat, this notice shall appear on the face of the plat, as recorded. When the proposals do not involve a final plat, a drainage easement shall granted by separate instrument and be recorded at the Wyandotte County Register of Deeds, and shall include the legal description of the property, the current owner, and other reference to the project, and the notarized signature of the property owner or owners.

(e) *Dedicated tracts or easements.* All stormwater treatment facilities shall be located in a separate tract dedicated for this purpose; provided however, if the stormwater treatment facility serves lands from only one lot and is located on the lot served, then the stormwater treatment facility may be located within a drainage easement dedicated for this purpose. In all cases, the tract or drainage easement shall adjoin a public right-of-way or shall include provisions for access from a public right-of-way to the stormwater treatment facility for the benefit of the property owner, legally responsible for the facility and maintenance of facility, and the county engineer for periodic inspection of the stormwater treatment facility. The use of and the restrictions placed on all such tracts and drainage easements shall be binding on subsequent property owners on which the stormwater treatment facility is located. Whenever possible, a dedicated tract or drainage easement shall be made part of a final plat recorded at the Wyandotte County Register of Deeds. However, whenever it is not possible or practical as determined by the county engineer, a drainage easement shall be recorded by separate instrument by the property owner at the Wyandotte County Register of Deeds and recorded copy provided to the county engineer.

(f) *Maintenance inspections and certifications by property owner.* The property owners of all stormwater treatment facilities, except for distributed facilities serving individual residential lots, must submit a maintenance certification report to the county engineer on or before the first day of November of each year. The

maintenance certification report shall be completed and sealed by a registered professional engineer, landscape architect in the State of Kansas or Certified Stormwater manager, unless the county engineer approves other qualified professionals to perform these duties. The person performing the inspection and certifying the stormwater treatment facilities must be an unaffiliated third party engaged in performing these duties and not a direct employee of the owner or the lessee of the property. Such maintenance certification report shall document each item including, but not limited to, the need for removal of silt, litter and other debris, grass cutting, removal of undesirable vegetation, and replacement of landscape vegetation or other specific items noted in the maintenance agreement. Any maintenance needs found must be documented and addressed in a timely manner, as determined by the county engineer, and the inspection and maintenance frequency required may be increased as deemed necessary to ensure proper functioning of the stormwater treatment facility.

(g) *Inspection of stormwater treatment facilities by the unified government.* The county engineer may establish an inspection program, including but not limited to routine inspections, random inspections, inspections based upon complaints or other notice of possible violations, inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants, inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the NPDES stormwater permit, and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to, reviewing maintenance and repair records, sampling discharges, surface water, groundwater, and material or water in drainage control facilities, and evaluating the condition of drainage control facilities and other stormwater treatment practices.

(h) *Right of entry for inspection.* When any stormwater treatment facility is installed on private property, or when any new connection is made between private property and a public storm sewer system, the property owner shall grant to the unified government in a manner and form acceptable to the county engineer, the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when it has a reasonable basis to believe that a violation of this article is occurring or has occurred, and to enter when necessary for abatement of a public nuisance or correction of a violation of this article.

(i) *Records of installation and maintenance activities.* Parties responsible for the operation and maintenance of a stormwater management facility shall make records of the installation and of all maintenance and repairs and shall retain the records for at least five years. These records shall be made available to the county engineer during inspection of the facility and at other reasonable times upon request and at a minimum shall be submitted with the annual certification package.

(j) *Failure to maintain practices.* If a responsible party fails or refuses to meet the requirements of the maintenance agreement, the county engineer, after reasonable

notice, may correct a violation of the stormwater treatment standards or maintenance needs by performing all necessary work to place the facility in proper working condition.

(k) *Public safety threat.* In the event that the stormwater management facility becomes a danger to public safety or public health, the county engineer shall notify the party responsible for maintenance of the stormwater management facility in writing. Upon receipt of that notice, the responsible person shall have 30 days to effect maintenance and repair of the facility in an approved manner. In the event of an emergency, when the county engineer determines that the facility poses an immediate danger to life or property, no notification period shall be required prior to beginning mitigation work. After proper notice, the county engineer will enforce the maintenance provisions of this chapter with any or all of the following enforcement measures:

(1) *Notice of violation.* The county engineer is authorized to serve a notice of violation or order on any person or entity responsible for maintaining the facility. Such notice shall order abatement of the violation by the responsible person or entity.

(2) *Lien on property.* The county engineer may assess the property owner(s) of the facility for the cost of repair work and any penalties as authorized by law; and the cost of the work shall be a lien on the property, or assessed against the property owners defined on the plat or other registered document, and may be placed on the tax bill and collected as ordinary taxes by the unified government.

(Ord. No. O-81-21, § 2, 6-24-2021)

Section 2. This ordinance shall take effect and be in full force from and after the passage, approval, and publication in the official Unified Government newspaper.

PASSED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS,

THIS _____ DAY OF _____, 2025.

_____

Attest:

_____

Unified Government Clerk

Approved As To Form:

_____

Daniel Kuhn, Assistant Counsel

ARTICLE XIV. LAND DISTURBANCE[1]

Sec. 8-610. General provisions.

(a) *Finding of facts.*

(1) It is hereby determined that:

During the construction process, soil is highly vulnerable to erosion by wind and water. Eroded soil endangers water resources by reducing water quality and causing the siltation of aquatic habitat for fish and other desirable species. Eroded soil also necessitates repair of sewers and ditches and the dredging of lakes. In addition, clearing and grading during construction cause the loss of native vegetation necessary for terrestrial and aquatic habitat.

(2) This stormwater runoff contributes to increased quantities of water-borne pollutants; and stormwater runoff, soil erosion and nonpoint source pollution can be controlled and minimized through the regulation of stormwater runoff from development and construction sites.

(b) *Purpose of article.*

(1) The Congress of the United States has amended the Clean Water Act of 1972 to reduce pollutants discharged into the waters of the United States by extending National Pollutant Discharge Elimination System (NPDES) requirements to regulate stormwater discharge from land disturbance and construction activities into the unified government's stormwater drainage systems. The unified government is subject to the NPDES requirements of federal law as an operator of a municipal separate storm sewer system (MS4), and the unified government is therefore obligated by federal law to develop, implement, and enforce minimum erosion and sediment control standards in compliance with the unified government's Kansas Water Pollution Control General MS4 Permit.

(2) The purpose of the article is to protect and further the public interest by promoting the coexistence of the natural environment and quality, planned development; assisting the unified government's efforts to comply with the National Pollutant Discharge Elimination System (NPDES) regulations issued by the Environmental Protection Agency and administered by the state department of health and environment; providing effective stormwater management; improving water quality and reducing water pollution; limiting the impacts on stormwater from land development; preventing prohibited discharges from entering into the MS4; protecting natural stream assets; and protecting and, where possible, enhancing valuable natural water resources. These public interests are furthered by regulating land disturbance, stripping and soil storage in connection with the clearing and grading of land for construction-related or other purposes. The time critical nature of temporary construction controls is hereby recognized by the unified government. It is also the purpose of this article to encourage responsible development and minimize the costs of development.

(3) This article establishes substantive and procedural requirements to protect and enhance the water quality of watercourses, water bodies, and wetlands by controlling erosion, sedimentation, and related

[1]Editor's note(s)—Ord. No. O-81-21 , § 1, adopted June 24, 2021, repealed the former Art. XIV, §§ 8-610—8-619, and enacted a new Art. XIV as set out herein. The former Art. XIV pertained to similar subject matter and derived from Ord. No. O-125-06, § 1(8-610—619), adopted Dec. 14, 2006; and Ord. No. O-27-14, § 1, adopted April 10, 2014.

environmental damage caused by construction related activities. This is furthered by implementing and enforcing a program regulating land disturbance and construction activities related to grading and to control erosion and sediment resulting from these activities.

(c) *Applicability.*

(1) Persons undertaking any land disturbance activity within the limits of the city including the clearing, grading, excavating, filling, storing, and disposing of soil and earth material, shall comply with the requirements and standards set forth and provided in this article.

(2) Regardless of whether or not a land disturbance activity requires a permit, any person engaged in any land disturbance activities within the limits of the city shall comply with this article. Persons shall employ BMP methods for erosion and sediment control in proportion to the scale of the activity to reduce the amount of sediment or other pollutants in stormwater discharges associated with those activities to the maximum extent practicable.

(3) Persons engaging in any land disturbance activity or any other action that may cause or permit soil movement shall prevent, to the maximum extent practicable, any amount of soil, earth, sand, gravel, rock, stone, or other material, to be deposited upon or to roll, flow, or wash upon or over any public street, street improvement, road, alley, sewer, storm drain, watercourse, right-of-way, any public property or the adjacent private property.

(4) Persons hauling soil, earth, sand, gravel, rock, stone, or other material over any public street, road, alley, or public property, shall not allow those materials to blow, spill or be tracked over and upon any street, road, alley, or public property or adjacent private property.

(d) *Compatibility and severability.*

(1) This article is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. The requirements of this article should be considered minimum requirements, and where any provision of this article imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

(2) Neither this article nor any decision made with respect hereto exempts the applicant or any other person from other requirements of this Code, or from state and federal laws, or from procuring other required permits, nor do they limit the right of any person to maintain, at any time, any appropriate action, at law or in equity, for relief or damages against the applicant or any person arising from the activity regulated by this article.

(3) If the provisions of this article, section, subsection, paragraph, subdivision or clause of this article shall be judged invalid by a court of competent jurisdiction, such order of judgement shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this article.

(Ord. No. O-81-21 , § 1, 6-24-2021)

Sec. 8-611. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Approved plan means drawings or other documents that have been submitted by an applicant as a prerequisite to obtaining a land disturbance permit and that contain the information and specifications required by

the unified government engineer to minimize off-site sedimentation from land disturbance activities and that have been approved by the unified government as complying with the provisions of this article.

Applicant means any person who makes application for a land disturbance permit, as required by this article.

Best management practice (BMP) means the stormwater management practice used to prevent or control the discharge of pollutants, including sediment, and minimize runoff, both directly and indirectly, to stormwater, receiving waters, or stormwater drainage systems, waters of the U.S. or water body found in the unified government. BMPs may include structural or nonstructural solutions, a schedule of activities, prohibition of practices, maintenance procedures, or other management practices and programs.

City means all of the territory of Wyandotte County, except the territory of the cities of Bonner Springs, Edwardsville, and Lake Quivira and the unincorporated area of Wyandotte County.

Clearing means any act by which vegetative cover, structures or surface material is removed, including, but not limited to, root mat or topsoil removal.

County administrator means the individual appointed by the mayor/CEO of the unified government as the unified government county administrator or his designee.

County engineer means the individual appointed by the county administrator as county engineer or his or her designee.

Design criteria means the erosion and sediment control design criteria adopted in writing, as authorized by section 8-613(a)(2).

Development means any human activity that alters the elevation, cover or other hydrologic feature of the land. Such activities include but are not limited to the subdivision of land and the addition or alteration of improvements such as cuts and fills, drainage alterations, utilities, buildings, pavements, landscape, and any combination of these elements. Also, the project, lot, parcel or tract or land where development or redevelopment occurs.

Director of urban planning and land use means the individual appointed by the county administrator as unified government director of urban planning and land use or his or her designee.

Erosion means the process by which the ground surface is worn away by the action of the wind, water, ice, gravity, or artificial means, and/or land disturbance activities.

Grading means any act by which soil is cleared, stripped, moved, leveled, stockpiled, or any combination thereof, and includes the conditions that result from that act.

Land disturbance activity means any act by which soil is moved and land changed that may result in erosion or the movement of sediments, and may include tilling, clearing, grading, excavating, stripping, stockpiling, filling and related activities, and the covering of land surfaces with an impermeable material.

Licensed land surveyor means an individual who is duly licensed by the state board of technical professions, pursuant to K.S.A. 74-7001 et seq., to practice surveying.

Maximum extent practicable means the result of the use of those best management which, based on sound engineering and hydro-geological principles, will, to the greatest degree possible, given all relevant considerations, including technology, climate and site conditions, prohibit erosion and sedimentation during and after development.

Municipal separate storm sewer system (MS4) or *public storm sewers* means the publicly maintained stormwater drainage system within the unified government, including all appurtenances and ancillary structures thereto, any conveyance or system of conveyances for stormwater, including road drainage systems, streets, catch basins, detention basins, curbs, gutters, ditches, man-made, channels, or storm drains, as well as any system that

meets the definition of a municipal separate storm sewer system or "MS4" as defined by the Environmental Protection Agency in 40 C.F.R. 122.26, or amendments thereto.

Notice of violation means a written notice from the county engineer of deficiencies in the sediment and erosion control management of the site.

Permit means the land disturbance permit issued by the unified government authorizing land disturbance activities in accordance with the requirements of this article.

Permittee means any person to whom a land disturbance permit is issued pursuant to this article.

Permittee's agent means any representative, contractor, foreman, or superintendent who acts at the instruction of, or with the permission of, or to the benefit of the permittee.

Person means any natural or corporate person, business association or business entity including, but not limited to, a corporation, a partnership, a sole proprietorship, a political subdivision, a public or private agency of any kind, a utility, a successor or assign of any of the foregoing, or any combination thereof.

Pollutant means any substance or material which contaminates or adversely alters the physical, chemical or biological properties of water, including changes in temperature, taste, odor, turbidity, or color.

Professional engineer means an engineer duly licensed by the state board of technical professions, pursuant to K.S.A. 74-7001 et seq., to practice engineering.

Property owner means the person listed as owner of the property by the county recorder of deeds.

Qualified erosion control professional means a ~~natural~~ person ~~with at least one of the following qualifications:~~who meets the criteria set forth by the most recent version of the *Unified Government of Wyandotte County Technical Provisions Section 1100 General Requirements*

~~(1) A certified professional in erosion and sediment control, certified by CPESC, Inc.~~

~~(2) A professional engineer who has received a minimum of 12 hours' classroom instruction in sediment and erosion control taught by a certified professional erosion control specialist.~~

~~(3) A landscape architect duly licensed by the state board of technical professions to practice landscape architecture who has received a minimum of 12 hours' classroom instruction in sediment and erosion control taught by a certified professional erosion control specialist.~~

Sediment means soils or other materials transported or deposited by the action of wind, water, ice, gravity, or artificial means.

Site means any lot or parcel of land or a series of lots or parcels of land adjoining or contiguous or joined together under one ownership on which land disturbance activity is proposed in an application or which would require a land disturbance permit under this article.

Slope means the inclined surface of a fill, excavation, or natural terrain.

Soil means a natural mixture of mineral and organic particles bound to one another only by gravity or ionic bonds that is found on the immediate surface of the earth.

Stop work order means an order issued which requires that all construction activity on a site be stopped.

Storm drain means any enclosed structure for the conveyance of storm water runoff, including culverts, box culverts, storm sewer mains, or tunnels.

Stormwater pollution prevention plan (SWPPP) means BMPs and other structural, procedural and operations and maintenance provisions designed and operated to reduce or eliminate the discharge of pollutants, particularly in stormwater runoff.

Stripping means any activity by which the vegetative cover is removed or significantly disturbed, including tree removal, clearing, grubbing and storage, or removal of topsoil.

Unaffiliated – means the person(s) performing inspection work on behalf of the facility and/or property owner may not be directly employed by the facility or property owner.

Unified government means the unified government of Wyandotte County/Kansas City, Kansas.

Vegetative cover means any grasses, shrubs, trees and other vegetation that hold and stabilize soils.

Watercourse means any natural or artificial path for the concentrated flow of storm water or surface water, including but not limited to streams, rivers, creeks, ditches, channels, canals, conduits, culverts, drains, swales, waterways, gullies, ravines, or washes, including any area adjacent to it that is subject to overflow of floodwater.

(Ord. No. O-81-21 , § 1, 6-24-2021)

Sec. 8-612. Administration.

(a) *Authority.* The county engineer shall be responsible for the administration of this article. The county engineer shall have the authority to adopt, promulgate and amend regulations, policies and procedures as necessary for the enforcement of this article including the establishment, assessment and amendment of administrative fees. The county engineer may waive the requirements for maps, plans, reports or drawings, if the county engineer finds that the information otherwise submitted or to be submitted will be sufficient to show that the proposed work will be sufficient to show that the proposed work will conform to the requirements of this article. Furthermore, the county engineer may delegate any or all of his or her duties under this article.

(b) *Right of entry.* Whenever the county engineer has cause to believe that there exists, or potentially exists, in or upon any premises, any condition which constitutes a violation of this article, the county engineer is authorized to enter the premises at reasonable times to inspect or to perform the duties imposed by this article. If entry is refused, the county engineer shall have recourse to the remedies provided by law to secure entry. Furthermore, in making an application for a permit, the applicant or the property owner performing or allowing the work grants to the unified government a right to enter the site for the purposes of inspecting compliance with this article and regulations adopted thereto and for performing any work necessary to bring the site into compliance with this article and regulations thereto.

(Ord. No. O-81-21 , § 1, 6-24-2021)

Sec. 8-613. Land disturbance permit.

(a) *Permit required.* No person may engage in any land disturbance activity, including persons engaged in land disturbance activity related to utility installation or maintenance, without first obtaining a land disturbance permit from the unified government, except as provided in this article. Any land disturbance permit shall encompass all land disturbance activity at the locations and during the times covered by the permit, whether such land disturbance activity is performed by the permittee, his or her contractor or subcontractors, a utility or its contractors, or any other independent agent. The permit fee shall be doubled for sites where land disturbance has occurred without a permit in violation of this article. Refer to the most recent version of the Kansas Water Pollution Control General Permit under "authorization to discharge" for who must obtain authorization to discharge.

(b) *Permit issuance.* The issuance of a permit shall constitute an authorization to do only that work described in the permit or shown on the approved plan. All work shall be completed in strict compliance with the requirements of this article. A copy of the approved plan and the permit must be available on the site for

inspection by the county engineer. Field markings showing limits of disturbance must be on site during all installation of erosion and sediment control measures, construction, or other land disturbance activities.

(c) *Other construction permits delayed.* When a person is developing a site and a permit is required in accordance with this article, no other construction permits shall be issued to make improvements on that site until the person has secured a land disturbance permit for the same site.

(d) *Exemptions.* Refer to the most recent version of the Kansas Water Pollution Control General Permit under "authorization to discharge" for activities that do not require permit coverage.

~~A permit is not required under this article for the following:~~

~~(1) Any land disturbance activity that, in the course of the subject development, disturbs or will disturb a cumulative total of less than one acre of surface area; provided that none of the following scenarios exist:~~

~~a. Land disturbance is proposed within 50 feet of a natural or improved channel or drainage way.~~

~~b. Building construction of new roofed structures of more than 1,000 square feet on a site.~~

~~c. Land disturbance that includes 50 cubic yards or more of fill.~~

~~(2) All land farming operations, including plowing or tilling of land for the purpose of crop production or the harvesting of crops on land located in the agricultural districts, including AG and AG (county) zoning districts;~~

~~(3) Existing nursery operations conducted as a permitted main or accessory use;~~

~~(4) Any noncommercial garden in any zone that disturbs less than one acre of surface area; or~~

~~(5) Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.~~

(e) *Application.*

(1) To obtain a permit, the property owner of the site where the land disturbance activity is to be performed or the property owner's authorized representative first must submit a complete application in writing upon forms prescribed by the unified government.

(2) Each application shall bear the name(s) and address(es) of the property owner and developer of the site, and of any consulting firm retained by the applicant together with the name of the applicant's principal contact and shall be accompanied by a filing fee. A land disturbance permit will only be issued in the name of the current property owner.

(3) A qualified erosion control professional shall be identified on every permit as a responsible party who the unified government official may contact regarding installation, maintenance, notice of violations and removal of erosion and sediment control measures and to ensure that all work is completed in compliance with the SWPPP and all requirements of the land disturbance permit approved by the unified government. The permit holder is responsible for timely written notification to the unified government of any changes to the qualified erosion control professional.

(4) The property owner may designate, in writing, others to act on his or her behalf, however, the responsibility for compliance shall remain with the property owner until the issued permit has been officially closed.

(5) The land disturbance activity described in the land disturbance permit application shall be commenced within the time limits defined on the application.

(6) Application shall include a statement that any land clearing, construction, or development involving the movement of earth shall be in accordance with the erosion and sediment control plan and that a certified contractor shall be on site on all days when construction or grading activities take place.

(f) *Review and approval.* The county engineer will review each application to determine its conformance with the provisions of this article and the erosion and sediment control design criteria authorized hereby. The county engineer shall, in writing:

(1) Approve the permit application if the application complies with all the requirements of this article and the county engineer determines that best management practices will be employed to control erosion and sedimentation to the maximum extent practicable;

(2) Approve the permit application subject to conditions, as herein authorized, as may be reasonably necessary to secure the objectives of this article or prevent the creation of a nuisance or an unreasonable hazard to persons or to public or private property, and issue the permit subject to these conditions; or

(3) Disapprove the permit application, indicating, in writing, the reason therefore.

(g) *Conditions of approval.* In approving the issuance of any permit, the county engineer may impose conditions as may be reasonably necessary to secure the objectives of this article or prevent the creation of a nuisance or unreasonable hazard to persons or to public or private property. These conditions may include, but are not limited to:

(1) The granting (or securing from others) and the recording in county land records of easements for drainage facilities, including the acceptance of their discharge on the property of others, and for the maintenance of slopes or erosion control facilities;

(2) Adequate control of dust by watering, or other control methods acceptable to the county engineer;

(3) Improvements of any existing grading, ground surface or drainage condition on the site (not to exceed the area as proposed for work or development in the application) to meet the standards required under this article for land disturbance, drainage and erosion control;

(4) Installation of additional safety related devices when in the proximity of an elementary school, playground or other areas where small children may congregate without adult supervision;

(5) Stormwater pollution prevention plan and any other conditions believed necessary to protect the general public's health, safety, and welfare; and

(6) Liability insurance if, in the opinion of the county engineer, the nature of the work is such that it may create a hazard to human life or endanger adjoining property or property at a higher or lower elevation, or any street or street improvement, or any other private or public property, then the county engineer may, before issuing the permit, require the applicant to file a certificate of liability insurance. That certificate must be with an insurer admitted to do business in the state. The amount shall not be less than $1,000,000.00 per occurrence and $2,000,000.00 in aggregate. The insurance shall protect the permittee and the unified government from and against all claims by any person whatsoever for loss or damage from personal injury, bodily injury, death, or property damage to the extent caused or alleged to have been caused by the negligent acts or omissions of permittee, its employees, agents, or subcontractors. The values noted above may be adjusted at the discretion of the county engineer based on the exposure and risk involved in the project. Neither issuance of a permit, nor compliance with these provisions or any condition imposed by unified government relieves any person from any responsibility for damage to persons or property otherwise imposed by law, nor imposes any liability upon the unified government for damages to persons or property.

(h) *Assignment or transfer.*

(1) The permittee may request that the permit be transferred to another party. The transfer of a permit from one party to another shall be subject to the approval of the county engineer and not be effective until written approval is issued.

(2) If the permittee sells any portion of the property before the termination of the permit, the permittee will remain responsible for that portion of the property until the new property owner obtains a permit or until a completion certificate is issued for the portion sold.

(3) A new owner of a portion of property covered by an approved plan with respect to which a completion certificate has not been issued, shall, before a building permit is issued, obtain a permit, if, and as, required by this article.

(i) *Termination upon completion.* To terminate the permit, the permittee shall submit a request to terminate permit form, as provided by the unified government, to the county engineer. The county engineer will then inspect the site and make a determination as to whether the permit can be terminated. The site will be considered stabilized when perennial vegetation, pavement, buildings, or structures using permanent materials cover all areas that have been disturbed. The permittee will be notified in writing of the determination. A certificate of occupancy (CO) or temporary certificate of occupancy (TCO) for a building permit may not be released until the land disturbance permit is approved for termination as a result of a successful final inspection.

(Ord. No. O-81-21 , § 1, 6-24-2021)

Sec. 8-614. Erosion and sediment control plan.

(a) *Erosion and sediment control plan.* All proposed land disturbance activity that requires a permit in accordance with section 8-613 of this article shall be depicted on a site-specific erosion and sediment control plan. Land disturbance activities that do not require a permit in accordance with section 8-613 are still required to employ applicable BMPs included in standard details provided by the unified government. Furthermore, at the county engineer's discretion, if a land disturbance exceeds 3,000 square feet, then an erosion and sediment control plan may be required. The erosion and sediment control plan shall include those items outlined in the unified government "Erosion Control Checklist" and "Guidelines for Preparing Erosion Control Drawings for Land Development."

(b) *Preparation of plans.* Erosion and sediment control plans submitted to the unified government for review must be prepared under the supervision of and sealed by a licensed professional engineer, landscape architect, or by a qualified erosion control professional. The county engineer may waive this plan preparation requirement if the applicant's plan consists entirely of utilizing standard plans and specifications as adopted in the unified governments erosion and sediment control standards.

(c) *Review and approval of erosion and sediment control plans.* The erosion and sediment control plan shall be of sufficient clarity to indicate the location, manner, nature and extent of the work proposed. The plan shall clearly show that the proposed work will conform to the provisions of this section, the erosion and sediment control standards, and other relevant laws, ordinances, policies, rules and regulations as determined by the county engineer. The director of urban planning and land use (director) shall review the submitted documents to determine compliance with the erosion and sediment control standards. If the director finds that the plan is not in compliance, the director shall advise the applicant which elements of the plan are not in compliance. All work must be performed in accordance with a sequence shown on the approved plan and/or work schedule or a revised sequence approved by the director.

(d) *Modification of plan.* Works shall be installed and maintained in accordance with the approved plan.

(1) Modifications of the approved plan must be submitted to the unified government, and shall be processed in the same manner as the original plan, where:

a. Field inspection or evaluation reveals the inadequacy of the approved plan to accomplish its erosion and sediment control objectives; or

b. The permittee or permittee's agent finds that because of changed circumstances or for other reasons, the approved plan cannot be effectively carried out.

(2) When a modified plan is required the county engineer or his or her designee, may require the installation of interim erosion and sediment control measures to protect stream channels, other properties, or the general public from damage. Interim measures will remain in effect until modifications or revisions to the plan are approved and implemented.

(Ord. No. O-81-21 , § 1, 6-24-2021)

Sec. 8-615. Inspections.

The county engineer may perform inspections of the land disturbance site to verify compliance with the erosion and sediment control plan. Should it be found that erosion and control methods are ineffective or are not being maintained properly, the county engineer may take enforcement actions described within this chapter. The county engineer has the right to waive inspections, except the final inspection.

In addition to its own inspections, the county engineer may require that any portion of the construction of basins or structures be inspected and certified for structural integrity by a professional engineer at the permittee's expense. At the county engineer's option, the permittee shall obtain the services of an unaffiliated qualified erosion control professional to inspect the sediment and erosion control installation to provide the unified government with a fully documented certification that all construction is done in accordance with the provisions of the approved plan, applicable rules, regulations and criteria.

(a) *Secure inspections.* The permit holder shall request an inspection from the county engineer when work pursuant to the permit reaches the milestones set forth below. Requests for inspection shall be made at least 48 hours in advance (exclusive of Saturdays, Sundays, and unified government holidays) of the time the inspection is desired. Work shall not proceed past the milestones without request of inspection.

(1) Upon installation of initial erosion and sediment controls, and prior to proceeding with any other land disturbance activity. No land disturbance activities shall begin prior to approval from the county engineer that all pre-construction erosion and sediment control measures are correctly installed per the approved plan.

(2) Prior to the removal or modification of any erosion and sediment control measure or practice;

(3) Immediately after the installation or modification of any erosion and sediment control measures required by the approved plan; and

(4) Upon restoration of disturbed areas, including establishment of ground covers and planting, installation of all vegetative measures, and all other work in accordance with the approved plan.

(b) *Routine inspection.* The permit holder shall ensure the entire construction site including but not limited to disturbed areas, BMPs, waste and construction storage areas, drainage areas, locations where stormwater can flow from the construction site, and permanent and temporarily stabilized areas is inspected on a regular schedule and, with the exception of Saturdays, Sundays, established federal holidays and the day after thanksgiving.~~,~~ The permit holder may elect to perform regular inspections at a minimum by one of two methods:

(1) At least once every 14-days and by the end of the next day following a rain event which results in a rainfall total of 0.5 inches or greater. or

(2) ~~a~~As defined in the latest revision of Kansas Construction Stormwater General Permit ~~No. S-MCST-1703-1~~.

The frequency of regular inspections should be proportional to the amount of construction activity. The permit holder should increase the frequency of inspections when construction activity increases. ~~Regularly scheduled inspections shall at a minimum be once every 14 days.~~ For disturbed areas that have not been finally stabilized all installed BMPs and other pollution control measures shall be inspected for proper installation, operation and maintenance. Locations where stormwater runoff leaves the site shall be inspected for evidence of erosion or sediment deposition. Any deficiencies shall be noted in a report of the inspection and corrected within seven calendar days of the inspection. Inspection reports shall be submitted to the county engineer upon request. The inspection report shall include the following minimum information:

(1) Inspector's name;

(2) Date of inspection;

(3) Observations relative to the effectiveness of the BMPs;

(4) Actions taken or necessary to correct deficiencies;

(5) Listing of areas where construction operations have permanently or temporarily stopped; and

(6) Observations of stormwater discharge locations with respect to the effectiveness of the upgradient BMPs.

The inspection report shall be completed within 24 hours of the inspection and be signed by the person performing the inspection.

(c) *Maintenance of control measures.* All prescribed erosion and sediment control measures shall be maintained in good order and in compliance with the erosion and sediment control plan at all times. The permittee or the permittee's agent shall inspect and maintain, in good and effective condition, and promptly repair or restore all grade surfaces, diversions, barriers, drains, dams, walls and structures, plantings, vegetation, ground cover, erosion and sediment control measures, and other protective devices. Inspection, maintenance and repair or restoration shall be at the times and in the manner directed by the approved plan, permit and the design criteria, construction standards and regulations.

(d) *Closure of land disturbance activities.* Once the site is stabilized a final inspection shall be requested. The site shall be considered stabilized when perennial vegetation, pavement, buildings or structures using permanent materials, cover all areas that have been disturbed. Perennial vegetation shall be considered established and completed for stabilization when it has established a healthy and growing stand with a density of at least 70 percent of undisturbed areas at the site.

(e) *Removal of temporary erosion and sediment control measures.* Subsequent to a satisfactory final inspection of the land disturbance, all temporary erosion and sediment control measures must be removed and the final segments of the storm sewer system shall be constructed in the manner described within the approved plans. Such removal shall be complete prior to closure of the permit which authorized the land disturbance.

(Ord. No. O-81-21 , § 1, 6-24-2021)

Sec. 8-616. Violations.

(a) *Violations.* Any land disturbance activity that is commenced or is conducted contrary to this article, may be restrained by injunction or otherwise abated in a manner provided by law. Any person who violates a provision of this article, fails to comply with any of the requirements therefore or fails to comply with a directive issued by the county engineer is guilty of a public offense and shall be subject to penalties

Commented [CM1]: The highlighted section needs editing. Based on Jan 8 meeting Shawna is going to research other municipal ordinances and practices to verify typical practices.

referenced in this section. The county engineer shall be permitted to cite the property owner, or any/all persons identified on the permit as being legally responsible to the city for any violations of the article pertaining to that permit.

(b) *Notice of violation.* When the county engineer finds that a permit holder has violated, or continues to violate, any provision of this article, or order issued hereunder, the county engineer may serve a written notice of violation to the permittee or the qualified erosion control professional noted on the permit. Within a maximum of three business days of the date of the notice, the violation shall be corrected at which time a re-inspection will occur to confirm that the violation has been fully remedied. Nothing in this section shall limit the authority of the county engineer to take any action, including emergency actions or any other enforcement action, and does not require the county engineer to first issue a notice of violation.

(1) Except when an imminent hazard to the environment, public safety, or public or private property exists or where land disturbance activities are conducted without a permit or beyond the limits of disturbance covered in a permit, the county engineer may issue a written notice of violation.

(2) Conditions that constitute a deficiency to be addressed by a notice of violation include:

a. Any land disturbance activity that violates a condition or requirement of the permit, the approved plan or any provisions of this article or of the design criteria and regulations;

b. Failure of the permittee to comply with any provisions of this article or of the design criteria and regulations; or

c. Failure of the approved plan to achieve the required erosion and sediment control objective due to site characteristics or conditions.

(3) Corrective action, and time limits for compliance shall be based on the immediacy and severity of the potential hazard to the environment, public safety, and public or private property. The time limit may also be based on the compliance history of the permittee including the number of previous verbal identifications of deficiencies.

(4) Notice of violation shall be delivered to the permittee and/or permittee's contact persons, and/or qualified erosion and sediment control professional noted on the application.

(5) Nothing in this section shall prohibit the county engineer from verbally identifying minor deficiencies to responsible personnel on site. Verbal identification of deficiencies does not constitute a notice to violation for the purpose of subsequent enforcement actions authorized in this chapter.

(Ord. No. O-81-21 , § 1, 6-24-2021)

Sec. 8-617. Enforcement.

The following is considered the default enforcement procedures for this chapter as a whole and apply to all articles unless specifically annulled within an article.

(a) *Notice of violation.* Whenever the authorized enforcement agency finds that a person has violated a prohibition or failed to meet a requirement of this article, the authorized enforcement agency may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

(1) That violating practices, or operations shall cease and desist;

(2) The abatement or remediation of the violation and the restoration of any affected property; and

(3) Payment of a penalty to cover administrative and remediation costs; and

(4) The implementation or maintenance of erosion control BMPs.

(5) Compliance with articles in this chapter.

(b) If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator. The notice of violation for erosion control measures with materials, trash and/or sediment leaving an active construction site shall give a maximum of three business days to bring the site into compliance with the approved plan and the permit applicant shall also remedy (cleanup) said materials, trash and sediment that has left the site. If the violation poses an immediate risk to the health of the public, damage to property, or other serious hazard, immediate action shall be taken by the permittee or an alternative method of enforcement may be employed.

Form and service of notice of violation. When required prior to a subsequent enforcement action, a notice of violation shall be given in the manner prescribed below:

(1) *Form.* Notice shall be in writing and shall include the location and description of the Erosion Control system in violation of this article. The notice shall describe the nature of the violation and the required corrective action and shall include a reasonable time limit for corrective action. The notice shall include a statement of the unified government's right to file a lien, and shall inform the construction site property owner/permittee of the right to appeal.

(2) *Service.* Notice may be delivered to the construction site property owner in person, or may be sent by certified mail, to the property owner at the address provided on the permit or address for the owner of record, or in any other manner as authorized by law. Method of delivery is at the option of the County Engineer.

(c) *Stop work orders.*

(1) At the discretion of the county engineer, if the permittee fails to correct deficiencies identified in the notice of violation within the specified time, or if an imminent hazard to the environment, public safety, or public or private property exists, or if land disturbance activities requiring a permit are conducted without a permit or beyond the limits of disturbance covered in a permit, then the unified government may post the site with a stop work order, directing that all construction activity on the site cease immediately. In addition to posting on-site, the stop work order must also be delivered to the permittee, the permittees agent on-site or by email or mail to the permittee's address listed on the application. The stop work order or accompanying notice must specify the limits affected by the stop work order and the conditions under which work may resume.

(2) Except for work required to correct deficiencies identified in the stop work order, the permittee shall immediately stop all work regulated by any unified government permit on the site covered by the stop work order, whether or not a permit for such work has been issued. The permittee is responsible for the actions of permittee's agents and shall notify those agents when a stop work order is issued that will affect an area within which the agents are to work.

(3) Once the land disturbance deficiencies are corrected the county engineer shall lift the stop work order. Notice may be delivered to the permittee or permittee's agent on site or may be mailed to the permittee at the address listed on the application.

(d) *Revocation of permit.*

(1) Permittees hold land disturbance permits pursuant to this article as a privilege and not as a right. The unified government reserves its right, as provided herein, to revoke any land disturbance permit, without refund of the permit fee, in the event of a breach of the terms and conditions of the land disturbance permit. A breach shall include but is not limited to the following:

a. Violation of any material provision of the land disturbance permit;

b. Evasion or attempt to evade any material provision of the land disturbance permit;

c. Any material misrepresentation of any fact in the permit application;

d. Failure to implement the soil, erosion and sediment control measures in a timely manner;

e. Failure to correct a defect or condition indicated on an order issued pursuant to this article;

f. Failure to secure inspection as required by any provisions of this article.

(2) If the county engineer determines that the permittee has committed a breach of a condition placed in the land disturbance permit, the county engineer shall, prior to revocation of the permit issue a notice of default pursuant to section 8-617. The permittee's failure to take corrective action in the timeframe referenced above shall be cause for immediate revocation of the permit.

(3) If a permit is revoked, the permittee shall also reimburse the unified government for the unified government's reasonable cost including administrative costs, restoration costs, the costs of collection and legal and attorneys' fees incurred in connection with such revocation.

(4) A revoked permit shall not be reinstated. A new permit application based on a revised plan that addresses the causes of nonperformance must be submitted. Such plan will be processed in the same manner as the original plan.

(5) The county engineer may, in emergency situations require the installation of interim erosion and sediment control measures to protect stream channels, other properties, or the general public from damage. Such measures will remain in effect until the new plan is approved and implemented.

(d) *Prosecution of violation.* Whenever the county engineer determines a construction site property owner has not corrected the conditions listed in a notice of violation within the time period for remedy established in the notice, the county engineer may instigate appropriate proceedings at law or in equity to correct or abate the violation. If the fine assessed is not paid in a timely manner, the fine assessed may be certified to the unified government clerk and it shall, in accordance with law, become a lien upon the subject property. This amount shall be listed on the tax bill and be collected in the manner of ordinary taxes as authorized by law.

(e) *Abatement and cost recovery.* Whenever the county engineer determines a construction site property owner has not corrected the conditions listed in a notice of violation within the time period for remedy established in the notice, the county engineer may authorize the unified government or its agents to go upon the land and correct the violation. Work may be accomplished by contract or otherwise at the discretion of the county engineer. Unified government is not obligated to provide cost estimates of the corrective work to the erosion control for the construction site prior to doing the work. Unified government is not obligated to seek the lowest cost for the corrective work. The construction site property owner shall reimburse the unified government for all costs incurred by the unified government to correct the deficiency, including construction, engineering, inspection, administrative costs and interest at the current rate published by the secretary of state pursuant to K.S.A. 16-204, and amendments thereto. The unified government may deny or delay all other permits or approvals on the subject property until the reimbursement is made. If in any event the amount due is not paid, the amount due may be certified to the unified government clerk and it shall, in accordance with law, become a lien upon the subject property. This amount shall be listed on the tax bill and be collected in the manner of ordinary taxes as authorized by law.

(f) *Prosecution of violation impairing and interfering.* Whenever the county engineer determines a construction site property owner is in violation of this article the county engineer may, without prior notice, instigate appropriate proceedings at law to assess fines pursuant to section 8-618 penalties.

(g) *No order of precedence implied.* Except where the forgoing enforcement activities require the prior issuance of a notice of violation, the county engineer is not obligated to follow any order of precedence in applying enforcement actions.

(h) *Enforcement measures after appeal.* If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal, within days of the decision of the municipal authority upholding the decision of the authorized enforcement agency, then representatives of the authorized enforcement agency shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, property owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

(i) *Cost of abatement of the violation.* Within 30 days after abatement of the violation, the property owner will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within 30 days. If the amount due is not paid within a timely manner as determined by the decision of the municipal authority or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

Any person violating any of the provisions of this article shall become liable to the unified government by reason of such violation. The liability shall be paid in not more than 12 equal payments.

(Ord. No. O-81-21 , § 1, 6-24-2021)

Sec. 8-618. Penalties.

(a) *Injunctive relief.* If any person violates the provisions of this chapter or regulations, orders, permits or other legal requirements of the unified government, the chief counsel may commence an action for legal or equitable relief in any court with appropriate jurisdiction.

(b) *Civil penalties.* When the county engineer determines that a person has failed to comply with any provisions of this chapter or regulations, orders, permits or other legal requirements hereunder, the person shall be subject to a penalty not exceeding $1,000.00 per violation, with recurrence on any succeeding day being a separate violation. Such civil penalties shall be recovered by the county engineer by civil action in a court of appropriate jurisdiction. In addition to the civil penalties provided herein, the unified government may in any such action recover reasonable attorney's fees, court costs, court reporters' fees and other expenses of litigation, as well as any damages to the facilities of the unified government or to the environment against the person found to have violated this chapter or the regulations, orders, permits or other legal requirements hereunder.

(c) *Criminal penalties.* Unless otherwise stated, any person violating any provisions of this chapter or regulations, orders, permits or other legal requirements hereunder wherein (1) such violation is an intentional violation, (2) such violation is a violation with any identifiable environmental harm, personal injury or damage to public or personal property, (3) any person knowingly has made any false statements, representations or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter or a permit issued hereunder, or who has falsified, tampered with or knowingly rendered inaccurate any monitoring device or method, and (4) any person has committed

within a period of two years a second or additional violation of the same or comparable regulatory requirement shall upon conviction be guilty of a class A violation.

(d) *Administrative penalties and orders.*

(1) When the county engineer finds that a person has violated, or continues to violate, any provision of this article, the county engineer may penalize such person in an amount not to exceed $1,000.00. Such penalties shall be assessed on a per-violation, per day basis.

(2) Persons desiring to dispute such penalties must file a written request for the county engineer to reconsider the penalty along with full payment of the penalty amount within 45 days of being notified of the penalty. Where a request has merit, the county engineer may convene a hearing on the matter. In the event the person's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the person. The county engineer may add the costs of preparing administrative enforcement actions, such as notices and orders, to the penalty.

(3) Issuance of an administrative penalty shall not be a bar against, or a prerequisite for, taking any other action against the person.

(e) The county engineer may enter into consent orders, assurances of compliance, or other similar documents establishing an agreement with any person responsible for noncompliance. Such documents shall include specific action to be taken by the Person to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to this article.

(Ord. No. O-81-21 , § 1, 6-24-2021)

Sec. 8-619. Appeals.

Unless otherwise provided, any person aggrieved by an action of the county engineer issuing or refusing any permit, suspending or revoking any permit, or any other final action imposing affirmative or negative obligations on such person under this chapter may appeal such decision to the county administrator or his or designee. No notice of violation under in this chapter, no requirement only for information or data concerning a regulated activity, and only actions of the county engineer or health officer that impose specific affirmative or negative obligations shall be appealable. The county administrator must receive the written appeal within 15 days of the date of the county engineer's action, identifying the action appealed from, the relevant facts, and any information that such person requests the county administrator to consider. The county administrator or his or her designee may in his or her discretion either informally decide the appeal without a hearing or may hold a hearing at which such person may present his or her arguments and evidence. At any hearing held pursuant to this section, testimony taken must be under oath and recorded. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof. The county administrator will affirm, modify, or rescind the action in writing within 15 days of the appeal or any hearing held hereunder. Exhaustion of the opportunity for appeal under this section shall be a jurisdictional prerequisite for judicial review of any action of the county engineer.

(Ord. No. O-81-21 , § 1, 6-24-2021)

Secs. 8-620—8-629. Reserved.

ARTICLE XV. POST-CONSTRUCTION STORMWATER TREATMENT[1]

Sec. 8-630. General provisions.

(a) *Finding of facts.*

(1) It is hereby determined that:

a. Land development projects and associated increases in impervious cover alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, stream channel erosion, and sediment transport and deposition.

b. This stormwater runoff contributes to increased quantities of water-borne pollutants, and stormwater runoff, soil erosion and nonpoint source pollution can be controlled and minimized through the regulation of stormwater runoff from development sites.

c. Therefore, the unified government establishes this set of water quality and quantity policies applicable to all surface waters to provide reasonable guidance for the regulation of stormwater runoff for the purpose of protecting local water resources from degradation. It is determined that the regulation of stormwater runoff discharges from land development projects and other construction activities in order to control and minimize increases in stormwater runoff rates and volumes, soil erosion, stream channel erosion, and nonpoint source pollution associated with stormwater runoff is in the public interest and will prevent threats to public health and safety.

(b) *Purpose.*

(1) The Congress of the United States has amended the Clean Water Act of 1972 to reduce pollutants discharged into the waters of the United States by extending the National Pollution Discharge Elimination System (NPDES) requirements to regulate stormwater discharge from land disturbance and construction activities into the unified government's stormwater drainage systems. The unified government is subject to the NPDES requirements of federal law as an operator of a MS4, and the unified government is therefore obligated by federal law to develop, implement, and enforce minimum stormwater treatment standards in compliance with the unified government's Kansas Water Pollution Control General Municipal Separate Storm Sewer System (MS4) Permit.

(2) The purpose of the article is to protect and further the public interest by promoting the coexistence of the natural environment and quality, planned development; assisting the unified government's efforts to comply with the National Pollutant Discharge Elimination System (NPDES) regulations issued by the Environmental Protection Agency and administered by the state department of health and environment; providing effective stormwater management; improving water quality and reducing water pollution; limiting the impacts on stormwater from land development; preventing prohibited discharges from entering into the municipal separate storm sewer system; protecting natural stream assets; and protecting and, where possible, enhancing valuable natural water resources. These public interests are furthered by regulating stormwater discharges from development or redevelopment of

[1]Ord. No. O-81-21, § 2, adopted June 24, 2021, repealed the former Art. XV, §§ 8-630—8-640, and enacted a new Art. XV as set out herein. The former Art. XV pertained to similar subject matter and derived from Ord. No. O-25-10, § 1, adopted May 6, 2010; and Ord. No. O-27-14, § 2, adopted April 10, 2014.

land. It is also the purpose of this article to encourage responsible development and minimize the costs of development.

(3) This article establishes substantive and procedural requirements to protect and enhance the water quality of watercourses, water bodies, and wetlands by removing pollutants from the stormwater runoff generated by development or redevelopment projects.

(4) This article establishes minimum requirements for post-construction stormwater treatment on any new development or redevelopment of land.

(5) This article establishes registration, maintenance and reporting requirements on any owner of any private stormwater treatment facility.

(c) *Applicability.*

(1) Persons undertaking development or redevelopment of land located within the limits of the City of Kansas City, Kansas shall provide stormwater treatment as provided in this article.

(2) Owners of stormwater treatment facilities located within the limits of the City of Kansas City, Kansas shall register their facilities with the county engineer, shall regularly inspect and maintain their facilities, and shall report inspection results and maintenance activities all as provided in this article.

(3) The supplemental regulations and stormwater treatment standards authorized by this article shall further define exceptions for agricultural, redevelopment, remodeling, grounds maintenance, and redevelopment activities and projects.

(4) This article shall apply to all development or redevelopment that is located within the limits of the City of Kansas City, Kansas.

(5) Standard exceptions for stormwater treatment facilities designed to treat pollutants and not solely for volume or peak discharge reduction are as follows:

a. Any site that disturbs less than one acre of ground and is not part of a larger common plan of development or sale that would cumulatively exceed the one-acre limit. The unified government does, however, reserve the right to require the treatment of the cumulative area of land disturbance (for those incremental disturbances of less than one acre each) that has occurred since adoption of this article once the cumulative land disturbance for a particular tract has exceeded the one-acre threshold.

b. Any development that has a construction start date earlier than October 1, 2010 and does not experience a pause in construction for a period of more than 30 days after October 1, 2010.

c. Any site that makes application for preliminary plat or preliminary development plan prior to the publication date of this article and receives approval of a final development plan or final plat prior to September 1, 2010 and has completed all proposed improvements within two years of the date of approval.

d. Expansion or modifications to previously constructed developments otherwise subject to this chapter where the proposed increase in impervious surface is less than 5,000 square feet. The unified government does, however, reserve the right to require the treatment of the cumulative area of impervious surface increase (for those incremental increases of less than 5,000 square feet each) that has occurred since adoption of this article once the cumulative increase in impervious surface for a particular tract has exceeded the 5,000 square feet increase in impervious surface threshold.

e. Land disturbances for linear utility construction.

f. Agricultural land uses.

g. Single lot residential developments that are not part of a larger common plan of development or are located in a subdivision served by a stormwater management facility that is/was designed, adequately sized, constructed and maintained to achieve or exceed the performance criteria requirements of this article for the subdivision in its fully developed condition.

h. Repairs to any stormwater treatment facility or practice deemed necessary by the county engineer.

(6) Previously approved development plans. Projects having a preliminary development plan (including preliminary plans approved with an accompanying rezoning or special use permit), preliminary plat, or site plan (for conventional zoning districts only) that had a final approval by the governing body, the planning commission, or the planning and development services department prior to adoption of this article are exempt from the provisions of this chapter, but said developments remain subject to the previous version of this article. "Substantial or significant changes" to development plans after June 1, 2021, must comply with this article in the same manner as a new development.

(7) Unified government administered street construction. Street and thoroughfare construction projects administered and constructed by the unified government shall comply with this article, except that compliance is not required for street and thoroughfare construction that:

a. Disturbs less than one acre of ground and would be exempt under the standard exceptions set out in section 8-620(c)(5)(a) above; or

b. Will maintain, enhance, or reconstruct existing roadways, including safety improvements such as intersection improvements, turn lane additions, and new entrances, but which will not add additional through lanes.

(8) Unless subject to another agreement, stormwater treatment facilities installed as part of unified government administered projects are owned and maintained by the unified government.

(9) State rights-of-way. The unified government does not assert jurisdiction under this article over any construction work on State of Kansas rights-of-way.

(10) In the process of adopting supplemental regulations authorized by this article, the county engineer may provide other exceptions to this article.

(d) *Compatibility, severability and authority.*

(1) This article is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. The requirements of this article should be considered minimum requirements, and where any provision of this article imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

(2) If the provisions of any article, section, subsection, paragraph, subdivision or clause of this article shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this article.

(3) The county engineer is the principal unified government official responsible for administration and enforcement of this article and its requirements. The county engineer shall have the authority to adopt policies, procedures, and guidance documents as necessary for the interpretation and enforcement of this article and its requirements. The county engineer may delegate any or all of his or her duties under this article.

(Ord. No. O-81-21, § 2, 6-24-2021)

Sec. 8-631. Definitions.

In this article, these words and phrases have the following meanings:

As-built plan means a record drawing or plan prepared and certified by a professional engineer that represents the actual dimensions, contours, elevations, design calculations, etc., of a completed structure, facility, or constructed feature.

Best management practice (BMP) means the stormwater management practice used to prevent or control the discharge of pollutants, including sediment, and minimize runoff, both directly and indirectly, to stormwater, receiving waters, or stormwater drainage systems, waters of the U.S. or water body found in the unified government. BMPs may include structural or nonstructural solutions, a schedule of activities, prohibition of practices, maintenance procedures, or other management practices and programs.

Channel means a natural or artificial watercourse with defined bed and banks that conducts continuously or periodically flowing water.

City means all of the territory of Wyandotte County, except the territory of the cities of Bonner Springs, Edwardsville, and Lake Quivira and the unincorporated area of Wyandotte County.

County administrator means the individual appointed by the mayor/CEO of the unified government with the consent of the commission as the unified government county administrator or his/her designee.

County engineer means the individual appointed by the county administrator as the unified government county engineer or his/her designee.

Dedicate means the deliberate appropriation of property by its owner for general public use.

Developer means any person who owns a development or redevelopment site, or who authorizes, plans, undertakes, executes, or is otherwise directly responsible for development or redevelopment to occur on a given parcel.

Development or *redevelopment* means any human activity that alters the elevation, cover or other hydrologic feature of the land. Such activities include but are not limited to the subdivision of land and the addition or alteration of improvements such as cuts and fills, drainage alterations, utilities, buildings, pavements, landscape, and any combination of these elements. Also, the project, lot, parcel or tract or land where development or redevelopment occurs.

Development site means any lot or parcel of land or a series of lots or parcels of land adjoining or contiguous or joined together under one ownership on which development or redevelopment of land occurs after the effective date of this article.

Drainage easement means a legal right granted by a property owner to a grantee allowing the use of private land for stormwater management purposes.

Erosion means the process by which the ground surface is worn away by the action of the wind, water, ice, gravity, or artificial means, and/or land disturbance activities.

Impervious cover means those surfaces that cannot effectively infiltrate rainfall, including building rooftops, pavement, sidewalks, and driveways.

Land disturbance means any activity by which soil is moved and land changed that may result in erosion or the movement of sediments, and may include tilling, clearing, grading, excavating, stripping, stockpiling, filling and related activities, and the covering of land surfaces with an impermeable material.

Landscape architect means an individual who is duly licensed by the Kansas State Board of Technical Professions, pursuant to K.S.A. 74-7001 et seq. to practice landscape architecture.

Maintenance agreement means a legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of stormwater treatment facilities.

Municipal separate storm sewer system (MS4) or *public storm sewers* means the publicly maintained stormwater drainage system within the unified government, including all appurtenances and ancillary structures thereto, any conveyance or system of conveyances for stormwater, including road drainage systems, streets, catch basins, detention basins, curbs, gutters, ditches, man-made, channels, or storm drains, as well as any system that meets the definition of a municipal separate storm sewer system or "MS4" as defined by the Environmental Protection Agency in 40 C.F.R. 122.26, or amendments thereto.

Person means any natural or corporate person, business association or business entity including, but not limited to, a corporation, a partnership, a sole proprietorship, trust, a political subdivision, a public or private agency of any kind, a utility, an owners association, a successor or assign of any of the foregoing, or any combination thereof.

Pollutant means any substance or material which contaminates or adversely alters the physical, chemical or biological properties of water, including changes in temperature, taste, odor, turbidity, or color.

Pollution prevention plan means BMPs and other structural, procedural and operations and maintenance provisions designed and operated to reduce or eliminate the discharge of pollutants, particularly in stormwater runoff.

Previously constructed development means all buildings, parking, sidewalks, and other impervious surfaces that currently exist on a site that were built in accordance with an approved development plan.

Professional engineer means an engineer duly licensed by the Kansas State Board of Technical Professions, pursuant to K.S.A. 74-7001 et seq. to practice engineering.

Property owner means the person listed as owner of the property by the county Wyandotte County Register of Deeds.

Stop work order means an order issued which requires that all construction activity on a site be stopped.

Stormwater means surface flow resulting from any form of natural precipitation, also any discharge to the public storm sewer allowed under the unified government's NPDES stormwater discharge permit.

Stormwater treatment facility (STF) means any constructed facility, or designated natural or restored open space, designed either to reduce the pollution load of stormwater, or to reduce the peak flow or volume of stormwater, or both.

Stormwater treatment facility owner means the person who controls, possesses, or takes stewardship of a stormwater treatment facility, which is planned and constructed in order to meet the requirements of this section.

Stormwater treatment standards or *standards* means the detailed design criteria, construction specifications, standard details, and maintenance requirements adopted in writing by the county engineer.

Unaffiliated – means the person(s) performing inspection work on behalf of the facility and/or property owner may not be directly employed by the facility or property owner.

Unified government means the unified government of Wyandotte County/Kansas City, Kansas.

Watercourse means any natural or artificial path for the concentrated flow of storm water or surface water, including but not limited to streams, rivers, creeks, ditches, channels, canals, conduits, culverts, drains, swales, waterways, gullies, ravines, or washes, including any area adjacent to it that is subject to overflow of floodwater.

(Ord. No. O-81-21, § 2, 6-24-2021)

Sec. 8-632. Performance criteria.

(a) *Stormwater treatment standards (standards).* The county engineer shall adopt and maintain stormwater treatment standards to implement and interpret the provisions of this article. The additional guidance or exceptions/waivers may include, but not be limited to, modified best management practices, design criteria, construction specifications, or standard details. Copies of all adopted standards shall be on file and available in the office of the county engineer and shall include the following:

(1) Supplemental regulations necessary to implement this article including the authorization to establish, assess, and amend administrative fees;

(2) Post-construction stormwater treatment for developed sites;

(3) Inspection and maintenance of stormwater treatment facilities;

(4) Creation and update of a registry of all stormwater treatment facilities required by this article; and

(5) All stormwater treatment facilities required or constructed within the unified government shall be designed and constructed in accordance with the most-recent standards set forth above and in the office of the county engineer. If hydrologic or topographic conditions warrant greater control than provided by the minimum control requirements set forth, the county engineer may impose additional requirements deemed necessary to control the pollutants in stormwater runoff. It shall be unlawful for any person to fail to comply with any additional requirements imposed by the county engineer as necessary to control the pollutants.

(b) *Minimum control requirements.* All stormwater treatment facilities shall be designed to provide a combination of pollutant removal, water volume, and peak flow control that satisfies the requirements established by unified government, approved watershed management plans or studies.

(c) *Non-structural stormwater practices.* Non-structural stormwater treatment practices are encouraged to minimize the reliance on structural practices. Applicants or owner of the site wishing to utilize non-structural practices for the purpose of meeting the requirements established by the unified government must ensure that these practices are documented and will remain unaltered by subsequent property owners by locating the facility in a drainage easement, separate tract dedicated for stormwater treatment facilities or similar instrument as approved by the county engineer.

(d) *Modifications to allow alternate compliance.* In addition, the county engineer may waive or modify any of the stormwater treatment standards to encourage the implementation of alternative or innovative practices that implement the intent of the modified standards and provide equivalent public benefits without significant adverse impacts on surrounding properties or developments. Such modifications may be granted for issues including, but not limited to:

(1) Approval of alternate materials, devices, techniques, details or specifications for individual stormwater treatment facilities that would be expected to provide similar or better performance;

(2) Evaluations of credits or any requirements established by the unified government to account for unique or special technical considerations; or

(3) Corrections, clarifications or modifications to requirements which the county engineer has found to give inadequate or undesirable performance.

(e) Appeals of decisions made by the county engineer related to the standards shall be made in accordance with section 8-643.

(Ord. No. O-81-21, § 2, 6-24-2021)

Sec. 8-633. Site location and placement.

(a) The location of stormwater treatment facilities shall be consistent with their function while also conforming to the uses and constraints of the site. The facility locations shall be approved by the county engineer, and ownership and maintenance responsibility established. Stormwater treatment facilities shall be shown on all relevant documents detailed in section 8-634(a).

(1) *Regional stormwater treatment facilities.* Regional facilities for stormwater management shall be shown on preliminary and final plans. The perimeter of the facility shall be dimensioned on a plan provided as an attachment to the maintenance agreement. Provisions shall be made for maintenance of the facilities, documentation of their presence, and rights of access, as set forth in section 8-638.

(2) *Local stormwater treatment facilities.* Local stormwater treatment facilities shall be dimensioned on a plan provided as an attachment to the maintenance agreement. Provisions shall be made for maintenance of the facilities, documentation of their presence, and rights of access, as set forth in section 8-638.

(3) *Residential single-family and two-family areas.* Generally, stormwater treatment facilities for residential single-family and two-family developments shall be centralized and located on a common tract.

a. The county engineer may allow a limited number of distributed facilities on individual residential tracts, provided the applicant or owner of the site demonstrates that substantial provisions are in place to ensure long-term operation, maintenance and inspection of such facilities without undue burden to the unified government staff for tracking and monitoring compliance.

(4) *Private facilities in the public street right-of-way.* Privately owned and operated stormwater treatment facilities shall be located outside of the public street right-of- way unless approved in writing by the county engineer and a corresponding right-of-way agreement which shall be recorded that provides for private maintenance responsibility in the public street right-of-way.

(5) *Coordination with utility easements.* Stormwater treatment facilities shall not be co-located within utility easements unless approved by the county engineer.

(6) *Detention ponds.* When detention facilities for peak flood control are required under the public works and stormwater treatment standards, such basins may be co- located with stormwater treatment facilities, provided that the facilities are designed to meet the requirements of both uses.

(7) *Off-site facilities.* The county engineer may consider proposals to manage stormwater runoff in off-site facilities that treat runoff from the proposed development and comply with the stormwater treatment standards. The off-site facility shall be in place prior to or concurrently with the proposed development. Long-term operations and maintenance responsibilities for the facilities must be established by agreements, approved by the unified government, and recorded with Wyandotte County Register of Deeds.

(8) *Existing stream corridors.* Existing stream corridors are considered a beneficial stormwater treatment facility and will be evaluated based on the based on the requirements established by the unified government.

(Ord. No. O-81-21, § 2, 6-24-2021)

Sec. 8-634. Stormwater treatment facility plan and report requirements.

(a) *Developer to prepare stormwater treatment facility plan.* In conjunction with final development plan, final plat, building permit applications, and other building or land development applications as may be identified in the supplemental regulations, the developer shall submit a preliminary stormwater treatment plan and stormwater management report. The plan shall consist of construction drawings for stormwater treatment facilities that meet the requirements of the design criteria, a construction sequence for protection of the stormwater treatment facilities from construction phase sedimentation, a projected maintenance plan, agreement and schedule, and a pollution prevention plan.

(b) The final stormwater management plans are required to be incorporated into the public improvement plans and/or site development plans for the project and prepared in accordance with the unified government design criteria and this article. In addition, a final drainage report is required to be submitted concurrently with the plans and shall include detailed information for each stormwater treatment facility within the development as required by the stormwater treatment standards.

(1) The county engineer shall have the authority to set minimum plan and report submittal requirements by written policy or checklist.

(2) Both the plans and report require review and acceptance by the county engineer prior to a building permit and/or public improvement permit being issued for the development.

(3) Following initial acceptance of the plans and report by the county engineer, the developer can make revisions to both the plans and report only with written approval of the county engineer.

a. Revised plans and reports must be submitted to the county engineer for review and written acceptance prior to any changes being made to the existing plans and reports previously approved by the county engineer.

b. Revised plans and reports must be prepared by a professional engineer unless another design individual is first approved in writing by the county engineer.

(4) *No separate permit.* The county engineer shall review and approve the stormwater treatment plan. Review, approval, construction inspection, and maintenance agreement for the stormwater treatment facilities shall be an integral part of the performance required under previously adopted or subsequently amended unified government regulation of buildings and development. A separate permit or bond for construction of the stormwater treatment facility is not required.

(5) *Developer to construct.* The developer shall construct the stormwater treatment facilities according to the approved plan and the adopted stormwater treatment standards.

(6) *Prevent damage from construction phase sediment.* Developer shall manage the construction sequence to protect the stormwater treatment facilities from construction phase sedimentation.

(7) *Prevent damage/compaction from construction equipment.* Developer shall manage and protect areas where stormwater treatment facilities are proposed to be located to prevent soil compaction.

(c) *Design certification.* Prior to commencing construction of a stormwater treatment facility on projects that do not require a development review committee (DRC) process/approval including necessary rehabilitations of stormwater treatment facilities, a professional engineer shall submit a certification stating that the plans, report, and specifications for constructing required stormwater treatment facilities are in conformance with this chapter and the unified government design criteria.

(Ord. No. O-81-21, § 2, 6-24-2021)

Sec. 8-635. Procedures.

(a) *Timing of stormwater treatment facility construction.* Stormwater treatment facilities shall be constructed as early as feasible during the development process. However, since some commonly used stormwater treatment facilities are sensitive to construction generated silt when upstream areas are under construction, the following provisions are allowable for timing of such facility construction:

(1) For a stormwater treatment facility serving a single building lot, the facility shall be constructed concurrently with the development of the site and building, subject to exceptions set forward in this section.

(2) When stormwater treatment facilities serve multiple development lots within a common plan of development, a stormwater treatment facility can be final graded, and permanent vegetation installed only after 90 percent of the land area served by the facility has achieved permanent stabilization unless the county engineer approves a shortened schedule. Additionally, stormwater treatment facilities must be installed and certified within six months of permanent stabilization of the entire land area served by the facility. Land area served by the facility shall mean those areas served by the facility within the common plan of development and shall not include offsite areas even if they are tributary to the facility.

(3) For stormwater treatment facilities serving multiple development lots within a common plan of development, no certificate of occupancy and/or temporary certificates of occupancy shall be issued for any building or site unless a stormwater treatment facility has received a post construction certification per section 8-637(a)(1).

(b) *Failure to construct a required stormwater treatment facility.* When construction of a stormwater treatment facility is delayed beyond the limits as provided in this section, the county engineer may utilize any or all of the following enforcement mechanisms:

(1) Withhold issuance of building permits for properties proposed to be served by such stormwater treatment facility;

(2) Withhold issuance of temporary and/or certificates of occupancy or certificates of compliance for permitted work that is proposed to be served by such stormwater treatment facility; and/or

(3) Issue stop work orders for permitted work for any or all property that is proposed to be served by such stormwater treatment facility.

(Ord. No. O-81-21, § 2, 6-24-2021)

Sec. 8-636. Construction inspections.

(a) *Inspections.* Regular inspections of the stormwater management system construction shall be the responsibility of the project designer (certifying professional engineer) or other owner's representative who has been approved by the county engineer. Inspection results of said inspections shall be forwarded to the county engineer. The property owner/developer shall notify the county engineer before beginning construction of any stormwater treatment facility and shall keep the county engineer advised as to the progress of the work and any changes in the schedule. For certain types and locations of stormwater treatment facilities, the county engineer may at ~~his~~ their discretion require additional or parallel inspections by unified government staff. A final inspection will be required by the unified government before a certificate of occupancy and/or temporary certificate of occupancy can be released.

(b) The unified government may also require the property owner/developer to retain a third party inspector, if at the county engineer's discretion, the complexity of the stormwater treatment facility, inexperience by the

property owner's contractor, or harsh site conditions warrant the need for full-time third party inspection staff.

(c) In addition to inspections established under previously adopted or subsequently amended unified government regulation of buildings and development, the county engineer may during the construction period inspect any stormwater treatment facility required under this article to ensure that it is correctly installed and adequately protected from construction phase sedimentation.

(Ord. No. O-81-21, § 2, 6-24-2021)

Sec. 8-637. Post-construction certification, as-built plans, and registry.

(a) The following are required to be submitted and fully approved prior to release of a certificate and/or temporary certificate of occupancy:

(1) *Post construction certification.* The project designer (professional engineer), or other party approved by the county engineer, must certify that the stormwater treatment facility is fully functional and that the materials and construction of the stormwater treatment facility fully comply with the approved plans, report, specifications and provisions of this chapter. The certification shall be made prior to issuance of a certificate and/or temporary certificate of occupancy.

(2) *As-built plans.* The property owner/developer shall also submit as-built plans showing in detail all construction changes from the accepted plans which shall be completed by a professional engineer. The certification shall be made prior to issuance of a certificate and/or temporary certificate of occupancy.

(3) *Stormwater treatment facility registry.* The county engineer shall create and sustain a registry of all stormwater treatment facilities required under this article. The registry shall include the location, description, ownership, and inspection and maintenance history of each facility and other information as the county engineer deems necessary. The owner of each stormwater treatment facility required under this article shall register that facility with the county engineer and shall update the county engineer of changes in contact information and transfers of any facility to another owner or persons responsible for maintaining the STF.

(Ord. No. O-81-21, § 2, 6-24-2021)

Sec. 8-638. Protection, maintenance and repair of facilities.

(a) *Protection of stormwater treatment facilities.* No person shall remove, destroy, or otherwise impair the effectiveness of~~f~~ any stormwater treatment facility either installed in compliance with this chapter or installed voluntarily not as part of a development or redevelopment activity.

(b) *Maintenance responsibility.* The property owner on whose land the stormwater treatment facility has been constructed pursuant to this chapter and any other person or agent in control of such land, shall maintain the stormwater treatment facility in good condition and promptly repair and restore all grade surfaces, walls, drains, dams and structures, vegetation, erosion and sediment control measures, and other protective devices. Such repairs or restoration and maintenance shall be in accordance with relevant agreements, plans and reports accepted by the county engineer and any amendments thereto.

(c) *Required maintenance agreement.* Prior to issuance of any permit that includes construction of a stormwater treatment facility, the applicant or property owner of the site shall provide a maintenance agreement for approval by the county engineer. At a minimum, the maintenance agreement shall:

(1) Identify the responsible party (with contact information) for those individuals responsible for maintaining all stormwater treatment facilities;

(2) Include an attachment showing the locations and dimensions of all stormwater treatment facilities;

(3) Provide access for the responsible party to maintain all stormwater treatment facilities, as well as right of access to the unified government as provided in other sections of this chapter;

(4) Establish minimum frequency and levels of maintenance to be completed;

(5) Establish the frequency of inspections;

(6) Identify the unified government's rights in the event that the responsible party fails or is unable to perform the obligations of the maintenance agreement;

(7) Clarify how modifications or additions can be made to the maintenance agreement; and

(8) The maintenance agreement shall be recorded in the Wyandotte County Register of Deeds and associated with all lots with stormwater treatment facility maintenance responsibilities.

(d) *Notice on plat or title.* The final plat shall contain language approved by the county engineer to provide notice of facility presence and maintenance obligations. Said deed restriction shall be recorded with the unified government records and tax administration concurrent or prior to recording of the final plat or approval of final plans. The notice shall run with the land and failure to provide this notice to any purchaser prior to transferring any interest in the property shall be in violation of this chapter. The notice shall be in a form approved by the county engineer and substantially as set forth below:

(1) "Notice: This site includes Stormwater Treatment Facilities, as defined and regulated in the Unified Government Code. Restrictions on the use or alteration of the said Facilities may apply. This property is also subject to the obligations and requirements of the Stormwater Treatment Facility Maintenance Agreement approved by the County Engineer or his/her designee."

(2) When the development involves a final plat, this notice shall appear on the face of the plat, as recorded. When the proposals do not involve a final plat, a drainage easement shall granted by separate instrument and be recorded at the Wyandotte County Register of Deeds, and shall include the legal description of the property, the current owner, and other reference to the project, and the notarized signature of the property owner or owners.

(e) *Dedicated tracts or easements.* All stormwater treatment facilities shall be located in a separate tract dedicated for this purpose; provided however, if the stormwater treatment facility serves lands from only one lot and is located on the lot served, then the stormwater treatment facility may be located within a drainage easement dedicated for this purpose. In all cases, the tract or drainage easement shall adjoin a public right-of-way or shall include provisions for access from a public right-of-way to the stormwater treatment facility for the benefit of the property owner, legally responsible for the facility and maintenance of facility, and the county engineer for periodic inspection of the stormwater treatment facility. The use of and the restrictions placed on all such tracts and drainage easements shall be binding on subsequent property owners on which the stormwater treatment facility is located. Whenever possible, a dedicated tract or drainage easement shall be made part of a final plat recorded at the Wyandotte County Register of Deeds. However, whenever it is not possible or practical as determined by the county engineer, a drainage easement shall be recorded by separate instrument by the property owner at the Wyandotte County Register of Deeds and recorded copy provided to the county engineer.

(f) *Maintenance inspections and certifications by property owner.* The property owners of all stormwater treatment facilities, except for distributed facilities serving individual residential lots, must submit a maintenance certification report to the county engineer on or before the first day of November of each year. The maintenance certification report shall be completed and sealed by a registered professional engineer, landscape architect in the State of Kansas or Certified Stormwater manager, unless the county engineer

approves other qualified professionals to perform these duties. The person performing the inspection and certifying the stormwater treatment facilities must be an unaffiliated third party engaged in performing these duties and not a direct employee of the owner or the lessee of the property. Such maintenance certification report shall document each item including, but not limited to, the need for removal of silt, litter and other debris, grass cutting, removal of undesirable vegetation, and replacement of landscape vegetation or other specific items noted in the maintenance agreement. Any maintenance needs found must be documented and addressed in a timely manner, as determined by the county engineer, and the inspection and maintenance frequency required may be increased as deemed necessary to ensure proper functioning of the stormwater treatment facility.

(g) *Inspection of stormwater treatment facilities by the unified government.* The county engineer may establish an inspection program, including but not limited to routine inspections, random inspections, inspections based upon complaints or other notice of possible violations, inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants, inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the NPDES stormwater permit, and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to, reviewing maintenance and repair records, sampling discharges, surface water, groundwater, and material or water in drainage control facilities, and evaluating the condition of drainage control facilities and other stormwater treatment practices.

(h) *Right of entry for inspection.* When any stormwater treatment facility is installed on private property, or when any new connection is made between private property and a public storm sewer system, the property owner shall grant to the unified government in a manner and form acceptable to the county engineer, the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when it has a reasonable basis to believe that a violation of this article is occurring or has occurred, and to enter when necessary for abatement of a public nuisance or correction of a violation of this article.

(i) *Records of installation and maintenance activities.* Parties responsible for the operation and maintenance of a stormwater management facility shall make records of the installation and of all maintenance and repairs and shall retain the records for at least five years. These records shall be made available to the county engineer during inspection of the facility and at other reasonable times upon request and at a minimum shall be submitted with the annual certification package.

(j) *Failure to maintain practices.* If a responsible party fails or refuses to meet the requirements of the maintenance agreement, the county engineer, after reasonable notice, may correct a violation of the stormwater treatment standards or maintenance needs by performing all necessary work to place the facility in proper working condition.

(k) *Public safety threat.* In the event that the stormwater management facility becomes a danger to public safety or public health, the county engineer shall notify the party responsible for maintenance of the stormwater management facility in writing. Upon receipt of that notice, the responsible person shall have 30 days to effect maintenance and repair of the facility in an approved manner. In the event of an emergency, when the county engineer determines that the facility poses an immediate danger to life or property, no notification period shall be required prior to beginning mitigation work. After proper notice, the county engineer will enforce the maintenance provisions of this chapter with any or all of the following enforcement measures:

(1) *Notice of violation.* The county engineer is authorized to serve a notice of violation or order on any person or entity responsible for maintaining the facility. Such notice shall order abatement of the violation by the responsible person or entity.

(2) *Lien on property.* The county engineer may assess the property owner(s) of the facility for the cost of repair work and any penalties as authorized by law; and the cost of the work shall be a lien on the property, or assessed against the property owners defined on the plat or other registered document, and may be placed on the tax bill and collected as ordinary taxes by the unified government.

(Ord. No. O-81-21, § 2, 6-24-2021)

Sec. 8-639. Annual certifications.

(a) On or before the first day of November of each year, the property owner and person responsible for maintaining each stormwater treatment facility shall obtain an inspection and prepare a certification as detailed in section 8-638(f).

(b) The annual certification shall document if the stormwater treatment facility does not pass inspection and prepare a report of items that require corrective action. The report shall document each item including, but not limited to, the need for removal of silt, litter and other debris, grass cutting, removal of undesirable vegetation, replacement of landscape and vegetation and replacement and/or repair of structure items including underdrains, overflow structures, and storm drainage pipes. Any maintenance needs found shall be addressed in a timely manner, as determined by the county engineer, and the inspection and maintenance requirements may be increased as deemed necessary to ensure proper functioning of the stormwater treatment facility.

(Ord. No. O-81-21, § 2, 6-24-2021)

Sec. 8-640. Violations.

(a) *Violations.* Any development activity that is commenced or is conducted contrary to this article, may be restrained by injunction or otherwise abated in a manner provided by law.

(b) *Notice of violation.* When the county engineer finds that a property owner has violated, or continues to violate, any provision of this article, or order issued hereunder, the county engineer may serve upon that property owner a written notice of violation. Within 30 days of the receipt of such notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the property owner to the county engineer. Submission of such a plan in no way relieves the property owner of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the county engineer to take any action, including emergency actions or any other enforcement action, and does not require the county engineer to first issue a notice of violation.

(Ord. No. O-81-21, § 2, 6-24-2021)

Sec. 8-641. Enforcement.

(a) *Default.* The following is considered the default enforcement procedures for this chapter as a whole and apply to all articles unless specifically annulled within an article.

(1) *Notice of violation.* Whenever the authorized enforcement agency finds that a person has violated a prohibition or failed to meet a requirement of this article, the authorized enforcement agency may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

a. That violating practices, or operations shall cease and desist;

b. The abatement or remediation of the violation and the restoration of any affected property; and

c. Payment of a penalty to cover administrative and remediation costs; and

d. The implementation or rehabilitation of source control or stormwater treatment facility.

e. Compliance with articles in this chapter.

(2) *Abatement.* If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator. The notice of violation shall provide the owner with a minimum of 30 days from the date of the discovery of the violation to remediate or restore, unless the violation poses an immediate risk to the health of the public, damage to property, or other serious hazard.

(3) *Form and service of notice of violation.* When required prior to a subsequent enforcement action, a notice of violation shall be given in the manner prescribed below:

a. *Form.* Notice shall be in writing and shall include the location and description of the stormwater treatment facility in violation of this article. The notice shall describe the nature of the violation and the required corrective action and shall include a reasonable time limit for corrective action. The notice shall include a statement of the unified government's right to file a lien and shall inform the stormwater treatment facility owner of the right to appeal.

b. *Service.* Notice may be delivered to the stormwater treatment facility owner in person, or may be sent by certified mail, to the owner at the address provided in the stormwater facility registry, or in any other manner as authorized by law. Method of delivery is at the option of the county engineer. In the case that the registry information is incomplete the notice may be delivered to the property owner at the address of record.

(b) *Withhold development authorization.* Whenever the county engineer determines the stormwater treatment plan does not meet the design standard the county engineer may take any of the following actions without prior notice of violation:

(1) Withhold the recordation of a final plat for which the stormwater treatment plan is required;

(2) Withhold from the agenda of the planning and zoning board the final development plan or final plat for which the stormwater treatment plan is required; or

(3) Withhold the issuance of or place a stop work order on a building permit for which the stormwater treatment plan is required.

(c) *Withhold occupancy permits.* Whenever the county engineer determines required stormwater treatment facilities have not been constructed according to plan and adopted construction standards or have been contaminated by construction phase sediment the county engineer may, without prior notice of violation, withhold the issuance of a temporary or final certificate of occupancy.

(d) *Stop work.* Whenever the county engineer determines required stormwater treatment facilities have not been constructed according to plan and adopted construction standards or have been contaminated by construction phase sediment the county engineer may issue a stop work order. Issuance of a stop work order shall be followed as soon as practicable with a notice of violation identifying the conditions precipitating the stop work order.

(e) *Prosecution of violation stormwater treatment facility owners.* Whenever the county engineer determines a stormwater treatment facility owner has not corrected the conditions listed in a notice of violation within the time period for remedy established in the notice, the county engineer may instigate appropriate proceedings

at law or in equity to correct or abate the violation. If the fine assessed is not paid in a timely manner, the fine assessed may be certified to the unified government clerk and it shall, in accordance with law, become a lien upon the subject property. This amount shall be listed on the tax bill and be collected in the manner of ordinary taxes as authorized by law.

(f) *Abatement and cost recovery.* Whenever the county engineer determines a stormwater treatment facility owner has not corrected the conditions listed in a notice of violation within the time period for remedy established in the notice, the county engineer may authorize the unified government or its agents to go upon the land and correct the violation. Work may be accomplished by contract or otherwise at the discretion of the county engineer. Unified government is not obligated to provide cost estimates of the corrective work to the stormwater treatment facility owner prior to doing the work. Unified government is not obligated to seek the lowest cost for the corrective work. The stormwater treatment facility owner shall reimburse the unified government for all costs incurred by the unified government to correct the deficiency, including construction, engineering, inspection, administrative costs and interest at the current rate published by the Secretary of State pursuant to K.S.A. 16-204, and amendments thereto. The unified government may deny or delay all other permits on the subject property until the reimbursement is made. If in any event the amount due is not paid, the amount due may be certified to the unified government clerk and it shall, in accordance with law, become a lien upon the subject property. This amount shall be listed on the tax bill and be collected in the manner of ordinary taxes as authorized by law.

(g) *Prosecution of violation impairing and interfering.* Whenever the county engineer determines a person is in violation of this article the county engineer may, without prior notice, instigate appropriate proceedings at law to assess fines pursuant to section 8-642 penalties.

(h) *No order of precedence implied.* Except where the forgoing enforcement activities require the prior issuance of a notice of violation, the county engineer is not obligated to follow any order of precedence in applying enforcement actions.

(i) *Enforcement measures after appeal.* If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal, within 30 days of the decision of the municipal authority upholding the decision of the authorized enforcement agency, then representatives of the authorized enforcement agency shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

(j) *Cost of abatement of the violation.* Within 30 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within 30 days. If the amount due is not paid within a timely manner as determined by the decision of the municipal authority or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

(k) Any person violating any of the provisions of this article shall become liable to the unified government by reason of such violation. The liability shall be paid in not more than 12 equal payments.

(Ord. No. O-81-21, § 2, 6-24-2021)

Sec. 8-642. Penalties.

(a) *Injunctive relief.* If any person violates the provisions of this chapter or regulations, orders, permits or other legal requirements of the unified government, the chief counsel may commence an action for legal or equitable relief in any court with appropriate jurisdiction.

(b) *Civil penalties.* When the county engineer determines that a property owner has failed to comply with any provisions of this chapter or regulations, orders, permits or other legal requirements hereunder, the property owner shall be subject to a penalty not exceeding $1,000.00 per violation, with recurrence on any succeeding day being a separate violation. Such civil penalties shall be recovered by the county engineer by civil action in a court of appropriate jurisdiction. In addition to the civil penalties provided herein, the unified government may in any such action recover reasonable attorney's fees, court costs, court reporters' fees and other expenses of litigation, as well as any damages to the facilities of the unified government or to the environment against the person found to have violated this chapter or the regulations, orders, permits or other legal requirements hereunder.

(c) *Criminal penalties.* Unless otherwise stated, any person violating any provisions of this chapter or regulations, orders, permits or other legal requirements hereunder wherein (1) such violation is an intentional violation, (2) such violation is a violation with any identifiable environmental harm, personal injury or damage to public or personal property, (3) any person knowingly has made any false statements, representations or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter or a permit issued hereunder, or who has falsified, tampered with or knowingly rendered inaccurate any monitoring device or method, and (4) any person has committed within a period of two years a second or additional violation of the same or comparable regulatory requirement shall upon conviction be guilty of a class A violation.

(d) *Administrative penalties and orders.*

(1) When the county engineer finds that a property owner has violated, or continues to violate, any provision of this article, the county engineer may penalize such property owner in an amount not to exceed $1,000.00. Such penalties shall be assessed on a per-violation, per day basis.

(2) Property owners desiring to dispute such penalties must file a written request for the county engineer to reconsider the penalty along with full payment of the penalty amount within 45 days after the issuance of the notice of violation. Where a request has merit, the county engineer may convene a hearing on the matter. In the event the property owner's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the property owner. The county engineer may add the costs of preparing administrative enforcement actions, such as notices and orders, to the penalty.

(3) Issuance of an administrative penalty shall not be a bar against, or a prerequisite for, taking any other action against the property owner.

(e) The county engineer may enter into consent orders, assurances of compliance, or other similar documents establishing an agreement with any property owner responsible for noncompliance. Such documents shall include specific action to be taken by the property owner to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to this article.

(Ord. No. O-81-21, § 2, 6-24-2021)

Sec. 8-643. Appeals.

(a) Unless otherwise provided, any person aggrieved by an action of the county engineer or refusing any permit, suspending or revoking any permit, or any other final action imposing affirmative or negative obligations on such property owner under this chapter may appeal such decision to the county administrator or designee. No notice of violation under subsection 8-640(b) of this chapter, no requirement only for information or data concerning a regulated activity, and no action of the county engineer or designee not imposing specific affirmative or negative obligations shall be appealable. The county administrator must receive the written

appeal within 15 days of the date of the county engineer's action, identifying the action appealed from, the relevant facts, and any information that such person requests the county administrator to consider. The county administrator or designee may in his/her discretion either informally decide the appeal without a hearing or may hold a hearing at which such person may present his/her arguments and evidence. At any hearing held pursuant to this section 8-643, testimony taken must be under oath and recorded. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof. The county administrator will affirm, modify, or rescind the action in writing within 15 days of the appeal or any hearing held hereunder. Exhaustion of the opportunity for appeal under this section 8-643 shall be a jurisdictional prerequisite for judicial review of any action of the county engineer.

(Ord. No. O-81-21, § 2, 6-24-2021)

Secs. 8-644—8-650. Reserved.

Published_____

ORDINANCE NO. _____

An ordinance relating to Chapter 30, Sewers and Sewage Disposal, Article I, amending Sec. 30-1; Article III, amending Sec. 30-66; Article IV, amending Sec. 30-96; Article V, amending Secs. 30-124 and 30-131; and Article IX, Sec. 30-351.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

Section 1. That Sections 30-1, 30-66, 30-96, 30-124, 30-131, and 30-351 are hereby amended to read as follows:

Sec. 30-1. Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Unless the context of usage indicates otherwise, the meaning of terms in this chapter and not defined in this section or in chapter 1 shall be defined in the Glossary of Water and Wastewater Control Engineering prepared by the Joint Editorial Board of the American Public Health Association, American Society of Civil Engineers, American Water Works Association and Water Pollution Control Federation, copyright 1981, or its replacement.

Act or *the Act* means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251 et seq.

Applicant means any person requesting a permit to use the public sewer under any of the provisions of this chapter.

Approval authority means the EPA or Kansas Department of Health and Environment (KDHE). As regards the pretreatment program, if the pretreatment program has been formally delegated to the KDHE, it shall mean the director of the division of environment of KDHE.

Authorized or *duly authorized* representative of the user.

(1) If the user is a corporation:

a. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

b. The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including

having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit [or general permit {optional}] requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.

(3) If the user is a federal, state, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

(4) The individuals described in paragraphs 1 through 3, above, may designate a duly authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the unified government.

(5) If the user is a trust: trustee.

Batch means the controlled discharge of a discrete, contained volume of wastewater.

Best management practices (BMPs) includes, but is not limited to, schedules of activities, prohibitions of practices, maintenance policies and other management procedures that are implemented to prevent or reduce the discharge of pollutants into the municipal sewer system, and to minimize the pollution of waters of the United States. The term "BMPs" also includes pretreatment equipment installation and requirements, operating procedures, practices to control runoff from developed sites, spillage or leaks, sludge or waste disposal, or drainage from raw material storage, and other structural controls such as dry extended detention ponds, wet ponds, infiltration basins, infiltration trenches, porous pavement, bioretention, sand and organic filters, stormwater wetlands, grassed swales, grassed filter strips, catch basins inserts, in-line storage, and manufactured products for stormwater inlets.

Board of county commissioners means the unified government of Wyandotte County/Kansas City, Kansas Board of County Commissioners.

Board of public utilities (BPU) means an administrative agency of the unified government of Wyandotte County/Kansas City, Kansas.

BOD (biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter as under EPA/KDHE-approved laboratory procedure in milligrams per liter.

BTEX means the sum of the concentrations of benzene, toluene, ethylbenzene, and the isomers of xylene (o-xylene, m-xylene, and p-xylene), as determined by an analytical method approved by the EPA or KDHE.

Building drain means that part of the lowest horizontal piping of a drainage system that receives the discharge from waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer beginning two feet outside the outer face of the building wall.

Building sewer, sewer service or *private sewer* means the sewer maintained and controlled by private persons for the purpose of conveying sewage or stormwater to public sewers including the extension from the building drain to the public sewer. The building sewer shall be deemed to begin at a point two feet outside the building or foundation wall. The building sewer ends at the point of connection to the public sewer and includes the connection.

Bypass means the intentional diversion of waste streams from any portion of an industrial user's treatment facility.

Categorical industrial user (CIU) means an industrial user subject to national categorical pretreatment standards.

Categorical pretreatment standard or *categorical standard* means any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category of users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

COD (chemical oxygen demand) means the oxygen-consuming capacity of inorganic and organic matter present in wastewater, expressed as the amount of oxygen consumed from a chemical oxidant as under EPA/KDHE-approved laboratory procedure in milligrams per liter.

Class I-A means all wastewater or sewage discharged into a sanitary sewer by residential users. Equivalent to BPU Classes 080 and 080A.

Class I-B means all wastewater, sewage and industrial waste discharged into a sanitary sewer from commercial establishments that are not class II or class III. The term "class 1-B" includes residential structures with three or more units that discharge into a sanitary sewer. Equivalent to BPU Class 081.

Class II includes all wastewater, sewage and industrial waste discharged into a sanitary sewer from establishments that prepares food for consumption by non-familiar persons. Equivalent to BPU Class 090.

Class III includes all wastewater, sewage and industrial waste discharged into a sanitary sewer from permitted industrial users. Equivalent to BPU Classes 083 and 086.

Clean Water Act means the federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Code of Management Practices for Silver Dischargers means the best management practice established jointly by the Association of Metropolitan Sewerage Agencies (AMSA) and the Silver Council, including the Guide for Commercial Imaging,

Guide for Diagnostic and Industrial X-Ray Film Processors and Guide for Photo Processors, copyright 1997, National Association of Photographic Manufacturers, Inc.

Combined sewer means a sewer designed to receive any combination of surface runoff and wastewater, sewage, or industrial wastes.

Connection or *sewer connection* means an attachment of a building sewer to a public sewer, or the location where such an attachment occurs. If the context specifically requires the interpretation, it also means the attachment of a newly constructed public sewer to an existing public sewer.

Construction activity. Activities subject to NPDES construction permits. Currently these include construction projects resulting in land disturbance of 1 acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

Control authority means the ~~water pollution control~~ environmental services division, KDHE or the EPA, depending on the level of oversight or jurisdiction for a facility or location.

Cooling waters means the water discharged from any use such as air conditioning, cooling, or refrigeration or to which the only pollutant added is heat.

Development means any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

Direct discharge means the discharge of treated or untreated wastewater directly to the waters of the state.

Director refers to the director of ~~water pollution control~~environmental services or their designee for articles I (exception section 30-123), II, III, IV, V, VIII, and IX, county engineer for article I section 30-11 and section 30-123 and the director of the unified government health department or his designee for articles VI and VII.

Domestic sewage means sewage originating primarily from non-commercial kitchens, bathrooms, and laundry sources, including waste from food preparation, dishwashing, garbage grinding, toilets, baths, showers, and sinks.

Domestic wastes means liquid wastes from the noncommercial preparation, cooking and handling of food or containing human excrement and similar matter from the sanitary conveniences of dwellings, commercial buildings, industrial facilities, and institutions.

Drainageway or *drainage channel* means a natural or manmade stormwater conveyance system.

Environmental Protection Agency or *EPA* means the U.S. Environmental Protection Agency, or, where appropriate, the term may also be used as a designation for the administrator or other official of such agency.

Fats, oils, and grease (FOG) means oily or grease materials typically derived from animal or vegetable origins that that have the potential for accumulations and blockage of sewers or otherwise may interfere with the operation of the collection system or

publicly-owned treatment works (POTW), or become a removal problem at the POTW. FOG shall include all pollutants identified as FOG by an EPA-approved testing method or originate from mineral and petroleum-based products such as motor oil and industrial sources.

Garbage means solid wastes from the domestic or commercial preparation, cooking or dispensing of food, or from the handling, storage, or sale of food or produce.

Harmful quantity means the amount of any substance that the director determines will cause an adverse impact to the storm drainage system, including the municipal separate storm sewer system (MS4), or will contribute to the failure of the unified government to meet the water quality-based requirements of the NPDES permit for discharges from the MS4.

Hazardous materials means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Health department means the public health department of the unified government.

Health officer means the director of the health department or his designee.

IDDE means illicit discharge detection and elimination, a program to identify and correct connections to the storm sewer system which have not been permitted or allowed.

Indirect discharge or *discharge* means the introduction of pollutants into the POTW from any nondomestic source.

Illicit connections means as either of the following:

(1) Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an the director, or

(2) Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by the director.

Illicit discharge means any discharge to a municipal separate storm sewer system that is not composed entirely of stormwater, except discharges pursuant to a National Pollutant Discharge Elimination System (NPDES) permit.

Industrial activity means activities subject to NPDES industrial permits as defined in 40 CFR, Section 122.26(b)(14).

Industrial user means any user contributing industrial wastes to the municipal sewer system.

Industrial wastes or *industrial wastewater* means the liquid or waterborne wastes from industrial manufacturing processes, trade, commerce, or business, including medical offices or facilities, other than domestic sewage.

Infiltration means water other than wastewater that enters a sewer system (including sewer service connections and foundation drains) from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow.

Inflow means water other than wastewater that enters a sewer system (including sewer service connections) from sources such as, but not limited to, roof leaders, cellar drains, yard drains, area drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers other than in combined sewers, catch basins, cooling towers, storm waters, surface runoff, street wash waters, or drainage. Inflow does not include, and is distinguished from, infiltration.

Interceptor sewer commonly means a public sewer that carries large flows concentrated from many tributary or secondary sewers; specifically, it means a sewer designated by the director as an interceptor sewer.

Interference means a discharge or disruption that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the unified government's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

KDHE means the Kansas Department of Health and Environment or, where appropriate, the term may be uses as a designation for the administrator or other official of such agency.

Low pressure sewer system or *LPS* means a sewage collection and transport system operated at a low pressure in which building sewers are pressurized and discharge directly into a public sewer. Compared to other force mains that receive concentrated flows of wastewater from a gravity sewer at, usually, a single pump station, an LPS is designed for low flow, usually operates at lower pressure, and usually has multiple pressurized building services connected. Equivalent to BPU Class 080A.

Maximum extent practicable means the use of those best management practices, which, based on sound engineering and hydrogeological principles, will, to the greatest degree possible, given all relevant considerations, including technology, climate, and site conditions, prohibit erosion and sedimentation during and after development.

MBAS (methylene blue active substance) means any substance that brings about the transfer of methylene blue, a cationic dye, from an aqueous solution into an immiscible organic layer upon equilibrium.

Municipal separate storm sewer system (MS4) means a conveyance, or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, roadside ditches, manmade channels, or storm drains):

(1) Owned or operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of wastes, stormwater, or other sewer district, flood control district or drainage district, or similar entity, or an Indian Tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA (33 USC 1288) that discharges to waters of the United States;

(2) Designated or used for collecting or conveying stormwater;

(3) Which is not a combined sewer; and

(4) Which is not part of a publicly owned treatment works (POTW) as defined at 40 CFR 122.2.

Municipal sewer system means the facilities that are owned or operated by the unified government for the collection, transportation, pumping, treating and disposal of wastewater, sewage, and industrial waste. Such facilities may include, but are not limited to, sanitary sewers, combined sewers, interceptor sewers, low pressure sewers, pump stations, force mains, treatment plants, sludge handling and disposal facilities, and outfalls.

National Pollutant Discharge Elimination System (NPDES) storm water discharge permit means a permit issued by EPA (or by a state under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

National prohibitive discharge standard or *prohibitive discharge* means any regulation developed under the authority of section 307(b) of the Act (33 USC 1317(b)) and 40 CFR 403.5.

Natural outlet means any outlet into a watercourse, pond, ditch, lake, or other body of surface water or groundwater.

New source means:

(1) Any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced after publication of proposed pretreatment standards under section 307(c) of the Clean Water Act, 33 USC 1317(c) et seq., which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

a. The building, structure, facility, or installation is constructed at a site at which no other source is located;

b. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

c. The production or wastewater generating processes of the building, structure, facility, or installation are at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

(2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria stated in subsections (1)b or (1)c of this definition but otherwise alters, replaces, or adds to existing process or production equipment.

(3) Construction of a new source, as defined under this section, has commenced if the owner or operator has:

a. Begun, or caused to begin as part of a continuous on-site construction program:

1. Any placement, assembly, or installation of facilities or equipment;

2. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

b. Entered into a binding contractual obligation for the purchase of facilities or equipment that are intended to be used in its operation within a reasonable time. Options to purchase or contracts that can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this definition.

Non-significant categorical industrial user (NSCIU) means and industrial user subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N, that the POTW has determined is exempt from the definition of SIU on a finding that the IU never discharges more than 100 gpd of total categorical wastewater (excluding sanitary, noncontact cooling and boiler blowdown wastewater, unless specifically include in the pretreatment standard). The IU must also meet the following conditions:

a. The IU, before the POTW's finding, has consistently complied with all applicable categorical standards and requirements;

b. The IU annually submits the certification statement required in 40 CFR 403.12(q) together with any additional information necessary to support the certification statement;

c. The IU never discharges any untreated concentrated wastewater.

Non-significant industrial user (NIU) means any industrial user which has a wastewater discharge permit, but is not identified as a significant industrial user.

Non-storm water discharge means any discharge to the storm drain system that is not composed entirely of storm water.

North American Industry Classification System (NAICS) means the standard used by federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy. It replaces Standard Industrial Classification (SIC).

Obligations means any obligations of the unified government payable from the revenues of the sewer system.

Pass through means discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the unified government's NPDES permit, including an increase in the magnitude or duration of a violation.

Permit means a written permit issued by the director or health officer approving and authorizing activities related to the municipal sewer system or the treatment and disposal of wastewater as identified in this chapter. Specific types of permits are addressed in the various articles of this chapter.

Permitted industrial user means any person that has a wastewater discharge permit issued by ~~water pollution control~~environmental services.

Person means any individual, association, organization, partnership, firm, trust, corporation, or other entity recognized by law and acting as either the owner or as the owner's agent.

pH means the logarithm of the reciprocal of the concentration of the hydrogen ions, represented by S.U. (standard units).

Photographic processing facility means a facility that processes images from silver-sensitive films and papers. This includes, but is not limited to, commercial photographic and film processing facilities, in-house photographic processing facilities, microbiology labs, printers, X-ray and other medical, dental, industrial, or institutional diagnostic facilities which use silver-based imaging materials, the processing of which produces a silver-rich solution.

Pollutant means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides,

herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform, E Coli and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Pollution means the manmade or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

Pollution prevention plan means BMPs and other structural, procedural and operations and maintenance provisions designed and operated to reduce or eliminate the discharge of pollutants, particularly in stormwater runoff.

Premises means any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Pretreatment or *treatment* means the reduction of the amount of pollutants, the removal of pollutants or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the municipal sewer system. The reduction or alteration can be obtained by physical, chemical, or biological processes, process changes or by other means, except by dilution as prohibited by federal regulation.

Pretreatment requirements means any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

Pretreatment standards or *standards* means prohibited discharge standards, categorical pretreatment standards, and local limits.

Private on-site wastewater system means any sewage system designed or constructed for disposal of domestic sewage or industrial wastes in which there will not be any discharge of raw or treated wastes into any freshwater aquifer or into any watercourse or into any sanitary sewer or onto any adjacent properties other than that of the property served.

Public sewer means that portion of the municipal sewer system designed for the collection and transport of wastewater from the service connection to the sewage treatment works.

Residential user means discharges from a single-family dwelling or duplex.

Resource Conservation and Recovery Act (RCRA) is the principal Federal law governing the disposal of solid and hazardous waste. Certain industries that dispose of quantities exceeding a minimum threshold of hazardous waste must report the quantities disposed of. The EPA publishes a list of the generators of these hazardous waste products and the quantities. This list is used by the UG to identify industrial sites that warrant inclusion into the Industrial Stormwater Program.

Sanitary sewer means a sewer that carries wastewater, sewage, or industrial wastes, and to which stormwaters, surface waters, and groundwaters are not intentionally admitted.

Sewage treatment works means that portion of the municipal sewer system that is designed for the treatment and disposal of wastewater and the handling and disposal of the concentrated wastes from that process.

Sewer means a pipe or enclosed conduit for the collection and transport of wastewater and/or stormwater.

Significant industrial user means:

(1) All categorical industrial users except those designated as NSCIUs.

(2) Any noncategorical industrial user that:

a. Discharges 25,000 gallons per day or more of process wastewater ("process wastewater" excluding sanitary, noncontact cooling and/or boiler blowdown wastewaters);

b. Contributes a process waste stream which makes up five percent or more of the average dry weather hydraulic or organic (BOD, TSS, etc.) capacity of the treatment plant receiving the wastewater; or

c. The control authority or approval authority has determined has a reasonable potential to adversely affect the POTW treatment plant by inhibition, pass through or pollutants, sludge contamination, or endangerment of POTW workers.

The control authority may decide to remove any noncategorical industrial user from the list of significant industrial users if the industrial facility has no reasonable potential to violate any pretreatment standards (general and specific prohibitions or local limits).

Significant noncompliance (SNC) means noncompliance in one or more of the following categories:

(1) *Category 1.* Chronic violations of wastewater discharge limits, defined herein as those in which 66 percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter.

(2) *Category 2.* Technical review criteria (TRC) violations, defined herein as those in which 33 percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH).

(3) *Category 3.* Any other violation of a pretreatment effluent limit (daily, maximum, or longer-term average) that the control authority determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public).

(4) *Category 4.* Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has

resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge.

(5) *Category 5.* Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance.

(6) *Category 6.* Failure to provide, within 45 days after the due date, required reports, such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules.

(7) *Category 7.* Failure to accurately report noncompliance.

(8) *Category 8.* Any other violation or group of violations that the control authority determines will adversely affect the operation or implementation of the local pretreatment program.

Silver-rich solution means a solution containing sufficient silver such that cost-effective recovery can be done either on-site or off-site. Within photographic processing facilities, such solutions include, but are not limited to, fix and bleach-fix solutions, stabilizers (e.g., plumbless stabilizers and chemical washes), low replenished (low-flow) washes, and all functionally similar solutions. It does not include such low silver solutions as used developers, bleaches, stop baths, pre-bleaches, or stabilizers following washes and wash waters.

Slug load or *slug discharge* means any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in section 30-124. A slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate the POTW's regulations, local limits or permit conditions.

Standard Industrial Classification (SIC) means a classification pursuant to the most recent edition of the Standard Industrial Classification Manual issued by the executive office of the president, office of management and budget.

Storm drainage system means all surfaces, structures and systems that contribute to, manage, or convey stormwater, including private drainage systems, the MS4, retention and infiltration facilities, natural drainageways, surface water, groundwater, waters of the state and the United States.

Storm sewer or *storm drain* means a sewer that carries stormwaters and surface waters and other unpolluted water identified in the unified government NPDES permit, but excludes wastewater, sewage, and industrial wastes.

Stormwater means any flow occurring during or following any form of natural precipitation and resulting therefrom.

Stormwater pollution prevention plan (SWPPP) means document which describes the best management practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to

eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

Superfund Amendments and Reauthorization Act (SARA) Title III Section 313 Toxic Release Inventory (TRI) means the federal EPA program that tracks the waste management of certain toxic chemicals that may pose a threat to human health and the environment. U.S. facilities in different industry sectors must report annually how much of each chemical they release into the environment and/or managed through recycling, energy recovery and treatment, as well as any practices implemented to prevent or reduce the generation of chemical waste. The information submitted by facilities is compiled in the Toxics Release Inventory. TRI helps support informed decision-making by companies, government agencies, non-governmental organizations and the public.

Surcharge means an additional fee, included as part of the water pollution abatement, which is in addition to the domestic fees and is based on a higher COD, TSS, and/or oil and grease reading.

Tap or *tapping* refers to the materials, labor, and operations necessary to create or replace a connection.

Total suspended solids (TSS) means solids that either float on the surface of, or are in suspension in, water, sewage, or other liquids, and which are removable by laboratory filtering.

Total toxic organics (TTO) means total toxic organics, which is the summation of all quantifiable values greater than 0.01 milligram per liter of all constituents included in 40 CFR 413.02(i) or its replacement.

Toxic pollutant means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the EPA under the provision of section 307(a)(1) of the act (33 USC 1317(a)(1)).

Uncontaminated means not containing harmful quantities of pollutants.

Unified government sewer system means the municipal sewer system owned and operated by the unified government.

Unpolluted water means water of quality equal to, or better than, the effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

Upset means an exceptional incident in which there is unintentional and temporary noncompliance with pretreatment standards, limitations in a wastewater discharge permit, or local standards because of factors beyond the reasonable control of the industrial user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

User or *sewer user* means any person who contributes, causes, or permits the contribution of wastewater into the municipal sewer system.

Waste hauler means any person who cleans and/or transports approved wastewater or sludge from septic tanks, grease traps, portable toilets, car/truck wash operations, chemical or petroleum processes, sewer cleaning or other similar services.

Wastewater or *sewage* means the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water, and stormwater that may be present, whether treated or untreated.

Wastewater discharge permit has the meaning as set forth in article II of this chapter.

Watercourse means a channel in which a flow of water occurs, either continuously or intermittently.

Waters of the state means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural, or artificial, public, or private, which are contained within, flow through or border upon the state or any portion thereof.

(Code 1988, § 30-1; Ord. No. O-46-05, § 1, 6-2-2005; Ord. No. O-27-14, § 3, 4-10-2014; Ord. No. O-28-14, § 1, 5-1-2014; Ord. No. O-1-20, § 1, 1-9-2020; Ord. No. O-79-21, § 1, 6-10-2021; Ord. No. O-128-23, § 1, 10-12-2023)

Cross reference(s)—Definitions generally, § 1-2.

Sec. 30-66. Initial tapping of or connection to sanitary and storm sewers.

(a) Taps made to an existing public sanitary or storm sewer shall be made by the ~~water pollution control~~environmental services division, a contractor working for the unified government's public works department, or a licensed plumber. Connections shall be made in compliance with plans and specifications approved by the director.

(b) Fees for taps and connection permits shall be set by the county administrator. Tap fees may be waived in cases where the building sewer is to be attached to an existing wye or stub.

(c) Taps installed by licensed plumbers shall be inspected by the director's representative prior to backfill. Minimum notice for the inspection shall be 24 hours. If the director's representative is not on site within two hours after the scheduled time for inspection, the permittee may proceed with the work.

(d) Design, construction and inspection of public sewers and storm sewers shall conform to the standards adopted by the director. Designs for extensions of the public sewer and storm sewer shall be approved by the director prior to construction. Construction of new public sewers shall be only made by:

    (1) The unified government;

    (2) A contractor working for the unified government's public works department;

(3) A contractor employed by a private developer who has entered a development agreement with the unified government for the construction and dedication to the unified government of public infrastructure; or

(4) A contractor employed by a private developer who has entered into a building permit with the unified government for the construction and dedication to the unified government of public infrastructure.

(Code 1988, § 30-87; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-96. Establishment of sewer service charges.

(a) Based upon that projected annual budget adopted by the unified government board of commissioners, the county administrator shall each year recommend to the unified government board of commissioners the rates. The unified government board of commissioners shall establish by regulation the rates for sewer charges to ensure that the system generates adequate annual revenues to pay the annual costs of operation and maintenance including replacement of the unified government's sewer system, to satisfy costs associated with any obligations and to provide for costs associated with the unified government capital improvement plan and the expenses of the annual operation of the ~~water pollution control~~environmental services division for providing service as required by this Code.

(b) The regulation shall become effective upon publication once in the official unified government newspaper.

(c) The sewer service charge shall be based on the user's proportionate use of the unified government's system and shall provide for unit charges and monthly connection charge for class I-A, class I-B, class II and class III discharges.

(d) A rate relief account is hereby established within the sewer system fund. Any savings represented in the difference between actual operating expenses and the amount budgeted for operating expenses shall be allocated to the rate relief account. The unified government budget director shall certify to the unified government board of commissioners the amount of such allocation not later than one month after the county administrator establishes rates by administrative regulations. The amount contained in the rate relief account shall be appropriated by the unified government board of commissioners to reduce the amount of future increases in the sewer service charges.

(Code 1988, § 30-128; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-124. Prohibited discharges.

(a) No person shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will cause interference with the operation or

performance of the municipal sewer system (including treatment facilities). These general prohibitions apply to all such users of the municipal sewer system whether or not the user is subject to national categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements. A user shall not contribute the following substances:

(1) Any liquids, solids or gases which by reason of their nature and quantity are or may be sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious in any other way to the municipal sewer system or to the operation of the sewage treatment works; any petroleum oil, nonbiodegradable oil, or products of mineral oil origin in amounts that will cause interference or pass through; or any pollutant resulting in the presence of toxic gases, vapors or fumes within the sewers or POTW sufficient to cause worker health and safety problems. Any noxious or malodorous liquids, solids, or gases which, singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system), be more than five percent nor any single reading over ten percent of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, fuel oil, kerosene, naphtha, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, sulfides, any other substances which are a fire hazard or a hazard to the system and waste streams containing substances with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Celsius using test methods specified by EPA.

(2) Any solids, natural or manmade fibers, insoluble or emulsified oils, fats, or greases, slurries or viscous materials of such character or in such quantity that may cause an obstruction to the flow in the sewer or otherwise interfere with the proper functioning of the sewage treatment works such as, but not limited to, ashes, cinders, sand, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, hides, paunch manure, hair and fleshings, entrails, spent lime, stone or marble dust, grass clippings, spent grains, spent hops, asphalt residues, residues from the refining or processing of fuels or lubricating oils, glass grinding or polishing wastes, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

(3) Any waters, waste, material or substances which are corrosive or irritating to human beings or animals, or are toxic or noxious or which contain toxic, poisonous or conventional pollutants that are solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, and cause interference or pass through or otherwise injure or interfere with the sewage treatment process, including by not limited to sludge use and disposal, or which constitute a hazard to humans or animals, or which

create a public nuisance, or which create any hazard in the receiving waters of treated effluent or the sewage treatment works.

(4) Health department permitted hauled wastes, except at selected locations as designated by the director of ~~water pollution control~~environmental services.

(5) Acetylene generation sludge.

(6) For facilities that manufacture biodegradable and/or food grade emulsified and dissolved oils, the director may establish mass-based limits. Waters or wastes containing substances that may solidify or become viscous at temperatures between 32 and 150 degrees Fahrenheit are prohibited, except at selected locations as designated by the director.

(7) Any waters or wastes containing strong acid, iron, pickling wastes, or concentrated plating solutions, whether neutralized or not.

(8) Any waters or wastes containing phenols or other taste- or odor-producing substances, in such concentrations exceeding limits established by the director as necessary, after treatment of the composite sewage, to meet the requirements of local, state, federal or other public agencies of jurisdiction for such discharge to the receiving waters.

(9) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits of radiation (μCi/ml) established by the director in compliance with applicable local, state, or federal regulations.

(10) Any waters or wastes having a pH less than 5.5 standard units (SU) or in excess of 11.0 SU.

(11) Materials that exert or cause a significant load on the sewage treatment works or a discharge of any pollutant that is sufficient to cause or is likely to cause interference and pass through, such as:

a. Concentrations of inert suspended solids (such as, but not limited to, diatomaceous or Fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride or sodium sulfate).

b. BOD, COD, chlorine.

c. Volumes of flow or concentration of wastes constituting "slugs" as defined herein.

(12) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment works effluent cannot meet the requirements of agencies having jurisdiction over discharge to the receiving waters, or any substance which may cause the sewage treatment works effluent or any other product of the municipal sewer system such as residues, sludges or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the municipal sewer system cause the

sewage treatment works to be in noncompliance with sludge uses or disposal criteria, guidelines, or regulations developed under Section 405 of the Act (33 USC 1345); any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act (42 USC 6901 et seq.), the Clean Air Act (42 USC 7401 et seq.), the Toxic Substances Control Act (15 USC 2601 et seq.), or state criteria applicable to the sludge management method being used.

(13)Detergents, surface-active agents or other substances which may cause excessive foaming in the POTW:

m. BTEX (total): 16 mg/l.

Equivalent mass limits may be allocated to industrial users for any of the limits set out in this subsection at the director's discretion. In no case shall a wastewater discharge permit limit for discharge to the municipal sewer system be less stringent than the federal or state limit if it exists. This would apply to categorical industries and may apply to specific industries identified by the unified government or state.

(14) a. The director is authorized to establish local limits pursuant to 40 CFR 403.5(c).

b. The following pollutant limits are established to protect against pass through and interference. No person shall discharge wastewater containing in excess of the following:

Any wastes contributed by users of the POTW that, either singly or in conjunction with other significant industrial users, cause the Kaw Point POTW influent to exceed the following limits (lbs./day):

1. Arsenic: 1.848
2. Ammonia: 6,927
3. BOD: 72,850
4. Cadmium: 1.044
5. Chromium: 110.002
6. Copper: 33.478
7. Cyanide: 0.975
8. Lead: 2.166
9. Mercury: 0.654
10. Molybdenum: 74.400
11. Nickel: 35.383
12. Selenium: 4.759
13. Silver: 17.729
14. TSS: 69,016

15. Zinc: 72.423

(15) a. The director is authorized to establish local limits pursuant to 40 CFR 403.5(c).

b. The following pollutant limits are established to protect against pass through and interference. No person shall discharge wastewater containing in excess of the following:

Any wastes contributed by users of the POTW that, either singly or in conjunction with other significant industrial users, cause the treatment plant # 20 POTW influent to exceed the following limits (lbs./day):

1. Ammonia: 131
2. Arsenic: 0.834
3. BOD: 8,622
4. Cadmium: 0.691
5. Chromium: 4.024
6. Copper: 26.496
7. Cyanide: 3.101
8. Lead: 5.802
9. Mercury: 0.507
10. Molybdenum: 0.815
11. Nickel: 5.408
12. Selenium: 1.095
13. Silver: 7.947
14. TSS: 7,826
15. Zinc: 31.779

The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for total metal unless indicated otherwise. The director may impose mass limitations in addition to the concentration-based limitations above.

c. The director may develop best management practices (BMPs), by ordinance or in individual wastewater discharge permits to implement local limits and the requirements of section 30-124(a)(14).

(16) No user using silver in manufacturing or as part of a process operation, including, but not limited to, the development and/or printing of photographic pictures or X-rays, precious metal plating, or any operation where silver is reasonably expected to be found in the facility's wastewater, shall discharge silver bearing wastewater to the public sewer without first treating the wastewater to remove the silver or subjecting the wastewater to

a silver recovery process. Requirements listed in best management practices (BMPs) that have been approved by the director will be enforceable by the ~~water pollution control~~environmental services division. The use of an approved BMP by an industrial user shall be governed by the policies established by the director. These include but are not limited to the provisions for sampling and inspection by the unified government and sampling and reporting requirements for the facility. It shall be unlawful for an industrial user to discharge a silver-rich solution from a photographic processing facility or otherwise introduce such solution into the municipal sewer system, unless such silver-rich solution is managed by the photographic processing facility in accordance with the Code of Management Practice for Silver Dischargers, as identified in section 30-1, prior to its introduction into the municipal sewer system. The Code of Management Practice for Silver Dischargers is a fully enforceable element in the unified government's industrial pretreatment program and constitutes a local limitation for silver discharged from photographic processing facilities. If a photographic facility does not comply with the requirements in the Code of Management Practice for Silver Dischargers, the numeric limitation for silver (Ag) per subsection (14) or (15) of this section will be enforced.

(17) Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds 40°C (104°F), unless alternate temperature limits are approved by the director.

(b) The director may remove parameters from identified categorical industrial users or other permitted industrial users which are not present at the facility and have not been detected in the most recent three years of sampling performed by the industrial user and the UG. The industrial user must petition the director to have the parameter(s) removed from the industrial user's wastewater discharge permit. The petition must include the certification that the analyte is not present on the property. The industrial user will be required to certify the absence of the parameter with each periodic compliance report is submitted to the UG. The UG may continue to sample for the parameter. If any sampling detects the presence of the removed parameter, the wastewater discharge permit will be modified to include the parameter for future testing.

(Code 1988, § 30-173; Ord. No. O-46-05, § 1, 6-2-2005; Ord. No. O-57-13, § 2, 12-5-2013; Ord. No. O-79-21, § 21, 6-10-2021; Ord. No. O-128-23, 10-12-2023)

Sec. 30-131. Code of Management Practices for Silver Dischargers adopted.

The Code of Management Practices for Silver Dischargers, as referenced in section 30-1, is incorporated herein by reference. If there exists or arises any conflict between the Code and the provisions of the Code of Management Practices for Silver Dischargers, then the provisions of this Code are controlling. There shall be not less

than three copies of the Code of Management Practices for Silver Dischargers kept on file in the office of the unified government clerk, to which shall be attached a copy of this incorporating ordinance and which shall be marked or stamped "Official Copies as Incorporated by Ordinance No. 30-180," and said code shall be open to inspection and available to the public at reasonable hours. The division of ~~water pollution control~~environmental services and the municipal judges and all administrative departments of the unified government charged with the enforcement of this article shall be supplied, at the cost of the unified government, such number of official copies of such standard ordinance.

(Code 1988, § 30-180; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-351. FOG discharge permit required.

(a) All FSFs, FSEs and FOG generating businesses shall have a valid FOG discharge permit.

(b) Application for a FOG discharge permits shall be on forms provided by the unified government. Applications shall be verified and shall include the following information:

(1) Business name and address;

(2) FOG control equipment type;

(3) OG control equipment size or capacity;

(4) Cleaning/maintenance frequency.

(c) FOG discharge permits shall be issued annually and expire on December 31 of each year, or as otherwise determined by the director. The facility owner/operator shall apply for a FOG discharge permit reissuance no less than 30 days prior to the expiration of the facility owner/operator's existing FOG discharge permit. The terms and conditions of the FOG discharge permit may be subject to modification by the director during the term of the FOG discharge permit as limitations or requirements as identified in this article are modified or other just causes exist. The facility owner/operator shall be informed of any proposed changes in the FOG discharge permit at least 30 days prior to the effective date of change. Any changes or new conditions in the FOG discharge permit shall include a reasonable time schedule for compliance.

(d) An FCE pumping/maintenance log shall be maintained for each FCE device. This log shall include the date, type of service, service provider, disposal site (if known), volume pumped and service comments. This log shall be kept in an accessible and known location for inspection. This log shall be made immediately available to any WPC representative upon request.

(e) An employee best management practices (BMP) training log shall be maintained for each FSE and FOG generating business employee and submitted annually to ~~water pollution control~~environmental services. This log shall include the facility

name, facility location, employee's name, initial training date and subsequent follow-up training dates. This log shall be kept in an accessible and known location for inspection. This log shall be made immediately available to any WPC representative upon request.

(f) The annual FOG discharge permit fee for 2023 shall be $0. Thereafter the annual fee shall be established by the Board of Commissioners.

(Ord. No. O-57-13, § 3, 12-5-2013; Ord. No. O-79-21, § 38, 6-10-2021; Ord. No. O-128-23, 10-12-2023)

Section 2. This ordinance shall take effect and be in full force from and after the passage, approval, and publication in the official Unified Government newspaper.

PASSED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS,

THIS _____ DAY OF _____, 2025.

_____

Attest:

_____
Unified Government Clerk

Approved As To Form:

_____
Daniel Kuhn, Assistant Counsel

Chapter 30
SEWERS AND SEWAGE DISPOSAL[1]

ARTICLE I. IN GENERAL

Sec. 30-1. Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Unless the context of usage indicates otherwise, the meaning of terms in this chapter and not defined in this section or in chapter 1 shall be defined in the Glossary of Water and Wastewater Control Engineering prepared by the Joint Editorial Board of the American Public Health Association, American Society of Civil Engineers, American Water Works Association and Water Pollution Control Federation, copyright 1981, or its replacement.

Act or *the Act* means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251 et seq.

Applicant means any person requesting a permit to use the public sewer under any of the provisions of this chapter.

Approval authority means the EPA or Kansas Department of Health and Environment (KDHE). As regards the pretreatment program, if the pretreatment program has been formally delegated to the KDHE, it shall mean the director of the division of environment of KDHE.

Authorized or *duly authorized* representative of the user.

(1) If the user is a corporation:

a. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

b. The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit [or general permit {optional}] requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

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[1]Cross reference(s)—Wages on public improvement projects, § 2-295; sanitary sewers in subdivisions, § 27-316; buildings and building regulations, ch. 8; health and sanitation, ch. 17; approval of construction of public facility or utility by planning commission, § 27-23; solid waste, ch. 31.

State law reference(s)—State regulation of wastewater discharges, K.S.A. 65-164 et seq.

(2) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.

(3) If the user is a federal, state, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

(4) The individuals described in paragraphs 1 through 3, above, may designate a duly authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the unified government.

(5) If the user is a trust: trustee.

Batch means the controlled discharge of a discrete, contained volume of wastewater.

Best management practices (BMPs) includes, but is not limited to, schedules of activities, prohibitions of practices, maintenance policies and other management procedures that are implemented to prevent or reduce the discharge of pollutants into the municipal sewer system, and to minimize the pollution of waters of the United States. The term "BMPs" also includes pretreatment equipment installation and requirements, operating procedures, practices to control runoff from developed sites, spillage or leaks, sludge or waste disposal, or drainage from raw material storage, and other structural controls such as dry extended detention ponds, wet ponds, infiltration basins, infiltration trenches, porous pavement, bioretention, sand and organic filters, stormwater wetlands, grassed swales, grassed filter strips, catch basin inserts~~s~~, in-line storage, and manufactured products for stormwater inlets.

Board of county commissioners means the unified government of Wyandotte County/Kansas City, Kansas Board of County Commissioners.

Board of public utilities (BPU) means an administrative agency of the unified government of Wyandotte County/Kansas City, Kansas.

BOD (biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter as under EPA/KDHE-approved laboratory procedure in milligrams per liter.

BTEX means the sum of the concentrations of benzene, toluene, ethylbenzene, and the isomers of xylene (o-xylene, m-xylene, and p-xylene), as determined by an analytical method approved by the EPA or KDHE.

Building drain means that part of the lowest horizontal piping of a drainage system that receives the discharge from waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer beginning two feet outside the outer face of the building wall.

Building sewer, sewer service or *private sewer* means the sewer maintained and controlled by private persons for the purpose of conveying sewage or stormwater to public sewers including the extension from the building drain to the public sewer. The building sewer shall be deemed to begin at a point two feet outside the building or foundation wall. The building sewer ends at the point of connection to the public sewer and includes the connection.

Bypass means the intentional diversion of waste streams from any portion of an industrial user's treatment facility.

Categorical industrial user (CIU) means an industrial user subject to national categorical pretreatment standards.

Categorical pretreatment standard or *categorical standard* means any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category of users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

COD (chemical oxygen demand) means the oxygen-consuming capacity of inorganic and organic matter present in wastewater, expressed as the amount of oxygen consumed from a chemical oxidant as under EPA/KDHE-approved laboratory procedure in milligrams per liter.

Class I-A means all wastewater or sewage discharged into a sanitary sewer by residential users. Equivalent to BPU Classes 080 and 080A.

Class I-B means all wastewater, sewage and industrial waste discharged into a sanitary sewer from commercial establishments that are not class II or class III. The term "class 1-B" includes residential structures with three or more units that discharge into a sanitary sewer. Equivalent to BPU Class 081.

Class II includes all wastewater, sewage and industrial waste discharged into a sanitary sewer from establishments that prepares food for consumption by non-familiar persons. Equivalent to BPU Class 090.

Class III includes all wastewater, sewage and industrial waste discharged into a sanitary sewer from permitted industrial users. Equivalent to BPU Classes 083 and 086.

Clean Water Act means the federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Code of Management Practices for Silver Dischargers means the best management practice established jointly by the Association of Metropolitan Sewerage Agencies (AMSA) and the Silver Council, including the Guide for Commercial Imaging, Guide for Diagnostic and Industrial X-Ray Film Processors and Guide for Photo Processors, copyright 1997, National Association of Photographic Manufacturers, Inc.

Combined sewer means a sewer designed to receive any combination of surface runoff and wastewater, sewage, or industrial wastes.

Connection or *sewer connection* means an attachment of a building sewer to a public sewer, or the location where such an attachment occurs. If the context specifically requires the interpretation, it also means the attachment of a newly constructed public sewer to an existing public sewer.

Construction activity. Activities subject to NPDES construction permits. Currently these include construction projects resulting in land disturbance of 1 acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

Control authority means the ~~water pollution control~~environmental services division, KDHE or the EPA, depending on the level of oversight or jurisdiction for a facility or location.

Cooling waters means the water discharged from any use such as air conditioning, cooling, or refrigeration or to which the only pollutant added is heat.

Development means any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

Direct discharge means the discharge of treated or untreated wastewater directly to the waters of the state.

Director refers to the director of ~~water pollution control~~environmental services or designee for articles I (exception section 30-123), II, III, IV, V, VIII, and IX, county engineer for article I section 30-11 and section 30-123 and the director of the unified government health department or ~~his~~ their designee for articles VI and VII.

Domestic sewage means sewage originating primarily from non-commercial kitchens, bathrooms, and laundry sources, including waste from food preparation, dishwashing, garbage grinding, toilets, baths, showers, and sinks.

Domestic wastes means liquid wastes from the noncommercial preparation, cooking and handling of food or containing human excrement and similar matter from the sanitary conveniences of dwellings, commercial buildings, industrial facilities, and institutions.

Drainageway or *drainage channel* means a natural or manmade stormwater conveyance system.

Environmental Protection Agency or *EPA* means the U.S. Environmental Protection Agency, or, where appropriate, the term may also be used as a designation for the administrator or other official of such agency.

Fats, oils, and grease (FOG) means oily or grease materials typically derived from animal or vegetable origins that that have the potential for accumulations and blockage of sewers or otherwise may interfere with the operation of the collection system or publicly-owned treatment works (POTW), or become a removal problem at the POTW. FOG shall include all pollutants identified as FOG by an EPA-approved testing method or originate from mineral and petroleum-based products such as motor oil and industrial sources.

Garbage means solid wastes from the domestic or commercial preparation, cooking or dispensing of food, or from the handling, storage, or sale of food or produce.

Harmful quantity means the amount of any substance that the director determines will cause an adverse impact to the storm drainage system, including the municipal separate storm sewer system (MS4), or will contribute to the failure of the unified government to meet the water quality-based requirements of the NPDES permit for discharges from the MS4.

Hazardous materials means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Health department means the public health department of the unified government.

Health officer means the director of the health department or his designee.

IDDE means illicit discharge detection and elimination, a program to identify and correct connections to the storm sewer system which have not been permitted or allowed.

Indirect discharge or *discharge* means the introduction of pollutants into the POTW from any nondomestic source.

Illicit connections means as either of the following:

(1) Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an the director, or

(2) Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by the director.

Illicit discharge means any discharge to a municipal separate storm sewer system that is not composed entirely of stormwater, except discharges pursuant to a National Pollutant Discharge Elimination System (NPDES) permit.

Industrial activity means activities subject to NPDES industrial permits as defined in 40 CFR, Section 122.26(b)(14).

Industrial user means any user contributing industrial wastes to the municipal sewer system.

Industrial wastes or *industrial wastewater* means the liquid or waterborne wastes from industrial manufacturing processes, trade, commerce, or business, including medical offices or facilities, other than domestic sewage.

Infiltration means water other than wastewater that enters a sewer system (including sewer service connections and foundation drains) from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow.

Inflow means water other than wastewater that enters a sewer system (including sewer service connections) from sources such as, but not limited to, roof leaders, cellar drains, yard drains, area drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers other than in combined sewers, catch basins, cooling towers, storm waters, surface runoff, street wash waters, or drainage. Inflow does not include, and is distinguished from, infiltration.

Interceptor sewer commonly means a public sewer that carries large flows concentrated from many tributary or secondary sewers; specifically, it means a sewer designated by the director as an interceptor sewer.

Interference means a discharge or disruption that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the unified government's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

KDHE means the Kansas Department of Health and Environment or, where appropriate, the term may be uses as a designation for the administrator or other official of such agency.

Low pressure sewer system or *LPS* means a sewage collection and transport system operated at a low pressure in which building sewers are pressurized and discharge directly into a public sewer. Compared to other force mains that receive concentrated flows of wastewater from a gravity sewer at, usually, a single pump station, an LPS is designed for low flow, usually operates at lower pressure, and usually has multiple pressurized building services connected. Equivalent to BPU Class 080A.

Maximum extent practicable means the use of those best management practices, which, based on sound engineering and hydrogeological principles, will, to the greatest degree possible, given all relevant considerations, including technology, climate, and site conditions, prohibit erosion and sedimentation during and after development.

MBAS (methylene blue active substance) means any substance that brings about the transfer of methylene blue, a cationic dye, from an aqueous solution into an immiscible organic layer upon equilibrium.

Municipal separate storm sewer system (MS4) means a conveyance, or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, roadside ditches, manmade channels, or storm drains):

(1) Owned or operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of wastes, stormwater, or other sewer district, flood control district or drainage district, or similar entity, or an Indian Tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA (33 USC 1288) that discharges to waters of the United States;

(2) Designated or used for collecting or conveying stormwater;

(3) Which is not a combined sewer; and

(4) Which is not part of a publicly owned treatment works (POTW) as defined at 40 CFR 122.2.

Municipal sewer system means the facilities that are owned or operated by the unified government for the collection, transportation, pumping, treating and disposal of wastewater, sewage, and industrial waste. Such facilities may include, but are not limited to, sanitary sewers, combined sewers, interceptor sewers, low pressure sewers, pump stations, force mains, treatment plants, sludge handling and disposal facilities, and outfalls.

National Pollutant Discharge Elimination System (NPDES) storm water discharge permit means a permit issued by EPA (or by a state under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

National prohibitive discharge standard or *prohibitive discharge* means any regulation developed under the authority of section 307(b) of the Act (33 USC 1317(b)) and 40 CFR 403.5.

Natural outlet means any outlet into a watercourse, pond, ditch, lake, or other body of surface water or groundwater.

New source means:

(1) Any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced after publication of proposed pretreatment standards under section 307(c) of the Clean Water Act, 33 USC 1317(c) et seq., which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

   a. The building, structure, facility, or installation is constructed at a site at which no other source is located;

   b. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

   c. The production or wastewater generating processes of the building, structure, facility, or installation are at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

(2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria stated in subsections (1)b or (1)c of this definition but otherwise alters, replaces, or adds to existing process or production equipment.

(3) Construction of a new source, as defined under this section, has commenced if the owner or operator has:

   a. Begun, or caused to begin as part of a continuous on-site construction program:

      1. Any placement, assembly, or installation of facilities or equipment;

      2. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

   b. Entered into a binding contractual obligation for the purchase of facilities or equipment that are intended to be used in its operation within a reasonable time. Options to purchase or contracts that can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this definition.

Non-significant categorical industrial user (NSCIU) means and industrial user subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N, that the POTW has determined is exempt from

the definition of SIU on a finding that the IU never discharges more than 100 gpd of total categorical wastewater (excluding sanitary, noncontact cooling and boiler blowdown wastewater, unless specifically include in the pretreatment standard). The IU must also meet the following conditions:

a. The IU, before the POTW's finding, has consistently complied with all applicable categorical standards and requirements;

b. The IU annually submits the certification statement required in 40 CFR 403.12(q) together with any additional information necessary to support the certification statement;

c. The IU never discharges any untreated concentrated wastewater.

Non-significant industrial user (NIU) means any industrial user which has a wastewater discharge permit, but is not identified as a significant industrial user.

Non-storm water discharge means any discharge to the storm drain system that is not composed entirely of storm water.

North American Industry Classification System (NAICS) means the standard used by federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy. It replaces Standard Industrial Classification (SIC).

Obligations means any obligations of the unified government payable from the revenues of the sewer system.

Pass through means discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the unified government's NPDES permit, including an increase in the magnitude or duration of a violation.

Permit means a written permit issued by the director or health officer approving and authorizing activities related to the municipal sewer system or the treatment and disposal of wastewater as identified in this chapter. Specific types of permits are addressed in the various articles of this chapter.

Permitted industrial user means any person that has a wastewater discharge permit issued by ~~water pollution control~~environmental services.

Person means any individual, association, organization, partnership, firm, trust, corporation, or other entity recognized by law and acting as either the owner or as the owner's agent.

pH means the logarithm of the reciprocal of the concentration of the hydrogen ions, represented by S.U. (standard units).

Photographic processing facility means a facility that processes images from silver-sensitive films and papers. This includes, but is not limited to, commercial photographic and film processing facilities, in-house photographic processing facilities, microbiology labs, printers, X-ray and other medical, dental, industrial, or institutional diagnostic facilities which use silver-based imaging materials, the processing of which produces a silver-rich solution.

Pollutant means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that s~~a~~ome may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform, E Coli and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Pollution means the manmade or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

Pollution prevention plan means BMPs and other structural, procedural and operations and maintenance provisions designed and operated to reduce or eliminate the discharge of pollutants, particularly in stormwater runoff.

Premises means any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Pretreatment or *treatment* means the reduction of the amount of pollutants, the removal of pollutants or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the municipal sewer system. The reduction or alteration can be obtained by physical, chemical, or biological processes, process changes or by other means, except by dilution as prohibited by federal regulation.

Pretreatment requirements means any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

Pretreatment standards or *standards* means prohibited discharge standards, categorical pretreatment standards, and local limits.

Private on-site wastewater system means any sewage system designed or constructed for disposal of domestic sewage or industrial wastes in which there will not be any discharge of raw or treated wastes into any freshwater aquifer or into any watercourse or into any sanitary sewer or onto any adjacent properties other than that of the property served.

Public sewer means that portion of the municipal sewer system designed for the collection and transport of wastewater from the service connection to the sewage treatment works.

Residential user means discharges from a single-family dwelling or duplex.

Resource Conservation and Recovery Act (RCRA) is the principal Federal law governing the disposal of solid and hazardous waste. Certain industries that dispose of quantities exceeding a minimum threshold of hazardous waste must report the quantities disposed of. The EPA publishes a list of the generators of these hazardous waste products and the quantities. This list is used by the UG to identify industrial sites that warrant inclusion into the Industrial Stormwater Program.

Sanitary sewer means a sewer that carries wastewater, sewage, or industrial wastes, and to which stormwaters, surface waters, and groundwaters are not intentionally admitted.

Sewage treatment works means that portion of the municipal sewer system that is designed for the treatment and disposal of wastewater and the handling and disposal of the concentrated wastes from that process.

Sewer means a pipe or enclosed conduit for the collection and transport of wastewater and/or stormwater.

Significant industrial user means:

(1) All categorical industrial users except those designated as NSCIUs.

(2) Any noncategorical industrial user that:

a. Discharges 25,000 gallons per day or more of process wastewater ("process wastewater" excluding sanitary, noncontact cooling and/or boiler blowdown wastewaters);

b. Contributes a process waste stream which makes up five percent or more of the average dry weather hydraulic or organic (BOD, TSS, etc.) capacity of the treatment plant receiving the wastewater; or

c. The control authority or approval authority has determined has a reasonable potential to adversely affect the POTW treatment plant by inhibition, pass through or pollutants, sludge contamination, or endangerment of POTW workers.

The control authority may decide to remove any noncategorical industrial user from the list of significant industrial users if the industrial facility has no reasonable potential to violate any pretreatment standards (general and specific prohibitions or local limits).

Significant noncompliance (SNC) means noncompliance in one or more of the following categories:

(1) *Category 1.* Chronic violations of wastewater discharge limits, defined herein as those in which 66 percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter.

(2) *Category 2.* Technical review criteria (TRC) violations, defined herein as those in which 33 percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH).

(3) *Category 3.* Any other violation of a pretreatment effluent limit (daily, maximum, or longer-term average) that the control authority determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public).

(4) *Category 4.* Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge.

(5) *Category 5.* Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance.

(6) *Category 6.* Failure to provide, within 45 days after the due date, required reports, such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules.

(7) *Category 7.* Failure to accurately report noncompliance.

(8) *Category 8.* Any other violation or group of violations that the control authority determines will adversely affect the operation or implementation of the local pretreatment program.

Silver-rich solution means a solution containing sufficient silver such that cost-effective recovery can be done either on-site or off-site. Within photographic processing facilities, such solutions include, but are not limited to, fix and bleach-fix solutions, stabilizers (e.g., plumbless stabilizers and chemical washes), low replenished (low-flow) washes, and all functionally similar solutions. It does not include such low silver solutions as used developers, bleaches, stop baths, pre-bleaches, or stabilizers following washes and wash waters.

Slug load or *slug discharge* means any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in section 30-124. A slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate the POTW's regulations, local limits or permit conditions.

Standard Industrial Classification (SIC) means a classification pursuant to the most recent edition of the Standard Industrial Classification Manual issued by the executive office of the president, office of management and budget.

Storm drainage system means all surfaces, structures and systems that contribute to, manage, or convey stormwater, including private drainage systems, the MS4, retention and infiltration facilities, natural drainageways, surface water, groundwater, waters of the state and the United States.

Storm sewer or *storm drain* means a sewer that carries stormwaters and surface waters and other unpolluted water identified in the unified government NPDES permit, but excludes wastewater, sewage, and industrial wastes.

Stormwater means any flow occurring during or following any form of natural precipitation and resulting therefrom.

Stormwater pollution prevention plan (SWPPP) means document which describes the best management practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

Superfund Amendments and Reauthorization Act (SARA) Title III Section 313 Toxic Release Inventory (TRI) means the federal EPA program that tracks the waste management of certain toxic chemicals that may pose a threat to human health and the environment. U.S. facilities in different industry sectors must report annually how much of each chemical they release into the environment and/or managed through recycling, energy recovery and treatment, as well as any practices implemented to prevent or reduce the generation of chemical waste. The information submitted by facilities is compiled in the Toxics Release Inventory. TRI helps support informed decision-making by companies, government agencies, non-governmental organizations and the public.

Surcharge means an additional fee, included as part of the water pollution abatement, which is in addition to the domestic fees and is based on a higher COD, TSS, and/or oil and grease reading.

Tap or *tapping* refers to the materials, labor, and operations necessary to create or replace a connection.

Total suspended solids (TSS) means solids that either float on the surface of, or are in suspension in, water, sewage, or other liquids, and which are removable by laboratory filtering.

Total toxic organics (TTO) means total toxic organics, which is the summation of all quantifiable values greater than 0.01 milligram per liter of all constituents included in 40 CFR 413.02(i) or its replacement.

Toxic pollutant means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the EPA under the provision of section 307(a)(1) of the act (33 USC 1317(a)(1)).

Uncontaminated means not containing harmful quantities of pollutants.

Unified government sewer system means the municipal sewer system owned and operated by the unified government.

Unpolluted water means water of quality equal to, or better than, the effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

Upset means an exceptional incident in which there is unintentional and temporary noncompliance with pretreatment standards, limitations in a wastewater discharge permit, or local standards because of factors beyond the reasonable control of the industrial user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

User or *sewer user* means any person who contributes, causes, or permits the contribution of wastewater into the municipal sewer system.

Waste hauler means any person who cleans and/or transports approved wastewater or sludge from septic tanks, grease traps, portable toilets, car/truck wash operations, chemical or petroleum processes, sewer cleaning or other similar services.

Wastewater or *sewage* means the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water, and stormwater that may be present, whether treated or untreated.

Wastewater discharge permit has the meaning as set forth in article II of this chapter.

Watercourse means a channel in which a flow of water occurs, either continuously or intermittently.

Waters of the state means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural, or artificial, public, or private, which are contained within, flow through or border upon the state or any portion thereof.

(Code 1988, § 30-1; Ord. No. O-46-05, § 1, 6-2-2005; Ord. No. O-27-14, § 3, 4-10-2014; Ord. No. O-28-14, § 1, 5-1-2014; Ord. No. O-1-20, § 1, 1-9-2020; Ord. No. O-79-21, § 1, 6-10-2021; Ord. No. O-128-23, § 1, 10-12-2023)

Cross reference(s)—Definitions generally, § 1-2.

Sec. 30-2. Abbreviations.

The following abbreviations apply to this chapter:

(1) BPU—Board of Public Utilities.

(2) CFR—Code of Federal Regulations.

(3) EPA—Environmental Protection Agency.

(4) FOG—Fats, oils and greases.

(5) GPM—Gallons per minute.

(6) I&I—Infiltration and inflow.

(7) KDHE—Kansas Department of Health and Environment.

(8) mg/l—Milligrams per liter.

(9) MS4—Municipal Separate Storm Sewer System.

(10) NAISC—North American Industry Classification System.

(11) NPDES—National Pollutant Discharge Elimination System.

(12) POTW—Publicly Owned Treatment Works.

(13) SIC—Standard Industrial Classification.

(14) SWDA—Solid Waste Disposal Act, 42 USC 6901 et seq.

(15) SWPPP—Stormwater Pollution Prevention Plan.

(16) TSS—Total suspended solids.

(17) USC—United States Code.

(Code 1988, § 30-2; Ord. No. O-46-05, § 1, 6-2-2005; Ord. No. O-27-14, § 3, 4-10-2014; Ord. No. O-79-21, § 2, 6-10-2021)

Sec. 30-3. Violations and penalties.

(a) *Injunctive relief.* If any person violates the provisions of this chapter or regulations, orders, permits or other legal requirements of the unified government, the chief counsel may commence an action for legal or equitable relief in any court with appropriate jurisdiction.

(b) *Civil penalties.* When the director determines that a user has failed to comply with any provisions of this chapter or regulations, orders, permits or other legal requirements hereunder, the user shall be subject to a penalty not exceeding $2,500.00 per violation, with recurrence on any succeeding day being a separate violation. Such civil penalties shall be recovered by the director by civil action in a court of appropriate jurisdiction or other method approved by the director. In addition to the civil penalties provided herein, the unified government may in any such action recover reasonable attorney's fees, court costs, court reporters' fees and other expenses of litigation, as well as any damages to the facilities of the unified government or to the environment against the person found to have violated this chapter or the regulations, orders, permits or other legal requirements hereunder.

(c) *Criminal penalties.* Unless otherwise stated, any person violating any provisions of this chapter or regulations, orders, permits or other legal requirements hereunder wherein (1) such violation is an intentional violation, (2) such violation is a violation with any identifiable environmental harm, personal injury or damage to public or personal property, (3) any person knowingly has made any false statements, representations or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter or a permit issued hereunder, or who has falsified, tampered with or knowingly rendered inaccurate any monitoring device or method, and (4) any person has committed within a period of two years a second or additional violation of the same or comparable regulatory requirement shall upon conviction be guilty of a class A violation.

(d) *Publication of list of violators.* The director shall publish annually, in the official newspaper that provides meaningful public notice within the jurisdictions served by the POTWs of the unified government, a list of the users which, at any time during the previous six or 12-months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall be applicable to all significant industrial users (or any other industrial user that violates any paragraph(s) of this section) and shall mean:

(1) Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all the measurements taken for the same pollutant parameter taken during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits as defined in [section 30-1];

(2) Technical review criteria (TRC) violations, defined here as those in which 33 percent or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined by [section 30-1] multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils, and grease, and 1.2 for all other pollutants except pH);

(3) Any other violation of a pretreatment standard or requirement as defined by [section 30-1] (daily maximum, long-term average, instantaneous limit, or narrative standard) that the director determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;

(4) Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in director's exercise of its emergency authority to halt or prevent such a discharge;

(5) Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(6) Failure to provide within 45 days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(7) Failure to accurately report noncompliance; or

(8) Any other violation(s), which may include a violation of best management practices, which director determines will adversely affect the operation or implementation of the local pretreatment program.

(e) *Administrative penalties and orders.*

(1) When the director finds that a user has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the director may impose and administrative penalty such user in an amount not to exceed $2,500.00. Such administrative penalty shall be assessed on a per-violation, per day basis. In the case of monthly or other long-term average discharge limits, administrative penalty shall be assessed for each day during the period of violation.

(2) Users desiring to dispute such administrative penalties must file a written request for the director to reconsider the administrative penalty along with full payment of the administrative penalty amount within 45 days of being notified of the administrative penalty. Where a request has merit, the director may convene a hearing on the matter. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The director may add the costs of preparing administrative enforcement actions, such as notices and orders, to the administrative penalty.

(3) Issuance of an administrative penalty shall not be a bar against, or a prerequisite for, taking any other action against the user.

(f) The director may enter into consent orders, assurances of compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents shall include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to this chapter.

(g) *Notice of violation.* When the director finds that a user has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the director may serve upon that user a written notice of violation. Within 45 days of the receipt of such notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the director. Submission of such a plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the director to take any action, including emergency actions or any other enforcement action, and does not require the director to first issue a notice of violation in such circumstances. Violation of section 30-11 and 30-123 may be given a minimum of 72-hours of notice to correct situation appropriate to the threat of the pollutants entering the MS4, or other body of water draining to the waters of the U.S.

(Code 1988, § 30-3; Ord. No. O-46-05, § 1, 6-2-2005; Ord. No. O-27-14, § 3, 4-10-2014; Ord. No. O-79-21, § 3, 6-10-2021; Ord. No. O-128-23, 10-12-2023)

Sec. 30-4. Enforcement.

It is the duty of the director to enforce the provisions of this chapter. The director shall have the right to disconnect from the city sanitary sewer system and/or the city water system any premises upon which a violation of this chapter is found. Before any such disconnection, the director shall first serve a notice in writing on the owner, agent for the owner or tenant in possession of such premises, which notice shall specify the violation(s) existing and provide a period of 15 days from the date thereof within which the owner, agent for the owner or tenant in possession may abate such violation(s).

The following is considered the default enforcement procedures for this chapter as a whole and apply to all articles unless specifically annulled within an article.

(a) *Notice of violation.* Whenever the director finds that a person has violated a prohibition or failed to meet a requirement of this chapter, the director may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

(1) The performance of monitoring, analyses, and reporting;

(2) The elimination of illicit connections or discharges;

(3) That violating discharges, practices, or operations shall cease and desist;

(4) The abatement or remediation of the violation and the restoration of any affected property; and

(5) Payment of a fine to cover administrative and remediation costs; and

(6) The implementation of source control or treatment BMPs.

(7) Compliance with articles in this chapter that may include but not limited to article V and article IX.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator. The notice of violation shall provide the owner with a minimum of 15 days from the date of the discovery of the violation to remediate or restore, unless: the violation is related to yard waste, construction waste, pool discharge; poses an immediate risk to the health of the public; damage to property; or other serious hazard. The notice of violation shall provide the owner with a minimum of 72 hours from the date of the discovery of the violation to remediate or restore when the violation is related to yard waste, construction waste, pool discharge. Abatement due to a situation determined by the director or by his or her designee to be an emergency such as, but not limited to, an immediate threat to the MS4 waters, immediate threat to the public health or safety, or an immediate threat of damage to property where an NOV is not issued due to the timing of the threat, does not exempt the owner/violator from reimbursing the UG for the cost of the abatement.

(b) *Enforcement measures after appeal.* If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal, within 30 days of the decision of the municipal authority upholding the decision of the director, then representatives of the director shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

(c) *Cost of abatement of the violation.* Within 30 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner

may file a written protest objecting to the amount of the assessment within 30 days. If the amount due is not paid within a timely manner as determined by the decision of the municipal authority or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

Any person violating any of the provisions of this article shall become liable to the city by reason of such violation. The liability shall be paid in not more than 12 equal payments over a 12-month period.

(Ord. No. O-57-13, § 2, 12-5-2013; Ord. No. O-79-21, § 4, 6-10-2021)

Sec. 30-5. Appeals.

Unless otherwise provided, any person aggrieved by an action of the director or director's designee issuing or refusing any permit, suspending or revoking any permit, or any other final action imposing affirmative or negative obligations on such user under this chapter may appeal such decision to the county administrator or his designee. No notice of violation under subsection 30-3(g) of this chapter, no requirement only for information or data concerning a regulated activity, and no action of the director or director's designee not imposing specific affirmative or negative obligations shall be appealable. The county administrator must receive the written appeal within 15 days of the date of the director's action, identifying the action appealed from, the relevant facts, and any information that such person requests the county administrator to consider. The county administrator or his designee may in his discretion either informally decide the appeal without a hearing or may hold a hearing at which such person may present his arguments and evidence. At any hearing held pursuant to this section 30-5, testimony taken must be under oath and recorded. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof. The county administrator will affirm, modify, or rescind the action in writing within 15 days of the appeal or any hearing held hereunder. Exhaustion of the opportunity for appeal under this section 30-5 shall be a jurisdictional prerequisite for judicial review of any action of the director or director's designee.

(Code 1988, § 30-5; Ord. No. O-46-05, § 1, 6-2-2005; Ord. No. O-27-14, § 3, 4-10-2014; Ord. No. O-79-21, § 5, 6-10-2021)

Sec. 30-6. Inspections and entry powers.

(a) Whenever the director or an authorized representative (including KDHE or EPA) elects to inspect facilities or properties to determine or verify their compliance with this chapter or unified government regulations, orders, permits or other legal requirements, or has cause to believe that there exists or potentially exists in or upon any premises any condition which constitutes a violation of this chapter or unified government regulations, orders, permits or other legal requirements, the director and other duly authorized employees or contractors of the unified government, KDHE, or EPA, bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provision of this chapter. Where a user has security measures in force that would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the unified government, KDHE, and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities. Entry shall be made in such manner as to cause the least possible inconvenience to the persons in possession, and the director, KDHE, or EPA may obtain a search warrant for the purposes of this article from a court of competent jurisdiction in the event entry is denied or resisted. The director, KDHE, and EPA shall have authority to inquire into any industrial process including but not limited to metallurgical, chemical, oil refining, ceramic, paper, or other industries, or other uses or activities having a direct or indirect bearing on the kind and source of discharge to the sewers or waterways or facilities for wastewater treatment, or to the storm drainage system.

(b) While performing the necessary work on private properties referred to in subsection (a) of this section, the director or duly authorized employees or contractors of the unified government shall observe all safety rules applicable to the premises established by the company.

(c) The director and other duly authorized employees or contractors of the unified government bearing proper credentials and identification shall be permitted to enter private properties of all industrial users and other sewer users for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, operation, and maintenance of any portion of the municipal sewer system.

(d) The director shall have the right to set up on the property of any discharger to the sanitary or storm drainage system such devices that are necessary to conduct sampling of discharges to the sanitary or storm drainage system. The industrial user shall provide protection from damage to automated sampling or flow metering equipment installed on its property.

(e) The director shall have the right to enter the premises at any reasonable time to inspect, maintain, repair, and/or install structural controls for the management of stormwater and wastewater. In the event that the owner or occupant refuses entry after a request to enter has been made, the unified government is hereby empowered to seek assistance from a court of competent jurisdiction in obtaining such entry.

(f) In the event that the unified government incurs costs for any of the activities conducted in this section, which costs result from a violation of this chapter or unified government regulations, orders, permits or other legal requirements, the unified government may establish a lien against the property to recover such costs.

(Code 1988, § 30-6; Ord. No. O-46-05, § 1, 6-2-2005; Ord. No. O-27-14, § 3, 4-10-2014)

Sec. 30-7. Administration.

The water pollution director shall be the principal unified government official responsible for implementing, administering, and enforcing articles I (exception section 30-11 and section 30-123), II, III, IV, V, VIII, and IX. The water pollution director shall be the principal unified government official responsible for implementing, administering, and enforcing article I section 30-11 and section 30-123. The health department director shall be the principal unified government official responsible for implementing, administering, and enforcing articles VI and VII. The directors are authorized to delegate, in writing, any or all of his duties under this chapter. The public works director is hereby authorized to promulgate regulations consistent with this chapter as may be necessary or desirable to carry out the provisions of this chapter. The director of public works are hereby authorized to adopt standards for planning, design and construction of the municipal sewer system and the municipal separate storm sewer system (MS4). Copies of any such regulations and standards shall be available in the office of the public works director or health department director as applicable. The public works director is also authorized to adopt regulations for discharges to the sanitary, combined and MS4 sewer systems.

(Code 1988, § 30-7; Ord. No. O-46-05, § 1, 6-2-2005; Ord. No. O-79-21, § 6, 6-10-2021; Ord. No. O-128-23, 10-12-2023)

Sec. 30-8. Reserved.

Editor's note(s)—Ord. No. O-27-14, adopted April 10, 2014, amended the Code by repealing former § 30-8. This section derived from the Code of 1988, § 30-8 and Ord. No. O-46-05, § 1, adopted on June 2, 2005 and pertained to falsifying information.

Sec. 30-9. Unlawful discharges—Generally.

No person shall discharge, place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the unified government any sewage, animal excrement, garbage or other objectionable waste. Whenever a building sewer or drain is obstructed with tree roots or found broken, defective or disconnected so that the sewage or drainage escapes into the surrounding soil or into the adjoining premises or so that damage or obstruction may occur to the municipal sewer system, the owner shall repair or replace the building sewer at the expense of the property owner.

(Code 1988, § 30-9; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-10. Unlawful discharges—To sanitary and combined sewers.

No person shall discharge untreated or treated sanitary sewage, wastewater, industrial waste, and other polluted or unpolluted water into sanitary or combined sewers without the permission of the director and paying the sewer service charges as set out in article IV of this chapter.

(Code 1988, § 30-10; Ord. No. O-46-05, § 1, 6-2-2005; Ord. No. O-79-21, § 7, 6-10-2021)

Sec. 30-11. Unlawful discharges—To storm sewers, drainage channels and natural waters.

(a) *Prohibition of illegal discharges.* No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

(1) The following discharges are exempt from discharge prohibitions established by this chapter: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wet-land flows, swimming pools (if dechlorinated — typically less than one PPM chlorine), fire fighting activities, and any other water source not containing pollutants.

(2) Discharges specified in writing by the director as being necessary to protect public health and safety.

(3) Dye testing is an allowable discharge, but requires a verbal notification to the director prior to the time of the test.

(4) The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

(b) *Prohibition of illicit connections.*

(1) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.

(2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(3) A person is considered to be in violation of this chapter if the person connects a line conveying sewage to the MS4, or allows such a connection to continue. All discharges, direct or indirect, to storm drainage systems shall be in accordance with section 30-123.

(Code 1988, § 30-11; Ord. No. O-46-05, § 1, 6-2-2005; Ord. No. O-79-21, § 8, 6-10-2021)

Sec. 30-12. Privies, cesspools, etc.

(a) No person shall construct or maintain within the city any privy, privy vault, cesspool, or other facility intended or used for the disposal of any human or animal excrement or other objectionable waste except as provided in article VII of this chapter.

(b) When a sewer connection is not required by section 30-61, plumbing fixtures may be connected with a private on-site wastewater system in a location approved by the health officer and all private on-site wastewater systems must be constructed in accordance with the provisions of article VII of this chapter.

(Code 1988, § 30-12; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-13. Private wastewater treatment works; pretreatment facilities.

No person shall build, construct, operate or maintain privately owned wastewater treatment works without the written approval of the director. The director shall have the right to require any information necessary, including inspection, to ensure that the proposed or existing privately owned wastewater treatment or pretreatment facility will meet, or is meeting, all applicable local, state, and federal requirements, including pretreatment requirements. Private on-site wastewater systems that hold a valid permit under section 30-229 are excluded from this section.

(Code 1988, § 30-13; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-14. Confidential information.

All information shall be treated according to the provisions of the Kansas Open Public Records Act (K.S.A. 45-215 et seq.) for the purposes of disclosure by the unified government.

(1) Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections under this chapter shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the director that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user.

(2) When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes, and which have been individually labeled as confidential, shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this chapter, the NPDES permit, or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

(Code 1988, § 30-14; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-15. Watercourse protection.

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

(Ord. No. O-79-21, § 9, 6-10-2021)

Sec. 30-16. Severability.

The provisions of this chapter are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this chapter or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this chapter.

(Ord. No. O-79-21, § 10, 6-10-2021)

Sec. 30-17. Ultimate responsibility.

The standards set forth herein and promulgated pursuant to this chapter are minimum standards; this chapter does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

(Ord. No. O-79-21, § 11, 6-10-2021)

Secs. 30-18—30-31. Reserved.

ARTICLE II. WASTEWATER DISCHARGE PERMITS

Sec. 30-32. General requirements.

(a) No person shall discharge sewage, wastewater, industrial waste, or other polluted water from any commercial, institutional, or industrial establishment into the municipal sewer system without a valid wastewater discharge permit from the director if such discharge is from one of the following:

(1) An industry the processes of which place it in an EPA pretreatment category as set out in 40 CFR 405-471 or amendment thereto.

(2) A significant industrial user, as defined in this chapter.

(3) A discharging, nonsignificant industry with a potential to discharge toxic, hazardous, or toxic wastes or wastewater of such a strength that it has the potential to interfere with the treatment process.

(b) An individual wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the director to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

(1) a. Individual wastewater discharge permits must contain:

1. A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date;
2. A statement that the wastewater discharge permit is nontransferable without prior notification to the unified government in accordance with section 30-35(c) of this chapter, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
3. Effluent limits, including best management practices, based on applicable pretreatment standards;
4. Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law.
5. The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the discharge in accordance with section 30-124(b).
6. A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state, or local law.
7. Requirements to control slug discharge, if determined by the director to be necessary.
8. Any grant of the monitoring waiver by the director (section 30-124(b)) must be included as a condition in the user's permit.

(c) Individual wastewater discharge permits may contain, but need not be limited to, the following conditions:

(1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;

(2) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;

(3) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;

(4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;

(5) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;

(6) Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;

(7) A statement that compliance with the individual wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the individual wastewater discharge permit; and

(8) Other conditions as deemed appropriate by the director to ensure compliance with this chapter, and state and federal laws, rules, and regulations.

(d) Other discharge limits may be established as determined by the director. A new wastewater discharge permit may be required when the discharge limits are exceeded, the character of waste is changed from that described on the wastewater discharge permit application, or the wastewater discharge permit expired.

(e) Processing fees for new wastewater discharge permits or temporary wastewater discharge permits shall be determined from the approved tiered system of wastewater discharge permit fees. These fees shall be based on the average daily flow to the municipal sewer system, as determined by the records from the BPU for the previous 12-months (or available date if the facility has not been in operation for a minimum of 12-months). Processing fees for the renewal of wastewater discharge permits shall be determined from the approved tiered system of wastewater discharge permit fees. These fees shall be based on the average daily flow to the municipal sewer system, as determined by the director.

(f) An individual wastewater discharge permit shall be issued for a specified time period, not to exceed five years from the effective date of the permit. An individual wastewater discharge permit may be issued for a period less than five years, at the discretion of the director. Each individual wastewater discharge permit will indicate a specific date upon which it will expire.

(Code 1988, § 30-41; Ord. No. 0-46-05, § 1, 6-2-2005; Ord. No. O-27-14, § 4, 4-10-2014; Ord. No. O-79-21, § 12, 6-10-2021; Ord. No. O-128-23, 10-12-2023)

Sec. 30-33. Information required on wastewater discharge permit application.

Any person filing an application for a wastewater discharge permit shall provide information including the name, address, and telephone number of the user, the type of products handled or manufactured, the chemical, physical, and any other characteristics of the wastes and all requirements found in 40 CFR 403.12(b) as requested on forms provided by the director for this purpose; and any other pertinent and necessary information as required by the director.

(Code 1988, § 30-42; Ord. No. O-46-05, § 1, 6-2-2005; Ord. No. O-79-21, § 13, 6-10-2021)

Sec. 30-34. Denial of application.

If it is determined by the director that the characteristics of the wastes are not in compliance with the provisions of this chapter, the application may be denied and the applicant advised by the director of steps that must be taken to achieve compliance with the provisions of this chapter. Further, the director may, at his discretion, deny or condition all pollutant discharges to the municipal sewer system.

(Code 1988, § 30-43; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-35. Issuance, modification, and transfer.

(a) If, after examining the information contained in the wastewater discharge permit application, it is determined by the director that the characteristics of the proposed discharge do not conflict with the provisions of this chapter and the wastewater discharge permit fee is paid, a wastewater discharge permit shall be issued allowing the discharge of such wastes into the public sewers. If it is determined that a proposed discharge containing materials in excess of the limitations imposed by this chapter will not be harmful to the operation of the treatment plant, then a conditional (temporary) wastewater discharge permit may be issued for the period of time determined by the director as noted on the permit but in no event for longer than one year from the date of the issuance.

(b) Within three months of the promulgation of a national categorical pretreatment standard, the wastewater discharge permit of the users subject to such standard shall be revised to require compliance with such standard within the period prescribed by such standard. Where a user, subject to a national categorical pretreatment standard, has not previously submitted an application for a wastewater discharge permit, the user shall apply for a wastewater discharge permit within six months after the promulgation of the applicable national categorical pretreatment standard. In addition, the user with an existing wastewater discharge permit shall submit to the director within six months after the promulgation of an applicable federal categorical pretreatment standard, the information required by the director to verify compliance.

(c) Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operator without the written approval of the director. However, the industrial user is required to provide a new owner with a copy of any existing wastewater discharge permit for information and reference. The new owner shall apply for a wastewater discharge permit in the name of the new owner within 30 days of possession of the property.

(Code 1988, § 30-44; Ord. No. O-46-05, § 1, 6-2-2005; Ord. No. O-28-14, § 2, 5-1-2014; Ord. No. O-79-21, § 14, 6-10-2021)

Sec. 30-36. Revocation.

Wastewater discharge permits may be revoked at any time if the discharge does not comply with the provisions of this chapter, upon giving the holder 30 days' written notice. Failure of a user to factually report the characteristics of discharges, or significant changes in operations, or wastewater constituents and characteristics, or refusal to allow reasonable access to the user's premises for the purpose of inspection or monitoring, or violation of conditions of the wastewater discharge permit, may be grounds for wastewater discharge permit revocation. The wastewater discharge permit may be revoked by the director without 30 days' written notice if the discharge has a seriously deleterious effect on the sewage treatment works, or constitutes a hazard to human beings, animals, or the receiving stream.

(Code 1988, § 30-45; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-37. Recordkeeping.

Users subject to the reporting requirements of this chapter shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this chapter, any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements, and documentation associated with best management practices established under section 30-124(c). Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three years. This period shall be automatically extended for the duration of any litigation concerning the user or the unified government, or where the user has been specifically notified of a longer retention period by the director.

(Ord. No. O-79-21, § 15, 6-10-2021)

Secs. 30-38—30-60. Reserved.

ARTICLE III. SEWER CONNECTIONS[2]

Sec. 30-61. Sewer connection required and expenses.

Any person who is the owner, lessee or occupant of any premises having a toilet, privy, or other plumbing fixture in a structure within 200 feet of a public sewer which abuts or crosses any portion of the property or is contained in a public right-of-way that abuts the property and is not an interceptor sewer or force main, shall connect with the public sewer. If the sewage generated from such structure cannot be delivered to the public sewer by gravity, then a sewage lift pump with the necessary appurtenances (e.g., grinder pump) shall be installed as part of the building sewer. The owner, occupant, or lessee of such premises shall secure all permits and pay all fees required to make the connections provided for in this chapter. The health officer may suspend this requirement for existing single-family residential units when there is an existing, nonpolluting, private on-site wastewater system and there are site conditions such as rock outcrops that impose extreme limits on construction of a building sewer.

(Code 1988, § 30-81; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-62. Notice to make sewer connection.

The health officer or the director may give written notice to the owner, lessee, or occupant of any premises on which a sewer connection is required by section 30-61 requiring such connection to be made within 30 days after such notice is served. No person shall fail or refuse to comply with such notice.

(Code 1988, § 30-82; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-63. Connection permit.

No person shall uncover, make any extension of, connections with, open into, use, alter, or disturb any public sewer, sanitary sewer, combined sewer, storm sewer, or drainageway or appurtenance thereof without first obtaining a written connection permit from the director. The application shall contain information as required by the director. The director shall review the application. Upon approval and payment of the fees for each connection, a permit for making the connection shall be granted.

(Code 1988, § 30-83; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-64. Separate and independent building sewer.

A separate and independent building sewer shall be provided for every building in compliance with the minimum design standards for sanitary sewers as adopted by the director. A duplex dwelling shall be considered two separate buildings.

(Code 1988, § 30-84; Ord. No. O-46-05, § 1, 6-2-2005)

[2]Cross reference(s)—City exempted from certain state statutes relating to sewer connections, App. A, Char. Ord. No. 89.

Sec. 30-65. Use of existing building sewers.

Existing building sewers may be used for new buildings only when they are found by the director to meet all requirements of this chapter, including minimum design standards for sanitary and storm sewers and upon payment of applicable fees. The owner shall properly document compliance with all applicable standards and guidelines and provide said documentation to the director prior to approval by the director.

(Code 1988, § 30-85; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-66. Initial tapping of or connection to sanitary and storm sewers.

(a) Taps made to an existing public sanitary or storm sewer shall be made by the ~~water pollution control~~environmental services division, a contractor working for the unified government's public works department, or a licensed plumber. Connections shall be made in compliance with plans and specifications approved by the director.

(b) Fees for taps and connection permits shall be set by the county administrator. Tap fees may be waived in cases where the building sewer is to be attached to an existing wye or stub.

(c) Taps installed by licensed plumbers shall be inspected by the director's representative prior to backfill. Minimum notice for the inspection shall be 24 hours. If the director's representative is not on site within two hours after the scheduled time for inspection, the permittee may proceed with the work.

(d) Design, construction and inspection of public sewers and storm sewers shall conform to the standards adopted by the director. Designs for extensions of the public sewer and storm sewer shall be approved by the director prior to construction. Construction of new public sewers shall be only made by:

(1) The unified government;

(2) A contractor working for the unified government's public works department;

(3) A contractor employed by a private developer who has entered a development agreement with the unified government for the construction and dedication to the unified government of public infrastructure; or

(4) A contractor employed by a private developer who has entered into a building permit with the unified government for the construction and dedication to the unified government of public infrastructure.

(Code 1988, § 30-87; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-67. Prohibited connections.

(a) No privy, septic tank, vault or cesspool shall discharge directly or indirectly to a sanitary sewer. When a connection is made with a sewer, any vault, cesspool, or septic tank on the premises must be completely pumped out by a licensed septic hauler, then crushed, broken up and filled with earth or sand to ground level.

(b) Break-in or illicit connections are not allowed. No connections to interceptor sewers, manholes, force mains, pump stations and, low pressure sewer systems are allowed without engineered plans approved by the director and permission from the director.

(Code 1988, § 30-88; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-68. Connections within sewer district.

No connection for a property subject to special assessments for a sewer district shall be made unless all installments due on such assessment have been paid and all required permits have been obtained. The unified government reserves the right to deny permits for properties in arrears of special assessments.

(Code 1988, § 30-89; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-69. Fees for use of lateral sewer system.

Applicants for new connections to the municipal sewer system shall pay a fee for the use of the lateral system. Properties that are part of a lateral sewer district or part or a subdivision the lateral sewers of which have been constructed at private expense and dedicated to the unified government are exempt from this fee. The county administrator shall establish and shall have the authority to change from time to time, fees for the following categories of connections to the municipal sewer system and the municipal separate storm sewer system (MS4):

(1) Residential, including houses, apartments, mobile homes, etc., to be assessed per each dwelling unit.

(2) Hotels, motels:

   a. First unit.

   b. Each additional unit.

(3) Churches, schools and similar institutions:

   a. For the first 3,000 square feet.

   b. Each additional 3,000 square feet of building floor space.

(4) Hospitals, for each bed.

(5) Industrial or commercial facilities, gas stations, car and truck wash, warehouses, etc.:

   a. Four-inch connection.

   b. Six-inch connection.

   c. Eight-inch connection.

   d. Ten-inch connection.

   e. Twelve-inch connection.

   f. Fifteen-inch connection.

The county administrator shall have the authority to establish and to set and modify fees for additional categories and subcategories of connection fees based on land usage and size of dwelling, building or property.

(Code 1988, § 30-91; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-70. Fees for use of main sewer system.

Applicants for new connections to the municipal sewer system shall pay a fee for the use of main sanitary sewer, interceptor, pumping station or wastewater treatment plant that are operated and maintained by the unified government. Properties that are part of a main sewer district shall be exempt from this fee only when the ordinance forming the district establishes the exemption. The county administrator shall establish and have the

authority to change from time to time fees for the following categories of connections to the municipal sewer system and the municipal separate storm sewer system (MS4):

(1) Residential including houses, apartments, mobile homes, etc. (to be assessed per each dwelling unit).

(2) Hotels, motels:

a. First unit;

b. Each additional unit.

(3) Planned nonretail business district CP-0, per each connection (no lot size restriction, four-inch connection only).

(4) Limited business C-1, planned limited business CP-1, commercial C-3, central business C-0 (except for areas on east side of 6th Street which are C-2 general business), planned light industrial MP-1, for the first and each additional 3,000 square feet of floor space (four-inch and six-inch connections only).

(5) Industrial districts (SIC), M-2 general industrial, MP-1 planned light industrial, M-3 heavy industrial for the following size connections: four, six, eight, ten, 12, and 15 inches. Larger connections will be reviewed and appropriate fees determined by the county administrator on an individual connection basis.

(6) Churches, schools and similar institutions:

a. First 3,000 square feet of building floor space;

b. Each additional 3,000 square feet of building space.

The county administrator shall have the authority to establish and to set and change fees for additional categories and subcategories of connection fees based on land usage and size of dwelling, building or property.

(Code 1988, § 30-92; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-71. Design of low pressure sewer system.

Gravity sewers are the preferred method of providing sewer service. If, however, the director determines that construction of a gravity sewer system is not feasible due to topographic or geomorphological considerations, or due to the predominance of a preexisting private on-site sewer systems, the director may authorize the use of a low-pressure sewer system (LPS) or other alternative design system. Design and construction of any LPS shall comply with the standards adopted by the director. Connection to the LPS is subject to all applicable fees. Acceptance into the low-pressure sewer agreement program is subject to approval by the director and may involve payment of past fees which would have been due or other fees or requirements as set by the director.

(Code 1988, § 30-93; Ord. No. O-46-05, § 1, 6-2-2005; Ord. No. O-79-21, § 16, 6-10-2021)

Sec. 30-72. Maintenance of LPS building sewer and maintenance fees.

The unified government accepts partial maintenance responsibility for some building sewers connected to the LPS system to the extent and under the conditions outlined as follows:

(1) *Limits.* Only those portions of the building services that serve single-family residential units, and are downstream of the pump intake are accepted by the unified government for maintenance. The portion of the building sewer eligible for maintenance is hereinafter called the LPS building sewer. Building drains, nonpressurized portions of the building sewer, electrical service to the point of connection with the pump, pressurized building sewers that do not meet the definition of a low pressure sewer system,

and all parts of building sewers for use other than single-family residential service are not accepted for maintenance.

(2) *Unified government's responsibility.* The unified government's maintenance obligation for the LPS building sewer includes only service and repairs resulting from normal wear and tear and not damage to the LPS building sewer resulting from intentional, negligent or accidental abuse or misuse of the LPS building service.

(3) *User responsibility.* The user shall be responsible for the initial installation of the LPS building sewer and shall ensure that the installation meets the technical requirements established by the director. The user shall provide electrical power to operate the pump, including the installation and maintenance of circuitry to the pump and the cost of electricity used by the pump. The user shall be responsible for the building drain and those portions of the building sewer that are not part of the LPS building sewer. The user shall bear the financial responsibility for service and repairs arising from intentional, negligent or accidental abuse or misuse of the LPS building service.

(4) *Right to enter.* The director and his contractors reserve the right to enter upon the users' property, at reasonable times, to install, inspect, test, maintain and repair the LPS building sewer. This right of entry shall not include the right to enter the house or any other buildings located on the property. In the event access to the interior of a house or other building on the property is necessary to inspect, test, maintain and repair the LPS building sewer, advance permission to enter shall be obtained from the user prior to entry for such purposes.

(Code 1988, § 30-94; Ord. No. O-46-05, § 1, 6-2-2005; Ord. No. O-1-20, § 1, 1-9-2020)

Sec. 30-73. Upgrade of noncompliant LPS building sewer.

If the LPS building sewer does not meet the design or construction requirements current at the time of installation, the director may issue a written order requiring the replacement of those elements of the LPS building sewer necessary to meet the requirements current at the time of the order. If the owner of the property served fails to comply with the order within 30 days of issuance of the order, or if the LPS building sewer has failed and the unified government cannot maintain the LPS building sewer without replacement of the noncompliant element, the unified government may replace the element without further notice. If the unified government replaces a noncompliant element on the LPS building sewer, a charge equal to the cost of the replacement, including labor, shall be charged the property owner. Such charge shall be in addition to the sewer service charge and the LPS maintenance fee.

(Code 1988, § 30-95; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-74. Building sewer abandonment.

Building sewer abandonment requires a permit and abandonment shall follow the applicable abandonment policy as adopted by the director.

(Code 1988, § 30-96; Ord. No. O-46-05, § 1, 6-2-2005)

Secs. 30-75—30-91. Reserved.

ARTICLE IV. SERVICE CHARGES[3]

Sec. 30-92. Sewer service charge system.

The sewer service charge system shall generate adequate annual revenues to pay the expenses of annual operation and maintenance for the unified government's sewer system, excluding the operation and maintenance expenses for the flood control facilities being operated by the unified government. The sewer service charge system also shall generate adequate annual revenues for replacement associated with equipment, accessories or appurtenances which are necessary during the useful life of all publicly owned, operated, and maintained wastewater treatment plants, and all municipal wastewater pumping stations owned, operated, and maintained by the unified government.

(Code 1988, § 30-121; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-93. Sewer system fund.

All of the income, proceeds, revenues and funds of the unified government derived from or held in association with its municipal sewer system (not including the proceeds of any taxes) including the proceeds of sewer service charges imposed and collected by the unified government for the use of and services rendered by the unified government's sewer system, and all revenues from enlargements, extensions and improvements thereto will be paid and deposited in the sewer system fund, which fund will be used solely for the purposes authorized by law, including paying the expenses of operating, maintaining and replacing the unified government's sewer system.

(Code 1988, § 30-122; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-94. Financial obligations.

(a) After paying or making provision for the payment each month of the reasonable and proper expenses of operating and maintaining for the current month the unified government's sewer system, the unified government shall next pay and credit monthly from the sewer system fund such amounts as are necessary to satisfy the outstanding obligations including without limitation any payments to any required reserve account, depreciation and replacement account or other account created in connection with such obligations and any covenants entered into in connection with such obligations.

(b) No monies credited to the sewer system fund shall be diverted or applied to the general governmental or municipal functions of the unified government.

(Code 1988, § 30-123; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-95. Basis of rates.

(a) Each user shall pay for the services provided by the unified government based on the user's proportional use of the unified government's sewer system. The actual rates shall be determined based upon the quantity and quality of the wastewater discharged into the municipal sewer system. The volume of wastewater used to compute charges for discharging class I-A wastewater shall be the average monthly metered water

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[3]Cross reference(s)—Refund of sewer service charges for elderly individuals, § 2-296.

State law reference(s)—Sewer rates and charges, K.S.A. 12-631g, 12-631j et seq.

consumption billed over a four-month period during the months of January through April as shown in the records of meter readings maintained by the board of public utilities of the unified government. The average shall be computed for these discharges each April. In those cases in which a user does not have a history of water usage for these winter months, an estimated water usage of 500 cubic feet shall be used to compute the bill. The volume of wastewater used to compute charges for discharging other than class I-A wastewaters shall be the metered water consumption as shown in the records of the meter readings maintained by the board of public utilities of the unified government, or on a unified government-approved water meter, plus any other amount of water obtained from any other source than the board of public utilities of the unified government, or the amount of wastewater discharged into the municipal sewer system metered at the point of discharge by a unified government-approved wastewater flow meter or reduced by a metering method approved by the director. Retroactive credits will not be allowed.

(b) Special charges may be levied for needed or requested services that the director determines are not required for the normal operation or maintenance of the unified government's sewer system. Such activities may include, but are not limited to, special treatment for industrial wastes, cleanup of inappropriately disposed of or spilled materials, dye tests of building services, cleaning, inspection, and televising of sewer lines or drainageways over that required for normal maintenance, and locating building sewer connections to the sanitary sewers. Appropriate charges for special services shall be determined by the director but shall not exceed the total cost to the unified government.

(Code 1988, § 30-127; Ord. No. O-46-05, § 1, 6-2-2005; Ord. No. O-79-21, § 17, 6-10-2021)

Sec. 30-96. Establishment of sewer service charges.

(a) Based upon that projected annual budget adopted by the unified government board of commissioners, the county administrator shall each year recommend to the unified government board of commissioners the rates. The unified government board of commissioners shall establish by regulation the rates for sewer charges to ensure that the system generates adequate annual revenues to pay the annual costs of operation and maintenance including replacement of the unified government's sewer system, to satisfy costs associated with any obligations and to provide for costs associated with the unified government capital improvement plan and the expenses of the annual operation of the ~~water pollution control~~environmental services division for providing service as required by this Code.

(b) The regulation shall become effective upon publication once in the official unified government newspaper.

(c) The sewer service charge shall be based on the user's proportionate use of the unified government's system and shall provide for unit charges and monthly connection charge for class I-A, class I-B, class II and class III discharges.

(d) A rate relief account is hereby established within the sewer system fund. Any savings represented in the difference between actual operating expenses and the amount budgeted for operating expenses shall be allocated to the rate relief account. The unified government budget director shall certify to the unified government board of commissioners the amount of such allocation not later than one month after the county administrator establishes rates by administrative regulations. The amount contained in the rate relief account shall be appropriated by the unified government board of commissioners to reduce the amount of future increases in the sewer service charges.

(Code 1988, § 30-128; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-97. Notify users.

The director will notify each user annually of the rates being charged for operation and maintenance, including replacement of the treatment works as required by applicable federal regulations.

(Code 1988, § 30-129; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-98. Uniform rates.

The sewer service charge rates established in this article apply to all users, regardless of their location, of the unified government's sewer system. These basic rates also apply for all new users; however, they may be modified to reflect the additional actual costs incurred with the service provided.

(Code 1988, § 30-130; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-99. Duty to install and maintain meter where water obtained from source other than the BPU.

If the person discharging wastewater procures any water from sources other than the board of public utilities (BPU) of the unified government, all or a part of which is discharged into the municipal sewer system, the person shall install and maintain at such person's expense a wastewater meter or water meter of a type approved by the director for the purpose of determining the volume of wastewater contributed or of water obtained from the other source and report the volume as required by the director.

(Code 1988, § 30-131; Ord. No. O-46-05, § 1, 6-2-2005; Ord. No. O-79-21, § 18, 6-10-2021)

Sec. 30-100. Provision for deductions.

In the event that a person (not defined as Class 1-A or Class 1-B) discharging wastewater to the unified government's sewer system produces evidence satisfactory to the director that more than ten percent of the total annual volume of the water used for all purposes is not discharged to the unified government's sewer system, then the determination of the water consumption to be used in computing the wastewater volume discharged into the unified government's sewer system may be made a matter of agreement between the unified government and the person. The county administrator shall approve policies that shall be followed for the determination of deductions.

(Code 1988, § 30-132; Ord. No. O-46-05, § 1, 6-2-2005; Ord. No. O-79-21, § 19, 6-10-2021)

Sec. 30-101. Application of provisions to nonresidents.

Any person discharging wastewater from outside the city into the municipal sewer system, through direct or indirect means, shall be subject to sewer service charges, and shall comply with the provisions of this article, as mutually agreed upon in writing between the person and the unified government.

(Code 1988, § 30-133; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-102. Collection penalties and discontinued service.

The sewer service charges shall be a debt due to the unified government. The penalty as established by the county administrator shall be charged if the billing is not paid within 25 days after the due date. If this debt is not

paid on the due date, it shall be deemed delinquent and may be recovered by applying the necessary civil action in the name of the unified government against the property owner, the occupant of the premises, the person charged, or either of them. In the event of the failure to pay any sewer service charges after they become delinquent, the unified government shall have the right to discontinue water service or to remove or close sewer connection and enter upon the property for accomplishing this purpose. The expense of such discontinuance, removal, or closing, as well as the expense of restoring service shall likewise be a debt due to the unified government and a lien may be placed upon the property and may be recoverable by civil action in the name of the unified government against the property owner, the person or both. Sewer service shall not be restored until all charges, including the expense of removal, closing or restoration shall have been paid. Change of ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating these penalties.

(Code 1988, § 30-134; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-103. Assessment of benefit fee against property not in original special benefit district.

(a) Whenever the construction of any water or sanitary sewer improvement is initiated pursuant to K.S.A. 12-6a04, the owners of property which receive benefits from such improvement but which were not included within the original special benefit district shall pay a benefit fee at the time the owners of such property request to be served by such improvement.

(b) The amount of such benefit fee shall not exceed the amount of the assessment, including principal and interest, which would have been levied against the property had it been included in the original special benefit district, reduced in the proportion which each month or part of a month that has passed from the date the assessment for the improvement was levied to the date such property begins being served by the improvement bears to the total number of months of assessments against property included within the original special benefit district. Such benefit fee shall be due and payable and shall be assessed at the time the property begins being served by the improvement. Any benefit fees paid hereunder shall be applied to the remaining principal and outstanding interest on the bonds issued to finance the improvements, with a resulting pro rata reduction of the assessments against property originally included in the special benefit district for such improvement.

(c) The provisions of this section shall be supplemental to any other connection fees or other user or regulatory charges for sanitary sewer or water service unless such connection fees or other user or regulatory charges were included in the assessment for the benefit district; in that event, the provisions of this section shall be in lieu of any other connection fees or other user or regulatory charges.

(d) The connector shall make one lump sum payment prior to issuance of a connection permit. The one lump sum payment shall consist of the greater of the following two amounts: the proportional share of the outstanding balance of the special benefit district assessment, including principal and excluding interest, or the connection fee which would be collected if the late connector were not connecting to an existing special benefit district.

(Code 1988, § 30-136; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-104. Sewer service charge refund and demand for payment from users who have not been paying.

(a) No sewer service charge payments shall be subject to refund, adjustments or change in any way following three years of the original due date.

(b) If a premises has been connected to the unified government's sewer system and has not been charged or paid sewer service charge, and is not exempt from payment by ordinance, the unified government may

collect an amount equal to the amount due for the time that the service was actually received, up to a maximum of three years.

(Code 1988, § 30-137; Ord. No. O-46-05, § 1, 6-2-2005)

Secs. 30-105—30-121. Reserved.

ARTICLE V. DISCHARGE REGULATIONS[4]

Sec. 30-122. Sanitary sewers.

No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, including interior and exterior foundation drains, uncontaminated cooling water, or unpolluted industrial process water to any sanitary sewer.

(Code 1988, § 30-171; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-123. Discharge to storm sewers.

(a) *Prohibited illicit discharges to storm drainage system.*

(1) No person shall release or cause to be released into the storm drainage system any discharge that is not composed entirely of uncontaminated stormwater, except as allowed in subsection (b) of this section. Common stormwater contaminants include sediment, trash, yard waste, lawn chemicals, pet waste, wastewater, used motor oil, petroleum products, cleaning products, paint products, other household hazardous waste, and toxic substances.

(2) Notwithstanding the provisions of subsection (b) of this section, any discharge shall be prohibited by this section if the discharge in question has been determined by the director to be a source of pollutants to the storm drainage system.

(3) The construction, use, maintenance, or continued existence of illicit connections to the storm drain system is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(4) No person shall maliciously destroy or interfere with BMPs implemented pursuant to this chapter.

(b) *Acceptable non-stormwater discharges.* Unless specifically identified by the director or KDHE, the following non-stormwater discharges are deemed acceptable and not a violation of this section:

(1) Water line flushing;

(2) Diverted streamflow;

(3) Rising groundwater;

(4) Uncontaminated groundwater infiltration as defined under 40 CFR 35.2005(20) to separate storm sewers;

(5) Uncontaminated pumped groundwater;

[4]State law reference(s)—Municipal authority to regulate discharges, require pretreatment, etc., K.S.A. 12-631j.

(6) Contaminated groundwater may be pumped into the storm sewers if authorized by KDHE and approved by the unified government;

(7) Discharges from potable water sources;

(8) Foundation drains;

(9) Air conditioning condensate;

(10) Irrigation waters;

(11) Springs;

(12) Water from crawlspace pumps;

(13) Footing drains;

(14) Lawn watering;

(15) Individual residential car washing;

(16) Occasional not-for-profit car wash activities;

(17) Flows from riparian habitats and wetlands;

(18) Dechlorinated swimming pool discharges excluding filter backwash;

(19) Street wash waters (excluding street sweepings which have been removed from the street);

(20) Discharges or flows from emergency firefighting activities;

(21) Heat pump discharge waters (residential only);

(22) Treated wastewater meeting requirements of an NPDES permit; and

(23) Sump pump drains;

(24) Other pollutants determined not to be a significant source of pollutants to waters of the state, a public health hazard or a nuisance.

(c) *Industrial or construction activity discharges.* Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the director prior to the allowing of discharges to the MS4. Land disturbance activities must be permitted and comply with KDHE and UG chapter 8 article XIV.

(d) *Requirements applicable to certain discharges.* The owner of property that discharges stormwater to a storm drainage system, including property with a facility on-site which the director has identified as a high-risk commercial facility with a high potential for pollutant discharges to the storm drainage system, shall implement the following practices to reduce the risk associated with their operations.

(1) *Private drainage system maintenance.* The owner of any private drainage system shall maintain the system to prevent or reduce the discharge of pollutants. This maintenance shall include, but is not limited to, sediment removal, bank erosion repairs, maintenance of vegetative cover, and removal of debris from pipes and structures.

(2) *Minimization of irrigation runoff.* A discharge of irrigation water that is of sufficient quantity to cause a concentrated flow in the storm drainage system is prohibited. Irrigation systems shall be managed to reduce the discharge of water from a site.

(3) *Cleaning of paved surfaces required.* The owner of any paved parking lot, street or drive shall clean the pavement as required to prevent the buildup and discharge of pollutants. The visible buildup of mechanical fluid, waste materials, sediment or debris is a violation of this chapter. Paved surfaces shall

be cleaned by dry sweeping, wet vacuum sweeping, collection and treatment of wash water or other methods in compliance with this article. This section does not apply to pollutants discharged from construction activities.

(4) *Maintenance of equipment.* Any leak or spill related to equipment maintenance in an outdoor, uncovered area shall be contained to prevent the potential release of pollutants. Vehicles, machinery, and equipment must be maintained to reduce leaking fluids.

(5) *Materials storage.* In addition to other requirements of this Code, materials shall be stored to prevent the potential release of pollutants. The uncovered, outdoor storage of unsealed containers of hazardous substances is prohibited.

(6) *Pesticides, herbicides, and fertilizers.* Pesticides, herbicides and fertilizers shall be applied in accordance with manufacturer recommendations and applicable laws. Excessive application shall be avoided.

(7) *Prohibition on use of pesticides and fungicides banned from manufacture.* Use of any pesticide, herbicide or fungicide, the manufacture of which been either voluntarily discontinued or prohibited by the EPA or any federal, state, or unified government regulation is prohibited.

(8) *Open drainage channel maintenance.* Every person owning or occupying property through which an open drainage channel passes shall keep and maintain that part of the drainage channel within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or retard the flow of water through the drainage channel. In addition, the owner or occupant shall maintain existing privately-owned structures adjacent to a drainage channel, so that such structures will not become a hazard to the use, function, or physical integrity of the drainage channel.

(e) *Notification of spills and cleanup.* Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or water of the U.S. said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services and the authorized representative. In the event of a release of non-hazardous materials, said person shall notify the director in person or by phone or email no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the director within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

(f) *Suspension of MS4 discharge access.* Suspension due to illicit discharges in emergency situations. The director may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the director may take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the United States, or to minimize danger to persons.

Suspension due to the Detection of illicit discharge. Any person discharging to the MS4 in violation of this chapter may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The director will notify a violator of the proposed termination of its MS4 access. The violator may petition the director for a reconsideration and hearing.

A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this section, without the prior approval of the director.

(Code 1988, § 30-172; Ord. No. O-46-05, § 1, 6-2-2005; Ord. No. O-27-14, § 5, 4-10-2014; Ord. No. O-79-21, § 20, 6-10-2021; Ord. No. O-128-23, 10-12-2023)

Sec. 30-124. Prohibited discharges.

(a) No person shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will cause interference with the operation or performance of the municipal sewer system (including treatment facilities). These general prohibitions apply to all such users of the municipal sewer system whether or not the user is subject to national categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements. A user shall not contribute the following substances:

(1) Any liquids, solids or gases which by reason of their nature and quantity are or may be sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious in any other way to the municipal sewer system or to the operation of the sewage treatment works; any petroleum oil, nonbiodegradable oil, or products of mineral oil origin in amounts that will cause interference or pass through; or any pollutant resulting in the presence of toxic gases, vapors or fumes within the sewers or POTW sufficient to cause worker health and safety problems. Any noxious or malodorous liquids, solids, or gases which, singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system), be more than five percent nor any single reading over ten percent of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, fuel oil, kerosene, naphtha, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, sulfides, any other substances which are a fire hazard or a hazard to the system and waste streams containing substances with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Celsius using test methods specified by EPA.

(2) Any solids, natural or manmade fibers, insoluble or emulsified oils, fats, or greases, slurries or viscous materials of such character or in such quantity that may cause an obstruction to the flow in the sewer or otherwise interfere with the proper functioning of the sewage treatment works such as, but not limited to, ashes, cinders, sand, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, hides, paunch manure, hair and fleshings, entrails, spent lime, stone or marble dust, grass clippings, spent grains, spent hops, asphalt residues, residues from the refining or processing of fuels or lubricating oils, glass grinding or polishing wastes, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

(3) Any waters, waste, material or substances which are corrosive or irritating to human beings or animals, or are toxic or noxious or which contain toxic, poisonous or conventional pollutants that are solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, and cause interference or pass through or otherwise injure or interfere with the sewage treatment process, including by not limited to sludge use and disposal, or which constitute a hazard to humans or animals, or which create a public nuisance, or which create any hazard in the receiving waters of treated effluent or the sewage treatment works.

(4) Health department permitted hauled wastes, except at selected locations as designated by the director of ~~water pollution control~~environmental services.

(5) Acetylene generation sludge.

(6) For facilities that manufacture biodegradable and/or food grade emulsified and dissolved oils, the director may establish mass-based limits. Waters or wastes containing substances that may solidify or become viscous at temperatures between 32 and 150 degrees Fahrenheit are prohibited, except at selected locations as designated by the director.

(7) Any waters or wastes containing strong acid, iron, pickling wastes, or concentrated plating solutions, whether neutralized or not.

(8) Any waters or wastes containing phenols or other taste- or odor-producing substances, in such concentrations exceeding limits established by the director as necessary, after treatment of the composite sewage, to meet the requirements of local, state, federal or other public agencies of jurisdiction for such discharge to the receiving waters.

(9) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits of radiation (μCi/ml) established by the director in compliance with applicable local, state, or federal regulations.

(10) Any waters or wastes having a pH less than 5.5 standard units (SU) or in excess of 11.0 SU.

(11) Materials that exert or cause a significant load on the sewage treatment works or a discharge of any pollutant that is sufficient to cause or is likely to cause interference and pass through, such as:

a. Concentrations of inert suspended solids (such as, but not limited to, diatomaceous or Fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride or sodium sulfate).

b. BOD, COD, chlorine.

c. Volumes of flow or concentration of wastes constituting "slugs" as defined herein.

(12) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment works effluent cannot meet the requirements of agencies having jurisdiction over discharge to the receiving waters, or any substance which may cause the sewage treatment works effluent or any other product of the municipal sewer system such as residues, sludges or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the municipal sewer system cause the sewage treatment works to be in noncompliance with sludge uses or disposal criteria, guidelines, or regulations developed under Section 405 of the Act (33 USC 1345); any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act (42 USC 6901 et seq.), the Clean Air Act (42 USC 7401 et seq.), the Toxic Substances Control Act (15 USC 2601 et seq.), or state criteria applicable to the sludge management method being used.

(13) Detergents, surface-active agents or other substances which may cause excessive foaming in the POTW:

m. BTEX (total): 16 mg/l.

Equivalent mass limits may be allocated to industrial users for any of the limits set out in this subsection at the director's discretion. In no case shall a wastewater discharge permit limit for discharge to the municipal sewer system be less stringent than the federal or state limit if it exists. This would apply to categorical industries and may apply to specific industries identified by the unified government or state.

(14) a. The director is authorized to establish local limits pursuant to 40 CFR 403.5(c).

b. The following pollutant limits are established to protect against pass through and interference. No person shall discharge wastewater containing in excess of the following:

Any wastes contributed by users of the POTW that, either singly or in conjunction with other significant industrial users, cause the Kaw Point POTW influent to exceed the following limits (lbs./day):

1. Arsenic: 1.848
2. Ammonia: 6,927
3. BOD: 72,850
4. Cadmium: 1.044
5. Chromium: 110.002
6. Copper: 33.478
7. Cyanide: 0.975
8. Lead: 2.166
9. Mercury: 0.654
10. Molybdenum: 74.400
11. Nickel: 35.383
12. Selenium: 4.759
13. Silver: 17.729
14. TSS: 69,016
15. Zinc: 72.423

(15) a. The director is authorized to establish local limits pursuant to 40 CFR 403.5(c).

b. The following pollutant limits are established to protect against pass through and interference. No person shall discharge wastewater containing in excess of the following:

Any wastes contributed by users of the POTW that, either singly or in conjunction with other significant industrial users, cause the treatment plant # 20 POTW influent to exceed the following limits (lbs./day):

1. Ammonia: 131
2. Arsenic: 0.834
3. BOD: 8,622
4. Cadmium: 0.691
5. Chromium: 4.024
6. Copper: 26.496
7. Cyanide: 3.101
8. Lead: 5.802
9. Mercury: 0.507
10. Molybdenum: 0.815
11. Nickel: 5.408
12. Selenium: 1.095

13. Silver: 7.947

14. TSS: 7,826

15. Zinc: 31.779

The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for total metal unless indicated otherwise. The director may impose mass limitations in addition to the concentration-based limitations above.

c. The director may develop best management practices (BMPs), by ordinance or in individual wastewater discharge permits to implement local limits and the requirements of section 30-124(a)(14).

(16) No user using silver in manufacturing or as part of a process operation, including, but not limited to, the development and/or printing of photographic pictures or X-rays, precious metal plating, or any operation where silver is reasonably expected to be found in the facility's wastewater, shall discharge silver bearing wastewater to the public sewer without first treating the wastewater to remove the silver or subjecting the wastewater to a silver recovery process. Requirements listed in best management practices (BMPs) that have been approved by the director will be enforceable by the ~~water pollution control~~environmental services division. The use of an approved BMP by an industrial user shall be governed by the policies established by the director. These include but are not limited to the provisions for sampling and inspection by the unified government and sampling and reporting requirements for the facility. It shall be unlawful for an industrial user to discharge a silver-rich solution from a photographic processing facility or otherwise introduce such solution into the municipal sewer system, unless such silver-rich solution is managed by the photographic processing facility in accordance with the Code of Management Practice for Silver Dischargers, as identified in section 30-1, prior to its introduction into the municipal sewer system. The Code of Management Practice for Silver Dischargers is a fully enforceable element in the unified government's industrial pretreatment program and constitutes a local limitation for silver discharged from photographic processing facilities. If a photographic facility does not comply with the requirements in the Code of Management Practice for Silver Dischargers, the numeric limitation for silver (Ag) per subsection (14) or (15) of this section will be enforced.

(17) Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds 40°C (104°F), unless alternate temperature limits are approved by the director.

(b) The director may remove parameters from identified categorical industrial users or other permitted industrial users which are not present at the facility and have not been detected in the most recent three years of sampling performed by the industrial user and the UG. The industrial user must petition the director to have the parameter(s) removed from the industrial user's wastewater discharge permit. The petition must include the certification that the analyte is not present on the property. The industrial user will be required to certify the absence of the parameter with each periodic compliance report is submitted to the UG. The UG may continue to sample for the parameter. If any sampling detects the presence of the removed parameter, the wastewater discharge permit will be modified to include the parameter for future testing.

(Code 1988, § 30-173; Ord. No. O-46-05, § 1, 6-2-2005; Ord. No. O-57-13, § 2, 12-5-2013; Ord. No. O-79-21, § 21, 6-10-2021; Ord. No. O-128-23, 10-12-2023)

Sec. 30-125. Pretreatment requirement and standards.

(a) If any waters or wastes are discharged or are proposed to be discharged to the municipal sewer system which contain the substance or possess the characteristics enumerated in section 30-124, and which, in the

judgment of the director, may have a deleterious effect upon the sewage treatment works, sewage treatment process, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the director may:

(1) Reject the wastes;

(2) Require pretreatment to an acceptable condition for discharge; or

(3) Require control over the quantities and rates of discharge.

(b) In addition to civil and criminal liability, any person violating any of the provisions of the wastewater discharge permit of this article or causing damage to or otherwise inhibiting the unified government wastewater disposal system shall be liable to the unified government for any expense, loss, or damage caused by such violation or discharge. The unified government shall bill the person for the costs incurred by the unified government for any cleaning, repair, or replacement work caused by the violation or discharge. Refusal to pay the assessed costs shall constitute a separate violation of this article.

(c) Any person notified of a suspension of the wastewater treatment service or the wastewater discharge permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the director shall take such steps as deemed necessary to prevent or minimize damage to the municipal sewer system or endangerment to any individuals. If deemed necessary by the director, the unified government may immediately terminate the sewer connection referenced in the notice. The unified government shall reinstate the wastewater discharge permit or the wastewater treatment service upon proof of the elimination of the noncomplying discharge and payment of any costs incurred by the unified government.

(d) If the director permits the pretreatment or equalization of waste flows, the design and installation of the plants or equipment shall be subject to the review and approval of the director. Plans and specifications shall be submitted for review and approval of the director prior to beginning any building or construction, and subject to the requirements of all applicable local, state and federal laws, regulations, codes and ordinances. Where pretreatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at such owner's expense.

(e) Upon the promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitation imposed under this chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this chapter. The director shall notify in writing all affected users of the applicable reporting requirements. The national categorical standards are available at 40 CFR 401—471, or as amended.

(f) State requirements and limitations on discharge shall apply in any case where they are more stringent than federal standards or the requirements and limitations in this article.

(g) The director may permit certain wastewater discharges to a combined sewer or storm drainage system. This does not alleviate any obligation of the sewer user to comply with applicable state and federal regulations concerning discharge of wastewaters to waters of the state.

(Code 1988, § 30-174; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-126. Excessive discharge, accidental discharge and storage of dangerous materials—Reports of potential problems.

(a) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, a slug discharge or slug load, that might cause potential problems for the POTW, the user shall notify the director within 24 hours of becoming aware of the incident.

This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

(b) Within five days following such discharge, the user shall, unless waived by the director, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this chapter.

(c) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph (a), above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.

(d) Significant industrial users are required to notify the director immediately of any changes at its facility affecting the potential for a slug discharge.

(Code 1988, § 30-175; Ord. No. O-46-05, § 1, 6-2-2005; Ord. No. O-79-21, § 22, 6-10-2021)

Sec. 30-127. Grease, oil and sand traps/interceptors.

Grease, oil, and sand traps/interceptors shall be provided when deemed necessary by sections 30-124, 30-294 and 30-352 for the proper handling of liquid wastes containing grease, oil, sand or other harmful ingredients in excessive amounts. Users shall maintain records and documentation indicating adequate operation and maintenance and upon request of the director shall supply such record within 24 hours.

(Code 1988, § 30-176; Ord. No. O-46-05, § 1, 6-2-2005; Ord. No. O-57-13, § 2, 12-5-2013)

Sec. 30-128. Control structure.

When deemed necessary by the director, the owner of any property served by a building sewer carrying commercial or industrial wastes other than normal domestic sewage shall have installed and shall maintain at such person's own expense a suitable control structure in the building sewers to facilitate observation, sampling, and measurement of each discharge. Such structures shall be constructed in accordance with plans approved by the director, and shall be located so as to permit the gauging of flow and the collection of samples truly representing the wastes leaving the property.

(Code 1988, § 30-177; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-129. Measurements, sample collection, tests and analyses.

(a) All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the director or other parties approved by EPA.

(b) Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

(1) Except as indicated in subsection (a) and (b) below, the user must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the director. Where time-proportional composite sampling or grab sampling is authorized by the unified government, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the unified government, as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits.

(2) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

(3) For sampling required in support of baseline monitoring and 90-day compliance reports required in section 30-137, a minimum of four grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the director may authorize a lower minimum. For the reports required by paragraphs section 30-134, the industrial user is required to collect the number of grab samples necessary to assess and assure compliance by with applicable pretreatment standards and requirements.

(c) *Notice of violation/repeat sampling and reporting.* If sampling performed by a user indicates a violation, the user must notify the director within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the director within 30 days after becoming aware of the violation.

(Code 1988, § 30-178; Ord. No. O-46-05, § 1, 6-2-2005; Ord. No. O-79-21, § 23, 6-10-2021)

Sec. 30-130. Special arrangement.

No statement contained in this article shall be construed as preventing any special agreement or arrangement between the unified government and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the unified government for treatment and disposal, subject to payment of actual costs incurred with the treatment and disposal of unusual waters. However, categorical pretreatment standards shall not be waived. In addition, no special arrangement between the unified government and any industrial concern can be made which could lead to interference or pass through.

(Code 1988, § 30-179; Ord. No. O-46-05, § 1, 6-2-2005; Ord. No. O-79-21, § 24, 6-10-2021)

Sec. 30-131. Code of Management Practices for Silver Dischargers adopted.

The Code of Management Practices for Silver Dischargers, as referenced in section 30-1, is incorporated herein by reference. If there exists or arises any conflict between the Code and the provisions of the Code of Management Practices for Silver Dischargers, then the provisions of this Code are controlling. There shall be not less than three copies of the Code of Management Practices for Silver Dischargers kept on file in the office of the

unified government clerk, to which shall be attached a copy of this incorporating ordinance and which shall be marked or stamped "Official Copies as Incorporated by Ordinance No. 30-180," and said code shall be open to inspection and available to the public at reasonable hours. The division of ~~water pollution control~~environmental services and the municipal judges and all administrative departments of the unified government charged with the enforcement of this article shall be supplied, at the cost of the unified government, such number of official copies of such standard ordinance.

(Code 1988, § 30-180; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-132. Industrial facility discharges to storm sewers.

(a) The director shall maintain a registry of industrial facilities that discharge to the unified government's municipal sanitary storm sewer system (MS4).

(1) A facility shall be automatically placed on this registry if it is among any of the following: (A) a municipal landfill; (B) a hazardous waste treatment, disposal, and recovery facility; or (C) an industrial facility that reports to EPA's toxics release inventory (TRI) in accordance with Section 313 of Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA) (42 U.S.C. § 11023).

(2) A facility may be placed on the registry if the director determines the facility contributes or may contribute substantial pollutant loadings associated with the industrial activity to the MS4.

(3) Facilities which discharge exclusively into the combined sewer system or which otherwise do not discharge to the MS4 will not be included on the registry.

(4) Facilities will not be included on the registry if they have a Kansas Department of Health and Environment (KDHE) authorized "no exposure" certification, pursuant to 40 CFR § 122.26(g).

(5) The director shall update the registry annually. Facilities currently on the registry which cease or modify operations may request removal by the director. Facilities which undergo a change in ownership or operator responsibility shall submit updated information upon formal change of control. Any owner or operator of a new facility falling under the requirements of this section shall submit evidence of coverage for stormwater discharges under the KDHE state general permit (notice of intent authorized by KDHE) or an individual permit (copy of signed permit) upon request by the director, if such coverage is required.

(b) An owner or operator of a facility on the active registry shall comply with the following:

(1) Upon request, submit to the director a signed and authorized copy of a notice of intent (NOI) filed with the State of Kansas for coverage under the KDHE state general permit or a copy of a signed individual permit, if such coverage is required. The NOI or permit should evidence the facility's ability to lawfully discharge stormwater associated with the industrial activities on site.

(2) Upon request, submit to the director a copy of a notice of termination submitted to KDHE to terminate coverage under the KDHE state general permit.

(3) Upon request, submit to the director a copy of an authorized no exposure certification.

(4) Prepare and implement a stormwater pollution prevention plan (SWPPP) in accordance with the requirements set forth in the KDHE state general permit or, for a facility covered by an individual NPDES permit, in accordance with the individual permit. Upon request, provide the director with a copy of the SWPPP including any amendments thereto.

(5) The SWPPP shall be kept at the facility, in an accessible location, at all times while the facility is covered by the applicable permit.

(6) The SWPPP shall be prepared and signed by a qualified individual as defined by the KDHE state general permit or by the individual NPDES permit, whichever is applicable. The signature of the preparer shall constitute his/her attestation that the SWPPP fully complies with the requirements of the KDHE state general permit or individual NPDES permit and the EPA NPDES program.

(7) Implement a sampling and testing program as required by the applicable NPDES permit. Upon request by the director, provide a copy of any stormwater sampling and analysis results, or any other documentation relating to permit coverage, required to be submitted to the KDHE under the terms of the applicable industrial stormwater permit.

(8) Qualified personnel (provided by the owner or operator) shall inspect equipment and areas of the facility as required by the KDHE state general or individual NPDES permit, whichever is applicable, and the associated SWPPP. A set of tracking or follow up procedures shall be used to provide that appropriate actions are taken in response to the inspections. Records of inspection shall be maintained. Upon request, the owner or operator shall provide the director with a copy of the annual site compliance evaluation or other inspection reports.

(9) Maintain and enforce procedures for spill prevention and response, including written documentation and training on procedures for material storage, handling equipment, spill cleanup, worker and environmental safety, and regulatory compliance. The owner or operator shall have ready and available materials and equipment needed, and shall assign personnel with formal responsibility, to react quickly and effectively to spills and leaks.

(10) Cooperate with and make the facility available to the director for periodic independent inspections, in accordance with the procedures outlined in section 30-6. For the purposes of this provision, the director is not required to have a belief of an actual or potential violation.

(11) Upon review of the SWPPP, owner or operator reports and documents, or any site inspection, the director may provide written comments to the owner or operator regarding the contents, effectiveness, or possible deficiencies of the SWPPP or of the owner's or operator's implementation of activities related to the SWPPP. The owner or operator shall respond in writing to such comments within 30 days and shall propose changes to the facility's SWPPP and operations for the director's review and approval.

(12) Following such comment period, the director may then give a written directive requiring the owner or operator to alter, amend, change, or discontinue practices that are found to cause or potentially cause the release of pollutants into the MS4. The director may also refer issues to the State of Kansas for consideration or action. In the event of an imminent release or emergency condition, the director may issue such written directives without waiting for the comment period. The owner or operator shall make any changes mandated by the director within the time frame stated in the written directive.

(13) In the event that an industrial facility included on the registry does not require coverage under the KDHE state general permit or an individual NPDES permit, the operator shall prepare and submit to the director a SWPPP meeting the functional standards in the KDHE state general permit, and shall in all other respects comply with the requirements of the KDHE state general permit and this chapter, subject instead to enforcement by the unified government alone.

(c) In the event that an owner or operator fails to comply with any provision of this article, the director make take, at the director's discretion, any enforcement actions authorized by section 30-3 or any other section of the unified government's Code. Appeals of any enforcement action by the director shall be governed by the provisions at section 30-5.

(Ord. No. O-28-14, § 3, 5-1-2014; Ord. No. O-79-21, § 25, 6-10-2021)

Sec. 30-133. National categorical pretreatment standards.

Users must comply with the categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471.

(a) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the director may impose equivalent concentration or mass limits in accordance with subsection (e) and (f).

(b) When the limits in a categorical pretreatment standard are expressed only in terms of mass of pollutant per unit of production, the director may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual industrial users.

(c) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the director shall impose an alternate limit in accordance with 40 CFR 403.6(e).

(d) A CIU may obtain a net/gross adjustment to a categorical pretreatment standard in accordance with the following paragraphs of this section.

(1) Categorical pretreatment standards may be adjusted to reflect the presence of pollutants in the industrial user's intake water in accordance with this section. Any industrial user wishing to obtain credit for intake pollutants must make application to the unified government. Upon request of the industrial user, the applicable standard will be calculated on a "net" basis (i.e., adjusted to reflect credit for pollutants in the intake water) if the requirements of paragraph (2) of this section are met.

(2) Criteria.

a. Either:

1. The applicable categorical pretreatment standards contained in 40 CFR subchapter N specifically provide that they shall be applied on a net basis; or

2. The industrial user demonstrates that the control system it proposes or uses to meet applicable categorical pretreatment standards would, if properly installed and operated, meet the standards in the absence of pollutants in the intake waters.

b. Credit for generic pollutants such as biochemical oxygen demand (BOD), total suspended solids (TSS), and oil and grease should not be granted unless the Industrial User demonstrates that the constituents of the generic measure in the user's effluent are substantially similar to the constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water pollutants either at the outfall or elsewhere.

c. Credit shall be granted only to the extent necessary to meet the applicable categorical pretreatment standard(s), up to a maximum value equal to the influent value. Additional monitoring may be necessary to determine eligibility for credits and compliance with standard(s) adjusted under this section.

d. Credit shall be granted only if the user demonstrates that the intake water is drawn from the same body of water as that into which the POTW discharges. The unified government may waive this requirement if it finds that no environmental degradation will result.

(e) When a categorical pretreatment standard is expressed only in terms of pollutant concentrations, an industrial user may request that unified government convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the director, the unified government may establish equivalent mass limits only if the industrial user meets all the conditions set forth in subsections (e)(1)a. through (e)(1)e. below.

(1) To be eligible for equivalent mass limits, the industrial user must:

a. Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its individual wastewater discharge permit;

b. Currently use control and treatment technologies adequate to achieve compliance with the applicable categorical pretreatment standard, and not have used dilution as a substitute for treatment;

c. Provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;

d. Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the discharge; and

e. Have consistently complied with all applicable categorical pretreatment standards during the period prior to the industrial user's request for equivalent mass limits.

(2) An industrial user subject to equivalent mass limits must:

a. Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;

b. Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;

c. Continue to record the facility's production rates and notify the director whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in paragraph (f)(1)c. of this section. Upon notification of a revised production rate, the director will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and

d. Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to paragraphs (e)(1)a. Of this section so long as it discharges under an equivalent mass limit.

(3) When developing equivalent mass limits, the director:

a. Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the industrial user by the concentration-based daily maximum and monthly average standard for the applicable categorical pretreatment standard and the appropriate unit conversion factor;

b. Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and

c. May retain the same equivalent mass limit in subsequent individual wastewater discharger's permit terms if the industrial user's actual average daily flow rate was reduced

solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to section 30-133. The industrial user must also be in compliance with section 30-1 regarding the prohibition of bypass.

(f) The director may convert the mass limits of the categorical pretreatment standards of 40 CFR Parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual industrial users. The conversion is at the discretion of the director.

(g) Once included in its permit, the industrial user must comply with the equivalent limitations developed in this section 30-133 in lieu of the promulgated categorical standards from which the equivalent limitations were derived.

(h) Many categorical pretreatment standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum monthly average, or four-day average, limitations. Where such standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation.

(i) Any industrial user operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based standard shall notify the director within two business days after the user has a reasonable basis to know that the production level will significantly change within the next calendar month. Any user not notifying the director of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long-term average production rate.

(j) Baseline monitoring reports.

(1) Within either 180 days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical industrial users currently discharging to or scheduled to discharge to the POTW shall submit to the director a report which contains the information listed in paragraph (2), below. At least 90 days prior to commencement of their discharge, new sources, and sources that become categorical industrial users subsequent to the promulgation of an applicable categorical standard, shall submit to the director a report which contains the information listed in paragraph (2), below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

(2) Users described above shall submit the information set forth below.

a. All information required in section 30-33.

b. Measurement of pollutants.

1. The user shall provide the information required in section 30-129.

2. The user shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.

3. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the user should measure the flows and concentrations necessary to allow use of the combined wastestream formula in 40 CFR 403.6(e) to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated in

accordance with 40 CFR 403.6(e), this adjusted limit along with supporting data shall be submitted to the control authority;

4. Sampling and analysis shall be performed in accordance with section 30-129;

5. The director may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;

6. The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.

c. *Compliance certification.* A statement, reviewed by the user's authorized representative as defined in section 30-1 definitions and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

d. *Compliance schedule.* If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in section 30-32(b) of this chapter.

e. *Signature and report certification.* All baseline monitoring reports must be certified in accordance with section 30-32 of this chapter and signed by an authorized representative as defined in section 30-1 definitions.

(k) *Reports of changed conditions.* Each user must notify the director of any significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least 45 days before the change.

(1) The director may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under section 30-33 of this chapter.

(2) The director may issue an individual wastewater discharge under section 30-36 of this chapter or modify an existing wastewater discharge permit under section 30-35 of this chapter in response to changed conditions or anticipated changed conditions.

(Ord. No. O-79-21, § 26, 6-10-2021)

Sec. 30-134. Reporting requirements.

(a) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, a slug discharge or slug load, that might cause potential problems for the POTW, the user shall immediately telephone and notify the director of the incident. This notification shall include the location of the discharge, type of waste, concentration, and volume, if known, and corrective actions taken by the user.

(b) Within five days following such discharge, the user shall, unless waived by the director, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent

similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this chapter.

(c) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph (1), above. Employers shall ensure that all employees who could cause such a discharge to occur, are advised of the emergency notification procedure.

(d) Significant industrial users are required to notify the director immediately of any changes at its facility affecting the potential for a slug discharge.

(e) All significant industrial users must, at a frequency determined by the director, submit no less than twice per year, reports indicating the nature, concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the pretreatment standard requires compliance with a best management practice (BMP) or pollution prevention alternative, the user must submit documentation required by the director or the pretreatment standard necessary to determine the compliance status of the user.

(f) The director may authorize an industrial user subject to a categorical pretreatment standard to forego sampling of a pollutant regulated by a categorical pretreatment standard if the industrial user has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the industrial user. This authorization is subject to the following conditions:

(1) The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical standard and otherwise includes no process wastewater.

(2) The monitoring waiver is valid only for the duration of the effective period of the individual wastewater discharge permit, but in no case longer than five years. The user must submit a new request for the waiver before the waiver can be granted for each subsequent individual wastewater discharge permit.

(3) In making a demonstration that a pollutant is not present, the industrial user must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.

(4) The request for a monitoring waiver must be signed in accordance with section 30-1 and include the certification statement in (40 CFR 403.6(a)(2)(ii)).

(5) Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis.

(6) Any grant of the monitoring waiver by the director must be included as a condition in the user's permit. The reasons supporting the waiver and any information submitted by the user in its request for the waiver must be maintained by the director for three years after expiration of the waiver.

(7) Upon approval of the monitoring waiver and revision of the user's permit by the director, the industrial user must certify on each report with the statement in section 30-137(c) below, that there has been no increase in the pollutant in its waste stream due to activities of the industrial user.

(8) In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the user's operations, the user must immediately: comply with the monitoring

requirements of section 30-32(c), or other more frequent monitoring requirements imposed by the director and notify the director.

(9) This provision does not supersede certification processes and requirements established in categorical pretreatment standards, except as otherwise specified in the categorical pretreatment standard.

(g) The unified government may reduce the requirement for periodic compliance reports to a requirement to report no less frequently than once a year, unless required more frequently in the pretreatment standard or by the State of Kansas, where the industrial user's total categorical wastewater flow does not exceed any of the following:

(1) Point zero one percent of the POTW's design (0.0056 million gallons for industries discharging to the Kaw Point Treatment Plant OR 0.0007 million gallons for industries discharging to Treatment Plant 20) dry-weather hydraulic capacity of the POTW, or 5,000 gallons per day, whichever is smaller, as measured by a continuous effluent flow monitoring device (unless the industrial user discharges in batches);

(2) Point zero one percent of the POTW's design (7.285 pounds for industries discharging to the Kaw Point Treatment Plant OR 0.862 pounds for industries discharging to Treatment Plant 20) of the design dry-weather organic treatment capacity of the POTW; and

(3) Point zero one percent of the maximum allowable headworks loading for any pollutant regulated by the applicable categorical pretreatment standard for which approved local limits were developed as listed in section 30-124(14) or 30-124(15).

Reduced reporting is not available to industrial users that have in the last two years been in significant noncompliance, as defined in section 30-1 of this chapter. In addition, reduced reporting is not available to an industrial user with daily flow rates, production levels, or pollutant levels that vary so significantly that, in the opinion of the director, decreasing the reporting requirement for this industrial user would result in data that are not representative of conditions occurring during the reporting period.

(h) All periodic compliance reports must be signed and certified in accordance with section 30-137 of this chapter.

(i) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

(j) If a user subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the director, using the procedures prescribed in section 30-129 of this chapter, the results of this monitoring shall be included in the report.

(Ord. No. O-79-21, § 27, 6-10-2021; Ord. No. O-128-23, 10-12-2023)

Sec. 30-135. Compliance schedule progress reporting.

The following conditions shall apply to the compliance schedule required by section 30-137(a):

(a) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

(b) No increment referred to above shall exceed nine months;

(c) The user shall submit a progress report to the director no later than 14 days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and

(d) In no event shall more than nine months elapse between such progress reports to the director.

(Ord. No. O-79-21, § 28, 6-10-2021)

Sec. 30-136. Reports on compliance with categorical pretreatment standard deadline.

Within 90 days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the director a report containing the information described in section 30-33 of this chapter. For users subject to equivalent mass or concentration limits established in accordance with the procedures in section 30-133(e), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with 40 CFR 403.12(e) [and] this chapter. All sampling will be done in conformance with section 30-129.

(Ord. No. O-79-21, § 29, 6-10-2021)

Sec. 30-137. Certification statements.

(a) *Certification of permit applications, user reports and initial monitoring waiver.* The following certification statement is required to be signed and submitted by users submitting permit applications in accordance with section 30-33, users submitting baseline monitoring reports under section 30-133(i), users submitting reports on compliance with the categorical pretreatment standard deadlines under section 30-134, users submitting periodic compliance reports required by section 30-134 and users submitting an initial request to forego sampling of a pollutant on the basis of section 30-134(f). The following certification statement must be signed by an authorized representative as defined in section 30-1:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

(b) *Annual certification for non-significant categorical industrial users.* A facility determined to be a non-significant categorical industrial user by the director pursuant to section 30-1 must annually submit certification statement signed in accordance with the signatory requirements in section 30-1. The certification must accompany an alternative report required by the director.

(c) *Certification of pollutants not present.* Users that have an approved monitoring waiver based on section 30-32(b) must certify on each report with a statement that there has been no increase in the pollutant in its wastestream due to activities of the user.

(Ord. No. O-79-21, § 30, 6-10-2021)

Secs. 30-138—30-160. Reserved.

ARTICLE VI. PUMPING AND TRANSPORTATION OF OTHER WASTEWATERS

DIVISION 1. GENERALLY

Sec. 30-161. Penalty.

The penalty for violation of this article shall be as follows:

(1) For the first violation, a fine of $100.00, loss of health department permit, unified government license and use of the unified government disposal site until the violation has been corrected and approved by the health officer or director.

(2) For the second violation, loss of health department permit, unified government license and use of the unified government disposal site for 30 days and a fine of $250.00. The permit, license and use will not be restored until the violation has been corrected and approved by the health officer or director.

(3) For the third or subsequent violation, loss of health department permit, unified government license and use of the unified government disposal site for one year and a fine of $500.00. The permit, license and use will not be restored until the violation has been corrected and approved by the health officer or director.

(Code 1988, § 30-238; Ord. No. O-46-05, § 1, 6-2-2005; Ord. No. O-79-21, § 31, 6-10-2021)

Sec. 30-162. Discharge fee.

Each septic hauler shall pay a discharge fee according to a schedule of fees established by the unified government board of commissioners. The fees shall be based on the fair market average for the services provided. The fees assessed for the discharge of wastewater must be paid within the period specified on the invoice. A late payment fee may be assessed on invoices that are not paid by the due date. The director will determine the amount of the late payment fee.

(Code 1988, § 30-240; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-163. Tank requirements.

(a) All tanks used in the cleaning of septic tanks, cesspools, pit-type toilets, and sanitary sewers:

(1) Shall be constructed of heavy gauge steel plate or aluminum.

(2) Shall be watertight and airtight.

(3) Shall have suction-type pumps with a maximum of four-inch valves with a minimum 20-foot lift, with 2½-inch suction hose attached thereto.

(4) Shall have a discharge line equipped with a leakproof valve with an elbow on the extension pipe, so as to drain directly into the disposal facility.

(b) Truck tanks used in hauling waste from septic tanks, cesspools, pit-type toilets, and sanitary sewers shall be airtight.

(c) All hoses and other equipment used in the cleaning of septic tanks, cesspools, pit-type toilets, and sanitary sewers shall be kept in enclosed cabinets on trucks.

(d) The capacity of all tanks on trucks cleaning septic systems must be certified by the health department.

(e) This section shall apply to all tanks used in all septic cleaning and hauling services.

(Code 1988, § 30-242; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-164. Maintenance of trucks and other equipment.

Trucks and other equipment requiring a permit under this article shall be kept as clean and sanitary as possible at all times.

(Code 1988, § 30-243; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-165. Disposal of waste material.

All waste material hauled by septic haulers shall be disposed in such place or places as may be approved by the director.

(Code 1988, § 30-244; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-166. Prohibition of disposal of hazardous and toxic wastes.

The discharge of hazardous or toxic wastes into the municipal sewer system by septic haulers is prohibited and will result in permanent revocation of the health department permit and the unified government license.

(Code 1988, § 30-245; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-167. Vehicle log.

Each vehicle permitted under this article, at all times while operating in the city, shall have in the vehicle a driver's log sheet. The driver shall complete the log when wastes are collected and are discharged to designated unified government facilities. Each driver shall keep the log current to the carried load. The log shall include the following information: type of tank and address serviced, volume collected, discharge time, discharge date, discharge location, and the driver's signature. At the end of each month, a legible copy of the log shall be provided to the director. The copy must be clean and safe to handle. The log shall contain information regarding the entire calendar month and must be received no later than ten calendar days after the end of the month.

(Code 1988, § 30-246; Ord. No. O-46-05, § 1, 6-2-2005; Ord. No. O-79-21, § 32, 6-10-2021)

Secs. 30-168—30-187. Reserved.

DIVISION 2. HEALTH DEPARTMENT PERMIT[5]

[5]Cross reference(s)—Licenses, permits, and miscellaneous business regulations, ch. 19.

Sec. 30-188. Required.

No person shall engage in the business of cleaning septic tanks, cesspools, pit-type toilets, or sanitary sewers, or carrying, hauling, or transporting over the streets of the unified government any wastewater or sludge from septic tanks, grease traps, cesspools, pit-type toilets, car/truck wash operations, chemical or petroleum processes, or sanitary sewer cleaning unless such person has a current occupational license and health department permit to engage in said activities.

(Code 1988, § 30-208; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-189. Application.

A health department permit required by this division shall be issued upon a written application filed with and approved by the health officer. Such application shall contain the following information at a minimum:

(1) The name of the applicant (hauling company and driver(s));

(2) The address of the applicant (hauling company);

(3) The phone number and email address of the applicant (hauling company);

(4) The license tag information for the vehicle;

(5) The types of wastewaters to be hauled;

(6) The tank capacity; and

(7) Other information deemed necessary by the health officer.

(Code 1988, § 30-209; Ord. No. O-46-05, § 1, 6-2-2005; Ord. No. O-79-21, § 33, 6-10-2021)

Sec. 30-190. Bond.

Each person engaged in any activity for which a health department permit is required by this division shall provide a bond to the unified government in the sum of $5,000.00 to ensure faithful compliance with this chapter. The form of the bond shall be approved by the chief counsel.

(Code 1988, § 30-210; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-191. Fee.

Prior to the issuance of the health department permit required by this division, each septic hauler shall pay a health department permit fee based on the health department permit processing and enforcement costs as set by the county administrator.

(Code 1988, § 30-211; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-192. Health department permit number; display of health department permit.

Each health department permit issued under this division shall be numbered, and the last two numbers shall represent the year for which the health department permit is issued. The health department permit shall be on board each vehicle operating in the city at all times and shall be made available for inspection by the health officer or a designated representative.

(Code 1988, § 30-212; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-193. Transfer; expiration.

No person shall transfer any health department permit issued under this division to any other person, and every health department permit shall expire on the first December 31 following the effective date.

(Code 1988, § 30-213; Ord. No. O-46-05, § 1, 6-2-2005)

Secs. 30-194—30-223. Reserved.

ARTICLE VII. PRIVATE ON-SITE WASTEWATER SYSTEMS

DIVISION 1. GENERALLY

Sec. 30-224. Definitions.

In addition to the words, terms and phrases elsewhere defined in this chapter, the following words, terms and phrases as used in this chapter shall have the following meanings:

Absorption field: a configuration of on-site trenches installed to absorb sewage effluent from a septic tank or other sewage solids removal device.

Absorption pit: a pit or hole in which gravel is placed, which receives sewage effluent.

Absorption trench: a trench that is laid to convey and distribute septic tank effluent.

Alternative on-site sewage management system: any on-site sewage management system which has been approved by the health department, and has proven reliability and performance in field use, but which differs in design or operation from approved conventional septic tank and absorption-field systems.

Approval or approved: accepted or acceptable by the health department in accordance with applicable specifications stated herein or with additional criteria accepted by the department.

Authorized representative: any employee of the unified government public health department who is designated by the health officer to administer this Code.

Available sewer: any public sewer within 200 feet of a building which is permitted by the owner of the public sewer to be connected to the public sewer system.

Board of county commissioners: the unified government board of commissioners.

Board of health: the unified government board of commissioners.

Chamber system: an absorption field that utilizes vaulted plastic chambers rather than gravel.

Composting toilet: a biological composting unit used for the disposal of human excreta.

Conventional on-site sewage management system: a system that includes a septic tank, absorption field, and all other elements intended to be used for management and disposal of sewage on-site.

Domestic sewage: sewage originating primarily from non-commercial kitchens, bathrooms, and laundry sources, including waste from food preparation, dishwashing, garbage grinding, toilets, baths, showers, and sinks.

Experimental or innovative on-site sewage management system: any on-site sewage management system which has been approved by the health department and is installed for testing and observation.

Floodplain: the 100-year floodplain.

Grade: the ratio of vertical drop of pipe invert, trench bottom, or ground surface to the horizontal distance transversed.

Grease trap: a device that captures grease in sewage and from which the grease may be removed for proper disposal.

Industrial or commercial wastes: any wastes produced as a by-product of any industrial or commercial process or operation, other than domestic sewage.

Installer license: an annual license issued by the health department authorizing an individual to install, construct, repair, or alter on-site sewage management systems in Wyandotte County, Kansas.

KDHE: the Kansas Department of Health and Environment.

Lateral rock: washed gravel or washed crushed stone ranging in size from three fourths inch to two inches in diameter (p. 12, KDHE Bulletin 4-2, or as amended).

Lot: the smallest basic portion of a subdivision or other tract of land, normally intended to be developed and transferred individually.

Multi-family building: any building intended to be occupied as living quarters by more than one family.

The following words and phrases, when used in this Code, shall have the meanings ascribed to them in this section, unless indicated otherwise.

Non-public water supply: all water supplies for domestic uses that do not meet the definition of public water supply.

Non-residential building: any building intended to be utilized for business, religious, or commercial purposes, which is not intended to be occupied by one or more persons as living quarters.

On-site sewage management system: a conventional, alternative, experimental, or innovative sewage disposal system which serves a single-family residential building or a single nonresidential building.

Package plant: an approved watertight structure installed underground to receive, agitate and aerate sewage from a building sewer, effecting separation and organic decomposition of sewage solids and discharging effluent to an absorption field.

Private water supply: any water supply line which is privately owned and not owned by a public water supply.

Public water supply: a system for delivery to the public of piped water for human consumption.

PVC: polyvinyl chloride.

Sanitary Code: rules, standards and regulations adopted by the unified government designed to minimize or control those environments and environmental conditions that may adversely affect the health and well-being of the public. Such environments and environmental conditions may include but are not restricted to: wastewater and wastewater disposal; water supply; food and food handling.

Septic tank: an approved watertight structure installed underground to receive sewage from a building sewer, effecting separation and organic decomposition of sewage solids and discharging effluent to an absorption field.

Sewage holding tank: a watertight receptacle used to contain domestic sewage discharged from a building which has a water supply and does not discharge to an on-site sewage management system or public sewer.

Sewage vault: a watertight receptacle used to contain sewage generated from a building which does not have a water supply and does not discharge to an on-site sewage management system or public sewer.

Single family residential building: any building intended to be occupied by one family as living quarters.

Toilet: a sanitary fixture meeting health department and plumbing code requirements for receipt and conveyance of human body wastes.

Water supply main: any water line, including the water meter, which is owned by a public water supply.

Water well: any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed when the intended use of such excavation is for the location, diversion, artificial recharge or acquisition of groundwater.

(Ord. No. O-51-18, § 1, 12-6-2018)

Sec. 30-225. Purpose.

The purpose of this article is to regulate the installation of private on-site wastewater systems to prevent the development of conditions that may adversely affect the health and well-being of the public.

(Code 1988, § 30-273; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-226. Violations.

It shall be unlawful for any person to violate any provision of this article or fail to comply with the requirements of this article. Any violation of any provision of this article shall be deemed a misdemeanor and punishable by a fine not less than $50.00 and not more than $500.00 for each offense. Each day's violation or failure to comply shall constitute a separate violation.

(Code 1988, § 30-274; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-227. Inspection and approval prerequisite to use.

No portion of a private on-site wastewater system shall be covered or placed in use until inspected and approved, in writing, by the health officer.

(Code 1988, § 30-275; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-228. Administrative and general.

(a) *Permit and license.*

(1) *Applications for permits and licenses.* All persons required by this Code to obtain a permit or license shall make application for such permit or license to the health department on standard forms provided for that purpose.

(2) *Issuance of permit or license.* After receipt of an application for a permit or license required by this Code, the health officer shall begin such investigations and inspections as he/she shall deem necessary to determine whether the permit or license should be issued or denied and shall issue or deny the permit or license within a reasonable period, depending upon information and data requested. If the permit or license is denied, the health officer shall send the applicant a written notice with the reasons for denial stated thereon.

(3) *Permit non-transferable.* No permit or license required by this sanitary code shall be transferable, nor shall any fees required and paid therefore be refunded.

(4) *Errors and omissions.*

a. The issuance of a permit shall not prevent the health department from thereafter requiring the correction of errors in plans and specifications or from preventing construction activity being carried on there under when such activity would be in violation of this Code or of any other code or resolution or from revoking any permit or license when issued in error.

b. The health department may, in writing, suspend or revoke a permit issued under provisions of this Code whenever the permit is issued in error or based on incorrect information provided by the applicant.

(5) *Standard fees.* For the purpose of defraying all or part of the costs of administration of this Code, the county administrator shall establish a schedule of fees for all permits and licenses required by the code, payable upon submission of the application for such permit or license.

(b) *Notices, orders.*

(1) *Notice of violations.* Whenever the health officer determines that there has been, or is likely to be, a violation of any provisions of this Code, he/she shall give notice of such alleged violation. The notice:

a. Shall be in writing;

b. Shall identify the code violation and the factual basis therefore;

c. Shall specify necessary corrective action;

d. Shall specify a reasonable period for performance of any corrective action and/or work required by the notice; and

e. Shall be properly served upon the owner or occupant of the premises; provided, that such notice shall be deemed properly served upon such owner or occupant when a copy thereof has been sent by registered or certified mail to the last known address of the owner or occupant as identified on the latest county tax rolls. If properly addressed and mailed, the failure of an owner or occupant to actually receive or sign for receipt of such notice shall not affect the validity of service of such notice.

The failure of the health officer to serve such a notice upon the owner or occupant shall not be a defense to any criminal prosecution for violation of any provision of this Code.

(2) *Emergency orders.* Whenever the health officer finds that an emergency exists which requires immediate action to protect the public health, he/she may, without notice or hearing, issue an order reciting the existence of such an emergency and require that such action be taken as he/she may deem necessary to meet the emergency, including the suspension of the permit. Notwithstanding any other provisions of this Code, such order shall be effective immediately and shall be enforceable in Wyandotte County District Court.

(c) *Records.* Permit applications. Applications for permits or licenses required by this Code shall be filed with the health department.

(d) *Disclaimer of liability.* This Code shall not be construed or interpreted as imposing upon the County or any city adopting this Code 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 this Code will function properly. In addition any employee charged with the enforcement of this Code, acting in good faith and without malice in the discharge of his or her duties, shall not thereby be personally liable and is hereby relieved from personal liability for damage

that may occur to any person or property as a result of any act required by this Code in the discharge of his or her duties.

(e) *Separability*. No decision of a court of competent jurisdiction declaring any section, subsection, paragraph, sentence, clause or phrase of this Code invalid, shall affect the remaining portion of this Code, which shall remain in full force and 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 section declared invalid would be so declared.

(Ord. No. O-51-18, § 2, 12-6-2018)

Editor's note(s)—Ord. No. O-51-18, § 2, adopted Dec. 6, 2018, enacted a new § 30-228 and renumbered the former § 30-228, pertaining to permits required, as § 30-229.

Sec. 30-229. Permits required.

(a) No person shall be issued a building permit without having first obtained from the health department a permit to construct an on-site sewage management system. A fee shall be charged by the health department for the on-site sewage management system permit.

(b) No person shall construct, repair or alter an on-site sewage management system without obtaining a construction permit for such purpose from the health department. No permit for the construction, repair or alteration of an on-site sewage management system shall be issued until the health department has inspected and approved the site and the proposed location and design of the on-site sewage management system. A fee shall be charged by the health department for the service. No on-site sewage management system constructed, altered or repaired may be covered totally or in part until it has been inspected and approved by the health department. The system may be inspected by the health department at any stage of construction. Permits for the repair, or alteration of an on-site sewage management system shall be valid for six months from the date issued. Permits for new construction of an on-site sewage management system shall be valid for one year from the date issued.

(c) All applicants, or agents for the applicants, will be required to sign an application form to acknowledge the on-site sewage management system must be inspected and installed according to the approved plan and requirements of the Wyandotte County Sanitary Code.

(d) No house or structure shall be occupied or used until a final inspection shows the on-site sewage management system has been approved by the health department.

(e) *Data requirements.*

(1) *Residential.* The following shall be submitted to and accepted by the Health Department before issuance of a permit to construct an onsite sewage management system:

a. An application form including the following: a) Name, address and phone number of applicant and owner. b) Location of building site, including legal description and number of bedrooms in the home.

b. A drawing of the lot or site, showing:

1. Overall dimensions of the lot.

2. Location of buildings, driveways and geographical features near the proposed absorption field.

3. Location and type of all water supplies, and location of all water service lines.

4. Layout of entire on-site sewage management system, including septic tank, absorption field, interconnecting lines, and/or any other components.

5. Location of foundation footing or any other non-sewage drain(s).

6. An arrow indicating north direction.

c. Other supportive data or information required by the health department.

(2) *Non-residential.* The following data shall be submitted to and accepted by the health department prior to issuance of a permit to construct an on-site sewage management system:

a. An application form including the following:

1. Name, address and phone number of applicant and owner.

2. Location of building site, including legal description with section, township and range.

b. A site plan of the entire property under development showing:

1. Overall dimensions of the lot, area in square feet.

2. Location of buildings, structures, driveways, parking, access roads, loading areas, receptacle locations, buffers, public and private easements and any geographical features near the proposed on-site sewage management system.

3. Location and type of all water supplies and location of all water service lines.

4. Layout of entire on-site sewage management system, including septic tank, absorption field, interconnecting lines, and/or any other components.

5. Location of foundation footing or any other non-sewage drain(s).

6. An arrow indicating north direction.

c. Other supportive data or information required by the health department, including but not limited to size of building, type of establishment, anticipated water usage and peak daily sewage flow, whether the sanitary facilities are for private and/or public use, an estimate of the maximum number of customers, employees, etc., all water-using equipment or appliances, the specific use of the facilities including identification of any industrial or commercial wastes that may be discharged from the building, existing and proposed topography, and proposed drainage.

(f) *Field data requirements.*

(1) *Water table borings.* Borings to determine groundwater elevation in low areas may be required by the health department. Borings shall be made to a minimum depth of seven feet. Water table elevations shall not be recorded until sufficient time has elapsed for stabilization of groundwater (such stabilization in clay soils may require several hours or overnight). Location, identification number and depth to water table shall be recorded on the plat or site plan which may indicate topography, if required. Other records of water table elevation, including seasonal peaks, may be submitted or required.

(2) *Rock borings.* Where surface outcroppings or subsurface rock or hard-pan exist or are suspected, a sufficient number of borings to a minimum depth of four feet may be required by the health department to determine if such conditions may interfere with installation, performance or repair of the proposed on-site sewage management system. Boring locations and data shall be recorded by number on the plat or site plan which may indicate topography, if required.

(3) Evidence of the presence of water in the borings shall negate the use of conventional on-site sewage management systems in that area. Innovative or alternative systems may be reviewed on an individual

basis. Evidence of rock in the borings may negate the use of a conventional on-site sewage management system in that area.

(4) Soil or groundwater test holes for an on-site sewage management system shall be required, reviewed, and approved by the director of the health department. Soil analysis and other field tests may be required. The number, depth and location shall be determined by the health department. If test holes are left unattended, they shall be "benched" for safety reasons (see Figure A).

(5) The location of the house must be staked or flagged as well as any other out planned or existing outbuildings.

(Ord. No. O-51-18, § 3, 12-6-2018)

Editor's note(s)—Ord. No. O-51-18, § 3, adopted Dec. 6, 2018, repealed the former § 30-229 and renumbered and amended § 30-228 as § 30-229, as set out herein. The former § 30-229 pertained to requirements for private on-site wastewater permits and derived from the Code of 1988, § 30-277; Ord. No. O-46-05, § 1, adopted June 2, 2005.

Sec. 30-230. Restrictions on private on-site wastewater permits.

No private on-site wastewater permit authorizing the construction, alteration or extension of a private on-site wastewater system shall be transferable. No authorization for construction of a new private on-site wastewater system granted by a private on-site wastewater permit shall be valid for more than 12 months from the date of issuance. Private on-site wastewater permits for altering or extending an on-site wastewater system shall be valid for no more than six months from the date of issuance.

(Code 1988, § 30-278; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-231. Inspections.

It shall be the duty of every person installing a new or altering a private on-site wastewater system to notify the health officer when the system is ready for inspection for compliance with approved plans and specifications, and no portion of a private on-site wastewater system shall be covered or otherwise made inaccessible for inspection until after it has been inspected and approved by the health officer.

(Code 1988, § 30-279; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-232. Correction of construction; revocation of private on-site wastewater permit.

(a) If any private on-site wastewater system is constructed not in accordance with approved plans and specifications, the health officer shall notify the permittee, in writing, wherein the construction does not conform to the approved plans and provide a reasonable time to make the needed corrections.

(b) Failure of any permittee to make the necessary corrections within the time period stipulated by the health officer shall render the private on-site wastewater permit null and void.

(Code 1988, § 30-280; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-233. Sewage generally.

(a) *Disposal of domestic sewage.*

(1) Foundation drain water or other non-sewage, or surface water must not go into the septic tank or on-site sewage management system. Only domestic sewage shall be permitted to discharge to an approved on-site sewage management system.

(2) No household, industrial or commercial wastes shall be discharged into any watercourse, impoundment, storm sewer or public thoroughfare. The discharge of sewage into cesspools, absorption pits, abandoned wells, cisterns, streams, or upon the surface of the ground shall be prohibited. In no case shall treated or untreated sewage, or the effluent from a septic tank or on-site sewage management system, be permitted to drain directly or indirectly into a ditch or stream, nor shall it be allowed to surface or run or drain across any adjacent land.

(3) In the event that a failure of an on-site sewage management system occurs, and it is determined by the health department that the system cannot be repaired, then either connection to a public sewer shall be made or a new approved on-site sewage management system shall be installed.

(4) On-site sewage management systems shall be maintained in sanitary condition by regular maintenance and/or repair.

(5) No two or more residential and/or non-residential buildings shall be connected to the same on-site sewage management system without written approval from the health department or KDHE.

(6) All onsite wastewater systems shall be designed, constructed and operated in accordance with standards set forth in KDHE Bulletin 4-2 "Minimum Standards for Design and Construction of Onsite Wastewater Systems" published March 1997, as amended, by KDHE and Kansas State University Agricultural Experiment Station and Cooperative Extension Service. KDHE Bulletin 4-2 is hereby adopted by reference and is included herein as an appendix to this Code.

(b) *Toilets.*

(1) Every newly constructed residential building shall be provided with at least one flush toilet in accordance with the provisions of this regulation.

(2) Flush toilets shall at all times be provided with sufficient water and pressure to provide adequate flushing.

(3) Composting toilets or electrically incinerating toilets may be approved by the health department on an individual basis only if the use of such devices does not create a public health nuisance.

(Ord. No. O-51-18, § 4, 12-6-2018)

Editor's note(s)—Ord. No. O-51-18, § 4, adopted Dec. 6, 2018, repealed the former § 30-233, and enacted a new § 30-233 as set out herein. The former § 30-233 pertained to appeals of health officer's orders and derived from the Code of 1988, § 30-281; Ord. No. O-46-05, § 1, adopted June 2, 2005.

Sec. 30-234. Alternative and experimental private on-site wastewater systems.

(a) *Consideration of alternative systems.* Where appropriate, and after thorough assessment of alternatives, the health department will consider alternative on-site sewage management systems and/or site modifications for conventional or alternative systems in areas of marginal suitability.

(b) *Priorities.* Priority consideration will be given to those proposals for alternative sewage disposal systems whose implementation may resolve existing sewage management problems.

(c) *Review and approval of alternative on-site sewage management systems.* Those desiring to install an alternative on-site sewage management system may be required to submit the following information to the health department:

(1) Plans and specifications including type and location of site modifications, along with any engineering, laboratory, or field data required.

(2) Provisions for a backup system, including reservation of undisturbed space.

(3) Any additional information required for complete understanding and decision formulation by the health department.

If the proposal for the system is approved, those making application will be informed by the Health Department of responsibilities for maintenance and of any monitoring procedures deemed appropriate by the health department. Reduction of water usage by installation of water conserving fixtures and devices may be required.

(d) *Experimental and innovative on-site sewage disposal systems.* The health department may consider proposals for the use of experimental and innovative on-site sewage management systems for testing and observation.

(e) The health department may require the alternative, experimental and innovative on-site sewage disposal systems to be designed by a professional engineer and may ask for review of the proposal by KDHE.

(f) *Maintenance requirements.* Any owners and/or operators of any alternative or experimental on-site sewage management systems permitted after the effective date of this Sanitary Code shall maintain a contract for, at a minimum, the annual inspection of the system and pertinent components and prescribed maintenance with a licensed installer, licensed maintenance technician, or representative of the manufacturer of the system. A copy of the inspection report, along with a report of any corrective actions taken as prescribed by the inspection report, shall be filed with the health department within 60 calendar days of the date of inspection.

(g) *Sewage lift pumps.* In the event that the sewage generated from a building or residence cannot be plumbed to an absorption field or sanitary sewer by gravity, then a sewage lift pump with the necessary appurtenances as determined by the health department may be required. The pump chamber must be sealed, odor proof and watertight.

(h) *Aeration systems (package plants).* The use of preassembled aeration systems, usually referred to as "package plants," may be approved by the health department. When used individually in a residential installation, their volume shall be equal to or greater than that required of a septic tank. The effluent shall be discharged to an absorption field as required for septic tanks. Their flow-through ability must not be affected by a power failure. If the effluent from the package plant is not discharged to an on-site sewage management system, then a permit is required from KDHE before the package plant can be installed.

(i) *Cesspools and absorption pits.* Cesspools and absorption pits shall be prohibited for new or permanent installations.

(j) *Portable toilets.* Portable toilets equipped with holding or storage tanks, chemical or otherwise, shall be prohibited except on a temporary basis as determined acceptable by the health department. Portable holding tanks serving camping, recreation vehicles, and boats are acceptable.

(k) *Sewage holding tanks.*

(1) Sewage holding tanks shall be permitted only for commercial businesses on a case-by-case basis determined by the health department, and only when it is not possible or feasible to utilize any other type of on-site sewage management system or connect to any public sewer. A written permit for the use of any sewage holding tank shall be required by the health department. The health department retains the right to revoke any said written permit at any time.

(2) All sewage holding tanks shall be pumped out by septage waste haulers who have been licensed by the health department.

(3) All sewage holding tanks shall be a minimum of 1,500 gallon capacity and shall be equipped with an alarm system which alerts the owner and or operator before the sewage holding tank causes overflow of septage onto the surface of the ground, or backup of septage into the building it serves.

(l) *Sewage vaults.* Sewage vaults shall be permitted by the health department on a case-by-case basis. Sewage vaults may be permitted for camping or recreational areas. All sewage vaults shall be a minimum of 1,000 gallon capacity and shall be pumped out by septage waste haulers who have been licensed by the health department. A permit shall be required for the construction of a sewage vault. No water supply shall be connected to the sewage vault.

(m) *Sanitary privies.* No person, company, or corporation or institution shall excavate, drill, construct or use or permit to be constructed or used any well, pit mine shaft or subsurface excavation for the disposal of untreated or inadequately treated domestic sewage.

(Code 1988, § 30-282; Ord. No. O-46-05, § 1, 6-2-2005; Ord. No. O-51-18, § 5, 12-6-2018)

Sec. 30-235. Installer license required.

(a) No person shall install, construct, repair, or alter an on-site sewage management system without having first obtained an annual installer license from the health department. An annual fee shall be charged by the health department for the license.

(b) An installer license may be issued to a commercial contractor or homeowner. A homeowner shall install, repair, or alter an on-site sewage management system located on his/her property only.

(c) A licensed installer shall be on site at all times when an on-site sewage management system is being installed, constructed, repaired, or altered.

(d) The licensed commercial contractor shall be responsible for informing the property owner regarding recommended maintenance of an on-site sewage management system that the contractor installs, repairs, or alters.

(e) No person shall receive an installer license from the health department without having first passed a written examination. A minimum of 70 percent of the answers on the written examination shall be answered correctly to receive the installer's license.

(f) Written examinations may be taken at any time during the calendar year. Any person wishing to take a written examination may do so by making an appointment with the health department. There will be a test fee for taking the examination.

(g) Annual licenses shall expire on December 31 of the calendar year in which they are issued. The annual license fee shall be the same for any fraction of the year as for the entire year.

(h) Installer license revocation. A license may be revoked for continued failure to comply with the requirements of this Sanitary Code.

(Ord. No. O-51-18, § 6, 12-6-2018)

Sec. 30-236. Septic tanks.

(a) All septic tanks shall be designed and constructed according to the specifications set forth by the Kansas Department of Health and Environment's Bulletin 4-2.

(b) There shall be no permanent structure (patio, building, driveway, etc.) over the tank, lateral or other part of an on-site wastewater system (p. 6, KDHE Bulletin [4-2], or as amended).

(c) All abandoned or unused septic tanks, cesspools, seepage pits, or other holes that have received wastewater shall be emptied and plugged following procedures described in K-State Research and Extension bulletin MF-2246 (p. 6, KDHE Bulletin 4-2, or as amended).

(d) Compacting of the absorption field during placement of the septic tank shall be avoided (p. 9, Bulletin 4-2, or as amended).

(e) Where natural soil is not suitable, tanks shall be placed on a bed of at least four inches of sand, pea gravel, or crushed non-corrosive granular material. Material shall be no larger than two inches in diameter (p. 9, KDHE Bulletin 4-2, or as amended).

(f) Septic tanks shall be watertight (p. 7, KDHE Bulletin 4-2, or as amended).

(g) Special considerations for fiberglass, fiberglass reinforced polyester, and polyethylene tanks (p. 9, KDHE Bulletin 4-2, or as amended):

(1) All tanks shall be sold and delivered by the manufacturer completely assembled.

(2) Tanks shall be structurally sound and support external forces as specified above when empty and internal forces when full. Tanks shall not deform or creep resulting in deflection more than five percent in shape as a result of loads imposed.

(3) Tanks and all below grade fittings and connections shall be water tight.

(4) Plastic tanks shall not be used in high or seasonally high water tables (p. 10, KDHE Bulletin 4-2, or as amended).

a. Fiberglass or plastic septic tanks shall be installed according to the manufacturer's specifications to ensure that the installation will not void the manufacturer's warranty.

(h) *Location*. The septic tank shall be located as set forth in Table I. No septic tank shall be installed after the effective date of this Sanitary Code within:

(1) Ten feet of any house or other building.

(2) Twenty-five feet of any public water main, water meter (p. 4, KDHE Bulletin 4-2, or as amended), or in-ground swimming pool.

(3) Fifty feet of any private water well, surface water course, creek bank, stream, pond, river, or lake (p. 4, KDHE Bulletin 4-2, or as amended).

(4) One hundred feet of any public water supply well or suction line (p. 4, KDHE Bulletin 4-2, or as amended).

(5) Any floodplain.

(6) The health department, after site inspection, may stipulate greater separation than cited herein, due to adverse on-site conditions including location of a well on-site or nearby, site configuration or structural placement, sub-surface soil characteristics, and/or groundwater interference.

(i) *Capacity*. The minimum liquid capacity of septic tanks shall be sized as follows, (p. 6, Table 7, KDHE Bulletin 4-2, or as amended):

1 to 3 bedrooms: 1,000 gallons

4 bedrooms: 1,200 gallons

5 bedrooms: 1,500 gallons

(j) *Foundation and backfill.* Septic tanks shall be installed level on a foundation that will prevent settling. Where natural soil is not suitable, tanks shall be placed on a bed of at least four inches of sand, pea gravel, or

crushed non-corrosive granular material. Material shall be no larger than two inches in diameter (p. 9, KDHE Bulletin 4-2, or as amended). Backfill shall be free of voids, stumps, broken masonry or other such materials. The lid of the tank shall be covered with earth.

(k) *Access and inspection.* Septic tanks shall have an access manhole with 20 inches minimum dimension for each compartment that shall extend to the surface of the ground. When any opening larger than eight inches extends to the surface, that opening shall be child and tamper-resistant. Ways to accomplish this include lids weighing at least 65 pounds, locks, or anchors that are not removable without special tools (p. 8, KDHE Bulletin 4-2, or as amended).

(l) *Inlet pipe.* The inlet invert should be located at least three inches above the liquid level in the tank. A vented inlet tee shall be used to divert the incoming sewage downward. It shall extend at least 12 inches below the liquid level, but the penetration must not be greater than that provided by the outlet device.

(m) *Outlet pipe.* The outlet device shall extend 18 inches below the liquid surface. A vented outlet tee shall be provided.

(n) *Sealed.* A watertight seal shall be made around the inlet and outlet pipes with a rubber gasket or bonding compound that will adhere both to the concrete septic tank and the exterior surfaces of the inlet and outlet pipes. The lid shall be sealed to the walls of the tank. Any holes in the tank shall be sealed so that the tank is watertight.

(o) The top of the septic tank shall be a maximum of 12 inches from the finished grade (KDHE Bulletin 4-2, p. 7, or as amended).

Septic tanks are illustrated in Figure B.

(Ord. No. O-51-18, § 6, 12-6-2018)

Sec. 30-237. Absorption fields.

(a) *Area computation.* The following criteria shall be used to determine the amount of absorption field required:

(1) *Single family residential buildings.*

a. *Alternative systems.* Alternative systems which have been approved by the health department may be required if either or both of the following conditions are present:

1. Heavy clay: the soil type in the absorption site is a heavy clay series (as determined by the USDA Soil Survey of Wyandotte County), with or without slope; or

2. Slowly permeable soil with level surface area: the soil type in the absorption site is of any slowly permeable soil series (0.2 inches per hour or less, as determined by the USDA Soil Survey of Wyandotte County) and the undisturbed absorption site has a level surface area.

b. *Conventional septic tank-lateral field systems.*

1. Conventional sequential step-down septic tank-lateral field systems may be utilized in sloping, slowly permeable soils. The absorption field in those conditions shall be sized as listed below:

Number of bedrooms	1	2	3 or more	For each bedroom beyond 3
Square feet of absorption trench	500	1,000	1,500	+ 500

Linear feet of 3' wide trench	167	334	500	

2. Conventional septic tank-lateral field systems may be utilized in sloping or level moderately to rapidly permeable soils (as determined by the USDA Soil Survey of Wyandotte County). The absorption field in those conditions shall be sized as listed below:

Number of bedrooms	1	2	3 or more	For each bedroom beyond 3
Square feet of absorption trench	400	800	1,200	+ 400
Linear feet of 3' wide trench	134	267	400	

(2) *Non-residential buildings.* Requirements for the size of absorption field shall be determined by the health department. Professional manuals such as the EPA Design Manual, International Plumbing Code, or the Uniform Plumbing Code may be referred to for guidance to help determine adequate sizing. When expected non-farm water usage exceeds 10,000 gallons per month, the owner(s) of the establishment shall construct a dual absorption field system according to health department regulations.

(3) *Multi-family buildings.* Requirements for the size of absorption fields which will serve multi-family buildings (i.e., group homes, foster homes, etc.) shall follow the same sizing requirements as for a single-family residence. When expected non-farm water usage exceeds 10,000 gallons per month, the owner(s) of the establishment shall construct a dual absorption field system according to health department regulations.

(4) *Existing buildings.* Absorption fields constructed or repaired which serve existing buildings shall follow the same absorption field sizing requirements as newly constructed buildings whenever possible. When site or area constraints will not allow adequate area to accomplish sizing requirements for new construction, then absorption fields shall be sized as large as physically possible to meet the same requirements as that of new construction. All other requirements for septic tank and absorption field construction and installation shall be required as stated within these regulations.

(5) *Other.* The absorption field size shall be determined by the Health Department based on the anticipated loading, water use, and sewage produced. A minimum of 300 lineal feet of absorption trench shall be required.

(b) *Absorption field location restrictions.* Unless otherwise approved by the health department, the absorption field shall be located as set forth in Table 1. Unless otherwise approved by the health department, no part of an absorption field installed after the effective date of this Sanitary Code shall be located within:

(1) Ten feet of any private water line, septic tank, foundation drain, buried utility line, driveway, property line, or drop-off.

(2) Twenty-five feet of any house or other building, water meter (p. 4, KDHE Bulletin 4-2, or as amended), or public water main.

(3) Fifty feet of any in-ground swimming pool, surface water course, creek bank, stream, river, pond, or lake (p. 4, KDHE Bulletin 4-2, or as amended).

(4) One hundred feet of any water well.

(5) Absorption fields shall not be installed in the floodplain nor where groundwater or adverse geological formations may interfere with the absorption of treated sewage or result in the contamination of groundwater by sewage.

(6) The health department may require that a licensed surveyor stake or flag the floodplain in areas where it is difficult to determine floodplain locations.

(7) Absorption fields shall not be installed in areas subject to excessive surface water, ponding, or runoff, including but not limited to storm water and discharge from building gutters.

(8) No absorption field, or any portion thereof, shall be placed within any fill material unless such fill material is specifically approved in writing by the health department prior to installation of the absorption field. Installation of any absorption field within fill material not approved by the health department may be cause for revocation of the onsite sewage management system construction permit.

(9) The health department, after site inspection, may require variations of these distances due to adverse conditions relative to topography, subsurface soil characteristics, and/or groundwater sources. No part of the absorption field shall be covered by buildings or pavement or be used for vehicular traffic or parking.

Table 1 — Absorption Field Location Restrictions		
Minimum Horizontal Distance Required (Feet)		
From:	to Septic Tank	to Absorption Field
House or other building	10	25
Private water line (p. 4, KDHE Bulletin 4-2, or as amended)	10	10
Absorption trench	10	—
Septic tank	—	10
Foundation drain	10	10
Buried utility line	10	10
Driveway	10	10
Property line	10	10
Drop-off	10	10
Public water main	25	25
Water meter (p. 4, KDHE Bulletin 4-2, or as amended)	25	25
Cistern	50	50
In-ground swimming pool	25	50
Private water well	50	100
Surface water course, creek bank, stream, river, pond, or lake (p. 4, KDHE Bulletin 4-2, or as amended)	50	50
Public water supply well or suction line (p. 4, KDHE Bulletin 4-2, or as amended)	100	100

(c) *Site preparation.* The area in which the on-site sewage management system is proposed to be constructed shall not have any of the original topsoil removed from the area without specific written approval from the

health department. Removal of topsoil from the area may be cause for revocation of the on-site sewage management system construction permit.

(d) *General requirements for design and construction of absorption fields.*

(1) An absorption trench shall not exceed 100 feet in length from where it is fed unless specific approval is given by the health department.

(2) Absorption trenches shall be between 27 inches and 39 inches in depth.

(3) The trench shall be 36 inches wide, unless otherwise specifically approved by the health department.

(4) Installation of absorption trenches must be along contour lines that the level trenches of uniform depth can be constructed unless otherwise specifically approved by the health department.

(5) There shall be a minimum of 12 inches of earth cover over the lateral rock or chamber system and a maximum of 24 inches of earth cover over the lateral rock or chamber system.

(6) Excavation for absorption trenches in wet clay soils and smearing of trench walls and bottoms shall be avoided since reduced permeability may result and approvals may be voided thereby.

(7) The ground surface of the absorption field area shall be so graded as to prevent the accumulation of surface water and to minimize the flow of surface water over the absorption field. Test holes, diverter ditches or flow control devices will be required under some circumstances. It may be necessary to prepare the ground for the absorption field, such as by removal of rocks, trees, or replacement of soil. The health department may require that the preparation work for the absorption field be inspected and approved prior to the installation of the absorption field.

(8) There shall be a minimum of four feet between the bottom of the absorption trench and any groundwater table.

(9) There shall be a minimum distance of 12 feet between absorption trench sidewalls, or 15 feet between trench centers, unless specifically approved by the health department.

(e) *General requirements for field layout methods.*

(1) *Sequential step-down or "overhead" conventional system.* This method is well suited to terrain with a slope. In this system, effluent is not distributed equally to all the absorption trenches. Instead, the trenches are filled sequentially, and diversion to the next trench does not occur until the fluid level in the preceding trench reaches slightly above the top of the rock fill or chamber system.

a. The overhead distribution line must be connected toward the center of each absorption trench, unless specifically approved by the health department.

b. The overhead distribution line must be set on a firm foundation of undisturbed earth or compacted earth or sand. Gravel shall not be placed beneath the overhead line.

c. The sequential system is illustrated in Figure C.

(2) *Level field conventional system.* On flat terrain the level field method may be used. When this method is used, all distribution trenches shall be installed level and at the same elevation, shall not exceed 100 feet in length, and shall be connected at the ends to form a continuous system. A standard tee fitting shall be used to distribute treated sewage. A standard tee fitting shall be used to affect a juncture of the ends of any three distribution lines. The level field method is illustrated in Figure D.

(f) *Additional requirements for absorption fields utilizing lateral rock.* The following requirements are in addition to all other requirements noted within these regulations:

(1) A 15-inch depth of three-fourths to two-inch (p. 12, KDHE Bulletin 4-2, or as amended) washed lateral rock (i.e., aggregate) shall be provided in the bottom of the trench (as detailed in [subsection (3)] below).

(2) Perforated pipe shall be laid in the center of the lateral rock. Perforations shall be oriented toward the bottom of the trench.

(3) Lateral rock shall be placed under the perforated pipe to a minimum depth of six inches and shall extend the full length of the trench. Five inches of lateral rock shall cover the perforated pipe.

(4) A continuous layer of permeable material shall be placed over the lateral rock before backfilling with the earth cover. The permeable material shall be four to six inches of hay or straw, or another material approved by the health department.

(g) *Additional requirements for absorption fields utilizing chamber systems.* The following requirements are in addition to all other requirements noted within these regulations:

(1) Inspection ports may be required by the health department for monitoring purposes.

(2) The end plates of each chamber trench shall be constructed of plastic, made by the manufacturer of the chamber system, and shall be securely fastened to the chambers with screws.

(3) All chamber systems located in sandy soils shall be required to have washed lateral rock, hay, straw, or filter fabric placed between the excavated trench and the outside sidewalls of the chamber units to prevent infiltration of soil into the chamber units.

(4) The overhead distribution pipe shall be fed into the top of the chamber (unless otherwise specifically approved by the health department) with a standard PVC tee fitting. The PVC tee shall extend downward midway into the depth of the chamber.

(Ord. No. O-51-18, § 6, 12-6-2018; Ord. No. O-79-21, § 34, 6-10-2021)

Sec. 30-238. Connections.

(a) *Size of sewage conduits*. Sewage conduits connecting component parts of on-site sewage management systems shall be a minimum of four inches in diameter.

(b) *Materials*. All pipe and fittings used in sewage conduits and/or in absorption fields shall meet nationally-recognized standards for their designated use, such as standards published by the American Society for Testing and Materials or the National Sanitation Foundation and shall have been approved by the health department for use in on-site sewage management systems. Sewage conduits under driveways or similar areas of load or impact shall be of material capable of withstanding maximum anticipated loads. All perforated sewer pipe shall be constructed of PVC and shall be marked to indicate it meets or exceeds a 3,000 pound "crush test" rating. All non-perforated sewer pipe shall be constructed of PVC. All non-perforated sewer pipe from the building to the septic tank, and the first ten feet exiting the septic tank, shall be marked to indicate it meets or exceeds a Schedule 40" pipe or heavier (p. 8, KDHE Bulletin 4-2, or as amended). All non-perforated sewer pipe beyond that point shall be marked to indicate it meets or exceeds an SDR-35 or 3,500 pound "crush test" rating. Construction. Sewage conduits (other than perforated pipe used in absorption fields) shall be installed with sealed, watertight, root-resistant joints and shall be laid on a firm foundation. This shall not be subject to settling and shall be installed at a grade not less than one-eighth inch per foot. All pipe from the structure to the absorption field shall be laid "bells up" if bell-and-spigot pipe is used.

(c) *Cleanouts*. Cleanouts shall be placed outside the building at the junction of the building drain and building sewer and at intervals not to exceed 100 feet between the building and septic tank.

(d) The building sewer shall not cross above or below any private water line and shall be a minimum horizontal distance often ten feet from a private water line (p. 4, KDHE Bulletin 4-2, or as amended). The building sewer shall be covered by a minimum of 12 inches of soil.

(e) The building sewer shall not cross above or below any public water main and shall be a minimum horizontal distance of 25 feet from any public water line or water meter (p. 4, KDHE Bulletin 4-2, or as amended), unless written approval is granted by the public water supplier.

(Ord. No. O-51-18, § 6, 12-6-2018)

Secs. 30-239—30-261. Reserved.

DIVISION 2. SPECIAL REQUIREMENTS

Sec. 30-262. Location.

(a) No new private on-site wastewater system shall be constructed, or any permit issued authorizing any such construction, if the lot or tract of ground does not meet all of the following requirements:

(1) The lot has an area of one acre or more (one-half acre or more if platted prior to December 1, 1991), and subsurface absorption field is approximately centered with lot width, except as otherwise provided in subsection (b) of this section.

(2) The structure served by the proposed private wastewater system is located greater than 200 feet from a public lateral sanitary sewer, which crosses any portion of the property or is contained in a public right-of-way that abuts the property.

(3) A soil profile analysis is necessary to determine the existence and location of formations and to determine the suitability of the soil for a septic tank system. Such profile analysis shall be performed by the unified government public health department or its authorized representative. The soil profile analysis shall be performed substantially in conformance with this section.

a. *Site conditions.* The following conditions shall be noted:

1. The soil texture and structure shall be analyzed to a depth of four feet.

2. The depth to the groundwater table, if encountered.

3. The depth to soil mottles, if encountered, which indicate a seasonal water table zone.

4. The depth to the bedrock, if encountered.

b. *Site tests.* At least three soil profile analysis holes will be conducted at the proposed sewage treatment site.

c. *Suitability of soil.* The purpose of the analysis is to determine the suitability of the soil for the absorption of effluent and the leaching area required. The soil must have an acceptable drainage rate without interference from ground water or bedrock below the level of the absorption system. In general, the following conditions shall be met:

1. There shall be a maximum of 24 inches of coverage over lateral lines.

2. The minimum distance to the ground water table shall be at least four feet below the bottom of the absorption trench.

3. Bedrock shall be at a depth greater than four feet below the bottom of the absorption trench.

4. The natural slope of the land shall be less than 20 percent.

(4) The normal level of the groundwater is more than ten feet below the surface of the ground and more than four feet below the bottom of the trench.

(5) There is a minimum of six feet of pervious topsoil above any rock or impervious formation, or there is at least four feet of pervious formation below the bottom of the trench.

(6) The lot is not subject to inundation with floodwaters, nor is it located in a low, poorly drained, swampy area.

(b) The health officer may grant a variance to these requirements on a case-by-case basis after consideration of the quality of soil, length of lateral system, water saving devices, size of the tank, topography, conformance with community practice, and future sewer extension plans. In order to obtain such a variance, the property owner must submit a report from a professional engineer which recommends a certain system and states the reasons why, in the engineer's professional opinion, it is an adequate system. If, in the opinion of the health officer, the system proposed is adequate and there will be no degradation of surrounding properties, a variance may be granted.

(Code 1988, § 30-301; Ord. No. O-46-05, § 1, 6-2-2005; Ord. No. O-51-18, § 7, 12-6-2018)

Sec. 30-263. Minimum separation.

No septic tank subsurface absorption system shall be constructed, nor shall any permit for such construction be issued, if:

(1) Any portion of the system is located less than 50 feet from any water well or pump suction line.

(2) Any portion of the system is less than ten feet from a property line.

(3) Any portion of the system is located less than ten feet from a foundation wall.

(4) Any portion of the system is less than ten feet from a pressurized waterline.

(Code 1988, § 30-302; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-264. Limitations in quantity of sewage or waste to be treated.

No on-site wastewater system shall be constructed or approved for disposal of sewage from any property that produces or is expected to produce sewage or industrial wastes in quantities in excess of 5,000 gallons per day.

(Code 1988, § 30-303; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-265. Design and construction.

All conventional private on-site wastewater systems shall be constructed and designed to comply with the following requirements:

(1) *Materials.* The septic tank shall be constructed of structurally sound, reinforced concrete and shall be watertight. Use of other materials may be permitted, if, in the opinion of the health officer, they are equal to, or better than, reinforced concrete.

(2) *Liquid capacity.* The minimum liquid capacity shall be two and one-half times the daily wastewater flow using 150 gallons per bedroom or 1,000-gallon tank, whichever is greater.

(3) *Liquid depth.* The tank liquid depth (distance from outlet invert to bottom of tank) shall be at least three feet but shall not exceed six and one-half feet.

(4) *Inlets.* The invert of the inlet shall be located at least three inches above the invert of the outlet. The inlet shall be provided with a tee-fitting or baffle, which shall extend at least six inches below the liquid level and above the liquid level to one inch below the top of the tank lid.

(5) *Outlet baffles.* There shall be a baffle or tee-fitting at the outlet end of the tank. The baffle or tee-fitting shall extend at least eight inches above the liquid level and 18 inches below the liquid level in the tank.

(6) *Air space.* At least ten inches of air space shall be provided between the top of the liquid level and the bottom of the tank lid.

(7) *Access.* Septic tanks shall have an access manhole with 20 inches minimum dimension for each compartment. All below grade attachments to the tank, fittings, risers, extensions and lid shall be watertight. The manhole shall be child and tamper resistant; lids weighing at least 65 pounds, locks or anchors that are not removable without special tools may be used to accomplish this.

(8) *Minimum cover.* The top of the tank shall not be located less than four inches below finish grade.

(9) *Inspection risers.* Risers no larger than six inches in diameter shall extend to the surface grade and be centered over the inlet and outlet tees.

(10) *Inlet/outlet inserts.* All septic tanks shall be manufactured with a flexible insert for the inlets and outlets.

(11) *Subsurface absorption field.* The subsurface absorption field shall be designed and constructed to conform with the standards in this section.

(12) *Area.* No subsurface absorption field shall have less than 500 square feet of effective absorption area. The health officer may increase the effective absorption area required based upon the percolation test and potential water usage.

(13) *Minimum trench width.* The absorption trench shall be of uniform width and shall not be less than 24 inches or more than 36 inches wide.

(14) *Maximum trench length.* No single trench shall be more than 100 feet in length.

(15) *Trench spacing.* Absorption trenches shall have at least 12 feet of undisturbed soil between them.

(16) *Depth of trenches.* No absorption trench shall be less than 27 inches or more than 39 inches deep unless approved in writing by the health officer.

(17) *Trench bottom.* The bottom of the trench shall be level from end to end.

(18) *Gravel.* A minimum of 15 inches of clean gravel or crushed stone three-fourths inch to two inches in size shall be placed in all absorption trenches.

(19) *Lateral trench.* A lateral trench shall be installed on top of at least six inches of clean gravel, sized from three-fourths inch to two inches. Perforated pipe shall be laid on the top of and in the center of the six inches of clean gravel. An approved standard trench pipe of rigid PVC ten feet in length shall be used. The pipe shall be covered with six inches of the same type of clean gravel. All pipe shall be four inches in diameter and have at least a 3,000-pound crush rating.

(Code 1988, § 30-304; Ord. No. O-46-05, § 1, 6-2-2005; Ord. No. O-51-18, § 8, 12-6-2018)

Secs. 30-266—30-293. Reserved.

DIVISION 3. BUILDING SEWERS

Sec. 30-294. General requirements.

Installation of building sewers shall comply with the plumbing code and other technical standards adopted by or contained in chapter 8.

(Code 1988, § 30-322; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-295. Work in right-of-way.

In addition to the general requirements, installation of building sewers located in the public right-of-way or utility easements are subject to technical requirements adopted by the director.

(Code 1988, § 30-323; Ord. No. O-46-05, § 1, 6-2-2005)

Secs. 30-296—30-323. Reserved.

ARTICLE VIII. STORMWATER AND SURFACE WATER UTILITY

Sec. 30-324. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Base charge means the charge established by an ordinance setting or amending the storm and surface water utility fee that will be charged to every property.

Bonds means revenue or general obligation bonds or notes heretofore or hereafter issued to finance the costs of improvements.

BPU means the board of public utilities, an administrative agency of the unified government.

Certificate of occupancy means a certificate issued by the office of central inspection that permits a newly constructed or a new addition to a residential developed property or nonresidential developed property to be occupied.

City means all of the territory of Wyandotte County, except the territory of the cities of Bonner Springs, Edwardsville, and Lake Quivira and the unincorporated area of Wyandotte County.

Costs of capital improvement means costs incurred in providing capital improvements to the storm and surface water management system or any portion thereof including professional services and studies connected thereto; payment of principal and interest on bonds heretofore or hereafter issued, including payment of delinquencies of principal and interest due on bonds that are otherwise payable from special assessments or any other source of revenue; studies related to the operation of the system; and the costs of the rate study performed in relation to establishing rates for the storm and surface water utility and other start-up costs of the storm and surface water utility; costs related to the National Pollution Discharge Elimination System permit and any studies

associated therewith as mandated by federal laws and regulations; and costs associated with purchasing equipment, computers, furniture, etc., that are necessary for the operation of the utility.

Debt service means an amount equal to the sum of (i) all interest payable on bonds during a fiscal year, plus (ii) any principal installments payable on such bonds during such fiscal year.

Director means the person appointed by the county administrator to be the director of the storm and surface water utility.

Dwelling unit means a singular unit providing independent living facilities for one or more persons in a single-family, duplex, multifamily or condominium residential property.

Exempt property means public rights-of-way, public streets, public alleys and public sidewalks.

Extension and replacement means costs of extensions, additions and capital improvements to, or the renewal and replacement of capital units of, or purchasing and installing of equipment for, the storm and surface water management system, or land acquisition and relocation costs for the storm and surface water management system and any related costs thereto, or paying extraordinary maintenance and repairs, including the costs of capital improvements or any other expense that is not costs of operation and maintenance or debt service.

Fiscal year means a 12-month period commencing on the first day of January of any year.

Impervious area or *hard surface area* means the number of square feet of surface areas over which the open pore structure of the soil is covered, compacted or chemically sealed by human activity in a manner which either prevents or retards the entry of water into soil mantle, as it entered the unmodified soil with vegetative cover, and/or causes water to run off the surface in greater quantities or at an increased rate of flow than from the unmodified soil with vegetative cover. Impervious area will include, but is not limited to, roofs, roof extensions, patios, porches, driveways, sidewalks, pavement, athletic courts, and compacted dirt or graveled areas. For the purpose of calculating storm water utility fees, natural rock outcrops, permanent pools of water, gravel landscape mulch, gravel railroad track ballast, playground sand and riparian sand flats will not be included in the calculation of impervious area.

Impervious area charge means the monthly impervious area charge, calculated per the impervious area rate established by an ordinance setting or amending the storm and surface water utility fee.

In lieu of franchise fee means a fee of not to exceed five percent of gross revenues of the utility that is imposed by the unified government commission and that is paid to the city for use of public streets, alleys, sidewalks, and other public rights-of-way from revenues as if the utility was a person, firm or corporation using public rights of way pursuant to K.S.A. 12-2001 et seq.

Non-residential property means any property other than single-family residential property.

Non-residential storm water customer means a customer whose electric utility account with BPU is classified as non-residential.

Operating budget means the annual storm and surface water utility operating budget adopted by the unified government for the succeeding fiscal year.

Operations and maintenance means without limitation the current expenses, paid or accrued, of operation, maintenance and current repair of the system, as calculated in accordance with sound accounting practice, and includes, without limiting the generality of the foregoing, insurance premiums, administrative expenses, equipment costs, in lieu of franchise fee payments, labor costs, and the cost of materials and supplies used for current operations.

Property means land, buildings, and other improvements together considered as a parcel as identified by the tax parcel established by the county appraiser.

Revenues means all rates, fees, assessments, rentals, fines, penalties, interest, or other charges or other income received by the storm and surface water utility in connection with the ownership, management and operation of the storm and surface water management system, including amounts received from the investment or deposit of monies in any fund or account, as calculated in accordance with sound accounting practice.

Residential storm water customer means a customer whose electric utility account with BPU is classified as residential.

Service area means all of the area which is contained within the boundaries of the municipal limits of the city of Kansas City, Kansas except for the area contained within the boundaries of the Fairfax Drainage District.

Single-family residential property means a property with up to four dwelling units.

Storm and surface water management system,sewer system or *system* means storm sewers that exist at the time the ordinance codified in this chapter is adopted or that are hereafter established and all appurtenances necessary in the maintaining and operating of the same, including, but not limited to, pumping stations, main sewers, intercepting sewers, lateral sewers, outfall sewers, surface drains, street, curb and alley improvements associated with storm or surface water improvements, natural and manmade wetlands, channels, ditches, rivers, streams, detention and retention ponds and basins and other flood control facilities and works for the collection, transportation, pumping, treatment, and disposing of storm or surface water and pollutants born or carried in such waters.

Storm and surface water utility or *utility* means the utility created by this chapter to operate, regulate, maintain and improve the storm and surface water management system and for such other purposes as are set forth in this chapter.

Storm water utility fee or *storm water user fees* means a service fee authorized by Charter Ordinance CO-04-08, this chapter and as set forth in an ordinance adopted or amended by the unified government commission that is established to pay operation and maintenance, extension and replacement and debt service associated with the storm and surface water management system.

Storm water customer means the person, partnership, corporation, public agency, or other entity who occupies, controls, possesses, and/or owns, benefits from property and to whom storm water utility fees are billed as provided herein.

Unified Government means the Unified Government of Wyandotte County/Kansas City, Kansas.

Unified government commission means the governing body of the unified government.

(Ord. No. O-56-08, § 1(30-324), 7-31-2008; Ord. No. O-79-21, § 35, 6-10-2021; Ord. No. O-121-21, § 1, 9-9-2021; Ord. No. O-157-22, § 1, 11-3-2022)

Sec. 30-325. Stormwater and surface water utility.

Pursuant to the provisions of K.S.A. 12-3101 et seq., as modified by Charter Ordinance No. CO-4-08, the unified government commission does establish a stormwater and surface water utility and stormwater and surface water management system for the operation, regulation, construction, maintenance and repair of a stormwater and surface water management system and stormwater and surface water utility.

(Ord. No. O-56-08, § 1(30-325), 7-31-2008)

Sec. 30-326. Findings and determinations.

It is found, determined, and declared that the elements of the stormwater and surface water management system which provide for the collection, treatment and disposal of stormwater and surface water are of benefit

and provide services to property within the city. The beneficiaries of the system include all real properties within the city which are served and/or benefit by the provisions, operation, regulation, and improvement of the system. Such benefits may include, but are not limited to, the provision of systems of collection, conveyance, detention, treatment and release of stormwater and surface water, the reduction of hazard to property and life resulting from stormwater and surface water runoff, improvement in general health and welfare through reduction of undesirable stormwater and surface water conditions, and improvement to the water quality in the stormwater and surface water system and its receiving waters.

(Ord. No. O-56-08, § 1(30-326), 7-31-2008)

Sec. 30-327. Administration and authority.

The storm water and surface water utility, under the direction of the county administrator or his designee, shall have the power to:

(1) Administer the acquisition, design, construction, maintenance and operation of the storm water and surface water management system;

(2) Administer and enforce this article and all regulations and procedures adopted relating to the design, construction, maintenance, operation and alteration of the stormwater and surface water management system including, but not limited to, the quantity, quality and/or velocity of the storm water and surface water conveyed thereby;

(3) Advise the unified government commission on matters relating to the storm water and surface water management system;

(4) Review plans concerning extensions and replacement of the storm water and surface water management system and make recommendations to the unified government commission;

(5) Make recommendations for design guidelines and standard construction specifications for developments;

(6) Make recommendations to the unified government commission concerning establishing ordinances and regulations to protect and maintain water quality within the storm water and surface water management system in compliance with water quality standards established by state, regional and/or federal agencies as now adopted or hereafter adopted or amended;

(7) Analyze the cost of services and benefits provided by the storm water and surface water management system and the structure of fees, charges, rentals, fines and other revenues of the storm water and surface water utility annually;

(8) Require pollution prevention plans for discharges to the storm water collection system. PPPs may include, without limitation, requirements to investigate and identify the presence or absence of pollutants in storm water runoff, to determine quantities or concentrations of any such pollutants, to determine volumes and rates of storm water flow, to develop plans for the reduction or elimination of such pollutants subject to the approval of the storm water and surface water utility, and to reduce or eliminate pollutants in storm water or volumes or rates of storm water flow to standards that may be specified by permit or order. The storm water and surface water utility may prioritize classes of users and facilities for PPP programs by residential or nonresidential status, industrial or commercial process or business, size, location within sewer sheds, and other factors necessary or convenient to effectively implement its storm water control programs.

(9) Establish pollution prevention plan, operation, maintenance and other requirements for privately-owned storm water facilities necessary and convenient to implement the purposes and programs of this article VIII.

(10) Require FOG control as to discharges to the sanitary sewer system.

(11) Require I&I control as to discharges to the sanitary sewer system. Such I&I control may include requirements to investigate and identify the presence or absence of I&I that originates on the property of the sewer system user, to determine quantities of any such I&I, to develop plans for the reduction or elimination of I&I subject to the approval of the storm water and surface water utility, and to reduce or eliminate I&I to standards that may be specified by permit or order. The storm water and surface water utility may prioritize classes of users and facilities for I&I control by residential or nonresidential status, industrial or commercial process or business, size, location within sewer sheds, and other factors necessary or convenient to effectively implement its I&I programs.

(12) Promulgate regulations and administer programs that provide for credits and/or incentives that reduce storm water utility fees assessed against properties that utilize privately owned and maintained storm water and surface water retention or detention facilities or conduct activities, or provide services which reduce costs of the operating budget of the utility.

(Ord. No. 0-56-08, § 1(30-327), 7-31-2008; Ord. No. O-27-14, § 6, 4-10-2014; Ord. No. O-79-21, § 36, 6-10-2021; Ord. No. O-121-21, § 2, 9-9-2021)

Sec. 30-328. Operating budget.

The unified government shall, as part of its annual budget process, adopt an operating budget for the stormwater and surface water utility for the next following fiscal year. The operating budget shall be prepared in conformance with the state budget law, unified government policy and general accepted accounting practices.

(Ord. No. O-56-08, § 1(30-328), 7-31-2008)

Sec. 30-329. Storm water utility fee.

(a) *Fee established.* Subject to the provisions of this chapter, there is imposed on each and every single-family residential property and non-residential property in the city service area, a service fee to be known as a storm water utility fee. (Ord. No. O-56-08, § 1(30-329), 7-31-2008; Ord. No. O-57-08, § 1, 7-31-2008; Ord. No. O-59-09, § 1, 7-30-2009; Ord. No. O-45-10, § 1, 7-29-2010)

(b) Each and every property's impervious area shall be measured in square feet. Each property shall pay a stormwater utility fee calculated as the sum of a monthly base charge and a monthly impervious area charge. The monthly impervious area charge shall be determined by multiplying every 500 square feet of impervious area by the impervious area rate.

(c) Based upon the projected annual budget adopted by the unified government board of commissioners, the county administrator shall each year recommend to the unified government board of commissioners the monthly base charge and monthly impervious area rate. The unified government board of commissioners shall establish by ordinance the monthly base charge and monthly impervious area rate to ensure that the sewer system generates adequate annual revenues to pay the annual costs of operation and maintenance including replacement of the unified government's sewer system, to satisfy costs associated with any obligations and to provide for costs associated with the unified government capital improvement plan and the expenses of the annual operation. Changes to the rate ordinance shall be published in the official unified government newspaper.

(d) *Storm water utility fee credit.* The administrator may adopt regulations and procedures that establish credits and/or incentives that reduce the storm water utility fee that would otherwise be assessed against properties. If adopted, all procedures pertaining to credits shall be per the Unified Governments Stormwater Utility Fee Credits and Appeals Manual. In no event shall a storm water utility fee credit exceed 75 percent of

the property's impervious area charge, for either an individual type of credit that is approved for a property and/or as an aggregate of all types of credits that are approved for a property. Storm water utility fee credits are applicable to only the impervious area charge and non-residential property.

(Ord. No. O-56-08, § 1(30-329), 7-31-2008; Ord. No. O-57-08, § 1, 7-31-2008; Ord. No. O-59-09, § 1, 7-30-2009; Ord. No. O-45-10, § 1, 7-29-2010; Ord. No. O-121-21, § 3, 9-9-2021; Ord. No. O-157-22, § 2, 11-3-2022)

Ord. No. O-121-21, § 3, adopted Sept. 9, 2021, amended the title of § 30-329 to read as herein set out. The former § 30-329 title pertained to drainage fee.

Sec. 30-330. Appeal procedure.

(a) Any persons disagreeing with their monthly storm water utility fee, and/or disagreeing with whether their property is served by the storm water utility may appeal to the director. Any owner of a property for which a storm water utility fee has been assessed may appeal the storm water utility fee for that property for the following reasons: (i) designation of property classification and/or ownership, (ii) calculations of the storm water utility fee, (iii) designation of impervious area square feet, and (iv) determination of storm water utility fee credit.

(b) Appeals must be in writing to the director. The director or their designee shall thereafter hold an informal hearing. The director or designee, prior to such hearing, may request that the appealing party provide information concerning the basis of the appeal, including a land survey prepared by a registered surveyor showing dwelling units, total property area, and impervious area as appropriate, if such information is deemed to be material by the director or designee. The director or designee may consider any relevant evidence. Based on information provided, the director or designee shall make a determination as to whether the storm water utility fee should be adjusted for such property. The director or designee shall notify parties in writing of the decision.

(c) *Right to appeal; appeal board; appeal hearing.*

(1) A person shall have the right to appeal the decision of the director to the storm and surface water utility appeals board. Such appeal shall be made within 20 days of the date the director notifies the person of the director's decision in the informal proceedings. Such appeal shall be in writing and shall be filed with the director.

(2) The storm and surface water utility appeals board shall consist of the following members: county administrator or designee, county engineer or designee, director of public works or designee.

(3) A hearing on such appeal shall be held within 30 days from the date the notice of appeal is received, and the applicant shall be given seven days' advance notice of the time and date the appeal hearing is to be held. At such hearing, the appellant shall present evidence concerning the stormwater utility fee for the property in question and the director and/or his/her designee shall present evidence concerning their findings from the informal proceedings. The storm and surface water utility appeals board shall render a decision in writing that sets forth findings that support their decision within seven days of the hearing. The decision of the storm and surface water utility appeals board shall be final, and any further appeal of such decision shall be to the Judicial District Court of the State of Kansas by way of the provisions of K.S.A. 60-2101(d).

(Ord. No. O-56-08, § 1(30-330), 7-31-2008; Ord. No. O-121-21, § 4, 9-9-2021; Ord. No. O-157-22, § 3, 11-3-2022)

Sec. 30-331. Storm and surface water utility fee collection.

(a) Storm water utility fees shall be billed and collected monthly from the storm water customer with the monthly water and/or electric utility bill for those customers utilizing other BPU utilities and shall be billed and collected from the owner of the property with the register of deeds separately at intervals as set by the director for those properties not utilizing BPU utilities. The storm water utility fee for those properties utilizing other BPU utilities shall be part of the BPU utility bill for utility customers which shall be paid by a single payment. Unless otherwise provided for herein, all bills for storm water utility fees shall become due and payable in accordance with BPU rules and regulations that relate to the collection of utility charges. Storm water utility fee bills for any given property shall initially be the responsibility of the person who has the account with the BPU for water and/or electric service for the property. If the property is not using water and/or sewer services, then storm water utility fees shall be the responsibility of the person recorded as the owner of the property with the register of deeds. The property owner is responsible for the storm water utility fees not paid by the occupant or person in possession of the property.

(b) Storm water utility fees shall be subject to a penalty for late payment which is the same as that imposed for late payment of water and sewer utility charges. In addition to any other remedies or penalties provided by this chapter or any other ordinance of the unified government, failure of any user of the storm and surface water management system to pay such charges promptly when due shall subject such user to discontinuance of water, electrical, or other services and the general manager of the BPU is empowered and directed to enforce this provision as to any and all delinquent users.

(c) Storm water utility fees authorized to be charged in this chapter when delinquent may be placed on the tax roll for collection by the unified government clerk, subject to the same penalties and to be collected in like manner as taxes, and such storm water utility fees shall, thereafter, constitute a lien upon the real estate served by the storm and surface water utility, regardless of whether the storm water utility fees were incurred when a property owner was in possession of the property or a non-owner was in possession of the property.

(Ord. No. O-56-08, § 1(30-331), 7-31-2008; Ord. No. O-121-21, § 5, 9-9-2021)

Sec. 30-332. Stormwater and surface water utility fund.

Storm water utility fees collected by the unified government shall be paid into an enterprise fund which is created, to be known as the "storm water and surface water utility fund." Such fund shall be used for the purpose of paying the extension and replacement, regulation, operations and maintenance and debt service of the storm water and surface water management system and to carry out all other purposes of the utility including but not limited to compliance with federal and state storm water regulations.

(Ord. No. O-56-08, § 1(30-332), 7-31-2008; Ord. No. O-121-21, § 6, 9-9-2021)

Secs. 30-333—30-349. Reserved.

ARTICLE IX. FAT, OIL AND GREASE CONTROL PROGRAM

Sec. 30-350. Definitions.

In addition to the words, terms and phrases elsewhere defined in this chapter, the following words, terms and phrases as used in this chapter shall have the following meanings:

Automatic grease recovery unit (AGRU) means an electro-mechanical device designed to separate grease from wastewater within the unit and automatically discharge accumulated grease material to a separate container for disposal. The automatic grease recovery unit shall be certified by and conform to applicable Uniform Plumbing Code (UPC) standards.

Black water means wastewater containing human waste, from sanitary fixtures such as toilets and urinals.

Brown grease means fats, oil and grease that are discharged to the grease control equipment originating from kitchen or food prep wastewater.

Common grease interceptor means an external device to which grease wastes are directed from more than one food service facility or establishment, such as a food court or shopping center. The device functions to separate and retain grease from the normal sewage flows while allowing the balance of the liquid wastewater to discharge to the collection system by gravity. For common grease interceptors, it is the responsibility of the responsible party to ensure compliance for all those FSFs that discharge to a common grease interceptor.

Contact person means the individual responsible for overseeing daily operation of the FSF or the FOG generator and who is responsible for overseeing the compliance with the FOG control program as established herein.

FOG control equipment (FCE) means the properly and legally installed and operated FOG removal equipment including, but not limited to, indoor and outdoor grease interceptors, grease and solids trap combination units, and/or AGRUs as approved by the unified government.

FOG program administrator means the individual who will be directly responsible for managing, coordinating and overseeing the FOG control program for the unified government.

FSF or *FSE* means a stationary or portable food service facility or establishment that uses food preparation processes and include, but is not limited to those facilities that are registered and licensed by the State of Kansas Department of Agriculture. These facilities include, but are not limited to, restaurants, hotel/motel kitchens, hospitals, public and private school kitchens with food preparation, bars without food preparation, factory cafeterias, clubs, delis, kiosks, snack bars, grocery stores, convenience stores, food processing and packaging plants, ice cream shops, food courts, coffee shops, cafeterias, bakeries, nursing homes, multiple family dwellings with a minimum of five units, dairies, mobile food facilities, churches, diners and any other facility to produce fats, oil and grease originating from animal or vegetable sources. It does not include facilities that sell only pre-packaged food and/or beverages or facilities that only sell beverages.

Grease generator means any facility or business that generates grease from an animal or vegetable origin that may interfere with the operation of the collection system or POTW. This also includes grease that may be generated from mineral and/or petroleum products such as motor oil and industrial sources.

Grease interceptor means an external device designed for flows in excess of 50 gallons per minute (>50 GPM). The device is installed outside of the building and functions to separate and retain grease from the normal sewage flows while allowing the balance of the liquid wastewater to discharge to the collection system by gravity.

Grease recovery unit (GRU) means all active indoor mechanical systems designed to remove fats, oils and grease by physical separation from flowing wastewater. The grease recovery unit shall be certified by and conform to applicable Uniform Plumbing Code (UPC) standards.

Grease trap means an indoor device designed for smaller quantities of flow, typically designed for flow up to 50 gallons per minute (<50 GPM) installed to separate and retain all fats, oil and grease from wastewater flow while allowing the balance of the liquid wastewater to discharge to the collection system by gravity.

Hauler or *grease hauler* means a company, person or contractor who pumps, cleans and collects the contents of a grease interceptor or trap and transports it to a septage receiving station or disposal facility. A grease hauler may also provide other services related to grease interceptor maintenance for an FSF or FOG generating facility.

Renderable FOG container means a closed, leak-proof container for the collection and storage of yellow grease.

Responsible party means the owner or party that pays the bills for water pollution abatement and is listed on the BPU bill as the party responsible for paying the monthly bill.

Total flow-through rating means the total flow-through rating shall be calculated as the total draining fixture unit (DFU) sum for all fixtures draining to the interceptor equal to the flow in gallons per minute (one DFU = one GPM).

Yellow grease means fats, oils and grease that have not been in contact or contaminated from other sources (water, wastewater, solid waste, etc.) and can be recycled.

(Ord. No. O-57-13, § 3, 12-5-2013; Ord. No. O-79-21, § 37, 6-10-2021)

Sec. 30-351. FOG discharge permit required.

(a) All FSFs, FSEs and FOG generating businesses shall have a valid FOG discharge permit.

(b) Application for a FOG discharge permits shall be on forms provided by the unified government. Applications shall be verified and shall include the following information:

(1) Business name and address;

(2) FOG control equipment type;

(3) OG control equipment size or capacity;

(4) Cleaning/maintenance frequency.

(c) FOG discharge permits shall be issued annually and expire on December 31 of each year, or as otherwise determined by the director. The facility owner/operator shall apply for a FOG discharge permit reissuance no less than 30 days prior to the expiration of the facility owner/operator's existing FOG discharge permit. The terms and conditions of the FOG discharge permit may be subject to modification by the director during the term of the FOG discharge permit as limitations or requirements as identified in this article are modified or other just causes exist. The facility owner/operator shall be informed of any proposed changes in the FOG discharge permit at least 30 days prior to the effective date of change. Any changes or new conditions in the FOG discharge permit shall include a reasonable time schedule for compliance.

(d) An FCE pumping/maintenance log shall be maintained for each FCE device. This log shall include the date, type of service, service provider, disposal site (if known), volume pumped and service comments. This log shall be kept in an accessible and known location for inspection. This log shall be made immediately available to any WPC representative upon request.

(e) An employee best management practices (BMP) training log shall be maintained for each FSE and FOG generating business employee and submitted annually to ~~water pollution control~~environmental services. This log shall include the facility name, facility location, employee's name, initial training date and subsequent follow-up training dates. This log shall be kept in an accessible and known location for inspection. This log shall be made immediately available to any WPC representative upon request.

(f) The annual FOG discharge permit fee for 2023 shall be $0. Thereafter the annual fee shall be established by the Board of Commissioners.

(Ord. No. O-57-13, § 3, 12-5-2013; Ord. No. O-79-21, § 38, 6-10-2021; Ord. No. O-128-23, 10-12-2023)

Sec. 30-352. FOG control equipment's (FCE) installation.

(a) On or after the effective date of the ordinance all FSFs, FSEs and FOG generating businesses which are newly proposed or constructed, or existing facilities which shall be expanded or renovated to include a food service facility where such facilities did not previously exist, shall be required to have an approved FCE for the proper handling of liquid wastes containing grease, oil, sand or other harmful ingredients in excessive amounts.

(b) On or after the effective date of the ordinance all existing FSFs, FSEs and FOG generating businesses shall receive a conditional waiver and not be required to install a FCE unless the director determines that the installation of FCE is necessary for the proper handling of liquid wastes containing grease, oil, sand or other harmful ingredients in excessive amounts or if a partial or complete blockage of the sewer system is found.

(c) Failure to install a FCE within the time required by the director shall result in the assessment of an administrative penalty of not less than $1,000.00, water and sewer services to the facility may be disconnected, and the director may take any other remedies as are available by law.

(Ord. No. O-57-13, § 3, 12-5-2013; Ord. No. O-79-21, § 39, 6-10-2021)

Sec. 30-353. FOG control equipment's (FCE) maintenance.

(a) All FCEs shall be properly maintained by the user at the user's expense. Maintenance shall include, but is not limited to, the complete removal of all contents, including floating materials, wastewater, and bottom sludge and solids. Decanting or discharging of removed waste back into the FEC from which the waste was removed or any other FEC, for the purpose of reducing the volume to be disposed, is prohibited.

(b) FCEs must be pumped out completely a minimum of once every 90 days, or more frequently as needed, to prevent carryover of grease into the sanitary sewer collection system. Any request to extend the pumping frequency past 90 days must be done in writing to the director. Approval shall not be granted unless it can be adequately demonstrated to the director that extending the pumping period past 90 days will not adversely affect the municipal sewer system.

(c) All waste removed from each FCE must be disposed of at a treatment facility designed to receive such wastes. In no way shall the FCE wastes be returned to any private or public portion of the collection system or sewage treatment plants, without written approval from the director.

(d) Users shall maintain records and documentation indicating adequate operation and maintenance and, upon request of the director, shall supply such record within 24 hours.

(Ord. No. O-57-13, § 3, 12-5-2013)

Sec. 30-354. FSF reporting.

(a) Each FSF shall submit an annual FCE report to the director for the previous calendar year. The FCE report will be in a format acceptable to and supplied by the director. The annual report will include, at a minimum, a summary of all FCE maintenance and operation activities for the facility, additions to or reductions to the size and type of FCE, employee BMP training log and general or site-specific BMPs utilized to minimize or eliminate the amount of FOG entering the sewer system. In addition, a listing of the date(s) of cleaning (if not previously submitted).

(b) If the FSF does not have any FCE, the annual FCE report will indicate the absence of the FCE, the employee BMP training log and adherence to the remaining conditions in the FOG program.

(Ord. No. O-57-13, § 3, 12-5-2013; Ord. No. O-79-21, § 40, 6-10-2021)

Sec. 30-355. Inspections and entry.

Authorized personnel of the unified government, bearing proper credentials and identification, shall have the right to enter upon all properties subject to this chapter, as necessary and without prior notification, for the purpose of inspection, observation, measurement, sampling, testing or record review, in accordance with this chapter.

(Ord. No. O-57-13, § 3, 12-5-2013; Ord. No. O-79-21, § 41, 6-10-2021)

Sec. 30-356. Enforcement.

(a) Any FSF with a permitted FCE which causes a blockage in the sewer system shall be subject to the following enforcement:

(1) Upon the first violation, a notice of violation shall be issued and the costs associated with removing the blockage and an administrative penalty of not less than $250.00 will be assessed to the FSF.

(2) If an additional violation occurs, in the following 24-month period, a notice of violation shall be issued, the costs associated with removing the blockage and an administrative penalty of not less than $1,000.00 will be assessed to the FSF. The FSF shall have the FCE cleaned on a frequency determined by the director for a minimum of 12 months. Documentation of the cleanings shall be sent to the director within five business days of the cleaning. If no further blockages occur within a 36-month period, the frequency of cleaning and reporting shall revert to the previous permitted schedule upon the request of the FSF and approval of the director.

(b) Any FSF without permitted FCE and which heretofore has not been required to have permitted FCE which causes a partial or complete blockage in the sewer system shall be subject to the following enforcement:

(1) Upon the first violation, a notice of violation shall be issued and the costs associated with removing the blockage and an administrative penalty of not less than $250.00 will be assessed to the FSF. The FSF may elect to install a FCE within 90 calendar days of the notice of violation in lieu of paying for the cost associated with removing the blockage. If the FSF elects to install a FCE, documentation of the installation shall be sent to the director within five business days of completion of the installation.

(2) If an additional violation occurs, a notice of violation shall be issued, the costs associated with removing the blockage and an administrative penalty of not less than $1,000.00 will be assessed to the FSF, and the FSF shall be required to install the FCE within 90 calendar days. Documentation of the installation shall be sent to the director within five business days of completion of the installation. If a FSF is reasonably unable to install an outside grease interceptor, the FSF may submit a written request for a variance to the director for consideration. All requests shall contain such information as the director may require. The director may grant a variance on a case-by-case basis after consideration. No variance shall authorize the creation or maintenance of a nuisance or any danger to public health or safety. No variance granted by the director shall be construed to authorize any activity in violation of any state or any federal pollution control regulation or requirement.

(Ord. No. O-57-13, § 3, 12-5-2013; Ord. No. O-79-21, § 42, 6-10-2021)

Sec. 30-357. Emergency suspension of services.

The director may suspend water or sewer service when such suspension is necessary, in the opinion of the director, in order to stop an actual or threatened discharge which:

(1) Presents or may present an imminent or substantial endangerment to the public welfare or safety of persons or the environment;

(2) Causes stoppages, or excessive maintenance to be performed to prevent stoppages, in the municipal sewer system;

(3) Causes interference to the sewage treatment works; or

(4) Causes the unified government to violate any condition of its NPDES permit. Any person notified of a suspension of the water or sewer service shall immediately stop or eliminate the discharge. In the event of a failure of the person to comply voluntarily with the suspension order, the director shall take such steps as deemed necessary, including immediate termination of water or sewer service, to prevent or minimize damage to the POTW system or sewer connection or endangerment to any individuals. The director shall reinstate the water or sewer service when such conditions causing the suspension have passed or been eliminated. A detailed written statement submitted by the user describing the cause(s) of the harmful discharge and the measure(s) taken to prevent any future occurrence shall be submitted to the director within 15 days of the date of occurrence.

(Ord. No. O-57-13, § 3, 12-5-2013)

Sec. 30-358. Appeal.

An appeals process is available to any person aggrieved by an action of the director or his designee pursuant to section 30-5.

(Ord. No. O-57-13, § 3, 12-5-2013)

Sec. 30-359. Prohibitions.

Devices which grind solid food waste (such as, but not limited to, in-sink garbage disposal units) shall not be connected to any FCE. Floor drains shall not be connected to any FCE.

(Ord. No. O-57-13, § 3, 12-5-2013)

ARTICLE XIV. LAND DISTURBANCE[1]

Sec. 8-610. General provisions.

(a) *Finding of facts.*

(1) It is hereby determined that:

During the construction process, soil is highly vulnerable to erosion by wind and water. Eroded soil endangers water resources by reducing water quality and causing the siltation of aquatic habitat for fish and other desirable species. Eroded soil also necessitates repair of sewers and ditches and the dredging of lakes. In addition, clearing and grading during construction cause the loss of native vegetation necessary for terrestrial and aquatic habitat.

(2) This stormwater runoff contributes to increased quantities of water-borne pollutants; and stormwater runoff, soil erosion and nonpoint source pollution can be controlled and minimized through the regulation of stormwater runoff from development and construction sites.

(b) *Purpose of article.*

(1) The Congress of the United States has amended the Clean Water Act of 1972 to reduce pollutants discharged into the waters of the United States by extending National Pollutant Discharge Elimination System (NPDES) requirements to regulate stormwater discharge from land disturbance and construction activities into the unified government's stormwater drainage systems. The unified government is subject to the NPDES requirements of federal law as an operator of a municipal separate storm sewer system (MS4), and the unified government is therefore obligated by federal law to develop, implement, and enforce minimum erosion and sediment control standards in compliance with the unified government's Kansas Water Pollution Control General MS4 Permit.

(2) The purpose of the article is to protect and further the public interest by promoting the coexistence of the natural environment and quality, planned development; assisting the unified government's efforts to comply with the National Pollutant Discharge Elimination System (NPDES) regulations issued by the Environmental Protection Agency and administered by the state department of health and environment; providing effective stormwater management; improving water quality and reducing water pollution; limiting the impacts on stormwater from land development; preventing prohibited discharges from entering into the MS4; protecting natural stream assets; and protecting and, where possible, enhancing valuable natural water resources. These public interests are furthered by regulating land disturbance, stripping and soil storage in connection with the clearing and grading of land for construction-related or other purposes. The time critical nature of temporary construction controls is hereby recognized by the unified government. It is also the purpose of this article to encourage responsible development and minimize the costs of development.

(3) This article establishes substantive and procedural requirements to protect and enhance the water quality of watercourses, water bodies, and wetlands by controlling erosion, sedimentation, and related

[1]Editor's note(s)—Ord. No. O-81-21 , § 1, adopted June 24, 2021, repealed the former Art. XIV, §§ 8-610—8-619, and enacted a new Art. XIV as set out herein. The former Art. XIV pertained to similar subject matter and derived from Ord. No. O-125-06, § 1(8-610—619), adopted Dec. 14, 2006; and Ord. No. O-27-14, § 1, adopted April 10, 2014.

environmental damage caused by construction related activities. This is furthered by implementing and enforcing a program regulating land disturbance and construction activities related to grading and to control erosion and sediment resulting from these activities.

(c) *Applicability.*

(1) Persons undertaking any land disturbance activity within the limits of the city including the clearing, grading, excavating, filling, storing, and disposing of soil and earth material, shall comply with the requirements and standards set forth and provided in this article.

(2) Regardless of whether or not a land disturbance activity requires a permit, any person engaged in any land disturbance activities within the limits of the city shall comply with this article. Persons shall employ BMP methods for erosion and sediment control in proportion to the scale of the activity to reduce the amount of sediment or other pollutants in stormwater discharges associated with those activities to the maximum extent practicable.

(3) Persons engaging in any land disturbance activity or any other action that may cause or permit soil movement shall prevent, to the maximum extent practicable, any amount of soil, earth, sand, gravel, rock, stone, or other material, to be deposited upon or to roll, flow, or wash upon or over any public street, street improvement, road, alley, sewer, storm drain, watercourse, right-of-way, any public property or the adjacent private property.

(4) Persons hauling soil, earth, sand, gravel, rock, stone, or other material over any public street, road, alley, or public property, shall not allow those materials to blow, spill or be tracked over and upon any street, road, alley, or public property or adjacent private property.

(d) *Compatibility and severability.*

(1) This article is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. The requirements of this article should be considered minimum requirements, and where any provision of this article imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

(2) Neither this article nor any decision made with respect hereto exempts the applicant or any other person from other requirements of this Code, or from state and federal laws, or from procuring other required permits, nor do they limit the right of any person to maintain, at any time, any appropriate action, at law or in equity, for relief or damages against the applicant or any person arising from the activity regulated by this article.

(3) If the provisions of this article, section, subsection, paragraph, subdivision or clause of this article shall be judged invalid by a court of competent jurisdiction, such order of judgement shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this article.

(Ord. No. O-81-21 , § 1, 6-24-2021)

Sec. 8-611. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Approved plan means drawings or other documents that have been submitted by an applicant as a prerequisite to obtaining a land disturbance permit and that contain the information and specifications required by

the unified government engineer to minimize off-site sedimentation from land disturbance activities and that have been approved by the unified government as complying with the provisions of this article.

Applicant means any person who makes application for a land disturbance permit, as required by this article.

Best management practice (BMP) means the stormwater management practice used to prevent or control the discharge of pollutants, including sediment, and minimize runoff, both directly and indirectly, to stormwater, receiving waters, or stormwater drainage systems, waters of the U.S. or water body found in the unified government. BMPs may include structural or nonstructural solutions, a schedule of activities, prohibition of practices, maintenance procedures, or other management practices and programs.

City means all of the territory of Wyandotte County, except the territory of the cities of Bonner Springs, Edwardsville, and Lake Quivira and the unincorporated area of Wyandotte County.

Clearing means any act by which vegetative cover, structures or surface material is removed, including, but not limited to, root mat or topsoil removal.

County administrator means the individual appointed by the mayor/CEO of the unified government as the unified government county administrator or his designee.

County engineer means the individual appointed by the county administrator as county engineer or his or her designee.

Design criteria means the erosion and sediment control design criteria adopted in writing, as authorized by section 8-613(a)(2).

Development means any human activity that alters the elevation, cover or other hydrologic feature of the land. Such activities include but are not limited to the subdivision of land and the addition or alteration of improvements such as cuts and fills, drainage alterations, utilities, buildings, pavements, landscape, and any combination of these elements. Also, the project, lot, parcel or tract or land where development or redevelopment occurs.

Director of urban planning and land use means the individual appointed by the county administrator as unified government director of urban planning and land use or his or her designee.

Erosion means the process by which the ground surface is worn away by the action of the wind, water, ice, gravity, or artificial means, and/or land disturbance activities.

Grading means any act by which soil is cleared, stripped, moved, leveled, stockpiled, or any combination thereof, and includes the conditions that result from that act.

Land disturbance activity means any act by which soil is moved and land changed that may result in erosion or the movement of sediments, and may include tilling, clearing, grading, excavating, stripping, stockpiling, filling and related activities, and the covering of land surfaces with an impermeable material.

Licensed land surveyor means an individual who is duly licensed by the state board of technical professions, pursuant to K.S.A. 74-7001 et seq., to practice surveying.

Maximum extent practicable means the result of the use of those best management which, based on sound engineering and hydro-geological principles, will, to the greatest degree possible, given all relevant considerations, including technology, climate and site conditions, prohibit erosion and sedimentation during and after development.

Municipal separate storm sewer system (MS4) or *public storm sewers* means the publicly maintained stormwater drainage system within the unified government, including all appurtenances and ancillary structures thereto, any conveyance or system of conveyances for stormwater, including road drainage systems, streets, catch basins, detention basins, curbs, gutters, ditches, man-made, channels, or storm drains, as well as any system that

meets the definition of a municipal separate storm sewer system or "MS4" as defined by the Environmental Protection Agency in 40 C.F.R. 122.26, or amendments thereto.

Notice of violation means a written notice from the county engineer of deficiencies in the sediment and erosion control management of the site.

Permit means the land disturbance permit issued by the unified government authorizing land disturbance activities in accordance with the requirements of this article.

Permittee means any person to whom a land disturbance permit is issued pursuant to this article.

Permittee's agent means any representative, contractor, foreman, or superintendent who acts at the instruction of, or with the permission of, or to the benefit of the permittee.

Person means any natural or corporate person, business association or business entity including, but not limited to, a corporation, a partnership, a sole proprietorship, a political subdivision, a public or private agency of any kind, a utility, a successor or assign of any of the foregoing, or any combination thereof.

Pollutant means any substance or material which contaminates or adversely alters the physical, chemical or biological properties of water, including changes in temperature, taste, odor, turbidity, or color.

Professional engineer means an engineer duly licensed by the state board of technical professions, pursuant to K.S.A. 74-7001 et seq., to practice engineering.

Property owner means the person listed as owner of the property by the county recorder of deeds.

Qualified erosion control professional means a person who meets the criteria set forth by the most recent version of the *Unified Government of Wyandotte County Technical Provisions Section 1100 General Requirements*

Sediment means soils or other materials transported or deposited by the action of wind, water, ice, gravity, or artificial means.

Site means any lot or parcel of land or a series of lots or parcels of land adjoining or contiguous or joined together under one ownership on which land disturbance activity is proposed in an application or which would require a land disturbance permit under this article.

Slope means the inclined surface of a fill, excavation, or natural terrain.

Soil means a natural mixture of mineral and organic particles bound to one another only by gravity or ionic bonds that is found on the immediate surface of the earth.

Stop work order means an order issued which requires that all construction activity on a site be stopped.

Storm drain means any enclosed structure for the conveyance of storm water runoff, including culverts, box culverts, storm sewer mains, or tunnels.

Stormwater pollution prevention plan (SWPPP) means BMPs and other structural, procedural and operations and maintenance provisions designed and operated to reduce or eliminate the discharge of pollutants, particularly in stormwater runoff.

Stripping means any activity by which the vegetative cover is removed or significantly disturbed, including tree removal, clearing, grubbing and storage, or removal of topsoil.

Unaffiliated – means the person(s) performing inspection work on behalf of the facility and/or property owner may not be directly employed by the facility or property owner.

Unified government means the unified government of Wyandotte County/Kansas City, Kansas.

Vegetative cover means any grasses, shrubs, trees and other vegetation that hold and stabilize soils.

Watercourse means any natural or artificial path for the concentrated flow of storm water or surface water, including but not limited to streams, rivers, creeks, ditches, channels, canals, conduits, culverts, drains, swales, waterways, gullies, ravines, or washes, including any area adjacent to it that is subject to overflow of floodwater.

(Ord. No. O-81-21 , § 1, 6-24-2021)

Sec. 8-612. Administration.

(a) *Authority.* The county engineer shall be responsible for the administration of this article. The county engineer shall have the authority to adopt, promulgate and amend regulations, policies and procedures as necessary for the enforcement of this article including the establishment, assessment and amendment of administrative fees. The county engineer may waive the requirements for maps, plans, reports or drawings, if the county engineer finds that the information otherwise submitted or to be submitted will be sufficient to show that the proposed work will be sufficient to show that the proposed work will conform to the requirements of this article. Furthermore, the county engineer may delegate any or all of his or her duties under this article.

(b) *Right of entry.* Whenever the county engineer has cause to believe that there exists, or potentially exists, in or upon any premises, any condition which constitutes a violation of this article, the county engineer is authorized to enter the premises at reasonable times to inspect or to perform the duties imposed by this article. If entry is refused, the county engineer shall have recourse to the remedies provided by law to secure entry. Furthermore, in making an application for a permit, the applicant or the property owner performing or allowing the work grants to the unified government a right to enter the site for the purposes of inspecting compliance with this article and regulations adopted thereto and for performing any work necessary to bring the site into compliance with this article and regulations thereto.

(Ord. No. O-81-21 , § 1, 6-24-2021)

Sec. 8-613. Land disturbance permit.

(a) *Permit required.* No person may engage in any land disturbance activity, including persons engaged in land disturbance activity related to utility installation or maintenance, without first obtaining a land disturbance permit from the unified government, except as provided in this article. Any land disturbance permit shall encompass all land disturbance activity at the locations and during the times covered by the permit, whether such land disturbance activity is performed by the permittee, his or her contractor or subcontractors, a utility or its contractors, or any other independent agent. The permit fee shall be doubled for sites where land disturbance has occurred without a permit in violation of this article. Refer to the most recent version of the Kansas Water Pollution Control General Permit under “authorization to discharge” for who must obtain authorization to discharge.

(b) *Permit issuance.* The issuance of a permit shall constitute an authorization to do only that work described in the permit or shown on the approved plan. All work shall be completed in strict compliance with the requirements of this article. A copy of the approved plan and the permit must be available on the site for inspection by the county engineer. Field markings showing limits of disturbance must be on site during all installation of erosion and sediment control measures, construction, or other land disturbance activities.

(c) *Other construction permits delayed.* When a person is developing a site and a permit is required in accordance with this article, no other construction permits shall be issued to make improvements on that site until the person has secured a land disturbance permit for the same site.

(d) *Exemptions.* Refer to the most recent version of the Kansas Water Pollution Control General Permit under “authorization to discharge” for activities that do not require permit coverage.

(e) *Application.*

(1) To obtain a permit, the property owner of the site where the land disturbance activity is to be performed or the property owner's authorized representative first must submit a complete application in writing upon forms prescribed by the unified government.

(2) Each application shall bear the name(s) and address(es) of the property owner and developer of the site, and of any consulting firm retained by the applicant together with the name of the applicant's principal contact and shall be accompanied by a filing fee. A land disturbance permit will only be issued in the name of the current property owner.

(3) A qualified erosion control professional shall be identified on every permit as a responsible party who the unified government official may contact regarding installation, maintenance, notice of violations and removal of erosion and sediment control measures and to ensure that all work is completed in compliance with the SWPPP and all requirements of the land disturbance permit approved by the unified government. The permit holder is responsible for timely written notification to the unified government of any changes to the qualified erosion control professional.

(4) The property owner may designate, in writing, others to act on his or her behalf, however, the responsibility for compliance shall remain with the property owner until the issued permit has been officially closed.

(5) The land disturbance activity described in the land disturbance permit application shall be commenced within the time limits defined on the application.

(6) Application shall include a statement that any land clearing, construction, or development involving the movement of earth shall be in accordance with the erosion and sediment control plan and that a certified contractor shall be on site on all days when construction or grading activities take place.

(f) *Review and approval.* The county engineer will review each application to determine its conformance with the provisions of this article and the erosion and sediment control design criteria authorized hereby. The county engineer shall, in writing:

(1) Approve the permit application if the application complies with all the requirements of this article and the county engineer determines that best management practices will be employed to control erosion and sedimentation to the maximum extent practicable;

(2) Approve the permit application subject to conditions, as herein authorized, as may be reasonably necessary to secure the objectives of this article or prevent the creation of a nuisance or an unreasonable hazard to persons or to public or private property, and issue the permit subject to these conditions; or

(3) Disapprove the permit application, indicating, in writing, the reason therefore.

(g) *Conditions of approval.* In approving the issuance of any permit, the county engineer may impose conditions as may be reasonably necessary to secure the objectives of this article or prevent the creation of a nuisance or unreasonable hazard to persons or to public or private property. These conditions may include, but are not limited to:

(1) The granting (or securing from others) and the recording in county land records of easements for drainage facilities, including the acceptance of their discharge on the property of others, and for the maintenance of slopes or erosion control facilities;

(2) Adequate control of dust by watering, or other control methods acceptable to the county engineer;

(3) Improvements of any existing grading, ground surface or drainage condition on the site (not to exceed the area as proposed for work or development in the application) to meet the standards required under this article for land disturbance, drainage and erosion control;

(4) Installation of additional safety related devices when in the proximity of an elementary school, playground or other areas where small children may congregate without adult supervision;

(5) Stormwater pollution prevention plan and any other conditions believed necessary to protect the general public's health, safety, and welfare; and

(6) Liability insurance if, in the opinion of the county engineer, the nature of the work is such that it may create a hazard to human life or endanger adjoining property or property at a higher or lower elevation, or any street or street improvement, or any other private or public property, then the county engineer may, before issuing the permit, require the applicant to file a certificate of liability insurance. That certificate must be with an insurer admitted to do business in the state. The amount shall not be less than $1,000,000.00 per occurrence and $2,000,000.00 in aggregate. The insurance shall protect the permittee and the unified government from and against all claims by any person whatsoever for loss or damage from personal injury, bodily injury, death, or property damage to the extent caused or alleged to have been caused by the negligent acts or omissions of permittee, its employees, agents, or subcontractors. The values noted above may be adjusted at the discretion of the county engineer based on the exposure and risk involved in the project. Neither issuance of a permit, nor compliance with these provisions or any condition imposed by unified government relieves any person from any responsibility for damage to persons or property otherwise imposed by law, nor imposes any liability upon the unified government for damages to persons or property.

(h) *Assignment or transfer.*

(1) The permittee may request that the permit be transferred to another party. The transfer of a permit from one party to another shall be subject to the approval of the county engineer and not be effective until written approval is issued.

(2) If the permittee sells any portion of the property before the termination of the permit, the permittee will remain responsible for that portion of the property until the new property owner obtains a permit or until a completion certificate is issued for the portion sold.

(3) A new owner of a portion of property covered by an approved plan with respect to which a completion certificate has not been issued, shall, before a building permit is issued, obtain a permit, if, and as, required by this article.

(i) *Termination upon completion.* To terminate the permit, the permittee shall submit a request to terminate permit form, as provided by the unified government, to the county engineer. The county engineer will then inspect the site and make a determination as to whether the permit can be terminated. The site will be considered stabilized when perennial vegetation, pavement, buildings, or structures using permanent materials cover all areas that have been disturbed. The permittee will be notified in writing of the determination. A certificate of occupancy (CO) or temporary certificate of occupancy (TCO) for a building permit may not be released until the land disturbance permit is approved for termination as a result of a successful final inspection.

(Ord. No. O-81-21 , § 1, 6-24-2021)

Sec. 8-614. Erosion and sediment control plan.

(a) *Erosion and sediment control plan.* All proposed land disturbance activity that requires a permit in accordance with section 8-613 of this article shall be depicted on a site-specific erosion and sediment control plan. Land disturbance activities that do not require a permit in accordance with section 8-613 are still required to employ applicable BMPs included in standard details provided by the unified government. Furthermore, at the county engineer's discretion, if a land disturbance exceeds 3,000 square feet, then an erosion and sediment control plan may be required. The erosion and sediment control plan shall include

those items outlined in the unified government "Erosion Control Checklist" and "Guidelines for Preparing Erosion Control Drawings for Land Development."

(b) *Preparation of plans.* Erosion and sediment control plans submitted to the unified government for review must be prepared under the supervision of and sealed by a licensed professional engineer, landscape architect, or by a qualified erosion control professional. The county engineer may waive this plan preparation requirement if the applicant's plan consists entirely of utilizing standard plans and specifications as adopted in the unified governments erosion and sediment control standards.

(c) *Review and approval of erosion and sediment control plans.* The erosion and sediment control plan shall be of sufficient clarity to indicate the location, manner, nature and extent of the work proposed. The plan shall clearly show that the proposed work will conform to the provisions of this section, the erosion and sediment control standards, and other relevant laws, ordinances, policies, rules and regulations as determined by the county engineer. The director of urban planning and land use (director) shall review the submitted documents to determine compliance with the erosion and sediment control standards. If the director finds that the plan is not in compliance, the director shall advise the applicant which elements of the plan are not in compliance. All work must be performed in accordance with a sequence shown on the approved plan and/or work schedule or a revised sequence approved by the director.

(d) *Modification of plan.* Works shall be installed and maintained in accordance with the approved plan.

(1) Modifications of the approved plan must be submitted to the unified government, and shall be processed in the same manner as the original plan, where:

a. Field inspection or evaluation reveals the inadequacy of the approved plan to accomplish its erosion and sediment control objectives; or

b. The permittee or permittee's agent finds that because of changed circumstances or for other reasons, the approved plan cannot be effectively carried out.

(2) When a modified plan is required the county engineer or his or her designee, may require the installation of interim erosion and sediment control measures to protect stream channels, other properties, or the general public from damage. Interim measures will remain in effect until modifications or revisions to the plan are approved and implemented.

(Ord. No. O-81-21 , § 1, 6-24-2021)

Sec. 8-615. Inspections.

The county engineer may perform inspections of the land disturbance site to verify compliance with the erosion and sediment control plan. Should it be found that erosion and control methods are ineffective or are not being maintained properly, the county engineer may take enforcement actions described within this chapter. The county engineer has the right to waive inspections, except the final inspection.

In addition to its own inspections, the county engineer may require that any portion of the construction of basins or structures be inspected and certified for structural integrity by a professional engineer at the permittee's expense. At the county engineer's option, the permittee shall obtain the services of an unaffiliated qualified erosion control professional to inspect the sediment and erosion control installation to provide the unified government with a fully documented certification that all construction is done in accordance with the provisions of the approved plan, applicable rules, regulations and criteria.

(a) *Secure inspections.* The permit holder shall request an inspection from the county engineer when work pursuant to the permit reaches the milestones set forth below. Requests for inspection shall be made at least 48 hours in advance (exclusive of Saturdays, Sundays, and unified government holidays) of the time the inspection is desired. Work shall not proceed past the milestones without request of inspection.

(1) Upon installation of initial erosion and sediment controls, and prior to proceeding with any other land disturbance activity. No land disturbance activities shall begin prior to approval from the county engineer that all pre-construction erosion and sediment control measures are correctly installed per the approved plan.

(2) Prior to the removal or modification of any erosion and sediment control measure or practice;

(3) Immediately after the installation or modification of any erosion and sediment control measures required by the approved plan; and

(4) Upon restoration of disturbed areas, including establishment of ground covers and planting, installation of all vegetative measures, and all other work in accordance with the approved plan.

(b) *Routine inspection.* The permit holder shall ensure the entire construction site including but not limited to disturbed areas, BMPs, waste and construction storage areas, drainage areas, locations where stormwater can flow from the construction site, and permanent and temporarily stabilized areas is inspected on a regular schedule and, with the exception of Saturdays, Sundays, established federal holidays and the day after thanksgiving. The permit holder may elect to perform regular inspections at a minimum by one of two methods:

(1) At least once every 14-days and by the end of the next day following a rain event which results in a rainfall total of 0.5 inches or greater, or

(2) As defined in the latest revision of Kansas Construction Stormwater General Permit.

The frequency of regular inspections should be proportional to the amount of construction activity. The permit holder should increase the frequency of inspections when construction activity increases. For disturbed areas that have not been finally stabilized all installed BMPs and other pollution control measures shall be inspected for proper installation, operation and maintenance. Locations where stormwater runoff leaves the site shall be inspected for evidence of erosion or sediment deposition. Any deficiencies shall be noted in a report of the inspection and corrected within seven calendar days of the inspection. Inspection reports shall be submitted to the county engineer upon request. The inspection report shall include the following minimum information:

(1) Inspector's name;

(2) Date of inspection;

(3) Observations relative to the effectiveness of the BMPs;

(4) Actions taken or necessary to correct deficiencies;

(5) Listing of areas where construction operations have permanently or temporarily stopped; and

(6) Observations of stormwater discharge locations with respect to the effectiveness of the upgradient BMPs.

The inspection report shall be completed within 24 hours of the inspection and be signed by the person performing the inspection.

(c) *Maintenance of control measures.* All prescribed erosion and sediment control measures shall be maintained in good order and in compliance with the erosion and sediment control plan at all times. The permittee or the permittee's agent shall inspect and maintain, in good and effective condition, and promptly repair or restore all grade surfaces, diversions, barriers, drains, dams, walls and structures, plantings, vegetation, ground cover, erosion and sediment control measures, and other protective devices. Inspection, maintenance and repair or restoration shall be at the times and in the manner directed by the approved plan, permit and the design criteria, construction standards and regulations.

(d) *Closure of land disturbance activities.* Once the site is stabilized a final inspection shall be requested. The site shall be considered stabilized when perennial vegetation, pavement, buildings or structures using permanent materials, cover all areas that have been disturbed. Perennial vegetation shall be considered established and completed for stabilization when it has established a healthy and growing stand with a density of at least 70 percent of undisturbed areas at the site.

(e) *Removal of temporary erosion and sediment control measures.* Subsequent to a satisfactory final inspection of the land disturbance, all temporary erosion and sediment control measures must be removed and the final segments of the storm sewer system shall be constructed in the manner described within the approved plans. Such removal shall be complete prior to closure of the permit which authorized the land disturbance.

(Ord. No. O-81-21 , § 1, 6-24-2021)

Sec. 8-616. Violations.

(a) *Violations.* Any land disturbance activity that is commenced or is conducted contrary to this article, may be restrained by injunction or otherwise abated in a manner provided by law. Any person who violates a provision of this article, fails to comply with any of the requirements therefore or fails to comply with a directive issued by the county engineer is guilty of a public offense and shall be subject to penalties referenced in this section. The county engineer shall be permitted to cite the property owner, or any/all persons identified on the permit as being legally responsible to the city for any violations of the article pertaining to that permit.

(b) *Notice of violation.* When the county engineer finds that a permit holder has violated, or continues to violate, any provision of this article, or order issued hereunder, the county engineer may serve a written notice of violation to the permittee or the qualified erosion control professional noted on the permit. Within a maximum of three business days of the date of the notice, the violation shall be corrected at which time a re-inspection will occur to confirm that the violation has been fully remedied. Nothing in this section shall limit the authority of the county engineer to take any action, including emergency actions or any other enforcement action, and does not require the county engineer to first issue a notice of violation.

(1) Except when an imminent hazard to the environment, public safety, or public or private property exists or where land disturbance activities are conducted without a permit or beyond the limits of disturbance covered in a permit, the county engineer may issue a written notice of violation.

(2) Conditions that constitute a deficiency to be addressed by a notice of violation include:

a. Any land disturbance activity that violates a condition or requirement of the permit, the approved plan or any provisions of this article or of the design criteria and regulations;

b. Failure of the permittee to comply with any provisions of this article or of the design criteria and regulations; or

c. Failure of the approved plan to achieve the required erosion and sediment control objective due to site characteristics or conditions.

(3) Corrective action, and time limits for compliance shall be based on the immediacy and severity of the potential hazard to the environment, public safety, and public or private property. The time limit may also be based on the compliance history of the permittee including the number of previous verbal identifications of deficiencies.

(4) Notice of violation shall be delivered to the permittee and/or permittee's contact persons, and/or qualified erosion and sediment control professional noted on the application.

(5) Nothing in this section shall prohibit the county engineer from verbally identifying minor deficiencies to responsible personnel on site. Verbal identification of deficiencies does not constitute a notice to violation for the purpose of subsequent enforcement actions authorized in this chapter.

(Ord. No. O-81-21 , § 1, 6-24-2021)

Sec. 8-617. Enforcement.

The following is considered the default enforcement procedures for this chapter as a whole and apply to all articles unless specifically annulled within an article.

(a) *Notice of violation.* Whenever the authorized enforcement agency finds that a person has violated a prohibition or failed to meet a requirement of this article, the authorized enforcement agency may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

(1) That violating practices, or operations shall cease and desist;

(2) The abatement or remediation of the violation and the restoration of any affected property; and

(3) Payment of a penalty to cover administrative and remediation costs; and

(4) The implementation or maintenance of erosion control BMPs.

(5) Compliance with articles in this chapter.

(b) If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator. The notice of violation for erosion control measures with materials, trash and/or sediment leaving an active construction site shall give a maximum of three business days to bring the site into compliance with the approved plan and the permit applicant shall also remedy (cleanup) said materials, trash and sediment that has left the site. If the violation poses an immediate risk to the health of the public, damage to property, or other serious hazard, immediate action shall be taken by the permittee or an alternative method of enforcement may be employed.

Form and service of notice of violation. When required prior to a subsequent enforcement action, a notice of violation shall be given in the manner prescribed below:

(1) *Form.* Notice shall be in writing and shall include the location and description of the Erosion Control system in violation of this article. The notice shall describe the nature of the violation and the required corrective action and shall include a reasonable time limit for corrective action. The notice shall include a statement of the unified government's right to file a lien, and shall inform the construction site property owner/permittee of the right to appeal.

(2) *Service.* Notice may be delivered to the construction site property owner in person, or may be sent by certified mail, to the property owner at the address provided on the permit or address for the owner of record, or in any other manner as authorized by law. Method of delivery is at the option of the County Engineer.

(c) *Stop work orders.*

(1) At the discretion of the county engineer, if the permittee fails to correct deficiencies identified in the notice of violation within the specified time, or if an imminent hazard to the environment, public safety, or public or private property exists, or if land disturbance activities requiring a permit are conducted without a permit or beyond the limits of disturbance covered in a permit,

then the unified government may post the site with a stop work order, directing that all construction activity on the site cease immediately. In addition to posting on-site, the stop work order must also be delivered to the permittee, the permittees agent on-site or by email or mail to the permittee's address listed on the application. The stop work order or accompanying notice must specify the limits affected by the stop work order and the conditions under which work may resume.

(2) Except for work required to correct deficiencies identified in the stop work order, the permittee shall immediately stop all work regulated by any unified government permit on the site covered by the stop work order, whether or not a permit for such work has been issued. The permittee is responsible for the actions of permittee's agents and shall notify those agents when a stop work order is issued that will affect an area within which the agents are to work.

(3) Once the land disturbance deficiencies are corrected the county engineer shall lift the stop work order. Notice may be delivered to the permittee or permittee's agent on site or may be mailed to the permittee at the address listed on the application.

(d) *Revocation of permit.*

(1) Permittees hold land disturbance permits pursuant to this article as a privilege and not as a right. The unified government reserves its right, as provided herein, to revoke any land disturbance permit, without refund of the permit fee, in the event of a breach of the terms and conditions of the land disturbance permit. A breach shall include but is not limited to the following:

a. Violation of any material provision of the land disturbance permit;

b. Evasion or attempt to evade any material provision of the land disturbance permit;

c. Any material misrepresentation of any fact in the permit application;

d. Failure to implement the soil, erosion and sediment control measures in a timely manner;

e. Failure to correct a defect or condition indicated on an order issued pursuant to this article;

f. Failure to secure inspection as required by any provisions of this article.

(2) If the county engineer determines that the permittee has committed a breach of a condition placed in the land disturbance permit, the county engineer shall, prior to revocation of the permit issue a notice of default pursuant to section 8-617. The permittee's failure to take corrective action in the timeframe referenced above shall be cause for immediate revocation of the permit.

(3) If a permit is revoked, the permittee shall also reimburse the unified government for the unified government's reasonable cost including administrative costs, restoration costs, the costs of collection and legal and attorneys' fees incurred in connection with such revocation.

(4) A revoked permit shall not be reinstated. A new permit application based on a revised plan that addresses the causes of nonperformance must be submitted. Such plan will be processed in the same manner as the original plan.

(5) The county engineer may, in emergency situations require the installation of interim erosion and sediment control measures to protect stream channels, other properties, or the general public from damage. Such measures will remain in effect until the new plan is approved and implemented.

(d) *Prosecution of violation.* Whenever the county engineer determines a construction site property owner has not corrected the conditions listed in a notice of violation within the time period for remedy established in the notice, the county engineer may instigate appropriate proceedings at law or in

equity to correct or abate the violation. If the fine assessed is not paid in a timely manner, the fine assessed may be certified to the unified government clerk and it shall, in accordance with law, become a lien upon the subject property. This amount shall be listed on the tax bill and be collected in the manner of ordinary taxes as authorized by law.

(e) *Abatement and cost recovery.* Whenever the county engineer determines a construction site property owner has not corrected the conditions listed in a notice of violation within the time period for remedy established in the notice, the county engineer may authorize the unified government or its agents to go upon the land and correct the violation. Work may be accomplished by contract or otherwise at the discretion of the county engineer. Unified government is not obligated to provide cost estimates of the corrective work to the erosion control for the construction site prior to doing the work. Unified government is not obligated to seek the lowest cost for the corrective work. The construction site property owner shall reimburse the unified government for all costs incurred by the unified government to correct the deficiency, including construction, engineering, inspection, administrative costs and interest at the current rate published by the secretary of state pursuant to K.S.A. 16-204, and amendments thereto. The unified government may deny or delay all other permits or approvals on the subject property until the reimbursement is made. If in any event the amount due is not paid, the amount due may be certified to the unified government clerk and it shall, in accordance with law, become a lien upon the subject property. This amount shall be listed on the tax bill and be collected in the manner of ordinary taxes as authorized by law.

(f) *Prosecution of violation impairing and interfering.* Whenever the county engineer determines a construction site property owner is in violation of this article the county engineer may, without prior notice, instigate appropriate proceedings at law to assess fines pursuant to section 8-618 penalties.

(g) *No order of precedence implied.* Except where the forgoing enforcement activities require the prior issuance of a notice of violation, the county engineer is not obligated to follow any order of precedence in applying enforcement actions.

(h) *Enforcement measures after appeal.* If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal, within days of the decision of the municipal authority upholding the decision of the authorized enforcement agency, then representatives of the authorized enforcement agency shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, property owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

(i) *Cost of abatement of the violation.* Within 30 days after abatement of the violation, the property owner will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within 30 days. If the amount due is not paid within a timely manner as determined by the decision of the municipal authority or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

Any person violating any of the provisions of this article shall become liable to the unified government by reason of such violation. The liability shall be paid in not more than 12 equal payments.

(Ord. No. O-81-21 , § 1, 6-24-2021)

Sec. 8-618. Penalties.

(a) *Injunctive relief.* If any person violates the provisions of this chapter or regulations, orders, permits or other legal requirements of the unified government, the chief counsel may commence an action for legal or equitable relief in any court with appropriate jurisdiction.

(b) *Civil penalties.* When the county engineer determines that a person has failed to comply with any provisions of this chapter or regulations, orders, permits or other legal requirements hereunder, the person shall be subject to a penalty not exceeding $1,000.00 per violation, with recurrence on any succeeding day being a separate violation. Such civil penalties shall be recovered by the county engineer by civil action in a court of appropriate jurisdiction. In addition to the civil penalties provided herein, the unified government may in any such action recover reasonable attorney's fees, court costs, court reporters' fees and other expenses of litigation, as well as any damages to the facilities of the unified government or to the environment against the person found to have violated this chapter or the regulations, orders, permits or other legal requirements hereunder.

(c) *Criminal penalties.* Unless otherwise stated, any person violating any provisions of this chapter or regulations, orders, permits or other legal requirements hereunder wherein (1) such violation is an intentional violation, (2) such violation is a violation with any identifiable environmental harm, personal injury or damage to public or personal property, (3) any person knowingly has made any false statements, representations or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter or a permit issued hereunder, or who has falsified, tampered with or knowingly rendered inaccurate any monitoring device or method, and (4) any person has committed within a period of two years a second or additional violation of the same or comparable regulatory requirement shall upon conviction be guilty of a class A violation.

(d) *Administrative penalties and orders.*

(1) When the county engineer finds that a person has violated, or continues to violate, any provision of this article, the county engineer may penalize such person in an amount not to exceed $1,000.00. Such penalties shall be assessed on a per-violation, per day basis.

(2) Persons desiring to dispute such penalties must file a written request for the county engineer to reconsider the penalty along with full payment of the penalty amount within 45 days of being notified of the penalty. Where a request has merit, the county engineer may convene a hearing on the matter. In the event the person's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the person. The county engineer may add the costs of preparing administrative enforcement actions, such as notices and orders, to the penalty.

(3) Issuance of an administrative penalty shall not be a bar against, or a prerequisite for, taking any other action against the person.

(e) The county engineer may enter into consent orders, assurances of compliance, or other similar documents establishing an agreement with any person responsible for noncompliance. Such documents shall include specific action to be taken by the Person to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to this article.

(Ord. No. O-81-21 , § 1, 6-24-2021)

Sec. 8-619. Appeals.

Unless otherwise provided, any person aggrieved by an action of the county engineer issuing or refusing any permit, suspending or revoking any permit, or any other final action imposing affirmative or negative obligations on such person under this chapter may appeal such decision to the county administrator or his or designee. No notice of violation under in this chapter, no requirement only for information or data concerning a regulated activity, and only actions of the county engineer or health officer that impose specific affirmative or negative obligations shall be appealable. The county administrator must receive the written appeal within 15 days of the date of the county engineer's action, identifying the action appealed from, the relevant facts, and any information that such person requests the county administrator to consider. The county administrator or his or her designee may in his or her discretion either informally decide the appeal without a hearing or may hold a hearing at which such person may present his or her arguments and evidence. At any hearing held pursuant to this section, testimony taken must be under oath and recorded. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof. The county administrator will affirm, modify, or rescind the action in writing within 15 days of the appeal or any hearing held hereunder. Exhaustion of the opportunity for appeal under this section shall be a jurisdictional prerequisite for judicial review of any action of the county engineer.

(Ord. No. O-81-21 , § 1, 6-24-2021)

Secs. 8-620—8-629. Reserved.

ARTICLE XV. POST-CONSTRUCTION STORMWATER TREATMENT[1]

Sec. 8-630. General provisions.

(a) *Finding of facts.*

(1) It is hereby determined that:

a. Land development projects and associated increases in impervious cover alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, stream channel erosion, and sediment transport and deposition.

b. This stormwater runoff contributes to increased quantities of water-borne pollutants, and stormwater runoff, soil erosion and nonpoint source pollution can be controlled and minimized through the regulation of stormwater runoff from development sites.

c. Therefore, the unified government establishes this set of water quality and quantity policies applicable to all surface waters to provide reasonable guidance for the regulation of stormwater runoff for the purpose of protecting local water resources from degradation. It is determined that the regulation of stormwater runoff discharges from land development projects and other construction activities in order to control and minimize increases in stormwater runoff rates and volumes, soil erosion, stream channel erosion, and nonpoint source pollution associated with stormwater runoff is in the public interest and will prevent threats to public health and safety.

(b) *Purpose.*

(1) The Congress of the United States has amended the Clean Water Act of 1972 to reduce pollutants discharged into the waters of the United States by extending the National Pollution Discharge Elimination System (NPDES) requirements to regulate stormwater discharge from land disturbance and construction activities into the unified government's stormwater drainage systems. The unified government is subject to the NPDES requirements of federal law as an operator of a MS4, and the unified government is therefore obligated by federal law to develop, implement, and enforce minimum stormwater treatment standards in compliance with the unified government's Kansas Water Pollution Control General Municipal Separate Storm Sewer System (MS4) Permit.

(2) The purpose of the article is to protect and further the public interest by promoting the coexistence of the natural environment and quality, planned development; assisting the unified government's efforts to comply with the National Pollutant Discharge Elimination System (NPDES) regulations issued by the Environmental Protection Agency and administered by the state department of health and environment; providing effective stormwater management; improving water quality and reducing water pollution; limiting the impacts on stormwater from land development; preventing prohibited discharges from entering into the municipal separate storm sewer system; protecting natural stream assets; and protecting and, where possible, enhancing valuable natural water resources. These public interests are furthered by regulating stormwater discharges from development or redevelopment of

[1]Ord. No. O-81-21, § 2, adopted June 24, 2021, repealed the former Art. XV, §§ 8-630—8-640, and enacted a new Art. XV as set out herein. The former Art. XV pertained to similar subject matter and derived from Ord. No. O-25-10, § 1, adopted May 6, 2010; and Ord. No. O-27-14, § 2, adopted April 10, 2014.

land. It is also the purpose of this article to encourage responsible development and minimize the costs of development.

(3) This article establishes substantive and procedural requirements to protect and enhance the water quality of watercourses, water bodies, and wetlands by removing pollutants from the stormwater runoff generated by development or redevelopment projects.

(4) This article establishes minimum requirements for post-construction stormwater treatment on any new development or redevelopment of land.

(5) This article establishes registration, maintenance and reporting requirements on any owner of any private stormwater treatment facility.

(c) *Applicability.*

(1) Persons undertaking development or redevelopment of land located within the limits of the City of Kansas City, Kansas shall provide stormwater treatment as provided in this article.

(2) Owners of stormwater treatment facilities located within the limits of the City of Kansas City, Kansas shall register their facilities with the county engineer, shall regularly inspect and maintain their facilities, and shall report inspection results and maintenance activities all as provided in this article.

(3) The supplemental regulations and stormwater treatment standards authorized by this article shall further define exceptions for agricultural, redevelopment, remodeling, grounds maintenance, and redevelopment activities and projects.

(4) This article shall apply to all development or redevelopment that is located within the limits of the City of Kansas City, Kansas.

(5) Standard exceptions for stormwater treatment facilities designed to treat pollutants and not solely for volume or peak discharge reduction are as follows:

a. Any site that disturbs less than one acre of ground and is not part of a larger common plan of development or sale that would cumulatively exceed the one-acre limit. The unified government does, however, reserve the right to require the treatment of the cumulative area of land disturbance (for those incremental disturbances of less than one acre each) that has occurred since adoption of this article once the cumulative land disturbance for a particular tract has exceeded the one-acre threshold.

b. Any development that has a construction start date earlier than October 1, 2010 and does not experience a pause in construction for a period of more than 30 days after October 1, 2010.

c. Any site that makes application for preliminary plat or preliminary development plan prior to the publication date of this article and receives approval of a final development plan or final plat prior to September 1, 2010 and has completed all proposed improvements within two years of the date of approval.

d. Expansion or modifications to previously constructed developments otherwise subject to this chapter where the proposed increase in impervious surface is less than 5,000 square feet. The unified government does, however, reserve the right to require the treatment of the cumulative area of impervious surface increase (for those incremental increases of less than 5,000 square feet each) that has occurred since adoption of this article once the cumulative increase in impervious surface for a particular tract has exceeded the 5,000 square feet increase in impervious surface threshold.

e. Land disturbances for linear utility construction.

f. Agricultural land uses.

g. Single lot residential developments that are not part of a larger common plan of development or are located in a subdivision served by a stormwater management facility that is/was designed, adequately sized, constructed and maintained to achieve or exceed the performance criteria requirements of this article for the subdivision in its fully developed condition.

h. Repairs to any stormwater treatment facility or practice deemed necessary by the county engineer.

(6) Previously approved development plans. Projects having a preliminary development plan (including preliminary plans approved with an accompanying rezoning or special use permit), preliminary plat, or site plan (for conventional zoning districts only) that had a final approval by the governing body, the planning commission, or the planning and development services department prior to adoption of this article are exempt from the provisions of this chapter, but said developments remain subject to the previous version of this article. "Substantial or significant changes" to development plans after June 1, 2021, must comply with this article in the same manner as a new development.

(7) Unified government administered street construction. Street and thoroughfare construction projects administered and constructed by the unified government shall comply with this article, except that compliance is not required for street and thoroughfare construction that:

a. Disturbs less than one acre of ground and would be exempt under the standard exceptions set out in section 8-620(c)(5)(a) above; or

b. Will maintain, enhance, or reconstruct existing roadways, including safety improvements such as intersection improvements, turn lane additions, and new entrances, but which will not add additional through lanes.

(8) Unless subject to another agreement, stormwater treatment facilities installed as part of unified government administered projects are owned and maintained by the unified government.

(9) State rights-of-way. The unified government does not assert jurisdiction under this article over any construction work on State of Kansas rights-of-way.

(10) In the process of adopting supplemental regulations authorized by this article, the county engineer may provide other exceptions to this article.

(d) *Compatibility, severability and authority.*

(1) This article is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. The requirements of this article should be considered minimum requirements, and where any provision of this article imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

(2) If the provisions of any article, section, subsection, paragraph, subdivision or clause of this article shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this article.

(3) The county engineer is the principal unified government official responsible for administration and enforcement of this article and its requirements. The county engineer shall have the authority to adopt policies, procedures, and guidance documents as necessary for the interpretation and enforcement of this article and its requirements. The county engineer may delegate any or all of his or her duties under this article.

(Ord. No. O-81-21, § 2, 6-24-2021)

Sec. 8-631. Definitions.

In this article, these words and phrases have the following meanings:

As-built plan means a record drawing or plan prepared and certified by a professional engineer that represents the actual dimensions, contours, elevations, design calculations, etc., of a completed structure, facility, or constructed feature.

Best management practice (BMP) means the stormwater management practice used to prevent or control the discharge of pollutants, including sediment, and minimize runoff, both directly and indirectly, to stormwater, receiving waters, or stormwater drainage systems, waters of the U.S. or water body found in the unified government. BMPs may include structural or nonstructural solutions, a schedule of activities, prohibition of practices, maintenance procedures, or other management practices and programs.

Channel means a natural or artificial watercourse with defined bed and banks that conducts continuously or periodically flowing water.

City means all of the territory of Wyandotte County, except the territory of the cities of Bonner Springs, Edwardsville, and Lake Quivira and the unincorporated area of Wyandotte County.

County administrator means the individual appointed by the mayor/CEO of the unified government with the consent of the commission as the unified government county administrator or his/her designee.

County engineer means the individual appointed by the county administrator as the unified government county engineer or his/her designee.

Dedicate means the deliberate appropriation of property by its owner for general public use.

Developer means any person who owns a development or redevelopment site, or who authorizes, plans, undertakes, executes, or is otherwise directly responsible for development or redevelopment to occur on a given parcel.

Development or *redevelopment* means any human activity that alters the elevation, cover or other hydrologic feature of the land. Such activities include but are not limited to the subdivision of land and the addition or alteration of improvements such as cuts and fills, drainage alterations, utilities, buildings, pavements, landscape, and any combination of these elements. Also, the project, lot, parcel or tract or land where development or redevelopment occurs.

Development site means any lot or parcel of land or a series of lots or parcels of land adjoining or contiguous or joined together under one ownership on which development or redevelopment of land occurs after the effective date of this article.

Drainage easement means a legal right granted by a property owner to a grantee allowing the use of private land for stormwater management purposes.

Erosion means the process by which the ground surface is worn away by the action of the wind, water, ice, gravity, or artificial means, and/or land disturbance activities.

Impervious cover means those surfaces that cannot effectively infiltrate rainfall, including building rooftops, pavement, sidewalks, and driveways.

Land disturbance means any activity by which soil is moved and land changed that may result in erosion or the movement of sediments, and may include tilling, clearing, grading, excavating, stripping, stockpiling, filling and related activities, and the covering of land surfaces with an impermeable material.

Landscape architect means an individual who is duly licensed by the Kansas State Board of Technical Professions, pursuant to K.S.A. 74-7001 et seq. to practice landscape architecture.

Maintenance agreement means a legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of stormwater treatment facilities.

Municipal separate storm sewer system (MS4) or *public storm sewers* means the publicly maintained stormwater drainage system within the unified government, including all appurtenances and ancillary structures thereto, any conveyance or system of conveyances for stormwater, including road drainage systems, streets, catch basins, detention basins, curbs, gutters, ditches, man-made, channels, or storm drains, as well as any system that meets the definition of a municipal separate storm sewer system or "MS4" as defined by the Environmental Protection Agency in 40 C.F.R. 122.26, or amendments thereto.

Person means any natural or corporate person, business association or business entity including, but not limited to, a corporation, a partnership, a sole proprietorship, trust, a political subdivision, a public or private agency of any kind, a utility, an owners association, a successor or assign of any of the foregoing, or any combination thereof.

Pollutant means any substance or material which contaminates or adversely alters the physical, chemical or biological properties of water, including changes in temperature, taste, odor, turbidity, or color.

Pollution prevention plan means BMPs and other structural, procedural and operations and maintenance provisions designed and operated to reduce or eliminate the discharge of pollutants, particularly in stormwater runoff.

Previously constructed development means all buildings, parking, sidewalks, and other impervious surfaces that currently exist on a site that were built in accordance with an approved development plan.

Professional engineer means an engineer duly licensed by the Kansas State Board of Technical Professions, pursuant to K.S.A. 74-7001 et seq. to practice engineering.

Property owner means the person listed as owner of the property by the county Wyandotte County Register of Deeds.

Stop work order means an order issued which requires that all construction activity on a site be stopped.

Stormwater means surface flow resulting from any form of natural precipitation, also any discharge to the public storm sewer allowed under the unified government's NPDES stormwater discharge permit.

Stormwater treatment facility (STF) means any constructed facility, or designated natural or restored open space, designed either to reduce the pollution load of stormwater, or to reduce the peak flow or volume of stormwater, or both.

Stormwater treatment facility owner means the person who controls, possesses, or takes stewardship of a stormwater treatment facility, which is planned and constructed in order to meet the requirements of this section.

Stormwater treatment standards or *standards* means the detailed design criteria, construction specifications, standard details, and maintenance requirements adopted in writing by the county engineer.

Unaffiliated – means the person(s) performing inspection work on behalf of the facility and/or property owner may not be directly employed by the facility or property owner.

Unified government means the unified government of Wyandotte County/Kansas City, Kansas.

Watercourse means any natural or artificial path for the concentrated flow of storm water or surface water, including but not limited to streams, rivers, creeks, ditches, channels, canals, conduits, culverts, drains, swales, waterways, gullies, ravines, or washes, including any area adjacent to it that is subject to overflow of floodwater.

(Ord. No. O-81-21, § 2, 6-24-2021)

Sec. 8-632. Performance criteria.

(a) *Stormwater treatment standards (standards).* The county engineer shall adopt and maintain stormwater treatment standards to implement and interpret the provisions of this article. The additional guidance or exceptions/waivers may include, but not be limited to, modified best management practices, design criteria, construction specifications, or standard details. Copies of all adopted standards shall be on file and available in the office of the county engineer and shall include the following:

(1) Supplemental regulations necessary to implement this article including the authorization to establish, assess, and amend administrative fees;

(2) Post-construction stormwater treatment for developed sites;

(3) Inspection and maintenance of stormwater treatment facilities;

(4) Creation and update of a registry of all stormwater treatment facilities required by this article; and

(5) All stormwater treatment facilities required or constructed within the unified government shall be designed and constructed in accordance with the most-recent standards set forth above and in the office of the county engineer. If hydrologic or topographic conditions warrant greater control than provided by the minimum control requirements set forth, the county engineer may impose additional requirements deemed necessary to control the pollutants in stormwater runoff. It shall be unlawful for any person to fail to comply with any additional requirements imposed by the county engineer as necessary to control the pollutants.

(b) *Minimum control requirements.* All stormwater treatment facilities shall be designed to provide a combination of pollutant removal, water volume, and peak flow control that satisfies the requirements established by unified government, approved watershed management plans or studies.

(c) *Non-structural stormwater practices.* Non-structural stormwater treatment practices are encouraged to minimize the reliance on structural practices. Applicants or owner of the site wishing to utilize non-structural practices for the purpose of meeting the requirements established by the unified government must ensure that these practices are documented and will remain unaltered by subsequent property owners by locating the facility in a drainage easement, separate tract dedicated for stormwater treatment facilities or similar instrument as approved by the county engineer.

(d) *Modifications to allow alternate compliance.* In addition, the county engineer may waive or modify any of the stormwater treatment standards to encourage the implementation of alternative or innovative practices that implement the intent of the modified standards and provide equivalent public benefits without significant adverse impacts on surrounding properties or developments. Such modifications may be granted for issues including, but not limited to:

(1) Approval of alternate materials, devices, techniques, details or specifications for individual stormwater treatment facilities that would be expected to provide similar or better performance;

(2) Evaluations of credits or any requirements established by the unified government to account for unique or special technical considerations; or

(3) Corrections, clarifications or modifications to requirements which the county engineer has found to give inadequate or undesirable performance.

(e) Appeals of decisions made by the county engineer related to the standards shall be made in accordance with section 8-643.

(Ord. No. O-81-21, § 2, 6-24-2021)

Sec. 8-633. Site location and placement.

(a) The location of stormwater treatment facilities shall be consistent with their function while also conforming to the uses and constraints of the site. The facility locations shall be approved by the county engineer, and ownership and maintenance responsibility established. Stormwater treatment facilities shall be shown on all relevant documents detailed in section 8-634(a).

(1) *Regional stormwater treatment facilities.* Regional facilities for stormwater management shall be shown on preliminary and final plans. The perimeter of the facility shall be dimensioned on a plan provided as an attachment to the maintenance agreement. Provisions shall be made for maintenance of the facilities, documentation of their presence, and rights of access, as set forth in section 8-638.

(2) *Local stormwater treatment facilities.* Local stormwater treatment facilities shall be dimensioned on a plan provided as an attachment to the maintenance agreement. Provisions shall be made for maintenance of the facilities, documentation of their presence, and rights of access, as set forth in section 8-638.

(3) *Residential single-family and two-family areas.* Generally, stormwater treatment facilities for residential single-family and two-family developments shall be centralized and located on a common tract.

a. The county engineer may allow a limited number of distributed facilities on individual residential tracts, provided the applicant or owner of the site demonstrates that substantial provisions are in place to ensure long-term operation, maintenance and inspection of such facilities without undue burden to the unified government staff for tracking and monitoring compliance.

(4) *Private facilities in the public street right-of-way.* Privately owned and operated stormwater treatment facilities shall be located outside of the public street right-of- way unless approved in writing by the county engineer and a corresponding right-of-way agreement which shall be recorded that provides for private maintenance responsibility in the public street right-of-way.

(5) *Coordination with utility easements.* Stormwater treatment facilities shall not be co-located within utility easements unless approved by the county engineer.

(6) *Detention ponds.* When detention facilities for peak flood control are required under the public works and stormwater treatment standards, such basins may be co- located with stormwater treatment facilities, provided that the facilities are designed to meet the requirements of both uses.

(7) *Off-site facilities.* The county engineer may consider proposals to manage stormwater runoff in off-site facilities that treat runoff from the proposed development and comply with the stormwater treatment standards. The off-site facility shall be in place prior to or concurrently with the proposed development. Long-term operations and maintenance responsibilities for the facilities must be established by agreements, approved by the unified government, and recorded with Wyandotte County Register of Deeds.

(8) *Existing stream corridors.* Existing stream corridors are considered a beneficial stormwater treatment facility and will be evaluated based on the based on the requirements established by the unified government.

(Ord. No. O-81-21, § 2, 6-24-2021)

Sec. 8-634. Stormwater treatment facility plan and report requirements.

(a) *Developer to prepare stormwater treatment facility plan.* In conjunction with final development plan, final plat, building permit applications, and other building or land development applications as may be identified in the supplemental regulations, the developer shall submit a preliminary stormwater treatment plan and stormwater management report. The plan shall consist of construction drawings for stormwater treatment facilities that meet the requirements of the design criteria, a construction sequence for protection of the stormwater treatment facilities from construction phase sedimentation, a projected maintenance plan, agreement and schedule, and a pollution prevention plan.

(b) The final stormwater management plans are required to be incorporated into the public improvement plans and/or site development plans for the project and prepared in accordance with the unified government design criteria and this article. In addition, a final drainage report is required to be submitted concurrently with the plans and shall include detailed information for each stormwater treatment facility within the development as required by the stormwater treatment standards.

(1) The county engineer shall have the authority to set minimum plan and report submittal requirements by written policy or checklist.

(2) Both the plans and report require review and acceptance by the county engineer prior to a building permit and/or public improvement permit being issued for the development.

(3) Following initial acceptance of the plans and report by the county engineer, the developer can make revisions to both the plans and report only with written approval of the county engineer.

a. Revised plans and reports must be submitted to the county engineer for review and written acceptance prior to any changes being made to the existing plans and reports previously approved by the county engineer.

b. Revised plans and reports must be prepared by a professional engineer unless another design individual is first approved in writing by the county engineer.

(4) *No separate permit.* The county engineer shall review and approve the stormwater treatment plan. Review, approval, construction inspection, and maintenance agreement for the stormwater treatment facilities shall be an integral part of the performance required under previously adopted or subsequently amended unified government regulation of buildings and development. A separate permit or bond for construction of the stormwater treatment facility is not required.

(5) *Developer to construct.* The developer shall construct the stormwater treatment facilities according to the approved plan and the adopted stormwater treatment standards.

(6) *Prevent damage from construction phase sediment.* Developer shall manage the construction sequence to protect the stormwater treatment facilities from construction phase sedimentation.

(7) *Prevent damage/compaction from construction equipment.* Developer shall manage and protect areas where stormwater treatment facilities are proposed to be located to prevent soil compaction.

(c) *Design certification.* Prior to commencing construction of a stormwater treatment facility on projects that do not require a development review committee (DRC) process/approval including necessary rehabilitations of stormwater treatment facilities, a professional engineer shall submit a certification stating that the plans, report, and specifications for constructing required stormwater treatment facilities are in conformance with this chapter and the unified government design criteria.

(Ord. No. O-81-21, § 2, 6-24-2021)

Sec. 8-635. Procedures.

(a) *Timing of stormwater treatment facility construction.* Stormwater treatment facilities shall be constructed as early as feasible during the development process. However, since some commonly used stormwater treatment facilities are sensitive to construction generated silt when upstream areas are under construction, the following provisions are allowable for timing of such facility construction:

(1) For a stormwater treatment facility serving a single building lot, the facility shall be constructed concurrently with the development of the site and building, subject to exceptions set forward in this section.

(2) When stormwater treatment facilities serve multiple development lots within a common plan of development, a stormwater treatment facility can be final graded, and permanent vegetation installed only after 90 percent of the land area served by the facility has achieved permanent stabilization unless the county engineer approves a shortened schedule. Additionally, stormwater treatment facilities must be installed and certified within six months of permanent stabilization of the entire land area served by the facility. Land area served by the facility shall mean those areas served by the facility within the common plan of development and shall not include offsite areas even if they are tributary to the facility.

(3) For stormwater treatment facilities serving multiple development lots within a common plan of development, no certificate of occupancy and/or temporary certificates of occupancy shall be issued for any building or site unless a stormwater treatment facility has received a post construction certification per section 8-637(a)(1).

(b) *Failure to construct a required stormwater treatment facility.* When construction of a stormwater treatment facility is delayed beyond the limits as provided in this section, the county engineer may utilize any or all of the following enforcement mechanisms:

(1) Withhold issuance of building permits for properties proposed to be served by such stormwater treatment facility;

(2) Withhold issuance of temporary and/or certificates of occupancy or certificates of compliance for permitted work that is proposed to be served by such stormwater treatment facility; and/or

(3) Issue stop work orders for permitted work for any or all property that is proposed to be served by such stormwater treatment facility.

(Ord. No. O-81-21, § 2, 6-24-2021)

Sec. 8-636. Construction inspections.

(a) *Inspections.* Regular inspections of the stormwater management system construction shall be the responsibility of the project designer (certifying professional engineer) or other owner's representative who has been approved by the county engineer. Inspection results of said inspections shall be forwarded to the county engineer. The property owner/developer shall notify the county engineer before beginning construction of any stormwater treatment facility and shall keep the county engineer advised as to the progress of the work and any changes in the schedule. For certain types and locations of stormwater treatment facilities, the county engineer may at theirdiscretion require additional or parallel inspections by unified government staff. A final inspection will be required by the unified government before a certificate of occupancy and/or temporary certificate of occupancy can be released.

(b) The unified government may also require the property owner/developer to retain a third party inspector, if at the county engineer's discretion, the complexity of the stormwater treatment facility, inexperience by the

property owner's contractor, or harsh site conditions warrant the need for full-time third party inspection staff.

(c) In addition to inspections established under previously adopted or subsequently amended unified government regulation of buildings and development, the county engineer may during the construction period inspect any stormwater treatment facility required under this article to ensure that it is correctly installed and adequately protected from construction phase sedimentation.

(Ord. No. O-81-21, § 2, 6-24-2021)

Sec. 8-637. Post-construction certification, as-built plans, and registry.

(a) The following are required to be submitted and fully approved prior to release of a certificate and/or temporary certificate of occupancy:

(1) *Post construction certification.* The project designer (professional engineer), or other party approved by the county engineer, must certify that the stormwater treatment facility is fully functional and that the materials and construction of the stormwater treatment facility fully comply with the approved plans, report, specifications and provisions of this chapter. The certification shall be made prior to issuance of a certificate and/or temporary certificate of occupancy.

(2) *As-built plans.* The property owner/developer shall also submit as-built plans showing in detail all construction changes from the accepted plans which shall be completed by a professional engineer. The certification shall be made prior to issuance of a certificate and/or temporary certificate of occupancy.

(3) *Stormwater treatment facility registry.* The county engineer shall create and sustain a registry of all stormwater treatment facilities required under this article. The registry shall include the location, description, ownership, and inspection and maintenance history of each facility and other information as the county engineer deems necessary. The owner of each stormwater treatment facility required under this article shall register that facility with the county engineer and shall update the county engineer of changes in contact information and transfers of any facility to another owner or persons responsible for maintaining the STF.

(Ord. No. O-81-21, § 2, 6-24-2021)

Sec. 8-638. Protection, maintenance and repair of facilities.

(a) *Protection of stormwater treatment facilities.* No person shall remove, destroy, or otherwise impair the effectiveness of any stormwater treatment facility either installed in compliance with this chapter or installed voluntarily not as part of a development or redevelopment activity.

(b) *Maintenance responsibility.* The property owner on whose land the stormwater treatment facility has been constructed pursuant to this chapter and any other person or agent in control of such land, shall maintain the stormwater treatment facility in good condition and promptly repair and restore all grade surfaces, walls, drains, dams and structures, vegetation, erosion and sediment control measures, and other protective devices. Such repairs or restoration and maintenance shall be in accordance with relevant agreements, plans and reports accepted by the county engineer and any amendments thereto.

(c) *Required maintenance agreement.* Prior to issuance of any permit that includes construction of a stormwater treatment facility, the applicant or property owner of the site shall provide a maintenance agreement for approval by the county engineer. At a minimum, the maintenance agreement shall:

(1) Identify the responsible party (with contact information) for those individuals responsible for maintaining all stormwater treatment facilities;

(2) Include an attachment showing the locations and dimensions of all stormwater treatment facilities;

(3) Provide access for the responsible party to maintain all stormwater treatment facilities, as well as right of access to the unified government as provided in other sections of this chapter;

(4) Establish minimum frequency and levels of maintenance to be completed;

(5) Establish the frequency of inspections;

(6) Identify the unified government's rights in the event that the responsible party fails or is unable to perform the obligations of the maintenance agreement;

(7) Clarify how modifications or additions can be made to the maintenance agreement; and

(8) The maintenance agreement shall be recorded in the Wyandotte County Register of Deeds and associated with all lots with stormwater treatment facility maintenance responsibilities.

(d) *Notice on plat or title.* The final plat shall contain language approved by the county engineer to provide notice of facility presence and maintenance obligations. Said deed restriction shall be recorded with the unified government records and tax administration concurrent or prior to recording of the final plat or approval of final plans. The notice shall run with the land and failure to provide this notice to any purchaser prior to transferring any interest in the property shall be in violation of this chapter. The notice shall be in a form approved by the county engineer and substantially as set forth below:

(1) "Notice: This site includes Stormwater Treatment Facilities, as defined and regulated in the Unified Government Code. Restrictions on the use or alteration of the said Facilities may apply. This property is also subject to the obligations and requirements of the Stormwater Treatment Facility Maintenance Agreement approved by the County Engineer or his/her designee."

(2) When the development involves a final plat, this notice shall appear on the face of the plat, as recorded. When the proposals do not involve a final plat, a drainage easement shall granted by separate instrument and be recorded at the Wyandotte County Register of Deeds, and shall include the legal description of the property, the current owner, and other reference to the project, and the notarized signature of the property owner or owners.

(e) *Dedicated tracts or easements.* All stormwater treatment facilities shall be located in a separate tract dedicated for this purpose; provided however, if the stormwater treatment facility serves lands from only one lot and is located on the lot served, then the stormwater treatment facility may be located within a drainage easement dedicated for this purpose. In all cases, the tract or drainage easement shall adjoin a public right-of-way or shall include provisions for access from a public right-of-way to the stormwater treatment facility for the benefit of the property owner, legally responsible for the facility and maintenance of facility, and the county engineer for periodic inspection of the stormwater treatment facility. The use of and the restrictions placed on all such tracts and drainage easements shall be binding on subsequent property owners on which the stormwater treatment facility is located. Whenever possible, a dedicated tract or drainage easement shall be made part of a final plat recorded at the Wyandotte County Register of Deeds. However, whenever it is not possible or practical as determined by the county engineer, a drainage easement shall be recorded by separate instrument by the property owner at the Wyandotte County Register of Deeds and recorded copy provided to the county engineer.

(f) *Maintenance inspections and certifications by property owner.* The property owners of all stormwater treatment facilities, except for distributed facilities serving individual residential lots, must submit a maintenance certification report to the county engineer on or before the first day of November of each year. The maintenance certification report shall be completed and sealed by a registered professional engineer, landscape architect in the State of Kansas or Certified Stormwater manager, unless the county engineer

approves other qualified professionals to perform these duties. The person performing the inspection and certifying the stormwater treatment facilities must be an unaffiliated third party engaged in performing these duties and not a direct employee of the owner or the lessee of the property. Such maintenance certification report shall document each item including, but not limited to, the need for removal of silt, litter and other debris, grass cutting, removal of undesirable vegetation, and replacement of landscape vegetation or other specific items noted in the maintenance agreement. Any maintenance needs found must be documented and addressed in a timely manner, as determined by the county engineer, and the inspection and maintenance frequency required may be increased as deemed necessary to ensure proper functioning of the stormwater treatment facility.

(g) *Inspection of stormwater treatment facilities by the unified government.* The county engineer may establish an inspection program, including but not limited to routine inspections, random inspections, inspections based upon complaints or other notice of possible violations, inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants, inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the NPDES stormwater permit, and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to, reviewing maintenance and repair records, sampling discharges, surface water, groundwater, and material or water in drainage control facilities, and evaluating the condition of drainage control facilities and other stormwater treatment practices.

(h) *Right of entry for inspection.* When any stormwater treatment facility is installed on private property, or when any new connection is made between private property and a public storm sewer system, the property owner shall grant to the unified government in a manner and form acceptable to the county engineer, the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when it has a reasonable basis to believe that a violation of this article is occurring or has occurred, and to enter when necessary for abatement of a public nuisance or correction of a violation of this article.

(i) *Records of installation and maintenance activities.* Parties responsible for the operation and maintenance of a stormwater management facility shall make records of the installation and of all maintenance and repairs and shall retain the records for at least five years. These records shall be made available to the county engineer during inspection of the facility and at other reasonable times upon request and at a minimum shall be submitted with the annual certification package.

(j) *Failure to maintain practices.* If a responsible party fails or refuses to meet the requirements of the maintenance agreement, the county engineer, after reasonable notice, may correct a violation of the stormwater treatment standards or maintenance needs by performing all necessary work to place the facility in proper working condition.

(k) *Public safety threat.* In the event that the stormwater management facility becomes a danger to public safety or public health, the county engineer shall notify the party responsible for maintenance of the stormwater management facility in writing. Upon receipt of that notice, the responsible person shall have 30 days to effect maintenance and repair of the facility in an approved manner. In the event of an emergency, when the county engineer determines that the facility poses an immediate danger to life or property, no notification period shall be required prior to beginning mitigation work. After proper notice, the county engineer will enforce the maintenance provisions of this chapter with any or all of the following enforcement measures:

(1) *Notice of violation.* The county engineer is authorized to serve a notice of violation or order on any person or entity responsible for maintaining the facility. Such notice shall order abatement of the violation by the responsible person or entity.

(2) *Lien on property.* The county engineer may assess the property owner(s) of the facility for the cost of repair work and any penalties as authorized by law; and the cost of the work shall be a lien on the property, or assessed against the property owners defined on the plat or other registered document, and may be placed on the tax bill and collected as ordinary taxes by the unified government.

(Ord. No. O-81-21, § 2, 6-24-2021)

Sec. 8-639. Annual certifications.

(a) On or before the first day of November of each year, the property owner and person responsible for maintaining each stormwater treatment facility shall obtain an inspection and prepare a certification as detailed in section 8-638(f).

(b) The annual certification shall document if the stormwater treatment facility does not pass inspection and prepare a report of items that require corrective action. The report shall document each item including, but not limited to, the need for removal of silt, litter and other debris, grass cutting, removal of undesirable vegetation, replacement of landscape and vegetation and replacement and/or repair of structure items including underdrains, overflow structures, and storm drainage pipes. Any maintenance needs found shall be addressed in a timely manner, as determined by the county engineer, and the inspection and maintenance requirements may be increased as deemed necessary to ensure proper functioning of the stormwater treatment facility.

(Ord. No. O-81-21, § 2, 6-24-2021)

Sec. 8-640. Violations.

(a) *Violations.* Any development activity that is commenced or is conducted contrary to this article, may be restrained by injunction or otherwise abated in a manner provided by law.

(b) *Notice of violation.* When the county engineer finds that a property owner has violated, or continues to violate, any provision of this article, or order issued hereunder, the county engineer may serve upon that property owner a written notice of violation. Within 30 days of the receipt of such notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the property owner to the county engineer. Submission of such a plan in no way relieves the property owner of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the county engineer to take any action, including emergency actions or any other enforcement action, and does not require the county engineer to first issue a notice of violation.

(Ord. No. O-81-21, § 2, 6-24-2021)

Sec. 8-641. Enforcement.

(a) *Default.* The following is considered the default enforcement procedures for this chapter as a whole and apply to all articles unless specifically annulled within an article.

(1) *Notice of violation.* Whenever the authorized enforcement agency finds that a person has violated a prohibition or failed to meet a requirement of this article, the authorized enforcement agency may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

a. That violating practices, or operations shall cease and desist;

b. The abatement or remediation of the violation and the restoration of any affected property; and

c. Payment of a penalty to cover administrative and remediation costs; and

d. The implementation or rehabilitation of source control or stormwater treatment facility.

e. Compliance with articles in this chapter.

(2) *Abatement.* If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator. The notice of violation shall provide the owner with a minimum of 30 days from the date of the discovery of the violation to remediate or restore, unless the violation poses an immediate risk to the health of the public, damage to property, or other serious hazard.

(3) *Form and service of notice of violation.* When required prior to a subsequent enforcement action, a notice of violation shall be given in the manner prescribed below:

a. *Form.* Notice shall be in writing and shall include the location and description of the stormwater treatment facility in violation of this article. The notice shall describe the nature of the violation and the required corrective action and shall include a reasonable time limit for corrective action. The notice shall include a statement of the unified government's right to file a lien and shall inform the stormwater treatment facility owner of the right to appeal.

b. *Service.* Notice may be delivered to the stormwater treatment facility owner in person, or may be sent by certified mail, to the owner at the address provided in the stormwater facility registry, or in any other manner as authorized by law. Method of delivery is at the option of the county engineer. In the case that the registry information is incomplete the notice may be delivered to the property owner at the address of record.

(b) *Withhold development authorization.* Whenever the county engineer determines the stormwater treatment plan does not meet the design standard the county engineer may take any of the following actions without prior notice of violation:

(1) Withhold the recordation of a final plat for which the stormwater treatment plan is required;

(2) Withhold from the agenda of the planning and zoning board the final development plan or final plat for which the stormwater treatment plan is required; or

(3) Withhold the issuance of or place a stop work order on a building permit for which the stormwater treatment plan is required.

(c) *Withhold occupancy permits.* Whenever the county engineer determines required stormwater treatment facilities have not been constructed according to plan and adopted construction standards or have been contaminated by construction phase sediment the county engineer may, without prior notice of violation, withhold the issuance of a temporary or final certificate of occupancy.

(d) *Stop work.* Whenever the county engineer determines required stormwater treatment facilities have not been constructed according to plan and adopted construction standards or have been contaminated by construction phase sediment the county engineer may issue a stop work order. Issuance of a stop work order shall be followed as soon as practicable with a notice of violation identifying the conditions precipitating the stop work order.

(e) *Prosecution of violation stormwater treatment facility owners.* Whenever the county engineer determines a stormwater treatment facility owner has not corrected the conditions listed in a notice of violation within the time period for remedy established in the notice, the county engineer may instigate appropriate proceedings

at law or in equity to correct or abate the violation. If the fine assessed is not paid in a timely manner, the fine assessed may be certified to the unified government clerk and it shall, in accordance with law, become a lien upon the subject property. This amount shall be listed on the tax bill and be collected in the manner of ordinary taxes as authorized by law.

(f) *Abatement and cost recovery.* Whenever the county engineer determines a stormwater treatment facility owner has not corrected the conditions listed in a notice of violation within the time period for remedy established in the notice, the county engineer may authorize the unified government or its agents to go upon the land and correct the violation. Work may be accomplished by contract or otherwise at the discretion of the county engineer. Unified government is not obligated to provide cost estimates of the corrective work to the stormwater treatment facility owner prior to doing the work. Unified government is not obligated to seek the lowest cost for the corrective work. The stormwater treatment facility owner shall reimburse the unified government for all costs incurred by the unified government to correct the deficiency, including construction, engineering, inspection, administrative costs and interest at the current rate published by the Secretary of State pursuant to K.S.A. 16-204, and amendments thereto. The unified government may deny or delay all other permits on the subject property until the reimbursement is made. If in any event the amount due is not paid, the amount due may be certified to the unified government clerk and it shall, in accordance with law, become a lien upon the subject property. This amount shall be listed on the tax bill and be collected in the manner of ordinary taxes as authorized by law.

(g) *Prosecution of violation impairing and interfering.* Whenever the county engineer determines a person is in violation of this article the county engineer may, without prior notice, instigate appropriate proceedings at law to assess fines pursuant to section 8-642 penalties.

(h) *No order of precedence implied.* Except where the forgoing enforcement activities require the prior issuance of a notice of violation, the county engineer is not obligated to follow any order of precedence in applying enforcement actions.

(i) *Enforcement measures after appeal.* If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal, within 30 days of the decision of the municipal authority upholding the decision of the authorized enforcement agency, then representatives of the authorized enforcement agency shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

(j) *Cost of abatement of the violation.* Within 30 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within 30 days. If the amount due is not paid within a timely manner as determined by the decision of the municipal authority or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

(k) Any person violating any of the provisions of this article shall become liable to the unified government by reason of such violation. The liability shall be paid in not more than 12 equal payments.

(Ord. No. O-81-21, § 2, 6-24-2021)

Sec. 8-642. Penalties.

(a) *Injunctive relief.* If any person violates the provisions of this chapter or regulations, orders, permits or other legal requirements of the unified government, the chief counsel may commence an action for legal or equitable relief in any court with appropriate jurisdiction.

(b) *Civil penalties.* When the county engineer determines that a property owner has failed to comply with any provisions of this chapter or regulations, orders, permits or other legal requirements hereunder, the property owner shall be subject to a penalty not exceeding $1,000.00 per violation, with recurrence on any succeeding day being a separate violation. Such civil penalties shall be recovered by the county engineer by civil action in a court of appropriate jurisdiction. In addition to the civil penalties provided herein, the unified government may in any such action recover reasonable attorney's fees, court costs, court reporters' fees and other expenses of litigation, as well as any damages to the facilities of the unified government or to the environment against the person found to have violated this chapter or the regulations, orders, permits or other legal requirements hereunder.

(c) *Criminal penalties.* Unless otherwise stated, any person violating any provisions of this chapter or regulations, orders, permits or other legal requirements hereunder wherein (1) such violation is an intentional violation, (2) such violation is a violation with any identifiable environmental harm, personal injury or damage to public or personal property, (3) any person knowingly has made any false statements, representations or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter or a permit issued hereunder, or who has falsified, tampered with or knowingly rendered inaccurate any monitoring device or method, and (4) any person has committed within a period of two years a second or additional violation of the same or comparable regulatory requirement shall upon conviction be guilty of a class A violation.

(d) *Administrative penalties and orders.*

(1) When the county engineer finds that a property owner has violated, or continues to violate, any provision of this article, the county engineer may penalize such property owner in an amount not to exceed $1,000.00. Such penalties shall be assessed on a per-violation, per day basis.

(2) Property owners desiring to dispute such penalties must file a written request for the county engineer to reconsider the penalty along with full payment of the penalty amount within 45 days after the issuance of the notice of violation. Where a request has merit, the county engineer may convene a hearing on the matter. In the event the property owner's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the property owner. The county engineer may add the costs of preparing administrative enforcement actions, such as notices and orders, to the penalty.

(3) Issuance of an administrative penalty shall not be a bar against, or a prerequisite for, taking any other action against the property owner.

(e) The county engineer may enter into consent orders, assurances of compliance, or other similar documents establishing an agreement with any property owner responsible for noncompliance. Such documents shall include specific action to be taken by the property owner to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to this article.

(Ord. No. O-81-21, § 2, 6-24-2021)

Sec. 8-643. Appeals.

(a) Unless otherwise provided, any person aggrieved by an action of the county engineer or refusing any permit, suspending or revoking any permit, or any other final action imposing affirmative or negative obligations on such property owner under this chapter may appeal such decision to the county administrator or designee. No notice of violation under subsection 8-640(b) of this chapter, no requirement only for information or data concerning a regulated activity, and no action of the county engineer or designee not imposing specific affirmative or negative obligations shall be appealable. The county administrator must receive the written

appeal within 15 days of the date of the county engineer's action, identifying the action appealed from, the relevant facts, and any information that such person requests the county administrator to consider. The county administrator or designee may in his/her discretion either informally decide the appeal without a hearing or may hold a hearing at which such person may present his/her arguments and evidence. At any hearing held pursuant to this section 8-643, testimony taken must be under oath and recorded. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof. The county administrator will affirm, modify, or rescind the action in writing within 15 days of the appeal or any hearing held hereunder. Exhaustion of the opportunity for appeal under this section 8-643 shall be a jurisdictional prerequisite for judicial review of any action of the county engineer.

(Ord. No. O-81-21, § 2, 6-24-2021)

Secs. 8-644—8-650. Reserved.

Chapter 30
SEWERS AND SEWAGE DISPOSAL[1]

ARTICLE I. IN GENERAL

Sec. 30-1. Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Unless the context of usage indicates otherwise, the meaning of terms in this chapter and not defined in this section or in chapter 1 shall be defined in the Glossary of Water and Wastewater Control Engineering prepared by the Joint Editorial Board of the American Public Health Association, American Society of Civil Engineers, American Water Works Association and Water Pollution Control Federation, copyright 1981, or its replacement.

Act or *the Act* means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251 et seq.

Applicant means any person requesting a permit to use the public sewer under any of the provisions of this chapter.

Approval authority means the EPA or Kansas Department of Health and Environment (KDHE). As regards the pretreatment program, if the pretreatment program has been formally delegated to the KDHE, it shall mean the director of the division of environment of KDHE.

Authorized or *duly authorized* representative of the user.

(1) If the user is a corporation:

a. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

b. The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit [or general permit {optional}] requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

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[1]Cross reference(s)—Wages on public improvement projects, § 2-295; sanitary sewers in subdivisions, § 27-316; buildings and building regulations, ch. 8; health and sanitation, ch. 17; approval of construction of public facility or utility by planning commission, § 27-23; solid waste, ch. 31.

State law reference(s)—State regulation of wastewater discharges, K.S.A. 65-164 et seq.

(2) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.

(3) If the user is a federal, state, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

(4) The individuals described in paragraphs 1 through 3, above, may designate a duly authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the unified government.

(5) If the user is a trust: trustee.

Batch means the controlled discharge of a discrete, contained volume of wastewater.

Best management practices (BMPs) includes, but is not limited to, schedules of activities, prohibitions of practices, maintenance policies and other management procedures that are implemented to prevent or reduce the discharge of pollutants into the municipal sewer system, and to minimize the pollution of waters of the United States. The term "BMPs" also includes pretreatment equipment installation and requirements, operating procedures, practices to control runoff from developed sites, spillage or leaks, sludge or waste disposal, or drainage from raw material storage, and other structural controls such as dry extended detention ponds, wet ponds, infiltration basins, infiltration trenches, porous pavement, bioretention, sand and organic filters, stormwater wetlands, grassed swales, grassed filter strips, catch basin insert, in-line storage, and manufactured products for stormwater inlets.

Board of county commissioners means the unified government of Wyandotte County/Kansas City, Kansas Board of County Commissioners.

Board of public utilities (BPU) means an administrative agency of the unified government of Wyandotte County/Kansas City, Kansas.

BOD (biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter as under EPA/KDHE-approved laboratory procedure in milligrams per liter.

BTEX means the sum of the concentrations of benzene, toluene, ethylbenzene, and the isomers of xylene (o-xylene, m-xylene, and p-xylene), as determined by an analytical method approved by the EPA or KDHE.

Building drain means that part of the lowest horizontal piping of a drainage system that receives the discharge from waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer beginning two feet outside the outer face of the building wall.

Building sewer, sewer service or *private sewer* means the sewer maintained and controlled by private persons for the purpose of conveying sewage or stormwater to public sewers including the extension from the building drain to the public sewer. The building sewer shall be deemed to begin at a point two feet outside the building or foundation wall. The building sewer ends at the point of connection to the public sewer and includes the connection.

Bypass means the intentional diversion of waste streams from any portion of an industrial user's treatment facility.

Categorical industrial user (CIU) means an industrial user subject to national categorical pretreatment standards.

Categorical pretreatment standard or *categorical standard* means any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category of users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

COD (chemical oxygen demand) means the oxygen-consuming capacity of inorganic and organic matter present in wastewater, expressed as the amount of oxygen consumed from a chemical oxidant as under EPA/KDHE-approved laboratory procedure in milligrams per liter.

Class I-A means all wastewater or sewage discharged into a sanitary sewer by residential users. Equivalent to BPU Classes 080 and 080A.

Class I-B means all wastewater, sewage and industrial waste discharged into a sanitary sewer from commercial establishments that are not class II or class III. The term "class 1-B" includes residential structures with three or more units that discharge into a sanitary sewer. Equivalent to BPU Class 081.

Class II includes all wastewater, sewage and industrial waste discharged into a sanitary sewer from establishments that prepares food for consumption by non-familiar persons. Equivalent to BPU Class 090.

Class III includes all wastewater, sewage and industrial waste discharged into a sanitary sewer from permitted industrial users. Equivalent to BPU Classes 083 and 086.

Clean Water Act means the federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Code of Management Practices for Silver Dischargers means the best management practice established jointly by the Association of Metropolitan Sewerage Agencies (AMSA) and the Silver Council, including the Guide for Commercial Imaging, Guide for Diagnostic and Industrial X-Ray Film Processors and Guide for Photo Processors, copyright 1997, National Association of Photographic Manufacturers, Inc.

Combined sewer means a sewer designed to receive any combination of surface runoff and wastewater, sewage, or industrial wastes.

Connection or *sewer connection* means an attachment of a building sewer to a public sewer, or the location where such an attachment occurs. If the context specifically requires the interpretation, it also means the attachment of a newly constructed public sewer to an existing public sewer.

Construction activity. Activities subject to NPDES construction permits. Currently these include construction projects resulting in land disturbance of 1 acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

Control authority means the environmental services division, KDHE or the EPA, depending on the level of oversight or jurisdiction for a facility or location.

Cooling waters means the water discharged from any use such as air conditioning, cooling, or refrigeration or to which the only pollutant added is heat.

Development means any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

Direct discharge means the discharge of treated or untreated wastewater directly to the waters of the state.

Director refers to the director of environmental services or designee for articles I (exception section 30-123), II, III, IV, V, VIII, and IX, county engineer for article I section 30-11 and section 30-123 and the director of the unified government health department or their designee for articles VI and VII.

Domestic sewage means sewage originating primarily from non-commercial kitchens, bathrooms, and laundry sources, including waste from food preparation, dishwashing, garbage grinding, toilets, baths, showers, and sinks.

Domestic wastes means liquid wastes from the noncommercial preparation, cooking and handling of food or containing human excrement and similar matter from the sanitary conveniences of dwellings, commercial buildings, industrial facilities, and institutions.

Drainageway or *drainage channel* means a natural or manmade stormwater conveyance system.

Environmental Protection Agency or *EPA* means the U.S. Environmental Protection Agency, or, where appropriate, the term may also be used as a designation for the administrator or other official of such agency.

Fats, oils, and grease (FOG) means oily or grease materials typically derived from animal or vegetable origins that that have the potential for accumulations and blockage of sewers or otherwise may interfere with the operation of the collection system or publicly-owned treatment works (POTW), or become a removal problem at the POTW. FOG shall include all pollutants identified as FOG by an EPA-approved testing method or originate from mineral and petroleum-based products such as motor oil and industrial sources.

Garbage means solid wastes from the domestic or commercial preparation, cooking or dispensing of food, or from the handling, storage, or sale of food or produce.

Harmful quantity means the amount of any substance that the director determines will cause an adverse impact to the storm drainage system, including the municipal separate storm sewer system (MS4), or will contribute to the failure of the unified government to meet the water quality-based requirements of the NPDES permit for discharges from the MS4.

Hazardous materials means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Health department means the public health department of the unified government.

Health officer means the director of the health department or his designee.

IDDE means illicit discharge detection and elimination, a program to identify and correct connections to the storm sewer system which have not been permitted or allowed.

Indirect discharge or *discharge* means the introduction of pollutants into the POTW from any nondomestic source.

Illicit connections means as either of the following:

(1) Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an the director, or

(2) Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by the director.

Illicit discharge means any discharge to a municipal separate storm sewer system that is not composed entirely of stormwater, except discharges pursuant to a National Pollutant Discharge Elimination System (NPDES) permit.

Industrial activity means activities subject to NPDES industrial permits as defined in 40 CFR, Section 122.26(b)(14).

Industrial user means any user contributing industrial wastes to the municipal sewer system.

Industrial wastes or *industrial wastewater* means the liquid or waterborne wastes from industrial manufacturing processes, trade, commerce, or business, including medical offices or facilities, other than domestic sewage.

Infiltration means water other than wastewater that enters a sewer system (including sewer service connections and foundation drains) from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow.

Inflow means water other than wastewater that enters a sewer system (including sewer service connections) from sources such as, but not limited to, roof leaders, cellar drains, yard drains, area drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers other than in combined sewers, catch basins, cooling towers, storm waters, surface runoff, street wash waters, or drainage. Inflow does not include, and is distinguished from, infiltration.

Interceptor sewer commonly means a public sewer that carries large flows concentrated from many tributary or secondary sewers; specifically, it means a sewer designated by the director as an interceptor sewer.

Interference means a discharge or disruption that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the unified government's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

KDHE means the Kansas Department of Health and Environment or, where appropriate, the term may be uses as a designation for the administrator or other official of such agency.

Low pressure sewer system or *LPS* means a sewage collection and transport system operated at a low pressure in which building sewers are pressurized and discharge directly into a public sewer. Compared to other force mains that receive concentrated flows of wastewater from a gravity sewer at, usually, a single pump station, an LPS is designed for low flow, usually operates at lower pressure, and usually has multiple pressurized building services connected. Equivalent to BPU Class 080A.

Maximum extent practicable means the use of those best management practices, which, based on sound engineering and hydrogeological principles, will, to the greatest degree possible, given all relevant considerations, including technology, climate, and site conditions, prohibit erosion and sedimentation during and after development.

MBAS (methylene blue active substance) means any substance that brings about the transfer of methylene blue, a cationic dye, from an aqueous solution into an immiscible organic layer upon equilibrium.

Municipal separate storm sewer system (MS4) means a conveyance, or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, roadside ditches, manmade channels, or storm drains):

(1) Owned or operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of wastes, stormwater, or other sewer district, flood control district or drainage district, or similar entity, or an Indian Tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA (33 USC 1288) that discharges to waters of the United States;

(2) Designated or used for collecting or conveying stormwater;

(3) Which is not a combined sewer; and

(4) Which is not part of a publicly owned treatment works (POTW) as defined at 40 CFR 122.2.

Municipal sewer system means the facilities that are owned or operated by the unified government for the collection, transportation, pumping, treating and disposal of wastewater, sewage, and industrial waste. Such facilities may include, but are not limited to, sanitary sewers, combined sewers, interceptor sewers, low pressure sewers, pump stations, force mains, treatment plants, sludge handling and disposal facilities, and outfalls.

National Pollutant Discharge Elimination System (NPDES) storm water discharge permit means a permit issued by EPA (or by a state under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

National prohibitive discharge standard or *prohibitive discharge* means any regulation developed under the authority of section 307(b) of the Act (33 USC 1317(b)) and 40 CFR 403.5.

Natural outlet means any outlet into a watercourse, pond, ditch, lake, or other body of surface water or groundwater.

New source means:

(1) Any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced after publication of proposed pretreatment standards under section 307(c) of the Clean Water Act, 33 USC 1317(c) et seq., which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

   a. The building, structure, facility, or installation is constructed at a site at which no other source is located;

   b. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

   c. The production or wastewater generating processes of the building, structure, facility, or installation are at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

(2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria stated in subsections (1)b or (1)c of this definition but otherwise alters, replaces, or adds to existing process or production equipment.

(3) Construction of a new source, as defined under this section, has commenced if the owner or operator has:

   a. Begun, or caused to begin as part of a continuous on-site construction program:

      1. Any placement, assembly, or installation of facilities or equipment;

      2. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

   b. Entered into a binding contractual obligation for the purchase of facilities or equipment that are intended to be used in its operation within a reasonable time. Options to purchase or contracts that can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this definition.

Non-significant categorical industrial user (NSCIU) means and industrial user subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N, that the POTW has determined is exempt from

the definition of SIU on a finding that the IU never discharges more than 100 gpd of total categorical wastewater (excluding sanitary, noncontact cooling and boiler blowdown wastewater, unless specifically include in the pretreatment standard). The IU must also meet the following conditions:

a. The IU, before the POTW's finding, has consistently complied with all applicable categorical standards and requirements;

b. The IU annually submits the certification statement required in 40 CFR 403.12(q) together with any additional information necessary to support the certification statement;

c. The IU never discharges any untreated concentrated wastewater.

Non-significant industrial user (NIU) means any industrial user which has a wastewater discharge permit, but is not identified as a significant industrial user.

Non-storm water discharge means any discharge to the storm drain system that is not composed entirely of storm water.

North American Industry Classification System (NAICS) means the standard used by federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy. It replaces Standard Industrial Classification (SIC).

Obligations means any obligations of the unified government payable from the revenues of the sewer system.

Pass through means discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the unified government's NPDES permit, including an increase in the magnitude or duration of a violation.

Permit means a written permit issued by the director or health officer approving and authorizing activities related to the municipal sewer system or the treatment and disposal of wastewater as identified in this chapter. Specific types of permits are addressed in the various articles of this chapter.

Permitted industrial user means any person that has a wastewater discharge permit issued by environmental services.

Person means any individual, association, organization, partnership, firm, trust, corporation, or other entity recognized by law and acting as either the owner or as the owner's agent.

pH means the logarithm of the reciprocal of the concentration of the hydrogen ions, represented by S.U. (standard units).

Photographic processing facility means a facility that processes images from silver-sensitive films and papers. This includes, but is not limited to, commercial photographic and film processing facilities, in-house photographic processing facilities, microbiology labs, printers, X-ray and other medical, dental, industrial, or institutional diagnostic facilities which use silver-based imaging materials, the processing of which produces a silver-rich solution.

Pollutant means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that some may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform, E Coli and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Pollution means the manmade or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

Pollution prevention plan means BMPs and other structural, procedural and operations and maintenance provisions designed and operated to reduce or eliminate the discharge of pollutants, particularly in stormwater runoff.

Premises means any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Pretreatment or *treatment* means the reduction of the amount of pollutants, the removal of pollutants or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the municipal sewer system. The reduction or alteration can be obtained by physical, chemical, or biological processes, process changes or by other means, except by dilution as prohibited by federal regulation.

Pretreatment requirements means any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

Pretreatment standards or *standards* means prohibited discharge standards, categorical pretreatment standards, and local limits.

Private on-site wastewater system means any sewage system designed or constructed for disposal of domestic sewage or industrial wastes in which there will not be any discharge of raw or treated wastes into any freshwater aquifer or into any watercourse or into any sanitary sewer or onto any adjacent properties other than that of the property served.

Public sewer means that portion of the municipal sewer system designed for the collection and transport of wastewater from the service connection to the sewage treatment works.

Residential user means discharges from a single-family dwelling or duplex.

Resource Conservation and Recovery Act (RCRA) is the principal Federal law governing the disposal of solid and hazardous waste. Certain industries that dispose of quantities exceeding a minimum threshold of hazardous waste must report the quantities disposed of. The EPA publishes a list of the generators of these hazardous waste products and the quantities. This list is used by the UG to identify industrial sites that warrant inclusion into the Industrial Stormwater Program.

Sanitary sewer means a sewer that carries wastewater, sewage, or industrial wastes, and to which stormwaters, surface waters, and groundwaters are not intentionally admitted.

Sewage treatment works means that portion of the municipal sewer system that is designed for the treatment and disposal of wastewater and the handling and disposal of the concentrated wastes from that process.

Sewer means a pipe or enclosed conduit for the collection and transport of wastewater and/or stormwater.

Significant industrial user means:

(1) All categorical industrial users except those designated as NSCIUs.

(2) Any noncategorical industrial user that:

a. Discharges 25,000 gallons per day or more of process wastewater ("process wastewater" excluding sanitary, noncontact cooling and/or boiler blowdown wastewaters);

b. Contributes a process waste stream which makes up five percent or more of the average dry weather hydraulic or organic (BOD, TSS, etc.) capacity of the treatment plant receiving the wastewater; or

c. The control authority or approval authority has determined has a reasonable potential to adversely affect the POTW treatment plant by inhibition, pass through or pollutants, sludge contamination, or endangerment of POTW workers.

The control authority may decide to remove any noncategorical industrial user from the list of significant industrial users if the industrial facility has no reasonable potential to violate any pretreatment standards (general and specific prohibitions or local limits).

Significant noncompliance (SNC) means noncompliance in one or more of the following categories:

(1) *Category 1.* Chronic violations of wastewater discharge limits, defined herein as those in which 66 percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter.

(2) *Category 2.* Technical review criteria (TRC) violations, defined herein as those in which 33 percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH).

(3) *Category 3.* Any other violation of a pretreatment effluent limit (daily, maximum, or longer-term average) that the control authority determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public).

(4) *Category 4.* Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge.

(5) *Category 5.* Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance.

(6) *Category 6.* Failure to provide, within 45 days after the due date, required reports, such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules.

(7) *Category 7.* Failure to accurately report noncompliance.

(8) *Category 8.* Any other violation or group of violations that the control authority determines will adversely affect the operation or implementation of the local pretreatment program.

Silver-rich solution means a solution containing sufficient silver such that cost-effective recovery can be done either on-site or off-site. Within photographic processing facilities, such solutions include, but are not limited to, fix and bleach-fix solutions, stabilizers (e.g., plumbless stabilizers and chemical washes), low replenished (low-flow) washes, and all functionally similar solutions. It does not include such low silver solutions as used developers, bleaches, stop baths, pre-bleaches, or stabilizers following washes and wash waters.

Slug load or *slug discharge* means any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in section 30-124. A slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate the POTW's regulations, local limits or permit conditions.

Standard Industrial Classification (SIC) means a classification pursuant to the most recent edition of the Standard Industrial Classification Manual issued by the executive office of the president, office of management and budget.

Storm drainage system means all surfaces, structures and systems that contribute to, manage, or convey stormwater, including private drainage systems, the MS4, retention and infiltration facilities, natural drainageways, surface water, groundwater, waters of the state and the United States.

Storm sewer or *storm drain* means a sewer that carries stormwaters and surface waters and other unpolluted water identified in the unified government NPDES permit, but excludes wastewater, sewage, and industrial wastes.

Stormwater means any flow occurring during or following any form of natural precipitation and resulting therefrom.

Stormwater pollution prevention plan (SWPPP) means document which describes the best management practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

Superfund Amendments and Reauthorization Act (SARA) Title III Section 313 Toxic Release Inventory (TRI) means the federal EPA program that tracks the waste management of certain toxic chemicals that may pose a threat to human health and the environment. U.S. facilities in different industry sectors must report annually how much of each chemical they release into the environment and/or managed through recycling, energy recovery and treatment, as well as any practices implemented to prevent or reduce the generation of chemical waste. The information submitted by facilities is compiled in the Toxics Release Inventory. TRI helps support informed decision-making by companies, government agencies, non-governmental organizations and the public.

Surcharge means an additional fee, included as part of the water pollution abatement, which is in addition to the domestic fees and is based on a higher COD, TSS, and/or oil and grease reading.

Tap or *tapping* refers to the materials, labor, and operations necessary to create or replace a connection.

Total suspended solids (TSS) means solids that either float on the surface of, or are in suspension in, water, sewage, or other liquids, and which are removable by laboratory filtering.

Total toxic organics (TTO) means total toxic organics, which is the summation of all quantifiable values greater than 0.01 milligram per liter of all constituents included in 40 CFR 413.02(i) or its replacement.

Toxic pollutant means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the EPA under the provision of section 307(a)(1) of the act (33 USC 1317(a)(1)).

Uncontaminated means not containing harmful quantities of pollutants.

Unified government sewer system means the municipal sewer system owned and operated by the unified government.

Unpolluted water means water of quality equal to, or better than, the effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

Upset means an exceptional incident in which there is unintentional and temporary noncompliance with pretreatment standards, limitations in a wastewater discharge permit, or local standards because of factors beyond the reasonable control of the industrial user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

User or *sewer user* means any person who contributes, causes, or permits the contribution of wastewater into the municipal sewer system.

Waste hauler means any person who cleans and/or transports approved wastewater or sludge from septic tanks, grease traps, portable toilets, car/truck wash operations, chemical or petroleum processes, sewer cleaning or other similar services.

Wastewater or *sewage* means the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water, and stormwater that may be present, whether treated or untreated.

Wastewater discharge permit has the meaning as set forth in article II of this chapter.

Watercourse means a channel in which a flow of water occurs, either continuously or intermittently.

Waters of the state means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural, or artificial, public, or private, which are contained within, flow through or border upon the state or any portion thereof.

(Code 1988, § 30-1; Ord. No. O-46-05, § 1, 6-2-2005; Ord. No. O-27-14, § 3, 4-10-2014; Ord. No. O-28-14, § 1, 5-1-2014; Ord. No. O-1-20, § 1, 1-9-2020; Ord. No. O-79-21, § 1, 6-10-2021; Ord. No. O-128-23, § 1, 10-12-2023)

Cross reference(s)—Definitions generally, § 1-2.

Sec. 30-2. Abbreviations.

The following abbreviations apply to this chapter:

(1) BPU—Board of Public Utilities.

(2) CFR—Code of Federal Regulations.

(3) EPA—Environmental Protection Agency.

(4) FOG—Fats, oils and greases.

(5) GPM—Gallons per minute.

(6) I&I—Infiltration and inflow.

(7) KDHE—Kansas Department of Health and Environment.

(8) mg/l—Milligrams per liter.

(9) MS4—Municipal Separate Storm Sewer System.

(10) NAISC—North American Industry Classification System.

(11) NPDES—National Pollutant Discharge Elimination System.

(12) POTW—Publicly Owned Treatment Works.

(13) SIC—Standard Industrial Classification.

(14) SWDA—Solid Waste Disposal Act, 42 USC 6901 et seq.

(15) SWPPP—Stormwater Pollution Prevention Plan.

(16) TSS—Total suspended solids.

(17) USC—United States Code.

(Code 1988, § 30-2; Ord. No. O-46-05, § 1, 6-2-2005; Ord. No. O-27-14, § 3, 4-10-2014; Ord. No. O-79-21, § 2, 6-10-2021)

Sec. 30-3. Violations and penalties.

(a) *Injunctive relief.* If any person violates the provisions of this chapter or regulations, orders, permits or other legal requirements of the unified government, the chief counsel may commence an action for legal or equitable relief in any court with appropriate jurisdiction.

(b) *Civil penalties.* When the director determines that a user has failed to comply with any provisions of this chapter or regulations, orders, permits or other legal requirements hereunder, the user shall be subject to a penalty not exceeding $2,500.00 per violation, with recurrence on any succeeding day being a separate violation. Such civil penalties shall be recovered by the director by civil action in a court of appropriate jurisdiction or other method approved by the director. In addition to the civil penalties provided herein, the unified government may in any such action recover reasonable attorney's fees, court costs, court reporters' fees and other expenses of litigation, as well as any damages to the facilities of the unified government or to the environment against the person found to have violated this chapter or the regulations, orders, permits or other legal requirements hereunder.

(c) *Criminal penalties.* Unless otherwise stated, any person violating any provisions of this chapter or regulations, orders, permits or other legal requirements hereunder wherein (1) such violation is an intentional violation, (2) such violation is a violation with any identifiable environmental harm, personal injury or damage to public or personal property, (3) any person knowingly has made any false statements, representations or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter or a permit issued hereunder, or who has falsified, tampered with or knowingly rendered inaccurate any monitoring device or method, and (4) any person has committed within a period of two years a second or additional violation of the same or comparable regulatory requirement shall upon conviction be guilty of a class A violation.

(d) *Publication of list of violators.* The director shall publish annually, in the official newspaper that provides meaningful public notice within the jurisdictions served by the POTWs of the unified government, a list of the users which, at any time during the previous six or 12-months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall be applicable to all significant industrial users (or any other industrial user that violates any paragraph(s) of this section) and shall mean:

(1) Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all the measurements taken for the same pollutant parameter taken during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits as defined in [section 30-1];

(2) Technical review criteria (TRC) violations, defined here as those in which 33 percent or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined by [section 30-1] multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils, and grease, and 1.2 for all other pollutants except pH);

(3) Any other violation of a pretreatment standard or requirement as defined by [section 30-1] (daily maximum, long-term average, instantaneous limit, or narrative standard) that the director determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;

(4) Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in director's exercise of its emergency authority to halt or prevent such a discharge;

(5) Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(6) Failure to provide within 45 days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(7) Failure to accurately report noncompliance; or

(8) Any other violation(s), which may include a violation of best management practices, which director determines will adversely affect the operation or implementation of the local pretreatment program.

(e) *Administrative penalties and orders.*

(1) When the director finds that a user has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the director may impose and administrative penalty such user in an amount not to exceed $2,500.00. Such administrative penalty shall be assessed on a per-violation, per day basis. In the case of monthly or other long-term average discharge limits, administrative penalty shall be assessed for each day during the period of violation.

(2) Users desiring to dispute such administrative penalties must file a written request for the director to reconsider the administrative penalty along with full payment of the administrative penalty amount within 45 days of being notified of the administrative penalty. Where a request has merit, the director may convene a hearing on the matter. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The director may add the costs of preparing administrative enforcement actions, such as notices and orders, to the administrative penalty.

(3) Issuance of an administrative penalty shall not be a bar against, or a prerequisite for, taking any other action against the user.

(f) The director may enter into consent orders, assurances of compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents shall include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to this chapter.

(g) *Notice of violation.* When the director finds that a user has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the director may serve upon that user a written notice of violation. Within 45 days of the receipt of such notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the director. Submission of such a plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the director to take any action, including emergency actions or any other enforcement action, and does not require the director to first issue a notice of violation in such circumstances. Violation of section 30-11 and 30-123 may be given a minimum of 72-hours of notice to correct situation appropriate to the threat of the pollutants entering the MS4, or other body of water draining to the waters of the U.S.

(Code 1988, § 30-3; Ord. No. O-46-05, § 1, 6-2-2005; Ord. No. O-27-14, § 3, 4-10-2014; Ord. No. O-79-21, § 3, 6-10-2021; Ord. No. O-128-23, 10-12-2023)

Sec. 30-4. Enforcement.

It is the duty of the director to enforce the provisions of this chapter. The director shall have the right to disconnect from the city sanitary sewer system and/or the city water system any premises upon which a violation of this chapter is found. Before any such disconnection, the director shall first serve a notice in writing on the owner, agent for the owner or tenant in possession of such premises, which notice shall specify the violation(s) existing and provide a period of 15 days from the date thereof within which the owner, agent for the owner or tenant in possession may abate such violation(s).

The following is considered the default enforcement procedures for this chapter as a whole and apply to all articles unless specifically annulled within an article.

(a) *Notice of violation.* Whenever the director finds that a person has violated a prohibition or failed to meet a requirement of this chapter, the director may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

(1) The performance of monitoring, analyses, and reporting;

(2) The elimination of illicit connections or discharges;

(3) That violating discharges, practices, or operations shall cease and desist;

(4) The abatement or remediation of the violation and the restoration of any affected property; and

(5) Payment of a fine to cover administrative and remediation costs; and

(6) The implementation of source control or treatment BMPs.

(7) Compliance with articles in this chapter that may include but not limited to article V and article IX.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator. The notice of violation shall provide the owner with a minimum of 15 days from the date of the discovery of the violation to remediate or restore, unless: the violation is related to yard waste, construction waste, pool discharge; poses an immediate risk to the health of the public; damage to property; or other serious hazard. The notice of violation shall provide the owner with a minimum of 72 hours from the date of the discovery of the violation to remediate or restore when the violation is related to yard waste, construction waste, pool discharge. Abatement due to a situation determined by the director or by his or her designee to be an emergency such as, but not limited to, an immediate threat to the MS4 waters, immediate threat to the public health or safety, or an immediate threat of damage to property where an NOV is not issued due to the timing of the threat, does not exempt the owner/violator from reimbursing the UG for the cost of the abatement.

(b) *Enforcement measures after appeal.* If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal, within 30 days of the decision of the municipal authority upholding the decision of the director, then representatives of the director shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

(c) *Cost of abatement of the violation.* Within 30 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner

may file a written protest objecting to the amount of the assessment within 30 days. If the amount due is not paid within a timely manner as determined by the decision of the municipal authority or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

Any person violating any of the provisions of this article shall become liable to the city by reason of such violation. The liability shall be paid in not more than 12 equal payments over a 12-month period.

(Ord. No. O-57-13, § 2, 12-5-2013; Ord. No. O-79-21, § 4, 6-10-2021)

Sec. 30-5. Appeals.

Unless otherwise provided, any person aggrieved by an action of the director or director's designee issuing or refusing any permit, suspending or revoking any permit, or any other final action imposing affirmative or negative obligations on such user under this chapter may appeal such decision to the county administrator or his designee. No notice of violation under subsection 30-3(g) of this chapter, no requirement only for information or data concerning a regulated activity, and no action of the director or director's designee not imposing specific affirmative or negative obligations shall be appealable. The county administrator must receive the written appeal within 15 days of the date of the director's action, identifying the action appealed from, the relevant facts, and any information that such person requests the county administrator to consider. The county administrator or his designee may in his discretion either informally decide the appeal without a hearing or may hold a hearing at which such person may present his arguments and evidence. At any hearing held pursuant to this section 30-5, testimony taken must be under oath and recorded. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof. The county administrator will affirm, modify, or rescind the action in writing within 15 days of the appeal or any hearing held hereunder. Exhaustion of the opportunity for appeal under this section 30-5 shall be a jurisdictional prerequisite for judicial review of any action of the director or director's designee.

(Code 1988, § 30-5; Ord. No. O-46-05, § 1, 6-2-2005; Ord. No. O-27-14, § 3, 4-10-2014; Ord. No. O-79-21, § 5, 6-10-2021)

Sec. 30-6. Inspections and entry powers.

(a) Whenever the director or an authorized representative (including KDHE or EPA) elects to inspect facilities or properties to determine or verify their compliance with this chapter or unified government regulations, orders, permits or other legal requirements, or has cause to believe that there exists or potentially exists in or upon any premises any condition which constitutes a violation of this chapter or unified government regulations, orders, permits or other legal requirements, the director and other duly authorized employees or contractors of the unified government, KDHE, or EPA, bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provision of this chapter. Where a user has security measures in force that would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the unified government, KDHE, and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities. Entry shall be made in such manner as to cause the least possible inconvenience to the persons in possession, and the director, KDHE, or EPA may obtain a search warrant for the purposes of this article from a court of competent jurisdiction in the event entry is denied or resisted. The director, KDHE, and EPA shall have authority to inquire into any industrial process including but not limited to metallurgical, chemical, oil refining, ceramic, paper, or other industries, or other uses or activities having a direct or indirect bearing on the kind and source of discharge to the sewers or waterways or facilities for wastewater treatment, or to the storm drainage system.

(b) While performing the necessary work on private properties referred to in subsection (a) of this section, the director or duly authorized employees or contractors of the unified government shall observe all safety rules applicable to the premises established by the company.

(c) The director and other duly authorized employees or contractors of the unified government bearing proper credentials and identification shall be permitted to enter private properties of all industrial users and other sewer users for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, operation, and maintenance of any portion of the municipal sewer system.

(d) The director shall have the right to set up on the property of any discharger to the sanitary or storm drainage system such devices that are necessary to conduct sampling of discharges to the sanitary or storm drainage system. The industrial user shall provide protection from damage to automated sampling or flow metering equipment installed on its property.

(e) The director shall have the right to enter the premises at any reasonable time to inspect, maintain, repair, and/or install structural controls for the management of stormwater and wastewater. In the event that the owner or occupant refuses entry after a request to enter has been made, the unified government is hereby empowered to seek assistance from a court of competent jurisdiction in obtaining such entry.

(f) In the event that the unified government incurs costs for any of the activities conducted in this section, which costs result from a violation of this chapter or unified government regulations, orders, permits or other legal requirements, the unified government may establish a lien against the property to recover such costs.

(Code 1988, § 30-6; Ord. No. O-46-05, § 1, 6-2-2005; Ord. No. O-27-14, § 3, 4-10-2014)

Sec. 30-7. Administration.

The water pollution director shall be the principal unified government official responsible for implementing, administering, and enforcing articles I (exception section 30-11 and section 30-123), II, III, IV, V, VIII, and IX. The water pollution director shall be the principal unified government official responsible for implementing, administering, and enforcing article I section 30-11 and section 30-123. The health department director shall be the principal unified government official responsible for implementing, administering, and enforcing articles VI and VII. The directors are authorized to delegate, in writing, any or all of his duties under this chapter. The public works director is hereby authorized to promulgate regulations consistent with this chapter as may be necessary or desirable to carry out the provisions of this chapter. The director of public works are hereby authorized to adopt standards for planning, design and construction of the municipal sewer system and the municipal separate storm sewer system (MS4). Copies of any such regulations and standards shall be available in the office of the public works director or health department director as applicable. The public works director is also authorized to adopt regulations for discharges to the sanitary, combined and MS4 sewer systems.

(Code 1988, § 30-7; Ord. No. O-46-05, § 1, 6-2-2005; Ord. No. O-79-21, § 6, 6-10-2021; Ord. No. O-128-23, 10-12-2023)

Sec. 30-8. Reserved.

Editor's note(s)—Ord. No. O-27-14, adopted April 10, 2014, amended the Code by repealing former § 30-8. This section derived from the Code of 1988, § 30-8 and Ord. No. O-46-05, § 1, adopted on June 2, 2005 and pertained to falsifying information.

Sec. 30-9. Unlawful discharges—Generally.

No person shall discharge, place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the unified government any sewage, animal excrement, garbage or other objectionable waste. Whenever a building sewer or drain is obstructed with tree roots or found broken, defective or disconnected so that the sewage or drainage escapes into the surrounding soil or into the adjoining premises or so that damage or obstruction may occur to the municipal sewer system, the owner shall repair or replace the building sewer at the expense of the property owner.

(Code 1988, § 30-9; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-10. Unlawful discharges—To sanitary and combined sewers.

No person shall discharge untreated or treated sanitary sewage, wastewater, industrial waste, and other polluted or unpolluted water into sanitary or combined sewers without the permission of the director and paying the sewer service charges as set out in article IV of this chapter.

(Code 1988, § 30-10; Ord. No. O-46-05, § 1, 6-2-2005; Ord. No. O-79-21, § 7, 6-10-2021)

Sec. 30-11. Unlawful discharges—To storm sewers, drainage channels and natural waters.

(a) *Prohibition of illegal discharges.* No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

(1) The following discharges are exempt from discharge prohibitions established by this chapter: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wet-land flows, swimming pools (if dechlorinated — typically less than one PPM chlorine), fire fighting activities, and any other water source not containing pollutants.

(2) Discharges specified in writing by the director as being necessary to protect public health and safety.

(3) Dye testing is an allowable discharge, but requires a verbal notification to the director prior to the time of the test.

(4) The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

(b) *Prohibition of illicit connections.*

(1) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.

(2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(3) A person is considered to be in violation of this chapter if the person connects a line conveying sewage to the MS4, or allows such a connection to continue. All discharges, direct or indirect, to storm drainage systems shall be in accordance with section 30-123.

(Code 1988, § 30-11; Ord. No. O-46-05, § 1, 6-2-2005; Ord. No. O-79-21, § 8, 6-10-2021)

Sec. 30-12. Privies, cesspools, etc.

(a) No person shall construct or maintain within the city any privy, privy vault, cesspool, or other facility intended or used for the disposal of any human or animal excrement or other objectionable waste except as provided in article VII of this chapter.

(b) When a sewer connection is not required by section 30-61, plumbing fixtures may be connected with a private on-site wastewater system in a location approved by the health officer and all private on-site wastewater systems must be constructed in accordance with the provisions of article VII of this chapter.

(Code 1988, § 30-12; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-13. Private wastewater treatment works; pretreatment facilities.

No person shall build, construct, operate or maintain privately owned wastewater treatment works without the written approval of the director. The director shall have the right to require any information necessary, including inspection, to ensure that the proposed or existing privately owned wastewater treatment or pretreatment facility will meet, or is meeting, all applicable local, state, and federal requirements, including pretreatment requirements. Private on-site wastewater systems that hold a valid permit under section 30-229 are excluded from this section.

(Code 1988, § 30-13; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-14. Confidential information.

All information shall be treated according to the provisions of the Kansas Open Public Records Act (K.S.A. 45-215 et seq.) for the purposes of disclosure by the unified government.

(1) Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections under this chapter shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the director that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user.

(2) When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes, and which have been individually labeled as confidential, shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this chapter, the NPDES permit, or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

(Code 1988, § 30-14; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-15. Watercourse protection.

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

(Ord. No. O-79-21, § 9, 6-10-2021)

Sec. 30-16. Severability.

The provisions of this chapter are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this chapter or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this chapter.

(Ord. No. O-79-21, § 10, 6-10-2021)

Sec. 30-17. Ultimate responsibility.

The standards set forth herein and promulgated pursuant to this chapter are minimum standards; this chapter does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

(Ord. No. O-79-21, § 11, 6-10-2021)

Secs. 30-18—30-31. Reserved.

ARTICLE II. WASTEWATER DISCHARGE PERMITS

Sec. 30-32. General requirements.

(a) No person shall discharge sewage, wastewater, industrial waste, or other polluted water from any commercial, institutional, or industrial establishment into the municipal sewer system without a valid wastewater discharge permit from the director if such discharge is from one of the following:

(1) An industry the processes of which place it in an EPA pretreatment category as set out in 40 CFR 405-471 or amendment thereto.

(2) A significant industrial user, as defined in this chapter.

(3) A discharging, nonsignificant industry with a potential to discharge toxic, hazardous, or toxic wastes or wastewater of such a strength that it has the potential to interfere with the treatment process.

(b) An individual wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the director to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

(1) a. Individual wastewater discharge permits must contain:

1. A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date;
2. A statement that the wastewater discharge permit is nontransferable without prior notification to the unified government in accordance with section 30-35(c) of this chapter, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
3. Effluent limits, including best management practices, based on applicable pretreatment standards;
4. Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law.
5. The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the discharge in accordance with section 30-124(b).
6. A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state, or local law.
7. Requirements to control slug discharge, if determined by the director to be necessary.
8. Any grant of the monitoring waiver by the director (section 30-124(b)) must be included as a condition in the user's permit.

(c) Individual wastewater discharge permits may contain, but need not be limited to, the following conditions:

(1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;

(2) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;

(3) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;

(4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;

(5) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;

(6) Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;

(7) A statement that compliance with the individual wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the individual wastewater discharge permit; and

(8) Other conditions as deemed appropriate by the director to ensure compliance with this chapter, and state and federal laws, rules, and regulations.

(d) Other discharge limits may be established as determined by the director. A new wastewater discharge permit may be required when the discharge limits are exceeded, the character of waste is changed from that described on the wastewater discharge permit application, or the wastewater discharge permit expired.

(e) Processing fees for new wastewater discharge permits or temporary wastewater discharge permits shall be determined from the approved tiered system of wastewater discharge permit fees. These fees shall be based on the average daily flow to the municipal sewer system, as determined by the records from the BPU for the previous 12-months (or available date if the facility has not been in operation for a minimum of 12-months). Processing fees for the renewal of wastewater discharge permits shall be determined from the approved tiered system of wastewater discharge permit fees. These fees shall be based on the average daily flow to the municipal sewer system, as determined by the director.

(f) An individual wastewater discharge permit shall be issued for a specified time period, not to exceed five years from the effective date of the permit. An individual wastewater discharge permit may be issued for a period less than five years, at the discretion of the director. Each individual wastewater discharge permit will indicate a specific date upon which it will expire.

(Code 1988, § 30-41; Ord. No. 0-46-05, § 1, 6-2-2005; Ord. No. O-27-14, § 4, 4-10-2014; Ord. No. O-79-21, § 12, 6-10-2021; Ord. No. O-128-23, 10-12-2023)

Sec. 30-33. Information required on wastewater discharge permit application.

Any person filing an application for a wastewater discharge permit shall provide information including the name, address, and telephone number of the user, the type of products handled or manufactured, the chemical, physical, and any other characteristics of the wastes and all requirements found in 40 CFR 403.12(b) as requested on forms provided by the director for this purpose; and any other pertinent and necessary information as required by the director.

(Code 1988, § 30-42; Ord. No. O-46-05, § 1, 6-2-2005; Ord. No. O-79-21, § 13, 6-10-2021)

Sec. 30-34. Denial of application.

If it is determined by the director that the characteristics of the wastes are not in compliance with the provisions of this chapter, the application may be denied and the applicant advised by the director of steps that must be taken to achieve compliance with the provisions of this chapter. Further, the director may, at his discretion, deny or condition all pollutant discharges to the municipal sewer system.

(Code 1988, § 30-43; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-35. Issuance, modification, and transfer.

(a) If, after examining the information contained in the wastewater discharge permit application, it is determined by the director that the characteristics of the proposed discharge do not conflict with the provisions of this chapter and the wastewater discharge permit fee is paid, a wastewater discharge permit shall be issued allowing the discharge of such wastes into the public sewers. If it is determined that a proposed discharge containing materials in excess of the limitations imposed by this chapter will not be harmful to the operation of the treatment plant, then a conditional (temporary) wastewater discharge permit may be issued for the period of time determined by the director as noted on the permit but in no event for longer than one year from the date of the issuance.

(b) Within three months of the promulgation of a national categorical pretreatment standard, the wastewater discharge permit of the users subject to such standard shall be revised to require compliance with such standard within the period prescribed by such standard. Where a user, subject to a national categorical pretreatment standard, has not previously submitted an application for a wastewater discharge permit, the user shall apply for a wastewater discharge permit within six months after the promulgation of the applicable national categorical pretreatment standard. In addition, the user with an existing wastewater discharge permit shall submit to the director within six months after the promulgation of an applicable federal categorical pretreatment standard, the information required by the director to verify compliance.

(c) Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operator without the written approval of the director. However, the industrial user is required to provide a new owner with a copy of any existing wastewater discharge permit for information and reference. The new owner shall apply for a wastewater discharge permit in the name of the new owner within 30 days of possession of the property.

(Code 1988, § 30-44; Ord. No. O-46-05, § 1, 6-2-2005; Ord. No. O-28-14, § 2, 5-1-2014; Ord. No. O-79-21, § 14, 6-10-2021)

Sec. 30-36. Revocation.

Wastewater discharge permits may be revoked at any time if the discharge does not comply with the provisions of this chapter, upon giving the holder 30 days' written notice. Failure of a user to factually report the characteristics of discharges, or significant changes in operations, or wastewater constituents and characteristics, or refusal to allow reasonable access to the user's premises for the purpose of inspection or monitoring, or violation of conditions of the wastewater discharge permit, may be grounds for wastewater discharge permit revocation. The wastewater discharge permit may be revoked by the director without 30 days' written notice if the discharge has a seriously deleterious effect on the sewage treatment works, or constitutes a hazard to human beings, animals, or the receiving stream.

(Code 1988, § 30-45; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-37. Recordkeeping.

Users subject to the reporting requirements of this chapter shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this chapter, any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements, and documentation associated with best management practices established under section 30-124(c). Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three years. This period shall be automatically extended for the duration of any litigation concerning the user or the unified government, or where the user has been specifically notified of a longer retention period by the director.

(Ord. No. O-79-21, § 15, 6-10-2021)

Secs. 30-38—30-60. Reserved.

ARTICLE III. SEWER CONNECTIONS[2]

Sec. 30-61. Sewer connection required and expenses.

Any person who is the owner, lessee or occupant of any premises having a toilet, privy, or other plumbing fixture in a structure within 200 feet of a public sewer which abuts or crosses any portion of the property or is contained in a public right-of-way that abuts the property and is not an interceptor sewer or force main, shall connect with the public sewer. If the sewage generated from such structure cannot be delivered to the public sewer by gravity, then a sewage lift pump with the necessary appurtenances (e.g., grinder pump) shall be installed as part of the building sewer. The owner, occupant, or lessee of such premises shall secure all permits and pay all fees required to make the connections provided for in this chapter. The health officer may suspend this requirement for existing single-family residential units when there is an existing, nonpolluting, private on-site wastewater system and there are site conditions such as rock outcrops that impose extreme limits on construction of a building sewer.

(Code 1988, § 30-81; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-62. Notice to make sewer connection.

The health officer or the director may give written notice to the owner, lessee, or occupant of any premises on which a sewer connection is required by section 30-61 requiring such connection to be made within 30 days after such notice is served. No person shall fail or refuse to comply with such notice.

(Code 1988, § 30-82; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-63. Connection permit.

No person shall uncover, make any extension of, connections with, open into, use, alter, or disturb any public sewer, sanitary sewer, combined sewer, storm sewer, or drainageway or appurtenance thereof without first obtaining a written connection permit from the director. The application shall contain information as required by the director. The director shall review the application. Upon approval and payment of the fees for each connection, a permit for making the connection shall be granted.

(Code 1988, § 30-83; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-64. Separate and independent building sewer.

A separate and independent building sewer shall be provided for every building in compliance with the minimum design standards for sanitary sewers as adopted by the director. A duplex dwelling shall be considered two separate buildings.

(Code 1988, § 30-84; Ord. No. O-46-05, § 1, 6-2-2005)

[2]Cross reference(s)—City exempted from certain state statutes relating to sewer connections, App. A, Char. Ord. No. 89.

Sec. 30-65. Use of existing building sewers.

Existing building sewers may be used for new buildings only when they are found by the director to meet all requirements of this chapter, including minimum design standards for sanitary and storm sewers and upon payment of applicable fees. The owner shall properly document compliance with all applicable standards and guidelines and provide said documentation to the director prior to approval by the director.

(Code 1988, § 30-85; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-66. Initial tapping of or connection to sanitary and storm sewers.

(a) Taps made to an existing public sanitary or storm sewer shall be made by the environmental services division, a contractor working for the unified government's public works department, or a licensed plumber. Connections shall be made in compliance with plans and specifications approved by the director.

(b) Fees for taps and connection permits shall be set by the county administrator. Tap fees may be waived in cases where the building sewer is to be attached to an existing wye or stub.

(c) Taps installed by licensed plumbers shall be inspected by the director's representative prior to backfill. Minimum notice for the inspection shall be 24 hours. If the director's representative is not on site within two hours after the scheduled time for inspection, the permittee may proceed with the work.

(d) Design, construction and inspection of public sewers and storm sewers shall conform to the standards adopted by the director. Designs for extensions of the public sewer and storm sewer shall be approved by the director prior to construction. Construction of new public sewers shall be only made by:

    (1) The unified government;

    (2) A contractor working for the unified government's public works department;

    (3) A contractor employed by a private developer who has entered a development agreement with the unified government for the construction and dedication to the unified government of public infrastructure; or

    (4) A contractor employed by a private developer who has entered into a building permit with the unified government for the construction and dedication to the unified government of public infrastructure.

(Code 1988, § 30-87; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-67. Prohibited connections.

(a) No privy, septic tank, vault or cesspool shall discharge directly or indirectly to a sanitary sewer. When a connection is made with a sewer, any vault, cesspool, or septic tank on the premises must be completely pumped out by a licensed septic hauler, then crushed, broken up and filled with earth or sand to ground level.

(b) Break-in or illicit connections are not allowed. No connections to interceptor sewers, manholes, force mains, pump stations and, low pressure sewer systems are allowed without engineered plans approved by the director and permission from the director.

(Code 1988, § 30-88; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-68. Connections within sewer district.

No connection for a property subject to special assessments for a sewer district shall be made unless all installments due on such assessment have been paid and all required permits have been obtained. The unified government reserves the right to deny permits for properties in arrears of special assessments.

(Code 1988, § 30-89; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-69. Fees for use of lateral sewer system.

Applicants for new connections to the municipal sewer system shall pay a fee for the use of the lateral system. Properties that are part of a lateral sewer district or part or a subdivision the lateral sewers of which have been constructed at private expense and dedicated to the unified government are exempt from this fee. The county administrator shall establish and shall have the authority to change from time to time, fees for the following categories of connections to the municipal sewer system and the municipal separate storm sewer system (MS4):

(1) Residential, including houses, apartments, mobile homes, etc., to be assessed per each dwelling unit.

(2) Hotels, motels:

   a. First unit.

   b. Each additional unit.

(3) Churches, schools and similar institutions:

   a. For the first 3,000 square feet.

   b. Each additional 3,000 square feet of building floor space.

(4) Hospitals, for each bed.

(5) Industrial or commercial facilities, gas stations, car and truck wash, warehouses, etc.:

   a. Four-inch connection.

   b. Six-inch connection.

   c. Eight-inch connection.

   d. Ten-inch connection.

   e. Twelve-inch connection.

   f. Fifteen-inch connection.

The county administrator shall have the authority to establish and to set and modify fees for additional categories and subcategories of connection fees based on land usage and size of dwelling, building or property.

(Code 1988, § 30-91; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-70. Fees for use of main sewer system.

Applicants for new connections to the municipal sewer system shall pay a fee for the use of main sanitary sewer, interceptor, pumping station or wastewater treatment plant that are operated and maintained by the unified government. Properties that are part of a main sewer district shall be exempt from this fee only when the ordinance forming the district establishes the exemption. The county administrator shall establish and have the

authority to change from time to time fees for the following categories of connections to the municipal sewer system and the municipal separate storm sewer system (MS4):

(1) Residential including houses, apartments, mobile homes, etc. (to be assessed per each dwelling unit).

(2) Hotels, motels:

a. First unit;

b. Each additional unit.

(3) Planned nonretail business district CP-0, per each connection (no lot size restriction, four-inch connection only).

(4) Limited business C-1, planned limited business CP-1, commercial C-3, central business C-0 (except for areas on east side of 6th Street which are C-2 general business), planned light industrial MP-1, for the first and each additional 3,000 square feet of floor space (four-inch and six-inch connections only).

(5) Industrial districts (SIC), M-2 general industrial, MP-1 planned light industrial, M-3 heavy industrial for the following size connections: four, six, eight, ten, 12, and 15 inches. Larger connections will be reviewed and appropriate fees determined by the county administrator on an individual connection basis.

(6) Churches, schools and similar institutions:

a. First 3,000 square feet of building floor space;

b. Each additional 3,000 square feet of building space.

The county administrator shall have the authority to establish and to set and change fees for additional categories and subcategories of connection fees based on land usage and size of dwelling, building or property.

(Code 1988, § 30-92; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-71. Design of low pressure sewer system.

Gravity sewers are the preferred method of providing sewer service. If, however, the director determines that construction of a gravity sewer system is not feasible due to topographic or geomorphological considerations, or due to the predominance of a preexisting private on-site sewer systems, the director may authorize the use of a low-pressure sewer system (LPS) or other alternative design system. Design and construction of any LPS shall comply with the standards adopted by the director. Connection to the LPS is subject to all applicable fees. Acceptance into the low-pressure sewer agreement program is subject to approval by the director and may involve payment of past fees which would have been due or other fees or requirements as set by the director.

(Code 1988, § 30-93; Ord. No. O-46-05, § 1, 6-2-2005; Ord. No. O-79-21, § 16, 6-10-2021)

Sec. 30-72. Maintenance of LPS building sewer and maintenance fees.

The unified government accepts partial maintenance responsibility for some building sewers connected to the LPS system to the extent and under the conditions outlined as follows:

(1) *Limits.* Only those portions of the building services that serve single-family residential units, and are downstream of the pump intake are accepted by the unified government for maintenance. The portion of the building sewer eligible for maintenance is hereinafter called the LPS building sewer. Building drains, nonpressurized portions of the building sewer, electrical service to the point of connection with the pump, pressurized building sewers that do not meet the definition of a low pressure sewer system,

and all parts of building sewers for use other than single-family residential service are not accepted for maintenance.

(2) *Unified government's responsibility.* The unified government's maintenance obligation for the LPS building sewer includes only service and repairs resulting from normal wear and tear and not damage to the LPS building sewer resulting from intentional, negligent or accidental abuse or misuse of the LPS building service.

(3) *User responsibility.* The user shall be responsible for the initial installation of the LPS building sewer and shall ensure that the installation meets the technical requirements established by the director. The user shall provide electrical power to operate the pump, including the installation and maintenance of circuitry to the pump and the cost of electricity used by the pump. The user shall be responsible for the building drain and those portions of the building sewer that are not part of the LPS building sewer. The user shall bear the financial responsibility for service and repairs arising from intentional, negligent or accidental abuse or misuse of the LPS building service.

(4) *Right to enter.* The director and his contractors reserve the right to enter upon the users' property, at reasonable times, to install, inspect, test, maintain and repair the LPS building sewer. This right of entry shall not include the right to enter the house or any other buildings located on the property. In the event access to the interior of a house or other building on the property is necessary to inspect, test, maintain and repair the LPS building sewer, advance permission to enter shall be obtained from the user prior to entry for such purposes.

(Code 1988, § 30-94; Ord. No. O-46-05, § 1, 6-2-2005; Ord. No. O-1-20, § 1, 1-9-2020)

Sec. 30-73. Upgrade of noncompliant LPS building sewer.

If the LPS building sewer does not meet the design or construction requirements current at the time of installation, the director may issue a written order requiring the replacement of those elements of the LPS building sewer necessary to meet the requirements current at the time of the order. If the owner of the property served fails to comply with the order within 30 days of issuance of the order, or if the LPS building sewer has failed and the unified government cannot maintain the LPS building sewer without replacement of the noncompliant element, the unified government may replace the element without further notice. If the unified government replaces a noncompliant element on the LPS building sewer, a charge equal to the cost of the replacement, including labor, shall be charged the property owner. Such charge shall be in addition to the sewer service charge and the LPS maintenance fee.

(Code 1988, § 30-95; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-74. Building sewer abandonment.

Building sewer abandonment requires a permit and abandonment shall follow the applicable abandonment policy as adopted by the director.

(Code 1988, § 30-96; Ord. No. O-46-05, § 1, 6-2-2005)

Secs. 30-75—30-91. Reserved.

ARTICLE IV. SERVICE CHARGES[3]

Sec. 30-92. Sewer service charge system.

The sewer service charge system shall generate adequate annual revenues to pay the expenses of annual operation and maintenance for the unified government's sewer system, excluding the operation and maintenance expenses for the flood control facilities being operated by the unified government. The sewer service charge system also shall generate adequate annual revenues for replacement associated with equipment, accessories or appurtenances which are necessary during the useful life of all publicly owned, operated, and maintained wastewater treatment plants, and all municipal wastewater pumping stations owned, operated, and maintained by the unified government.

(Code 1988, § 30-121; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-93. Sewer system fund.

All of the income, proceeds, revenues and funds of the unified government derived from or held in association with its municipal sewer system (not including the proceeds of any taxes) including the proceeds of sewer service charges imposed and collected by the unified government for the use of and services rendered by the unified government's sewer system, and all revenues from enlargements, extensions and improvements thereto will be paid and deposited in the sewer system fund, which fund will be used solely for the purposes authorized by law, including paying the expenses of operating, maintaining and replacing the unified government's sewer system.

(Code 1988, § 30-122; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-94. Financial obligations.

(a) After paying or making provision for the payment each month of the reasonable and proper expenses of operating and maintaining for the current month the unified government's sewer system, the unified government shall next pay and credit monthly from the sewer system fund such amounts as are necessary to satisfy the outstanding obligations including without limitation any payments to any required reserve account, depreciation and replacement account or other account created in connection with such obligations and any covenants entered into in connection with such obligations.

(b) No monies credited to the sewer system fund shall be diverted or applied to the general governmental or municipal functions of the unified government.

(Code 1988, § 30-123; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-95. Basis of rates.

(a) Each user shall pay for the services provided by the unified government based on the user's proportional use of the unified government's sewer system. The actual rates shall be determined based upon the quantity and quality of the wastewater discharged into the municipal sewer system. The volume of wastewater used to compute charges for discharging class I-A wastewater shall be the average monthly metered water

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[3]Cross reference(s)—Refund of sewer service charges for elderly individuals, § 2-296.

State law reference(s)—Sewer rates and charges, K.S.A. 12-631g, 12-631j et seq.

consumption billed over a four-month period during the months of January through April as shown in the records of meter readings maintained by the board of public utilities of the unified government. The average shall be computed for these discharges each April. In those cases in which a user does not have a history of water usage for these winter months, an estimated water usage of 500 cubic feet shall be used to compute the bill. The volume of wastewater used to compute charges for discharging other than class I-A wastewaters shall be the metered water consumption as shown in the records of the meter readings maintained by the board of public utilities of the unified government, or on a unified government-approved water meter, plus any other amount of water obtained from any other source than the board of public utilities of the unified government, or the amount of wastewater discharged into the municipal sewer system metered at the point of discharge by a unified government-approved wastewater flow meter or reduced by a metering method approved by the director. Retroactive credits will not be allowed.

(b) Special charges may be levied for needed or requested services that the director determines are not required for the normal operation or maintenance of the unified government's sewer system. Such activities may include, but are not limited to, special treatment for industrial wastes, cleanup of inappropriately disposed of or spilled materials, dye tests of building services, cleaning, inspection, and televising of sewer lines or drainageways over that required for normal maintenance, and locating building sewer connections to the sanitary sewers. Appropriate charges for special services shall be determined by the director but shall not exceed the total cost to the unified government.

(Code 1988, § 30-127; Ord. No. O-46-05, § 1, 6-2-2005; Ord. No. O-79-21, § 17, 6-10-2021)

Sec. 30-96. Establishment of sewer service charges.

(a) Based upon that projected annual budget adopted by the unified government board of commissioners, the county administrator shall each year recommend to the unified government board of commissioners the rates. The unified government board of commissioners shall establish by regulation the rates for sewer charges to ensure that the system generates adequate annual revenues to pay the annual costs of operation and maintenance including replacement of the unified government's sewer system, to satisfy costs associated with any obligations and to provide for costs associated with the unified government capital improvement plan and the expenses of the annual operation of the environmental services division for providing service as required by this Code.

(b) The regulation shall become effective upon publication once in the official unified government newspaper.

(c) The sewer service charge shall be based on the user's proportionate use of the unified government's system and shall provide for unit charges and monthly connection charge for class I-A, class I-B, class II and class III discharges.

(d) A rate relief account is hereby established within the sewer system fund. Any savings represented in the difference between actual operating expenses and the amount budgeted for operating expenses shall be allocated to the rate relief account. The unified government budget director shall certify to the unified government board of commissioners the amount of such allocation not later than one month after the county administrator establishes rates by administrative regulations. The amount contained in the rate relief account shall be appropriated by the unified government board of commissioners to reduce the amount of future increases in the sewer service charges.

(Code 1988, § 30-128; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-97. Notify users.

The director will notify each user annually of the rates being charged for operation and maintenance, including replacement of the treatment works as required by applicable federal regulations.

(Code 1988, § 30-129; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-98. Uniform rates.

The sewer service charge rates established in this article apply to all users, regardless of their location, of the unified government's sewer system. These basic rates also apply for all new users; however, they may be modified to reflect the additional actual costs incurred with the service provided.

(Code 1988, § 30-130; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-99. Duty to install and maintain meter where water obtained from source other than the BPU.

If the person discharging wastewater procures any water from sources other than the board of public utilities (BPU) of the unified government, all or a part of which is discharged into the municipal sewer system, the person shall install and maintain at such person's expense a wastewater meter or water meter of a type approved by the director for the purpose of determining the volume of wastewater contributed or of water obtained from the other source and report the volume as required by the director.

(Code 1988, § 30-131; Ord. No. O-46-05, § 1, 6-2-2005; Ord. No. O-79-21, § 18, 6-10-2021)

Sec. 30-100. Provision for deductions.

In the event that a person (not defined as Class 1-A or Class 1-B) discharging wastewater to the unified government's sewer system produces evidence satisfactory to the director that more than ten percent of the total annual volume of the water used for all purposes is not discharged to the unified government's sewer system, then the determination of the water consumption to be used in computing the wastewater volume discharged into the unified government's sewer system may be made a matter of agreement between the unified government and the person. The county administrator shall approve policies that shall be followed for the determination of deductions.

(Code 1988, § 30-132; Ord. No. O-46-05, § 1, 6-2-2005; Ord. No. O-79-21, § 19, 6-10-2021)

Sec. 30-101. Application of provisions to nonresidents.

Any person discharging wastewater from outside the city into the municipal sewer system, through direct or indirect means, shall be subject to sewer service charges, and shall comply with the provisions of this article, as mutually agreed upon in writing between the person and the unified government.

(Code 1988, § 30-133; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-102. Collection penalties and discontinued service.

The sewer service charges shall be a debt due to the unified government. The penalty as established by the county administrator shall be charged if the billing is not paid within 25 days after the due date. If this debt is not

paid on the due date, it shall be deemed delinquent and may be recovered by applying the necessary civil action in the name of the unified government against the property owner, the occupant of the premises, the person charged, or either of them. In the event of the failure to pay any sewer service charges after they become delinquent, the unified government shall have the right to discontinue water service or to remove or close sewer connection and enter upon the property for accomplishing this purpose. The expense of such discontinuance, removal, or closing, as well as the expense of restoring service shall likewise be a debt due to the unified government and a lien may be placed upon the property and may be recoverable by civil action in the name of the unified government against the property owner, the person or both. Sewer service shall not be restored until all charges, including the expense of removal, closing or restoration shall have been paid. Change of ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating these penalties.

(Code 1988, § 30-134; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-103. Assessment of benefit fee against property not in original special benefit district.

(a) Whenever the construction of any water or sanitary sewer improvement is initiated pursuant to K.S.A. 12-6a04, the owners of property which receive benefits from such improvement but which were not included within the original special benefit district shall pay a benefit fee at the time the owners of such property request to be served by such improvement.

(b) The amount of such benefit fee shall not exceed the amount of the assessment, including principal and interest, which would have been levied against the property had it been included in the original special benefit district, reduced in the proportion which each month or part of a month that has passed from the date the assessment for the improvement was levied to the date such property begins being served by the improvement bears to the total number of months of assessments against property included within the original special benefit district. Such benefit fee shall be due and payable and shall be assessed at the time the property begins being served by the improvement. Any benefit fees paid hereunder shall be applied to the remaining principal and outstanding interest on the bonds issued to finance the improvements, with a resulting pro rata reduction of the assessments against property originally included in the special benefit district for such improvement.

(c) The provisions of this section shall be supplemental to any other connection fees or other user or regulatory charges for sanitary sewer or water service unless such connection fees or other user or regulatory charges were included in the assessment for the benefit district; in that event, the provisions of this section shall be in lieu of any other connection fees or other user or regulatory charges.

(d) The connector shall make one lump sum payment prior to issuance of a connection permit. The one lump sum payment shall consist of the greater of the following two amounts: the proportional share of the outstanding balance of the special benefit district assessment, including principal and excluding interest, or the connection fee which would be collected if the late connector were not connecting to an existing special benefit district.

(Code 1988, § 30-136; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-104. Sewer service charge refund and demand for payment from users who have not been paying.

(a) No sewer service charge payments shall be subject to refund, adjustments or change in any way following three years of the original due date.

(b) If a premises has been connected to the unified government's sewer system and has not been charged or paid sewer service charge, and is not exempt from payment by ordinance, the unified government may

collect an amount equal to the amount due for the time that the service was actually received, up to a maximum of three years.

(Code 1988, § 30-137; Ord. No. O-46-05, § 1, 6-2-2005)

Secs. 30-105—30-121. Reserved.

ARTICLE V. DISCHARGE REGULATIONS[4]

Sec. 30-122. Sanitary sewers.

No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, including interior and exterior foundation drains, uncontaminated cooling water, or unpolluted industrial process water to any sanitary sewer.

(Code 1988, § 30-171; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-123. Discharge to storm sewers.

(a) *Prohibited illicit discharges to storm drainage system.*

(1) No person shall release or cause to be released into the storm drainage system any discharge that is not composed entirely of uncontaminated stormwater, except as allowed in subsection (b) of this section. Common stormwater contaminants include sediment, trash, yard waste, lawn chemicals, pet waste, wastewater, used motor oil, petroleum products, cleaning products, paint products, other household hazardous waste, and toxic substances.

(2) Notwithstanding the provisions of subsection (b) of this section, any discharge shall be prohibited by this section if the discharge in question has been determined by the director to be a source of pollutants to the storm drainage system.

(3) The construction, use, maintenance, or continued existence of illicit connections to the storm drain system is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(4) No person shall maliciously destroy or interfere with BMPs implemented pursuant to this chapter.

(b) *Acceptable non-stormwater discharges.* Unless specifically identified by the director or KDHE, the following non-stormwater discharges are deemed acceptable and not a violation of this section:

(1) Water line flushing;

(2) Diverted streamflow;

(3) Rising groundwater;

(4) Uncontaminated groundwater infiltration as defined under 40 CFR 35.2005(20) to separate storm sewers;

(5) Uncontaminated pumped groundwater;

[4]State law reference(s)—Municipal authority to regulate discharges, require pretreatment, etc., K.S.A. 12-631j.

(6) Contaminated groundwater may be pumped into the storm sewers if authorized by KDHE and approved by the unified government;

(7) Discharges from potable water sources;

(8) Foundation drains;

(9) Air conditioning condensate;

(10) Irrigation waters;

(11) Springs;

(12) Water from crawlspace pumps;

(13) Footing drains;

(14) Lawn watering;

(15) Individual residential car washing;

(16) Occasional not-for-profit car wash activities;

(17) Flows from riparian habitats and wetlands;

(18) Dechlorinated swimming pool discharges excluding filter backwash;

(19) Street wash waters (excluding street sweepings which have been removed from the street);

(20) Discharges or flows from emergency firefighting activities;

(21) Heat pump discharge waters (residential only);

(22) Treated wastewater meeting requirements of an NPDES permit; and

(23) Sump pump drains;

(24) Other pollutants determined not to be a significant source of pollutants to waters of the state, a public health hazard or a nuisance.

(c) *Industrial or construction activity discharges.* Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the director prior to the allowing of discharges to the MS4. Land disturbance activities must be permitted and comply with KDHE and UG chapter 8 article XIV.

(d) *Requirements applicable to certain discharges.* The owner of property that discharges stormwater to a storm drainage system, including property with a facility on-site which the director has identified as a high-risk commercial facility with a high potential for pollutant discharges to the storm drainage system, shall implement the following practices to reduce the risk associated with their operations.

(1) *Private drainage system maintenance.* The owner of any private drainage system shall maintain the system to prevent or reduce the discharge of pollutants. This maintenance shall include, but is not limited to, sediment removal, bank erosion repairs, maintenance of vegetative cover, and removal of debris from pipes and structures.

(2) *Minimization of irrigation runoff.* A discharge of irrigation water that is of sufficient quantity to cause a concentrated flow in the storm drainage system is prohibited. Irrigation systems shall be managed to reduce the discharge of water from a site.

(3) *Cleaning of paved surfaces required.* The owner of any paved parking lot, street or drive shall clean the pavement as required to prevent the buildup and discharge of pollutants. The visible buildup of mechanical fluid, waste materials, sediment or debris is a violation of this chapter. Paved surfaces shall

be cleaned by dry sweeping, wet vacuum sweeping, collection and treatment of wash water or other methods in compliance with this article. This section does not apply to pollutants discharged from construction activities.

(4) *Maintenance of equipment.* Any leak or spill related to equipment maintenance in an outdoor, uncovered area shall be contained to prevent the potential release of pollutants. Vehicles, machinery, and equipment must be maintained to reduce leaking fluids.

(5) *Materials storage.* In addition to other requirements of this Code, materials shall be stored to prevent the potential release of pollutants. The uncovered, outdoor storage of unsealed containers of hazardous substances is prohibited.

(6) *Pesticides, herbicides, and fertilizers.* Pesticides, herbicides and fertilizers shall be applied in accordance with manufacturer recommendations and applicable laws. Excessive application shall be avoided.

(7) *Prohibition on use of pesticides and fungicides banned from manufacture.* Use of any pesticide, herbicide or fungicide, the manufacture of which been either voluntarily discontinued or prohibited by the EPA or any federal, state, or unified government regulation is prohibited.

(8) *Open drainage channel maintenance.* Every person owning or occupying property through which an open drainage channel passes shall keep and maintain that part of the drainage channel within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or retard the flow of water through the drainage channel. In addition, the owner or occupant shall maintain existing privately-owned structures adjacent to a drainage channel, so that such structures will not become a hazard to the use, function, or physical integrity of the drainage channel.

(e) *Notification of spills and cleanup.* Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or water of the U.S. said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services and the authorized representative. In the event of a release of non-hazardous materials, said person shall notify the director in person or by phone or email no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the director within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

(f) *Suspension of MS4 discharge access.* Suspension due to illicit discharges in emergency situations. The director may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the director may take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the United States, or to minimize danger to persons.

Suspension due to the Detection of illicit discharge. Any person discharging to the MS4 in violation of this chapter may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The director will notify a violator of the proposed termination of its MS4 access. The violator may petition the director for a reconsideration and hearing.

A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this section, without the prior approval of the director.

(Code 1988, § 30-172; Ord. No. O-46-05, § 1, 6-2-2005; Ord. No. O-27-14, § 5, 4-10-2014; Ord. No. O-79-21, § 20, 6-10-2021; Ord. No. O-128-23, 10-12-2023)

Sec. 30-124. Prohibited discharges.

(a) No person shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will cause interference with the operation or performance of the municipal sewer system (including treatment facilities). These general prohibitions apply to all such users of the municipal sewer system whether or not the user is subject to national categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements. A user shall not contribute the following substances:

(1) Any liquids, solids or gases which by reason of their nature and quantity are or may be sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious in any other way to the municipal sewer system or to the operation of the sewage treatment works; any petroleum oil, nonbiodegradable oil, or products of mineral oil origin in amounts that will cause interference or pass through; or any pollutant resulting in the presence of toxic gases, vapors or fumes within the sewers or POTW sufficient to cause worker health and safety problems. Any noxious or malodorous liquids, solids, or gases which, singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system), be more than five percent nor any single reading over ten percent of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, fuel oil, kerosene, naphtha, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, sulfides, any other substances which are a fire hazard or a hazard to the system and waste streams containing substances with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Celsius using test methods specified by EPA.

(2) Any solids, natural or manmade fibers, insoluble or emulsified oils, fats, or greases, slurries or viscous materials of such character or in such quantity that may cause an obstruction to the flow in the sewer or otherwise interfere with the proper functioning of the sewage treatment works such as, but not limited to, ashes, cinders, sand, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, hides, paunch manure, hair and fleshings, entrails, spent lime, stone or marble dust, grass clippings, spent grains, spent hops, asphalt residues, residues from the refining or processing of fuels or lubricating oils, glass grinding or polishing wastes, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

(3) Any waters, waste, material or substances which are corrosive or irritating to human beings or animals, or are toxic or noxious or which contain toxic, poisonous or conventional pollutants that are solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, and cause interference or pass through or otherwise injure or interfere with the sewage treatment process, including by not limited to sludge use and disposal, or which constitute a hazard to humans or animals, or which create a public nuisance, or which create any hazard in the receiving waters of treated effluent or the sewage treatment works.

(4) Health department permitted hauled wastes, except at selected locations as designated by the director of environmental services.

(5) Acetylene generation sludge.

(6) For facilities that manufacture biodegradable and/or food grade emulsified and dissolved oils, the director may establish mass-based limits. Waters or wastes containing substances that may solidify or become viscous at temperatures between 32 and 150 degrees Fahrenheit are prohibited, except at selected locations as designated by the director.

(7) Any waters or wastes containing strong acid, iron, pickling wastes, or concentrated plating solutions, whether neutralized or not.

(8) Any waters or wastes containing phenols or other taste- or odor-producing substances, in such concentrations exceeding limits established by the director as necessary, after treatment of the composite sewage, to meet the requirements of local, state, federal or other public agencies of jurisdiction for such discharge to the receiving waters.

(9) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits of radiation (μCi/ml) established by the director in compliance with applicable local, state, or federal regulations.

(10) Any waters or wastes having a pH less than 5.5 standard units (SU) or in excess of 11.0 SU.

(11) Materials that exert or cause a significant load on the sewage treatment works or a discharge of any pollutant that is sufficient to cause or is likely to cause interference and pass through, such as:

a. Concentrations of inert suspended solids (such as, but not limited to, diatomaceous or Fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride or sodium sulfate).

b. BOD, COD, chlorine.

c. Volumes of flow or concentration of wastes constituting "slugs" as defined herein.

(12) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment works effluent cannot meet the requirements of agencies having jurisdiction over discharge to the receiving waters, or any substance which may cause the sewage treatment works effluent or any other product of the municipal sewer system such as residues, sludges or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the municipal sewer system cause the sewage treatment works to be in noncompliance with sludge uses or disposal criteria, guidelines, or regulations developed under Section 405 of the Act (33 USC 1345); any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act (42 USC 6901 et seq.), the Clean Air Act (42 USC 7401 et seq.), the Toxic Substances Control Act (15 USC 2601 et seq.), or state criteria applicable to the sludge management method being used.

(13) Detergents, surface-active agents or other substances which may cause excessive foaming in the POTW:

m. BTEX (total): 16 mg/l.

Equivalent mass limits may be allocated to industrial users for any of the limits set out in this subsection at the director's discretion. In no case shall a wastewater discharge permit limit for discharge to the municipal sewer system be less stringent than the federal or state limit if it exists. This would apply to categorical industries and may apply to specific industries identified by the unified government or state.

(14) a. The director is authorized to establish local limits pursuant to 40 CFR 403.5(c).

b. The following pollutant limits are established to protect against pass through and interference. No person shall discharge wastewater containing in excess of the following:

Any wastes contributed by users of the POTW that, either singly or in conjunction with other significant industrial users, cause the Kaw Point POTW influent to exceed the following limits (lbs./day):

1. Arsenic: 1.848
2. Ammonia: 6,927
3. BOD: 72,850
4. Cadmium: 1.044
5. Chromium: 110.002
6. Copper: 33.478
7. Cyanide: 0.975
8. Lead: 2.166
9. Mercury: 0.654
10. Molybdenum: 74.400
11. Nickel: 35.383
12. Selenium: 4.759
13. Silver: 17.729
14. TSS: 69,016
15. Zinc: 72.423

(15) a. The director is authorized to establish local limits pursuant to 40 CFR 403.5(c).

b. The following pollutant limits are established to protect against pass through and interference. No person shall discharge wastewater containing in excess of the following:

Any wastes contributed by users of the POTW that, either singly or in conjunction with other significant industrial users, cause the treatment plant # 20 POTW influent to exceed the following limits (lbs./day):

1. Ammonia: 131
2. Arsenic: 0.834
3. BOD: 8,622
4. Cadmium: 0.691
5. Chromium: 4.024
6. Copper: 26.496
7. Cyanide: 3.101
8. Lead: 5.802
9. Mercury: 0.507
10. Molybdenum: 0.815
11. Nickel: 5.408
12. Selenium: 1.095

13. Silver: 7.947

14. TSS: 7,826

15. Zinc: 31.779

The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for total metal unless indicated otherwise. The director may impose mass limitations in addition to the concentration-based limitations above.

c. The director may develop best management practices (BMPs), by ordinance or in individual wastewater discharge permits to implement local limits and the requirements of section 30-124(a)(14).

(16) No user using silver in manufacturing or as part of a process operation, including, but not limited to, the development and/or printing of photographic pictures or X-rays, precious metal plating, or any operation where silver is reasonably expected to be found in the facility's wastewater, shall discharge silver bearing wastewater to the public sewer without first treating the wastewater to remove the silver or subjecting the wastewater to a silver recovery process. Requirements listed in best management practices (BMPs) that have been approved by the director will be enforceable by the environmental services division. The use of an approved BMP by an industrial user shall be governed by the policies established by the director. These include but are not limited to the provisions for sampling and inspection by the unified government and sampling and reporting requirements for the facility. It shall be unlawful for an industrial user to discharge a silver-rich solution from a photographic processing facility or otherwise introduce such solution into the municipal sewer system, unless such silver-rich solution is managed by the photographic processing facility in accordance with the Code of Management Practice for Silver Dischargers, as identified in section 30-1, prior to its introduction into the municipal sewer system. The Code of Management Practice for Silver Dischargers is a fully enforceable element in the unified government's industrial pretreatment program and constitutes a local limitation for silver discharged from photographic processing facilities. If a photographic facility does not comply with the requirements in the Code of Management Practice for Silver Dischargers, the numeric limitation for silver (Ag) per subsection (14) or (15) of this section will be enforced.

(17) Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds 40°C (104°F), unless alternate temperature limits are approved by the director.

(b) The director may remove parameters from identified categorical industrial users or other permitted industrial users which are not present at the facility and have not been detected in the most recent three years of sampling performed by the industrial user and the UG. The industrial user must petition the director to have the parameter(s) removed from the industrial user's wastewater discharge permit. The petition must include the certification that the analyte is not present on the property. The industrial user will be required to certify the absence of the parameter with each periodic compliance report is submitted to the UG. The UG may continue to sample for the parameter. If any sampling detects the presence of the removed parameter, the wastewater discharge permit will be modified to include the parameter for future testing.

(Code 1988, § 30-173; Ord. No. O-46-05, § 1, 6-2-2005; Ord. No. O-57-13, § 2, 12-5-2013; Ord. No. O-79-21, § 21, 6-10-2021; Ord. No. O-128-23, 10-12-2023)

Sec. 30-125. Pretreatment requirement and standards.

(a) If any waters or wastes are discharged or are proposed to be discharged to the municipal sewer system which contain the substance or possess the characteristics enumerated in section 30-124, and which, in the judgment of the director, may have a deleterious effect upon the sewage treatment works, sewage

treatment process, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the director may:

(1) Reject the wastes;

(2) Require pretreatment to an acceptable condition for discharge; or

(3) Require control over the quantities and rates of discharge.

(b) In addition to civil and criminal liability, any person violating any of the provisions of the wastewater discharge permit of this article or causing damage to or otherwise inhibiting the unified government wastewater disposal system shall be liable to the unified government for any expense, loss, or damage caused by such violation or discharge. The unified government shall bill the person for the costs incurred by the unified government for any cleaning, repair, or replacement work caused by the violation or discharge. Refusal to pay the assessed costs shall constitute a separate violation of this article.

(c) Any person notified of a suspension of the wastewater treatment service or the wastewater discharge permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the director shall take such steps as deemed necessary to prevent or minimize damage to the municipal sewer system or endangerment to any individuals. If deemed necessary by the director, the unified government may immediately terminate the sewer connection referenced in the notice. The unified government shall reinstate the wastewater discharge permit or the wastewater treatment service upon proof of the elimination of the noncomplying discharge and payment of any costs incurred by the unified government.

(d) If the director permits the pretreatment or equalization of waste flows, the design and installation of the plants or equipment shall be subject to the review and approval of the director. Plans and specifications shall be submitted for review and approval of the director prior to beginning any building or construction, and subject to the requirements of all applicable local, state and federal laws, regulations, codes and ordinances. Where pretreatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at such owner's expense.

(e) Upon the promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitation imposed under this chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this chapter. The director shall notify in writing all affected users of the applicable reporting requirements. The national categorical standards are available at 40 CFR 401—471, or as amended.

(f) State requirements and limitations on discharge shall apply in any case where they are more stringent than federal standards or the requirements and limitations in this article.

(g) The director may permit certain wastewater discharges to a combined sewer or storm drainage system. This does not alleviate any obligation of the sewer user to comply with applicable state and federal regulations concerning discharge of wastewaters to waters of the state.

(Code 1988, § 30-174; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-126. Excessive discharge, accidental discharge and storage of dangerous materials—Reports of potential problems.

(a) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, a slug discharge or slug load, that might cause potential problems for the POTW, the user shall notify the director within 24 hours of becoming aware of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

(b) Within five days following such discharge, the user shall, unless waived by the director, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this chapter.

(c) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph (a), above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.

(d) Significant industrial users are required to notify the director immediately of any changes at its facility affecting the potential for a slug discharge.

(Code 1988, § 30-175; Ord. No. O-46-05, § 1, 6-2-2005; Ord. No. O-79-21, § 22, 6-10-2021)

Sec. 30-127. Grease, oil and sand traps/interceptors.

Grease, oil, and sand traps/interceptors shall be provided when deemed necessary by sections 30-124, 30-294 and 30-352 for the proper handling of liquid wastes containing grease, oil, sand or other harmful ingredients in excessive amounts. Users shall maintain records and documentation indicating adequate operation and maintenance and upon request of the director shall supply such record within 24 hours.

(Code 1988, § 30-176; Ord. No. O-46-05, § 1, 6-2-2005; Ord. No. O-57-13, § 2, 12-5-2013)

Sec. 30-128. Control structure.

When deemed necessary by the director, the owner of any property served by a building sewer carrying commercial or industrial wastes other than normal domestic sewage shall have installed and shall maintain at such person's own expense a suitable control structure in the building sewers to facilitate observation, sampling, and measurement of each discharge. Such structures shall be constructed in accordance with plans approved by the director, and shall be located so as to permit the gauging of flow and the collection of samples truly representing the wastes leaving the property.

(Code 1988, § 30-177; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-129. Measurements, sample collection, tests and analyses.

(a) All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the director or other parties approved by EPA.

(b) Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

(1) Except as indicated in subsection (a) and (b) below, the user must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the director. Where time-proportional composite sampling or grab sampling is authorized by the unified government, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the unified government, as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits.

(2) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

(3) For sampling required in support of baseline monitoring and 90-day compliance reports required in section 30-137, a minimum of four grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the director may authorize a lower minimum. For the reports required by paragraphs section 30-134, the industrial user is required to collect the number of grab samples necessary to assess and assure compliance by with applicable pretreatment standards and requirements.

(c) *Notice of violation/repeat sampling and reporting.* If sampling performed by a user indicates a violation, the user must notify the director within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the director within 30 days after becoming aware of the violation.

(Code 1988, § 30-178; Ord. No. O-46-05, § 1, 6-2-2005; Ord. No. O-79-21, § 23, 6-10-2021)

Sec. 30-130. Special arrangement.

No statement contained in this article shall be construed as preventing any special agreement or arrangement between the unified government and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the unified government for treatment and disposal, subject to payment of actual costs incurred with the treatment and disposal of unusual waters. However, categorical pretreatment standards shall not be waived. In addition, no special arrangement between the unified government and any industrial concern can be made which could lead to interference or pass through.

(Code 1988, § 30-179; Ord. No. O-46-05, § 1, 6-2-2005; Ord. No. O-79-21, § 24, 6-10-2021)

Sec. 30-131. Code of Management Practices for Silver Dischargers adopted.

The Code of Management Practices for Silver Dischargers, as referenced in section 30-1, is incorporated herein by reference. If there exists or arises any conflict between the Code and the provisions of the Code of Management Practices for Silver Dischargers, then the provisions of this Code are controlling. There shall be not less than three copies of the Code of Management Practices for Silver Dischargers kept on file in the office of the unified government clerk, to which shall be attached a copy of this incorporating ordinance and which shall be marked or stamped "Official Copies as Incorporated by Ordinance No. 30-180," and said code shall be open to inspection and available to the public at reasonable hours. The division of environmental services and the municipal judges and all administrative departments of the unified government charged with the enforcement of

this article shall be supplied, at the cost of the unified government, such number of official copies of such standard ordinance.

(Code 1988, § 30-180; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-132. Industrial facility discharges to storm sewers.

(a) The director shall maintain a registry of industrial facilities that discharge to the unified government's municipal sanitary storm sewer system (MS4).

(1) A facility shall be automatically placed on this registry if it is among any of the following: (A) a municipal landfill; (B) a hazardous waste treatment, disposal, and recovery facility; or (C) an industrial facility that reports to EPA's toxics release inventory (TRI) in accordance with Section 313 of Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA) (42 U.S.C. § 11023).

(2) A facility may be placed on the registry if the director determines the facility contributes or may contribute substantial pollutant loadings associated with the industrial activity to the MS4.

(3) Facilities which discharge exclusively into the combined sewer system or which otherwise do not discharge to the MS4 will not be included on the registry.

(4) Facilities will not be included on the registry if they have a Kansas Department of Health and Environment (KDHE) authorized "no exposure" certification, pursuant to 40 CFR § 122.26(g).

(5) The director shall update the registry annually. Facilities currently on the registry which cease or modify operations may request removal by the director. Facilities which undergo a change in ownership or operator responsibility shall submit updated information upon formal change of control. Any owner or operator of a new facility falling under the requirements of this section shall submit evidence of coverage for stormwater discharges under the KDHE state general permit (notice of intent authorized by KDHE) or an individual permit (copy of signed permit) upon request by the director, if such coverage is required.

(b) An owner or operator of a facility on the active registry shall comply with the following:

(1) Upon request, submit to the director a signed and authorized copy of a notice of intent (NOI) filed with the State of Kansas for coverage under the KDHE state general permit or a copy of a signed individual permit, if such coverage is required. The NOI or permit should evidence the facility's ability to lawfully discharge stormwater associated with the industrial activities on site.

(2) Upon request, submit to the director a copy of a notice of termination submitted to KDHE to terminate coverage under the KDHE state general permit.

(3) Upon request, submit to the director a copy of an authorized no exposure certification.

(4) Prepare and implement a stormwater pollution prevention plan (SWPPP) in accordance with the requirements set forth in the KDHE state general permit or, for a facility covered by an individual NPDES permit, in accordance with the individual permit. Upon request, provide the director with a copy of the SWPPP including any amendments thereto.

(5) The SWPPP shall be kept at the facility, in an accessible location, at all times while the facility is covered by the applicable permit.

(6) The SWPPP shall be prepared and signed by a qualified individual as defined by the KDHE state general permit or by the individual NPDES permit, whichever is applicable. The signature of the preparer shall constitute his/her attestation that the SWPPP fully complies with the requirements of the KDHE state general permit or individual NPDES permit and the EPA NPDES program.

(7) Implement a sampling and testing program as required by the applicable NPDES permit. Upon request by the director, provide a copy of any stormwater sampling and analysis results, or any other documentation relating to permit coverage, required to be submitted to the KDHE under the terms of the applicable industrial stormwater permit.

(8) Qualified personnel (provided by the owner or operator) shall inspect equipment and areas of the facility as required by the KDHE state general or individual NPDES permit, whichever is applicable, and the associated SWPPP. A set of tracking or follow up procedures shall be used to provide that appropriate actions are taken in response to the inspections. Records of inspection shall be maintained. Upon request, the owner or operator shall provide the director with a copy of the annual site compliance evaluation or other inspection reports.

(9) Maintain and enforce procedures for spill prevention and response, including written documentation and training on procedures for material storage, handling equipment, spill cleanup, worker and environmental safety, and regulatory compliance. The owner or operator shall have ready and available materials and equipment needed, and shall assign personnel with formal responsibility, to react quickly and effectively to spills and leaks.

(10) Cooperate with and make the facility available to the director for periodic independent inspections, in accordance with the procedures outlined in section 30-6. For the purposes of this provision, the director is not required to have a belief of an actual or potential violation.

(11) Upon review of the SWPPP, owner or operator reports and documents, or any site inspection, the director may provide written comments to the owner or operator regarding the contents, effectiveness, or possible deficiencies of the SWPPP or of the owner's or operator's implementation of activities related to the SWPPP. The owner or operator shall respond in writing to such comments within 30 days and shall propose changes to the facility's SWPPP and operations for the director's review and approval.

(12) Following such comment period, the director may then give a written directive requiring the owner or operator to alter, amend, change, or discontinue practices that are found to cause or potentially cause the release of pollutants into the MS4. The director may also refer issues to the State of Kansas for consideration or action. In the event of an imminent release or emergency condition, the director may issue such written directives without waiting for the comment period. The owner or operator shall make any changes mandated by the director within the time frame stated in the written directive.

(13) In the event that an industrial facility included on the registry does not require coverage under the KDHE state general permit or an individual NPDES permit, the operator shall prepare and submit to the director a SWPPP meeting the functional standards in the KDHE state general permit, and shall in all other respects comply with the requirements of the KDHE state general permit and this chapter, subject instead to enforcement by the unified government alone.

(c) In the event that an owner or operator fails to comply with any provision of this article, the director make take, at the director's discretion, any enforcement actions authorized by section 30-3 or any other section of the unified government's Code. Appeals of any enforcement action by the director shall be governed by the provisions at section 30-5.

(Ord. No. O-28-14, § 3, 5-1-2014; Ord. No. O-79-21, § 25, 6-10-2021)

Sec. 30-133. National categorical pretreatment standards.

Users must comply with the categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471.

(a) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the director may impose equivalent concentration or mass limits in accordance with subsection (e) and (f).

(b) When the limits in a categorical pretreatment standard are expressed only in terms of mass of pollutant per unit of production, the director may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual industrial users.

(c) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the director shall impose an alternate limit in accordance with 40 CFR 403.6(e).

(d) A CIU may obtain a net/gross adjustment to a categorical pretreatment standard in accordance with the following paragraphs of this section.

(1) Categorical pretreatment standards may be adjusted to reflect the presence of pollutants in the industrial user's intake water in accordance with this section. Any industrial user wishing to obtain credit for intake pollutants must make application to the unified government. Upon request of the industrial user, the applicable standard will be calculated on a "net" basis (i.e., adjusted to reflect credit for pollutants in the intake water) if the requirements of paragraph (2) of this section are met.

(2) Criteria.

a. Either:

1. The applicable categorical pretreatment standards contained in 40 CFR subchapter N specifically provide that they shall be applied on a net basis; or

2. The industrial user demonstrates that the control system it proposes or uses to meet applicable categorical pretreatment standards would, if properly installed and operated, meet the standards in the absence of pollutants in the intake waters.

b. Credit for generic pollutants such as biochemical oxygen demand (BOD), total suspended solids (TSS), and oil and grease should not be granted unless the Industrial User demonstrates that the constituents of the generic measure in the user's effluent are substantially similar to the constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water pollutants either at the outfall or elsewhere.

c. Credit shall be granted only to the extent necessary to meet the applicable categorical pretreatment standard(s), up to a maximum value equal to the influent value. Additional monitoring may be necessary to determine eligibility for credits and compliance with standard(s) adjusted under this section.

d. Credit shall be granted only if the user demonstrates that the intake water is drawn from the same body of water as that into which the POTW discharges. The unified government may waive this requirement if it finds that no environmental degradation will result.

(e) When a categorical pretreatment standard is expressed only in terms of pollutant concentrations, an industrial user may request that unified government convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the director, the unified government may establish equivalent mass limits only if the industrial user meets all the conditions set forth in subsections (e)(1)a. through (e)(1)e. below.

(1) To be eligible for equivalent mass limits, the industrial user must:

a. Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its individual wastewater discharge permit;

b. Currently use control and treatment technologies adequate to achieve compliance with the applicable categorical pretreatment standard, and not have used dilution as a substitute for treatment;

c. Provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;

d. Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the discharge; and

e. Have consistently complied with all applicable categorical pretreatment standards during the period prior to the industrial user's request for equivalent mass limits.

(2) An industrial user subject to equivalent mass limits must:

a. Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;

b. Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;

c. Continue to record the facility's production rates and notify the director whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in paragraph (f)(1)c. of this section. Upon notification of a revised production rate, the director will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and

d. Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to paragraphs (e)(1)a. Of this section so long as it discharges under an equivalent mass limit.

(3) When developing equivalent mass limits, the director:

a. Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the industrial user by the concentration-based daily maximum and monthly average standard for the applicable categorical pretreatment standard and the appropriate unit conversion factor;

b. Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and

c. May retain the same equivalent mass limit in subsequent individual wastewater discharger's permit terms if the industrial user's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to section 30-133. The industrial user must also be in compliance with section 30-1 regarding the prohibition of bypass.

(f) The director may convert the mass limits of the categorical pretreatment standards of 40 CFR Parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual industrial users. The conversion is at the discretion of the director.

(g) Once included in its permit, the industrial user must comply with the equivalent limitations developed in this section 30-133 in lieu of the promulgated categorical standards from which the equivalent limitations were derived.

(h) Many categorical pretreatment standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum monthly average, or four-day average, limitations. Where such standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation.

(i) Any industrial user operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based standard shall notify the director within two business days after the user has a reasonable basis to know that the production level will significantly change within the next calendar month. Any user not notifying the director of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long-term average production rate.

(j) Baseline monitoring reports.

(1) Within either 180 days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical industrial users currently discharging to or scheduled to discharge to the POTW shall submit to the director a report which contains the information listed in paragraph (2), below. At least 90 days prior to commencement of their discharge, new sources, and sources that become categorical industrial users subsequent to the promulgation of an applicable categorical standard, shall submit to the director a report which contains the information listed in paragraph (2), below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

(2) Users described above shall submit the information set forth below.

a. All information required in section 30-33.

b. Measurement of pollutants.

1. The user shall provide the information required in section 30-129.

2. The user shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.

3. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the user should measure the flows and concentrations necessary to allow use of the combined wastestream formula in 40 CFR 403.6(e) to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e), this adjusted limit along with supporting data shall be submitted to the control authority;

4. Sampling and analysis shall be performed in accordance with section 30-129;

5. The director may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;

6. The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.

c. *Compliance certification.* A statement, reviewed by the user's authorized representative as defined in section 30-1 definitions and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

d. *Compliance schedule.* If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in section 30-32(b) of this chapter.

e. *Signature and report certification.* All baseline monitoring reports must be certified in accordance with section 30-32 of this chapter and signed by an authorized representative as defined in section 30-1 definitions.

(k) *Reports of changed conditions.* Each user must notify the director of any significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least 45 days before the change.

(1) The director may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under section 30-33 of this chapter.

(2) The director may issue an individual wastewater discharge under section 30-36 of this chapter or modify an existing wastewater discharge permit under section 30-35 of this chapter in response to changed conditions or anticipated changed conditions.

(Ord. No. O-79-21, § 26, 6-10-2021)

Sec. 30-134. Reporting requirements.

(a) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, a slug discharge or slug load, that might cause potential problems for the POTW, the user shall immediately telephone and notify the director of the incident. This notification shall include the location of the discharge, type of waste, concentration, and volume, if known, and corrective actions taken by the user.

(b) Within five days following such discharge, the user shall, unless waived by the director, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this chapter.

(c) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph (1), above. Employers shall ensure that all employees who could cause such a discharge to occur, are advised of the emergency notification procedure.

(d) Significant industrial users are required to notify the director immediately of any changes at its facility affecting the potential for a slug discharge.

(e) All significant industrial users must, at a frequency determined by the director, submit no less than twice per year, reports indicating the nature, concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the pretreatment standard requires compliance with a best management practice (BMP) or pollution prevention alternative, the user must submit documentation required by the director or the pretreatment standard necessary to determine the compliance status of the user.

(f) The director may authorize an industrial user subject to a categorical pretreatment standard to forego sampling of a pollutant regulated by a categorical pretreatment standard if the industrial user has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the industrial user. This authorization is subject to the following conditions:

(1) The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical standard and otherwise includes no process wastewater.

(2) The monitoring waiver is valid only for the duration of the effective period of the individual wastewater discharge permit, but in no case longer than five years. The user must submit a new request for the waiver before the waiver can be granted for each subsequent individual wastewater discharge permit.

(3) In making a demonstration that a pollutant is not present, the industrial user must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.

(4) The request for a monitoring waiver must be signed in accordance with section 30-1 and include the certification statement in (40 CFR 403.6(a)(2)(ii)).

(5) Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis.

(6) Any grant of the monitoring waiver by the director must be included as a condition in the user's permit. The reasons supporting the waiver and any information submitted by the user in its request for the waiver must be maintained by the director for three years after expiration of the waiver.

(7) Upon approval of the monitoring waiver and revision of the user's permit by the director, the industrial user must certify on each report with the statement in section 30-137(c) below, that there has been no increase in the pollutant in its waste stream due to activities of the industrial user.

(8) In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the user's operations, the user must immediately: comply with the monitoring requirements of section 30-32(c), or other more frequent monitoring requirements imposed by the director and notify the director.

(9) This provision does not supersede certification processes and requirements established in categorical pretreatment standards, except as otherwise specified in the categorical pretreatment standard.

(g) The unified government may reduce the requirement for periodic compliance reports to a requirement to report no less frequently than once a year, unless required more frequently in the pretreatment standard or by the State of Kansas, where the industrial user's total categorical wastewater flow does not exceed any of the following:

(1) Point zero one percent of the POTW's design (0.0056 million gallons for industries discharging to the Kaw Point Treatment Plant OR 0.0007 million gallons for industries discharging to Treatment Plant 20) dry-weather hydraulic capacity of the POTW, or 5,000 gallons per day, whichever is smaller, as measured by a continuous effluent flow monitoring device (unless the industrial user discharges in batches);

(2) Point zero one percent of the POTW's design (7.285 pounds for industries discharging to the Kaw Point Treatment Plant OR 0.862 pounds for industries discharging to Treatment Plant 20) of the design dry-weather organic treatment capacity of the POTW; and

(3) Point zero one percent of the maximum allowable headworks loading for any pollutant regulated by the applicable categorical pretreatment standard for which approved local limits were developed as listed in section 30-124(14) or 30-124(15).

Reduced reporting is not available to industrial users that have in the last two years been in significant noncompliance, as defined in section 30-1 of this chapter. In addition, reduced reporting is not available to an industrial user with daily flow rates, production levels, or pollutant levels that vary so significantly that, in the opinion of the director, decreasing the reporting requirement for this industrial user would result in data that are not representative of conditions occurring during the reporting period.

(h) All periodic compliance reports must be signed and certified in accordance with section 30-137 of this chapter.

(i) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

(j) If a user subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the director, using the procedures prescribed in section 30-129 of this chapter, the results of this monitoring shall be included in the report.

(Ord. No. O-79-21, § 27, 6-10-2021; Ord. No. O-128-23, 10-12-2023)

Sec. 30-135. Compliance schedule progress reporting.

The following conditions shall apply to the compliance schedule required by section 30-137(a):

(a) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

(b) No increment referred to above shall exceed nine months;

(c) The user shall submit a progress report to the director no later than 14 days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with

the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and

(d) In no event shall more than nine months elapse between such progress reports to the director.

(Ord. No. O-79-21, § 28, 6-10-2021)

Sec. 30-136. Reports on compliance with categorical pretreatment standard deadline.

Within 90 days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the director a report containing the information described in section 30-33 of this chapter. For users subject to equivalent mass or concentration limits established in accordance with the procedures in section 30-133(e), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with 40 CFR 403.12(e) [and] this chapter. All sampling will be done in conformance with section 30-129.

(Ord. No. O-79-21, § 29, 6-10-2021)

Sec. 30-137. Certification statements.

(a) *Certification of permit applications, user reports and initial monitoring waiver.* The following certification statement is required to be signed and submitted by users submitting permit applications in accordance with section 30-33, users submitting baseline monitoring reports under section 30-133(i), users submitting reports on compliance with the categorical pretreatment standard deadlines under section 30-134, users submitting periodic compliance reports required by section 30-134 and users submitting an initial request to forego sampling of a pollutant on the basis of section 30-134(f). The following certification statement must be signed by an authorized representative as defined in section 30-1:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

(b) *Annual certification for non-significant categorical industrial users.* A facility determined to be a non-significant categorical industrial user by the director pursuant to section 30-1 must annually submit certification statement signed in accordance with the signatory requirements in section 30-1. The certification must accompany an alternative report required by the director.

(c) *Certification of pollutants not present.* Users that have an approved monitoring waiver based on section 30-32(b) must certify on each report with a statement that there has been no increase in the pollutant in its wastestream due to activities of the user.

(Ord. No. O-79-21, § 30, 6-10-2021)

Secs. 30-138—30-160. Reserved.

ARTICLE VI. PUMPING AND TRANSPORTATION OF OTHER WASTEWATERS

DIVISION 1. GENERALLY

Sec. 30-161. Penalty.

The penalty for violation of this article shall be as follows:

(1) For the first violation, a fine of $100.00, loss of health department permit, unified government license and use of the unified government disposal site until the violation has been corrected and approved by the health officer or director.

(2) For the second violation, loss of health department permit, unified government license and use of the unified government disposal site for 30 days and a fine of $250.00. The permit, license and use will not be restored until the violation has been corrected and approved by the health officer or director.

(3) For the third or subsequent violation, loss of health department permit, unified government license and use of the unified government disposal site for one year and a fine of $500.00. The permit, license and use will not be restored until the violation has been corrected and approved by the health officer or director.

(Code 1988, § 30-238; Ord. No. O-46-05, § 1, 6-2-2005; Ord. No. O-79-21, § 31, 6-10-2021)

Sec. 30-162. Discharge fee.

Each septic hauler shall pay a discharge fee according to a schedule of fees established by the unified government board of commissioners. The fees shall be based on the fair market average for the services provided. The fees assessed for the discharge of wastewater must be paid within the period specified on the invoice. A late payment fee may be assessed on invoices that are not paid by the due date. The director will determine the amount of the late payment fee.

(Code 1988, § 30-240; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-163. Tank requirements.

(a) All tanks used in the cleaning of septic tanks, cesspools, pit-type toilets, and sanitary sewers:

(1) Shall be constructed of heavy gauge steel plate or aluminum.

(2) Shall be watertight and airtight.

(3) Shall have suction-type pumps with a maximum of four-inch valves with a minimum 20-foot lift, with 2½-inch suction hose attached thereto.

(4) Shall have a discharge line equipped with a leakproof valve with an elbow on the extension pipe, so as to drain directly into the disposal facility.

(b) Truck tanks used in hauling waste from septic tanks, cesspools, pit-type toilets, and sanitary sewers shall be airtight.

(c) All hoses and other equipment used in the cleaning of septic tanks, cesspools, pit-type toilets, and sanitary sewers shall be kept in enclosed cabinets on trucks.

(d) The capacity of all tanks on trucks cleaning septic systems must be certified by the health department.

(e) This section shall apply to all tanks used in all septic cleaning and hauling services.

(Code 1988, § 30-242; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-164. Maintenance of trucks and other equipment.

Trucks and other equipment requiring a permit under this article shall be kept as clean and sanitary as possible at all times.

(Code 1988, § 30-243; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-165. Disposal of waste material.

All waste material hauled by septic haulers shall be disposed in such place or places as may be approved by the director.

(Code 1988, § 30-244; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-166. Prohibition of disposal of hazardous and toxic wastes.

The discharge of hazardous or toxic wastes into the municipal sewer system by septic haulers is prohibited and will result in permanent revocation of the health department permit and the unified government license.

(Code 1988, § 30-245; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-167. Vehicle log.

Each vehicle permitted under this article, at all times while operating in the city, shall have in the vehicle a driver's log sheet. The driver shall complete the log when wastes are collected and are discharged to designated unified government facilities. Each driver shall keep the log current to the carried load. The log shall include the following information: type of tank and address serviced, volume collected, discharge time, discharge date, discharge location, and the driver's signature. At the end of each month, a legible copy of the log shall be provided to the director. The copy must be clean and safe to handle. The log shall contain information regarding the entire calendar month and must be received no later than ten calendar days after the end of the month.

(Code 1988, § 30-246; Ord. No. O-46-05, § 1, 6-2-2005; Ord. No. O-79-21, § 32, 6-10-2021)

Secs. 30-168—30-187. Reserved.

DIVISION 2. HEALTH DEPARTMENT PERMIT[5]

[5]Cross reference(s)—Licenses, permits, and miscellaneous business regulations, ch. 19.

Sec. 30-188. Required.

No person shall engage in the business of cleaning septic tanks, cesspools, pit-type toilets, or sanitary sewers, or carrying, hauling, or transporting over the streets of the unified government any wastewater or sludge from septic tanks, grease traps, cesspools, pit-type toilets, car/truck wash operations, chemical or petroleum processes, or sanitary sewer cleaning unless such person has a current occupational license and health department permit to engage in said activities.

(Code 1988, § 30-208; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-189. Application.

A health department permit required by this division shall be issued upon a written application filed with and approved by the health officer. Such application shall contain the following information at a minimum:

(1) The name of the applicant (hauling company and driver(s));

(2) The address of the applicant (hauling company);

(3) The phone number and email address of the applicant (hauling company);

(4) The license tag information for the vehicle;

(5) The types of wastewaters to be hauled;

(6) The tank capacity; and

(7) Other information deemed necessary by the health officer.

(Code 1988, § 30-209; Ord. No. O-46-05, § 1, 6-2-2005; Ord. No. O-79-21, § 33, 6-10-2021)

Sec. 30-190. Bond.

Each person engaged in any activity for which a health department permit is required by this division shall provide a bond to the unified government in the sum of $5,000.00 to ensure faithful compliance with this chapter. The form of the bond shall be approved by the chief counsel.

(Code 1988, § 30-210; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-191. Fee.

Prior to the issuance of the health department permit required by this division, each septic hauler shall pay a health department permit fee based on the health department permit processing and enforcement costs as set by the county administrator.

(Code 1988, § 30-211; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-192. Health department permit number; display of health department permit.

Each health department permit issued under this division shall be numbered, and the last two numbers shall represent the year for which the health department permit is issued. The health department permit shall be on board each vehicle operating in the city at all times and shall be made available for inspection by the health officer or a designated representative.

(Code 1988, § 30-212; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-193. Transfer; expiration.

No person shall transfer any health department permit issued under this division to any other person, and every health department permit shall expire on the first December 31 following the effective date.

(Code 1988, § 30-213; Ord. No. O-46-05, § 1, 6-2-2005)

Secs. 30-194—30-223. Reserved.

ARTICLE VII. PRIVATE ON-SITE WASTEWATER SYSTEMS

DIVISION 1. GENERALLY

Sec. 30-224. Definitions.

In addition to the words, terms and phrases elsewhere defined in this chapter, the following words, terms and phrases as used in this chapter shall have the following meanings:

Absorption field: a configuration of on-site trenches installed to absorb sewage effluent from a septic tank or other sewage solids removal device.

Absorption pit: a pit or hole in which gravel is placed, which receives sewage effluent.

Absorption trench: a trench that is laid to convey and distribute septic tank effluent.

Alternative on-site sewage management system: any on-site sewage management system which has been approved by the health department, and has proven reliability and performance in field use, but which differs in design or operation from approved conventional septic tank and absorption-field systems.

Approval or approved: accepted or acceptable by the health department in accordance with applicable specifications stated herein or with additional criteria accepted by the department.

Authorized representative: any employee of the unified government public health department who is designated by the health officer to administer this Code.

Available sewer: any public sewer within 200 feet of a building which is permitted by the owner of the public sewer to be connected to the public sewer system.

Board of county commissioners: the unified government board of commissioners.

Board of health: the unified government board of commissioners.

Chamber system: an absorption field that utilizes vaulted plastic chambers rather than gravel.

Composting toilet: a biological composting unit used for the disposal of human excreta.

Conventional on-site sewage management system: a system that includes a septic tank, absorption field, and all other elements intended to be used for management and disposal of sewage on-site.

Domestic sewage: sewage originating primarily from non-commercial kitchens, bathrooms, and laundry sources, including waste from food preparation, dishwashing, garbage grinding, toilets, baths, showers, and sinks.

Experimental or innovative on-site sewage management system: any on-site sewage management system which has been approved by the health department and is installed for testing and observation.

Floodplain: the 100-year floodplain.

Grade: the ratio of vertical drop of pipe invert, trench bottom, or ground surface to the horizontal distance transversed.

Grease trap: a device that captures grease in sewage and from which the grease may be removed for proper disposal.

Industrial or commercial wastes: any wastes produced as a by-product of any industrial or commercial process or operation, other than domestic sewage.

Installer license: an annual license issued by the health department authorizing an individual to install, construct, repair, or alter on-site sewage management systems in Wyandotte County, Kansas.

KDHE: the Kansas Department of Health and Environment.

Lateral rock: washed gravel or washed crushed stone ranging in size from three fourths inch to two inches in diameter (p. 12, KDHE Bulletin 4-2, or as amended).

Lot: the smallest basic portion of a subdivision or other tract of land, normally intended to be developed and transferred individually.

Multi-family building: any building intended to be occupied as living quarters by more than one family.

The following words and phrases, when used in this Code, shall have the meanings ascribed to them in this section, unless indicated otherwise.

Non-public water supply: all water supplies for domestic uses that do not meet the definition of public water supply.

Non-residential building: any building intended to be utilized for business, religious, or commercial purposes, which is not intended to be occupied by one or more persons as living quarters.

On-site sewage management system: a conventional, alternative, experimental, or innovative sewage disposal system which serves a single-family residential building or a single nonresidential building.

Package plant: an approved watertight structure installed underground to receive, agitate and aerate sewage from a building sewer, effecting separation and organic decomposition of sewage solids and discharging effluent to an absorption field.

Private water supply: any water supply line which is privately owned and not owned by a public water supply.

Public water supply: a system for delivery to the public of piped water for human consumption.

PVC: polyvinyl chloride.

Sanitary Code: rules, standards and regulations adopted by the unified government designed to minimize or control those environments and environmental conditions that may adversely affect the health and well-being of the public. Such environments and environmental conditions may include but are not restricted to: wastewater and wastewater disposal; water supply; food and food handling.

Septic tank: an approved watertight structure installed underground to receive sewage from a building sewer, effecting separation and organic decomposition of sewage solids and discharging effluent to an absorption field.

Sewage holding tank: a watertight receptacle used to contain domestic sewage discharged from a building which has a water supply and does not discharge to an on-site sewage management system or public sewer.

Sewage vault: a watertight receptacle used to contain sewage generated from a building which does not have a water supply and does not discharge to an on-site sewage management system or public sewer.

Single family residential building: any building intended to be occupied by one family as living quarters.

Toilet: a sanitary fixture meeting health department and plumbing code requirements for receipt and conveyance of human body wastes.

Water supply main: any water line, including the water meter, which is owned by a public water supply.

Water well: any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed when the intended use of such excavation is for the location, diversion, artificial recharge or acquisition of groundwater.

(Ord. No. O-51-18, § 1, 12-6-2018)

Sec. 30-225. Purpose.

The purpose of this article is to regulate the installation of private on-site wastewater systems to prevent the development of conditions that may adversely affect the health and well-being of the public.

(Code 1988, § 30-273; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-226. Violations.

It shall be unlawful for any person to violate any provision of this article or fail to comply with the requirements of this article. Any violation of any provision of this article shall be deemed a misdemeanor and punishable by a fine not less than $50.00 and not more than $500.00 for each offense. Each day's violation or failure to comply shall constitute a separate violation.

(Code 1988, § 30-274; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-227. Inspection and approval prerequisite to use.

No portion of a private on-site wastewater system shall be covered or placed in use until inspected and approved, in writing, by the health officer.

(Code 1988, § 30-275; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-228. Administrative and general.

(a) *Permit and license.*

(1) *Applications for permits and licenses.* All persons required by this Code to obtain a permit or license shall make application for such permit or license to the health department on standard forms provided for that purpose.

(2) *Issuance of permit or license.* After receipt of an application for a permit or license required by this Code, the health officer shall begin such investigations and inspections as he/she shall deem necessary to determine whether the permit or license should be issued or denied and shall issue or deny the permit or license within a reasonable period, depending upon information and data requested. If the permit or license is denied, the health officer shall send the applicant a written notice with the reasons for denial stated thereon.

(3) *Permit non-transferable.* No permit or license required by this sanitary code shall be transferable, nor shall any fees required and paid therefore be refunded.

(4) *Errors and omissions.*

a. The issuance of a permit shall not prevent the health department from thereafter requiring the correction of errors in plans and specifications or from preventing construction activity being carried on there under when such activity would be in violation of this Code or of any other code or resolution or from revoking any permit or license when issued in error.

b. The health department may, in writing, suspend or revoke a permit issued under provisions of this Code whenever the permit is issued in error or based on incorrect information provided by the applicant.

(5) *Standard fees.* For the purpose of defraying all or part of the costs of administration of this Code, the county administrator shall establish a schedule of fees for all permits and licenses required by the code, payable upon submission of the application for such permit or license.

(b) *Notices, orders.*

(1) *Notice of violations.* Whenever the health officer determines that there has been, or is likely to be, a violation of any provisions of this Code, he/she shall give notice of such alleged violation. The notice:

a. Shall be in writing;

b. Shall identify the code violation and the factual basis therefore;

c. Shall specify necessary corrective action;

d. Shall specify a reasonable period for performance of any corrective action and/or work required by the notice; and

e. Shall be properly served upon the owner or occupant of the premises; provided, that such notice shall be deemed properly served upon such owner or occupant when a copy thereof has been sent by registered or certified mail to the last known address of the owner or occupant as identified on the latest county tax rolls. If properly addressed and mailed, the failure of an owner or occupant to actually receive or sign for receipt of such notice shall not affect the validity of service of such notice.

The failure of the health officer to serve such a notice upon the owner or occupant shall not be a defense to any criminal prosecution for violation of any provision of this Code.

(2) *Emergency orders.* Whenever the health officer finds that an emergency exists which requires immediate action to protect the public health, he/she may, without notice or hearing, issue an order reciting the existence of such an emergency and require that such action be taken as he/she may deem necessary to meet the emergency, including the suspension of the permit. Notwithstanding any other provisions of this Code, such order shall be effective immediately and shall be enforceable in Wyandotte County District Court.

(c) *Records.* Permit applications. Applications for permits or licenses required by this Code shall be filed with the health department.

(d) *Disclaimer of liability.* This Code shall not be construed or interpreted as imposing upon the County or any city adopting this Code 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 this Code will function properly. In addition any employee charged with the enforcement of this Code, acting in good faith and without malice in the discharge of his or her duties, shall not thereby be personally liable and is hereby relieved from personal liability for damage

that may occur to any person or property as a result of any act required by this Code in the discharge of his or her duties.

(e) *Separability*. No decision of a court of competent jurisdiction declaring any section, subsection, paragraph, sentence, clause or phrase of this Code invalid, shall affect the remaining portion of this Code, which shall remain in full force and 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 section declared invalid would be so declared.

(Ord. No. O-51-18, § 2, 12-6-2018)

Editor's note(s)—Ord. No. O-51-18, § 2, adopted Dec. 6, 2018, enacted a new § 30-228 and renumbered the former § 30-228, pertaining to permits required, as § 30-229.

Sec. 30-229. Permits required.

(a) No person shall be issued a building permit without having first obtained from the health department a permit to construct an on-site sewage management system. A fee shall be charged by the health department for the on-site sewage management system permit.

(b) No person shall construct, repair or alter an on-site sewage management system without obtaining a construction permit for such purpose from the health department. No permit for the construction, repair or alteration of an on-site sewage management system shall be issued until the health department has inspected and approved the site and the proposed location and design of the on-site sewage management system. A fee shall be charged by the health department for the service. No on-site sewage management system constructed, altered or repaired may be covered totally or in part until it has been inspected and approved by the health department. The system may be inspected by the health department at any stage of construction. Permits for the repair, or alteration of an on-site sewage management system shall be valid for six months from the date issued. Permits for new construction of an on-site sewage management system shall be valid for one year from the date issued.

(c) All applicants, or agents for the applicants, will be required to sign an application form to acknowledge the on-site sewage management system must be inspected and installed according to the approved plan and requirements of the Wyandotte County Sanitary Code.

(d) No house or structure shall be occupied or used until a final inspection shows the on-site sewage management system has been approved by the health department.

(e) *Data requirements.*

(1) *Residential.* The following shall be submitted to and accepted by the Health Department before issuance of a permit to construct an onsite sewage management system:

a. An application form including the following: a) Name, address and phone number of applicant and owner. b) Location of building site, including legal description and number of bedrooms in the home.

b. A drawing of the lot or site, showing:

1. Overall dimensions of the lot.

2. Location of buildings, driveways and geographical features near the proposed absorption field.

3. Location and type of all water supplies, and location of all water service lines.

4. Layout of entire on-site sewage management system, including septic tank, absorption field, interconnecting lines, and/or any other components.

5. Location of foundation footing or any other non-sewage drain(s).

6. An arrow indicating north direction.

c. Other supportive data or information required by the health department.

(2) *Non-residential.* The following data shall be submitted to and accepted by the health department prior to issuance of a permit to construct an on-site sewage management system:

a. An application form including the following:

1. Name, address and phone number of applicant and owner.

2. Location of building site, including legal description with section, township and range.

b. A site plan of the entire property under development showing:

1. Overall dimensions of the lot, area in square feet.

2. Location of buildings, structures, driveways, parking, access roads, loading areas, receptacle locations, buffers, public and private easements and any geographical features near the proposed on-site sewage management system.

3. Location and type of all water supplies and location of all water service lines.

4. Layout of entire on-site sewage management system, including septic tank, absorption field, interconnecting lines, and/or any other components.

5. Location of foundation footing or any other non-sewage drain(s).

6. An arrow indicating north direction.

c. Other supportive data or information required by the health department, including but not limited to size of building, type of establishment, anticipated water usage and peak daily sewage flow, whether the sanitary facilities are for private and/or public use, an estimate of the maximum number of customers, employees, etc., all water-using equipment or appliances, the specific use of the facilities including identification of any industrial or commercial wastes that may be discharged from the building, existing and proposed topography, and proposed drainage.

(f) *Field data requirements.*

(1) *Water table borings.* Borings to determine groundwater elevation in low areas may be required by the health department. Borings shall be made to a minimum depth of seven feet. Water table elevations shall not be recorded until sufficient time has elapsed for stabilization of groundwater (such stabilization in clay soils may require several hours or overnight). Location, identification number and depth to water table shall be recorded on the plat or site plan which may indicate topography, if required. Other records of water table elevation, including seasonal peaks, may be submitted or required.

(2) *Rock borings.* Where surface outcroppings or subsurface rock or hard-pan exist or are suspected, a sufficient number of borings to a minimum depth of four feet may be required by the health department to determine if such conditions may interfere with installation, performance or repair of the proposed on-site sewage management system. Boring locations and data shall be recorded by number on the plat or site plan which may indicate topography, if required.

(3) Evidence of the presence of water in the borings shall negate the use of conventional on-site sewage management systems in that area. Innovative or alternative systems may be reviewed on an individual

basis. Evidence of rock in the borings may negate the use of a conventional on-site sewage management system in that area.

(4) Soil or groundwater test holes for an on-site sewage management system shall be required, reviewed, and approved by the director of the health department. Soil analysis and other field tests may be required. The number, depth and location shall be determined by the health department. If test holes are left unattended, they shall be "benched" for safety reasons (see Figure A).

(5) The location of the house must be staked or flagged as well as any other out planned or existing outbuildings.

(Ord. No. O-51-18, § 3, 12-6-2018)

Editor's note(s)—Ord. No. O-51-18, § 3, adopted Dec. 6, 2018, repealed the former § 30-229 and renumbered and amended § 30-228 as § 30-229, as set out herein. The former § 30-229 pertained to requirements for private on-site wastewater permits and derived from the Code of 1988, § 30-277; Ord. No. O-46-05, § 1, adopted June 2, 2005.

Sec. 30-230. Restrictions on private on-site wastewater permits.

No private on-site wastewater permit authorizing the construction, alteration or extension of a private on-site wastewater system shall be transferable. No authorization for construction of a new private on-site wastewater system granted by a private on-site wastewater permit shall be valid for more than 12 months from the date of issuance. Private on-site wastewater permits for altering or extending an on-site wastewater system shall be valid for no more than six months from the date of issuance.

(Code 1988, § 30-278; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-231. Inspections.

It shall be the duty of every person installing a new or altering a private on-site wastewater system to notify the health officer when the system is ready for inspection for compliance with approved plans and specifications, and no portion of a private on-site wastewater system shall be covered or otherwise made inaccessible for inspection until after it has been inspected and approved by the health officer.

(Code 1988, § 30-279; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-232. Correction of construction; revocation of private on-site wastewater permit.

(a) If any private on-site wastewater system is constructed not in accordance with approved plans and specifications, the health officer shall notify the permittee, in writing, wherein the construction does not conform to the approved plans and provide a reasonable time to make the needed corrections.

(b) Failure of any permittee to make the necessary corrections within the time period stipulated by the health officer shall render the private on-site wastewater permit null and void.

(Code 1988, § 30-280; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-233. Sewage generally.

(a) *Disposal of domestic sewage.*

(1) Foundation drain water or other non-sewage, or surface water must not go into the septic tank or on-site sewage management system. Only domestic sewage shall be permitted to discharge to an approved on-site sewage management system.

(2) No household, industrial or commercial wastes shall be discharged into any watercourse, impoundment, storm sewer or public thoroughfare. The discharge of sewage into cesspools, absorption pits, abandoned wells, cisterns, streams, or upon the surface of the ground shall be prohibited. In no case shall treated or untreated sewage, or the effluent from a septic tank or on-site sewage management system, be permitted to drain directly or indirectly into a ditch or stream, nor shall it be allowed to surface or run or drain across any adjacent land.

(3) In the event that a failure of an on-site sewage management system occurs, and it is determined by the health department that the system cannot be repaired, then either connection to a public sewer shall be made or a new approved on-site sewage management system shall be installed.

(4) On-site sewage management systems shall be maintained in sanitary condition by regular maintenance and/or repair.

(5) No two or more residential and/or non-residential buildings shall be connected to the same on-site sewage management system without written approval from the health department or KDHE.

(6) All onsite wastewater systems shall be designed, constructed and operated in accordance with standards set forth in KDHE Bulletin 4-2 "Minimum Standards for Design and Construction of Onsite Wastewater Systems" published March 1997, as amended, by KDHE and Kansas State University Agricultural Experiment Station and Cooperative Extension Service. KDHE Bulletin 4-2 is hereby adopted by reference and is included herein as an appendix to this Code.

(b) *Toilets.*

(1) Every newly constructed residential building shall be provided with at least one flush toilet in accordance with the provisions of this regulation.

(2) Flush toilets shall at all times be provided with sufficient water and pressure to provide adequate flushing.

(3) Composting toilets or electrically incinerating toilets may be approved by the health department on an individual basis only if the use of such devices does not create a public health nuisance.

(Ord. No. O-51-18, § 4, 12-6-2018)

Editor's note(s)—Ord. No. O-51-18, § 4, adopted Dec. 6, 2018, repealed the former § 30-233, and enacted a new § 30-233 as set out herein. The former § 30-233 pertained to appeals of health officer's orders and derived from the Code of 1988, § 30-281; Ord. No. O-46-05, § 1, adopted June 2, 2005.

Sec. 30-234. Alternative and experimental private on-site wastewater systems.

(a) *Consideration of alternative systems.* Where appropriate, and after thorough assessment of alternatives, the health department will consider alternative on-site sewage management systems and/or site modifications for conventional or alternative systems in areas of marginal suitability.

(b) *Priorities.* Priority consideration will be given to those proposals for alternative sewage disposal systems whose implementation may resolve existing sewage management problems.

(c) *Review and approval of alternative on-site sewage management systems.* Those desiring to install an alternative on-site sewage management system may be required to submit the following information to the health department:

(1) Plans and specifications including type and location of site modifications, along with any engineering, laboratory, or field data required.

(2) Provisions for a backup system, including reservation of undisturbed space.

(3) Any additional information required for complete understanding and decision formulation by the health department.

If the proposal for the system is approved, those making application will be informed by the Health Department of responsibilities for maintenance and of any monitoring procedures deemed appropriate by the health department. Reduction of water usage by installation of water conserving fixtures and devices may be required.

(d) *Experimental and innovative on-site sewage disposal systems.* The health department may consider proposals for the use of experimental and innovative on-site sewage management systems for testing and observation.

(e) The health department may require the alternative, experimental and innovative on-site sewage disposal systems to be designed by a professional engineer and may ask for review of the proposal by KDHE.

(f) *Maintenance requirements.* Any owners and/or operators of any alternative or experimental on-site sewage management systems permitted after the effective date of this Sanitary Code shall maintain a contract for, at a minimum, the annual inspection of the system and pertinent components and prescribed maintenance with a licensed installer, licensed maintenance technician, or representative of the manufacturer of the system. A copy of the inspection report, along with a report of any corrective actions taken as prescribed by the inspection report, shall be filed with the health department within 60 calendar days of the date of inspection.

(g) *Sewage lift pumps.* In the event that the sewage generated from a building or residence cannot be plumbed to an absorption field or sanitary sewer by gravity, then a sewage lift pump with the necessary appurtenances as determined by the health department may be required. The pump chamber must be sealed, odor proof and watertight.

(h) *Aeration systems (package plants).* The use of preassembled aeration systems, usually referred to as "package plants," may be approved by the health department. When used individually in a residential installation, their volume shall be equal to or greater than that required of a septic tank. The effluent shall be discharged to an absorption field as required for septic tanks. Their flow-through ability must not be affected by a power failure. If the effluent from the package plant is not discharged to an on-site sewage management system, then a permit is required from KDHE before the package plant can be installed.

(i) *Cesspools and absorption pits.* Cesspools and absorption pits shall be prohibited for new or permanent installations.

(j) *Portable toilets.* Portable toilets equipped with holding or storage tanks, chemical or otherwise, shall be prohibited except on a temporary basis as determined acceptable by the health department. Portable holding tanks serving camping, recreation vehicles, and boats are acceptable.

(k) *Sewage holding tanks.*

(1) Sewage holding tanks shall be permitted only for commercial businesses on a case-by-case basis determined by the health department, and only when it is not possible or feasible to utilize any other type of on-site sewage management system or connect to any public sewer. A written permit for the use of any sewage holding tank shall be required by the health department. The health department retains the right to revoke any said written permit at any time.

(2) All sewage holding tanks shall be pumped out by septage waste haulers who have been licensed by the health department.

(3) All sewage holding tanks shall be a minimum of 1,500 gallon capacity and shall be equipped with an alarm system which alerts the owner and or operator before the sewage holding tank causes overflow of septage onto the surface of the ground, or backup of septage into the building it serves.

(l) *Sewage vaults.* Sewage vaults shall be permitted by the health department on a case-by-case basis. Sewage vaults may be permitted for camping or recreational areas. All sewage vaults shall be a minimum of 1,000 gallon capacity and shall be pumped out by septage waste haulers who have been licensed by the health department. A permit shall be required for the construction of a sewage vault. No water supply shall be connected to the sewage vault.

(m) *Sanitary privies.* No person, company, or corporation or institution shall excavate, drill, construct or use or permit to be constructed or used any well, pit mine shaft or subsurface excavation for the disposal of untreated or inadequately treated domestic sewage.

(Code 1988, § 30-282; Ord. No. O-46-05, § 1, 6-2-2005; Ord. No. O-51-18, § 5, 12-6-2018)

Sec. 30-235. Installer license required.

(a) No person shall install, construct, repair, or alter an on-site sewage management system without having first obtained an annual installer license from the health department. An annual fee shall be charged by the health department for the license.

(b) An installer license may be issued to a commercial contractor or homeowner. A homeowner shall install, repair, or alter an on-site sewage management system located on his/her property only.

(c) A licensed installer shall be on site at all times when an on-site sewage management system is being installed, constructed, repaired, or altered.

(d) The licensed commercial contractor shall be responsible for informing the property owner regarding recommended maintenance of an on-site sewage management system that the contractor installs, repairs, or alters.

(e) No person shall receive an installer license from the health department without having first passed a written examination. A minimum of 70 percent of the answers on the written examination shall be answered correctly to receive the installer's license.

(f) Written examinations may be taken at any time during the calendar year. Any person wishing to take a written examination may do so by making an appointment with the health department. There will be a test fee for taking the examination.

(g) Annual licenses shall expire on December 31 of the calendar year in which they are issued. The annual license fee shall be the same for any fraction of the year as for the entire year.

(h) Installer license revocation. A license may be revoked for continued failure to comply with the requirements of this Sanitary Code.

(Ord. No. O-51-18, § 6, 12-6-2018)

Sec. 30-236. Septic tanks.

(a) All septic tanks shall be designed and constructed according to the specifications set forth by the Kansas Department of Health and Environment's Bulletin 4-2.

(b) There shall be no permanent structure (patio, building, driveway, etc.) over the tank, lateral or other part of an on-site wastewater system (p. 6, KDHE Bulletin [4-2], or as amended).

(c) All abandoned or unused septic tanks, cesspools, seepage pits, or other holes that have received wastewater shall be emptied and plugged following procedures described in K-State Research and Extension bulletin MF-2246 (p. 6, KDHE Bulletin 4-2, or as amended).

(d) Compacting of the absorption field during placement of the septic tank shall be avoided (p. 9, Bulletin 4-2, or as amended).

(e) Where natural soil is not suitable, tanks shall be placed on a bed of at least four inches of sand, pea gravel, or crushed non-corrosive granular material. Material shall be no larger than two inches in diameter (p. 9, KDHE Bulletin 4-2, or as amended).

(f) Septic tanks shall be watertight (p. 7, KDHE Bulletin 4-2, or as amended).

(g) Special considerations for fiberglass, fiberglass reinforced polyester, and polyethylene tanks (p. 9, KDHE Bulletin 4-2, or as amended):

(1) All tanks shall be sold and delivered by the manufacturer completely assembled.

(2) Tanks shall be structurally sound and support external forces as specified above when empty and internal forces when full. Tanks shall not deform or creep resulting in deflection more than five percent in shape as a result of loads imposed.

(3) Tanks and all below grade fittings and connections shall be water tight.

(4) Plastic tanks shall not be used in high or seasonally high water tables (p. 10, KDHE Bulletin 4-2, or as amended).

a. Fiberglass or plastic septic tanks shall be installed according to the manufacturer's specifications to ensure that the installation will not void the manufacturer's warranty.

(h) *Location*. The septic tank shall be located as set forth in Table I. No septic tank shall be installed after the effective date of this Sanitary Code within:

(1) Ten feet of any house or other building.

(2) Twenty-five feet of any public water main, water meter (p. 4, KDHE Bulletin 4-2, or as amended), or in-ground swimming pool.

(3) Fifty feet of any private water well, surface water course, creek bank, stream, pond, river, or lake (p. 4, KDHE Bulletin 4-2, or as amended).

(4) One hundred feet of any public water supply well or suction line (p. 4, KDHE Bulletin 4-2, or as amended).

(5) Any floodplain.

(6) The health department, after site inspection, may stipulate greater separation than cited herein, due to adverse on-site conditions including location of a well on-site or nearby, site configuration or structural placement, sub-surface soil characteristics, and/or groundwater interference.

(i) *Capacity*. The minimum liquid capacity of septic tanks shall be sized as follows, (p. 6, Table 7, KDHE Bulletin 4-2, or as amended):

1 to 3 bedrooms: 1,000 gallons

4 bedrooms: 1,200 gallons

5 bedrooms: 1,500 gallons

(j) *Foundation and backfill.* Septic tanks shall be installed level on a foundation that will prevent settling. Where natural soil is not suitable, tanks shall be placed on a bed of at least four inches of sand, pea gravel, or

crushed non-corrosive granular material. Material shall be no larger than two inches in diameter (p. 9, KDHE Bulletin 4-2, or as amended). Backfill shall be free of voids, stumps, broken masonry or other such materials. The lid of the tank shall be covered with earth.

(k) *Access and inspection.* Septic tanks shall have an access manhole with 20 inches minimum dimension for each compartment that shall extend to the surface of the ground. When any opening larger than eight inches extends to the surface, that opening shall be child and tamper-resistant. Ways to accomplish this include lids weighing at least 65 pounds, locks, or anchors that are not removable without special tools (p. 8, KDHE Bulletin 4-2, or as amended).

(l) *Inlet pipe.* The inlet invert should be located at least three inches above the liquid level in the tank. A vented inlet tee shall be used to divert the incoming sewage downward. It shall extend at least 12 inches below the liquid level, but the penetration must not be greater than that provided by the outlet device.

(m) *Outlet pipe.* The outlet device shall extend 18 inches below the liquid surface. A vented outlet tee shall be provided.

(n) *Sealed.* A watertight seal shall be made around the inlet and outlet pipes with a rubber gasket or bonding compound that will adhere both to the concrete septic tank and the exterior surfaces of the inlet and outlet pipes. The lid shall be sealed to the walls of the tank. Any holes in the tank shall be sealed so that the tank is watertight.

(o) The top of the septic tank shall be a maximum of 12 inches from the finished grade (KDHE Bulletin 4-2, p. 7, or as amended).

Septic tanks are illustrated in Figure B.

(Ord. No. O-51-18, § 6, 12-6-2018)

Sec. 30-237. Absorption fields.

(a) *Area computation.* The following criteria shall be used to determine the amount of absorption field required:

(1) *Single family residential buildings.*

a. *Alternative systems.* Alternative systems which have been approved by the health department may be required if either or both of the following conditions are present:

1. Heavy clay: the soil type in the absorption site is a heavy clay series (as determined by the USDA Soil Survey of Wyandotte County), with or without slope; or

2. Slowly permeable soil with level surface area: the soil type in the absorption site is of any slowly permeable soil series (0.2 inches per hour or less, as determined by the USDA Soil Survey of Wyandotte County) and the undisturbed absorption site has a level surface area.

b. *Conventional septic tank-lateral field systems.*

1. Conventional sequential step-down septic tank-lateral field systems may be utilized in sloping, slowly permeable soils. The absorption field in those conditions shall be sized as listed below:

Number of bedrooms	1	2	3 or more	For each bedroom beyond 3
Square feet of absorption trench	500	1,000	1,500	+ 500

Linear feet of 3' wide trench	167	334	500	

2. Conventional septic tank-lateral field systems may be utilized in sloping or level moderately to rapidly permeable soils (as determined by the USDA Soil Survey of Wyandotte County). The absorption field in those conditions shall be sized as listed below:

Number of bedrooms	1	2	3 or more	For each bedroom beyond 3
Square feet of absorption trench	400	800	1,200	+ 400
Linear feet of 3' wide trench	134	267	400	

(2) *Non-residential buildings.* Requirements for the size of absorption field shall be determined by the health department. Professional manuals such as the EPA Design Manual, International Plumbing Code, or the Uniform Plumbing Code may be referred to for guidance to help determine adequate sizing. When expected non-farm water usage exceeds 10,000 gallons per month, the owner(s) of the establishment shall construct a dual absorption field system according to health department regulations.

(3) *Multi-family buildings.* Requirements for the size of absorption fields which will serve multi-family buildings (i.e., group homes, foster homes, etc.) shall follow the same sizing requirements as for a single-family residence. When expected non-farm water usage exceeds 10,000 gallons per month, the owner(s) of the establishment shall construct a dual absorption field system according to health department regulations.

(4) *Existing buildings.* Absorption fields constructed or repaired which serve existing buildings shall follow the same absorption field sizing requirements as newly constructed buildings whenever possible. When site or area constraints will not allow adequate area to accomplish sizing requirements for new construction, then absorption fields shall be sized as large as physically possible to meet the same requirements as that of new construction. All other requirements for septic tank and absorption field construction and installation shall be required as stated within these regulations.

(5) *Other.* The absorption field size shall be determined by the Health Department based on the anticipated loading, water use, and sewage produced. A minimum of 300 lineal feet of absorption trench shall be required.

(b) *Absorption field location restrictions.* Unless otherwise approved by the health department, the absorption field shall be located as set forth in Table 1. Unless otherwise approved by the health department, no part of an absorption field installed after the effective date of this Sanitary Code shall be located within:

(1) Ten feet of any private water line, septic tank, foundation drain, buried utility line, driveway, property line, or drop-off.

(2) Twenty-five feet of any house or other building, water meter (p. 4, KDHE Bulletin 4-2, or as amended), or public water main.

(3) Fifty feet of any in-ground swimming pool, surface water course, creek bank, stream, river, pond, or lake (p. 4, KDHE Bulletin 4-2, or as amended).

(4) One hundred feet of any water well.

(5) Absorption fields shall not be installed in the floodplain nor where groundwater or adverse geological formations may interfere with the absorption of treated sewage or result in the contamination of groundwater by sewage.

(6) The health department may require that a licensed surveyor stake or flag the floodplain in areas where it is difficult to determine floodplain locations.

(7) Absorption fields shall not be installed in areas subject to excessive surface water, ponding, or runoff, including but not limited to storm water and discharge from building gutters.

(8) No absorption field, or any portion thereof, shall be placed within any fill material unless such fill material is specifically approved in writing by the health department prior to installation of the absorption field. Installation of any absorption field within fill material not approved by the health department may be cause for revocation of the onsite sewage management system construction permit.

(9) The health department, after site inspection, may require variations of these distances due to adverse conditions relative to topography, subsurface soil characteristics, and/or groundwater sources. No part of the absorption field shall be covered by buildings or pavement or be used for vehicular traffic or parking.

Table 1 — Absorption Field Location Restrictions		
Minimum Horizontal Distance Required (Feet)		
From:	to Septic Tank	to Absorption Field
House or other building	10	25
Private water line (p. 4, KDHE Bulletin 4-2, or as amended)	10	10
Absorption trench	10	—
Septic tank	—	10
Foundation drain	10	10
Buried utility line	10	10
Driveway	10	10
Property line	10	10
Drop-off	10	10
Public water main	25	25
Water meter (p. 4, KDHE Bulletin 4-2, or as amended)	25	25
Cistern	50	50
In-ground swimming pool	25	50
Private water well	50	100
Surface water course, creek bank, stream, river, pond, or lake (p. 4, KDHE Bulletin 4-2, or as amended)	50	50
Public water supply well or suction line (p. 4, KDHE Bulletin 4-2, or as amended)	100	100

(c) *Site preparation.* The area in which the on-site sewage management system is proposed to be constructed shall not have any of the original topsoil removed from the area without specific written approval from the

health department. Removal of topsoil from the area may be cause for revocation of the on-site sewage management system construction permit.

(d) *General requirements for design and construction of absorption fields.*

(1) An absorption trench shall not exceed 100 feet in length from where it is fed unless specific approval is given by the health department.

(2) Absorption trenches shall be between 27 inches and 39 inches in depth.

(3) The trench shall be 36 inches wide, unless otherwise specifically approved by the health department.

(4) Installation of absorption trenches must be along contour lines that the level trenches of uniform depth can be constructed unless otherwise specifically approved by the health department.

(5) There shall be a minimum of 12 inches of earth cover over the lateral rock or chamber system and a maximum of 24 inches of earth cover over the lateral rock or chamber system.

(6) Excavation for absorption trenches in wet clay soils and smearing of trench walls and bottoms shall be avoided since reduced permeability may result and approvals may be voided thereby.

(7) The ground surface of the absorption field area shall be so graded as to prevent the accumulation of surface water and to minimize the flow of surface water over the absorption field. Test holes, diverter ditches or flow control devices will be required under some circumstances. It may be necessary to prepare the ground for the absorption field, such as by removal of rocks, trees, or replacement of soil. The health department may require that the preparation work for the absorption field be inspected and approved prior to the installation of the absorption field.

(8) There shall be a minimum of four feet between the bottom of the absorption trench and any groundwater table.

(9) There shall be a minimum distance of 12 feet between absorption trench sidewalls, or 15 feet between trench centers, unless specifically approved by the health department.

(e) *General requirements for field layout methods.*

(1) *Sequential step-down or "overhead" conventional system.* This method is well suited to terrain with a slope. In this system, effluent is not distributed equally to all the absorption trenches. Instead, the trenches are filled sequentially, and diversion to the next trench does not occur until the fluid level in the preceding trench reaches slightly above the top of the rock fill or chamber system.

a. The overhead distribution line must be connected toward the center of each absorption trench, unless specifically approved by the health department.

b. The overhead distribution line must be set on a firm foundation of undisturbed earth or compacted earth or sand. Gravel shall not be placed beneath the overhead line.

c. The sequential system is illustrated in Figure C.

(2) *Level field conventional system.* On flat terrain the level field method may be used. When this method is used, all distribution trenches shall be installed level and at the same elevation, shall not exceed 100 feet in length, and shall be connected at the ends to form a continuous system. A standard tee fitting shall be used to distribute treated sewage. A standard tee fitting shall be used to affect a juncture of the ends of any three distribution lines. The level field method is illustrated in Figure D.

(f) *Additional requirements for absorption fields utilizing lateral rock.* The following requirements are in addition to all other requirements noted within these regulations:

(1) A 15-inch depth of three-fourths to two-inch (p. 12, KDHE Bulletin 4-2, or as amended) washed lateral rock (i.e., aggregate) shall be provided in the bottom of the trench (as detailed in [subsection (3)] below).

(2) Perforated pipe shall be laid in the center of the lateral rock. Perforations shall be oriented toward the bottom of the trench.

(3) Lateral rock shall be placed under the perforated pipe to a minimum depth of six inches and shall extend the full length of the trench. Five inches of lateral rock shall cover the perforated pipe.

(4) A continuous layer of permeable material shall be placed over the lateral rock before backfilling with the earth cover. The permeable material shall be four to six inches of hay or straw, or another material approved by the health department.

(g) *Additional requirements for absorption fields utilizing chamber systems.* The following requirements are in addition to all other requirements noted within these regulations:

(1) Inspection ports may be required by the health department for monitoring purposes.

(2) The end plates of each chamber trench shall be constructed of plastic, made by the manufacturer of the chamber system, and shall be securely fastened to the chambers with screws.

(3) All chamber systems located in sandy soils shall be required to have washed lateral rock, hay, straw, or filter fabric placed between the excavated trench and the outside sidewalls of the chamber units to prevent infiltration of soil into the chamber units.

(4) The overhead distribution pipe shall be fed into the top of the chamber (unless otherwise specifically approved by the health department) with a standard PVC tee fitting. The PVC tee shall extend downward midway into the depth of the chamber.

(Ord. No. O-51-18, § 6, 12-6-2018; Ord. No. O-79-21, § 34, 6-10-2021)

Sec. 30-238. Connections.

(a) *Size of sewage conduits*. Sewage conduits connecting component parts of on-site sewage management systems shall be a minimum of four inches in diameter.

(b) *Materials*. All pipe and fittings used in sewage conduits and/or in absorption fields shall meet nationally-recognized standards for their designated use, such as standards published by the American Society for Testing and Materials or the National Sanitation Foundation and shall have been approved by the health department for use in on-site sewage management systems. Sewage conduits under driveways or similar areas of load or impact shall be of material capable of withstanding maximum anticipated loads. All perforated sewer pipe shall be constructed of PVC and shall be marked to indicate it meets or exceeds a 3,000 pound "crush test" rating. All non-perforated sewer pipe shall be constructed of PVC. All non-perforated sewer pipe from the building to the septic tank, and the first ten feet exiting the septic tank, shall be marked to indicate it meets or exceeds a Schedule 40" pipe or heavier (p. 8, KDHE Bulletin 4-2, or as amended). All non-perforated sewer pipe beyond that point shall be marked to indicate it meets or exceeds an SDR-35 or 3,500 pound "crush test" rating. Construction. Sewage conduits (other than perforated pipe used in absorption fields) shall be installed with sealed, watertight, root-resistant joints and shall be laid on a firm foundation. This shall not be subject to settling and shall be installed at a grade not less than one-eighth inch per foot. All pipe from the structure to the absorption field shall be laid "bells up" if bell-and-spigot pipe is used.

(c) *Cleanouts*. Cleanouts shall be placed outside the building at the junction of the building drain and building sewer and at intervals not to exceed 100 feet between the building and septic tank.

(d) The building sewer shall not cross above or below any private water line and shall be a minimum horizontal distance often ten feet from a private water line (p. 4, KDHE Bulletin 4-2, or as amended). The building sewer shall be covered by a minimum of 12 inches of soil.

(e) The building sewer shall not cross above or below any public water main and shall be a minimum horizontal distance of 25 feet from any public water line or water meter (p. 4, KDHE Bulletin 4-2, or as amended), unless written approval is granted by the public water supplier.

(Ord. No. O-51-18, § 6, 12-6-2018)

Secs. 30-239—30-261. Reserved.

DIVISION 2. SPECIAL REQUIREMENTS

Sec. 30-262. Location.

(a) No new private on-site wastewater system shall be constructed, or any permit issued authorizing any such construction, if the lot or tract of ground does not meet all of the following requirements:

(1) The lot has an area of one acre or more (one-half acre or more if platted prior to December 1, 1991), and subsurface absorption field is approximately centered with lot width, except as otherwise provided in subsection (b) of this section.

(2) The structure served by the proposed private wastewater system is located greater than 200 feet from a public lateral sanitary sewer, which crosses any portion of the property or is contained in a public right-of-way that abuts the property.

(3) A soil profile analysis is necessary to determine the existence and location of formations and to determine the suitability of the soil for a septic tank system. Such profile analysis shall be performed by the unified government public health department or its authorized representative. The soil profile analysis shall be performed substantially in conformance with this section.

a. *Site conditions.* The following conditions shall be noted:

1. The soil texture and structure shall be analyzed to a depth of four feet.

2. The depth to the groundwater table, if encountered.

3. The depth to soil mottles, if encountered, which indicate a seasonal water table zone.

4. The depth to the bedrock, if encountered.

b. *Site tests.* At least three soil profile analysis holes will be conducted at the proposed sewage treatment site.

c. *Suitability of soil.* The purpose of the analysis is to determine the suitability of the soil for the absorption of effluent and the leaching area required. The soil must have an acceptable drainage rate without interference from ground water or bedrock below the level of the absorption system. In general, the following conditions shall be met:

1. There shall be a maximum of 24 inches of coverage over lateral lines.

2. The minimum distance to the ground water table shall be at least four feet below the bottom of the absorption trench.

3. Bedrock shall be at a depth greater than four feet below the bottom of the absorption trench.

4. The natural slope of the land shall be less than 20 percent.

(4) The normal level of the groundwater is more than ten feet below the surface of the ground and more than four feet below the bottom of the trench.

(5) There is a minimum of six feet of pervious topsoil above any rock or impervious formation, or there is at least four feet of pervious formation below the bottom of the trench.

(6) The lot is not subject to inundation with floodwaters, nor is it located in a low, poorly drained, swampy area.

(b) The health officer may grant a variance to these requirements on a case-by-case basis after consideration of the quality of soil, length of lateral system, water saving devices, size of the tank, topography, conformance with community practice, and future sewer extension plans. In order to obtain such a variance, the property owner must submit a report from a professional engineer which recommends a certain system and states the reasons why, in the engineer's professional opinion, it is an adequate system. If, in the opinion of the health officer, the system proposed is adequate and there will be no degradation of surrounding properties, a variance may be granted.

(Code 1988, § 30-301; Ord. No. O-46-05, § 1, 6-2-2005; Ord. No. O-51-18, § 7, 12-6-2018)

Sec. 30-263. Minimum separation.

No septic tank subsurface absorption system shall be constructed, nor shall any permit for such construction be issued, if:

(1) Any portion of the system is located less than 50 feet from any water well or pump suction line.

(2) Any portion of the system is less than ten feet from a property line.

(3) Any portion of the system is located less than ten feet from a foundation wall.

(4) Any portion of the system is less than ten feet from a pressurized waterline.

(Code 1988, § 30-302; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-264. Limitations in quantity of sewage or waste to be treated.

No on-site wastewater system shall be constructed or approved for disposal of sewage from any property that produces or is expected to produce sewage or industrial wastes in quantities in excess of 5,000 gallons per day.

(Code 1988, § 30-303; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-265. Design and construction.

All conventional private on-site wastewater systems shall be constructed and designed to comply with the following requirements:

(1) *Materials.* The septic tank shall be constructed of structurally sound, reinforced concrete and shall be watertight. Use of other materials may be permitted, if, in the opinion of the health officer, they are equal to, or better than, reinforced concrete.

(2) *Liquid capacity.* The minimum liquid capacity shall be two and one-half times the daily wastewater flow using 150 gallons per bedroom or 1,000-gallon tank, whichever is greater.

(3) *Liquid depth.* The tank liquid depth (distance from outlet invert to bottom of tank) shall be at least three feet but shall not exceed six and one-half feet.

(4) *Inlets.* The invert of the inlet shall be located at least three inches above the invert of the outlet. The inlet shall be provided with a tee-fitting or baffle, which shall extend at least six inches below the liquid level and above the liquid level to one inch below the top of the tank lid.

(5) *Outlet baffles.* There shall be a baffle or tee-fitting at the outlet end of the tank. The baffle or tee-fitting shall extend at least eight inches above the liquid level and 18 inches below the liquid level in the tank.

(6) *Air space.* At least ten inches of air space shall be provided between the top of the liquid level and the bottom of the tank lid.

(7) *Access.* Septic tanks shall have an access manhole with 20 inches minimum dimension for each compartment. All below grade attachments to the tank, fittings, risers, extensions and lid shall be watertight. The manhole shall be child and tamper resistant; lids weighing at least 65 pounds, locks or anchors that are not removable without special tools may be used to accomplish this.

(8) *Minimum cover.* The top of the tank shall not be located less than four inches below finish grade.

(9) *Inspection risers.* Risers no larger than six inches in diameter shall extend to the surface grade and be centered over the inlet and outlet tees.

(10) *Inlet/outlet inserts.* All septic tanks shall be manufactured with a flexible insert for the inlets and outlets.

(11) *Subsurface absorption field.* The subsurface absorption field shall be designed and constructed to conform with the standards in this section.

(12) *Area.* No subsurface absorption field shall have less than 500 square feet of effective absorption area. The health officer may increase the effective absorption area required based upon the percolation test and potential water usage.

(13) *Minimum trench width.* The absorption trench shall be of uniform width and shall not be less than 24 inches or more than 36 inches wide.

(14) *Maximum trench length.* No single trench shall be more than 100 feet in length.

(15) *Trench spacing.* Absorption trenches shall have at least 12 feet of undisturbed soil between them.

(16) *Depth of trenches.* No absorption trench shall be less than 27 inches or more than 39 inches deep unless approved in writing by the health officer.

(17) *Trench bottom.* The bottom of the trench shall be level from end to end.

(18) *Gravel.* A minimum of 15 inches of clean gravel or crushed stone three-fourths inch to two inches in size shall be placed in all absorption trenches.

(19) *Lateral trench.* A lateral trench shall be installed on top of at least six inches of clean gravel, sized from three-fourths inch to two inches. Perforated pipe shall be laid on the top of and in the center of the six inches of clean gravel. An approved standard trench pipe of rigid PVC ten feet in length shall be used. The pipe shall be covered with six inches of the same type of clean gravel. All pipe shall be four inches in diameter and have at least a 3,000-pound crush rating.

(Code 1988, § 30-304; Ord. No. O-46-05, § 1, 6-2-2005; Ord. No. O-51-18, § 8, 12-6-2018)

Secs. 30-266—30-293. Reserved.

DIVISION 3. BUILDING SEWERS

Sec. 30-294. General requirements.

Installation of building sewers shall comply with the plumbing code and other technical standards adopted by or contained in chapter 8.

(Code 1988, § 30-322; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-295. Work in right-of-way.

In addition to the general requirements, installation of building sewers located in the public right-of-way or utility easements are subject to technical requirements adopted by the director.

(Code 1988, § 30-323; Ord. No. O-46-05, § 1, 6-2-2005)

Secs. 30-296—30-323. Reserved.

ARTICLE VIII. STORMWATER AND SURFACE WATER UTILITY

Sec. 30-324. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Base charge means the charge established by an ordinance setting or amending the storm and surface water utility fee that will be charged to every property.

Bonds means revenue or general obligation bonds or notes heretofore or hereafter issued to finance the costs of improvements.

BPU means the board of public utilities, an administrative agency of the unified government.

Certificate of occupancy means a certificate issued by the office of central inspection that permits a newly constructed or a new addition to a residential developed property or nonresidential developed property to be occupied.

City means all of the territory of Wyandotte County, except the territory of the cities of Bonner Springs, Edwardsville, and Lake Quivira and the unincorporated area of Wyandotte County.

Costs of capital improvement means costs incurred in providing capital improvements to the storm and surface water management system or any portion thereof including professional services and studies connected thereto; payment of principal and interest on bonds heretofore or hereafter issued, including payment of delinquencies of principal and interest due on bonds that are otherwise payable from special assessments or any other source of revenue; studies related to the operation of the system; and the costs of the rate study performed in relation to establishing rates for the storm and surface water utility and other start-up costs of the storm and surface water utility; costs related to the National Pollution Discharge Elimination System permit and any studies

associated therewith as mandated by federal laws and regulations; and costs associated with purchasing equipment, computers, furniture, etc., that are necessary for the operation of the utility.

Debt service means an amount equal to the sum of (i) all interest payable on bonds during a fiscal year, plus (ii) any principal installments payable on such bonds during such fiscal year.

Director means the person appointed by the county administrator to be the director of the storm and surface water utility.

Dwelling unit means a singular unit providing independent living facilities for one or more persons in a single-family, duplex, multifamily or condominium residential property.

Exempt property means public rights-of-way, public streets, public alleys and public sidewalks.

Extension and replacement means costs of extensions, additions and capital improvements to, or the renewal and replacement of capital units of, or purchasing and installing of equipment for, the storm and surface water management system, or land acquisition and relocation costs for the storm and surface water management system and any related costs thereto, or paying extraordinary maintenance and repairs, including the costs of capital improvements or any other expense that is not costs of operation and maintenance or debt service.

Fiscal year means a 12-month period commencing on the first day of January of any year.

Impervious area or *hard surface area* means the number of square feet of surface areas over which the open pore structure of the soil is covered, compacted or chemically sealed by human activity in a manner which either prevents or retards the entry of water into soil mantle, as it entered the unmodified soil with vegetative cover, and/or causes water to run off the surface in greater quantities or at an increased rate of flow than from the unmodified soil with vegetative cover. Impervious area will include, but is not limited to, roofs, roof extensions, patios, porches, driveways, sidewalks, pavement, athletic courts, and compacted dirt or graveled areas. For the purpose of calculating storm water utility fees, natural rock outcrops, permanent pools of water, gravel landscape mulch, gravel railroad track ballast, playground sand and riparian sand flats will not be included in the calculation of impervious area.

Impervious area charge means the monthly impervious area charge, calculated per the impervious area rate established by an ordinance setting or amending the storm and surface water utility fee.

In lieu of franchise fee means a fee of not to exceed five percent of gross revenues of the utility that is imposed by the unified government commission and that is paid to the city for use of public streets, alleys, sidewalks, and other public rights-of-way from revenues as if the utility was a person, firm or corporation using public rights of way pursuant to K.S.A. 12-2001 et seq.

Non-residential property means any property other than single-family residential property.

Non-residential storm water customer means a customer whose electric utility account with BPU is classified as non-residential.

Operating budget means the annual storm and surface water utility operating budget adopted by the unified government for the succeeding fiscal year.

Operations and maintenance means without limitation the current expenses, paid or accrued, of operation, maintenance and current repair of the system, as calculated in accordance with sound accounting practice, and includes, without limiting the generality of the foregoing, insurance premiums, administrative expenses, equipment costs, in lieu of franchise fee payments, labor costs, and the cost of materials and supplies used for current operations.

Property means land, buildings, and other improvements together considered as a parcel as identified by the tax parcel established by the county appraiser.

Revenues means all rates, fees, assessments, rentals, fines, penalties, interest, or other charges or other income received by the storm and surface water utility in connection with the ownership, management and operation of the storm and surface water management system, including amounts received from the investment or deposit of monies in any fund or account, as calculated in accordance with sound accounting practice.

Residential storm water customer means a customer whose electric utility account with BPU is classified as residential.

Service area means all of the area which is contained within the boundaries of the municipal limits of the city of Kansas City, Kansas except for the area contained within the boundaries of the Fairfax Drainage District.

Single-family residential property means a property with up to four dwelling units.

Storm and surface water management system,sewer system or *system* means storm sewers that exist at the time the ordinance codified in this chapter is adopted or that are hereafter established and all appurtenances necessary in the maintaining and operating of the same, including, but not limited to, pumping stations, main sewers, intercepting sewers, lateral sewers, outfall sewers, surface drains, street, curb and alley improvements associated with storm or surface water improvements, natural and manmade wetlands, channels, ditches, rivers, streams, detention and retention ponds and basins and other flood control facilities and works for the collection, transportation, pumping, treatment, and disposing of storm or surface water and pollutants born or carried in such waters.

Storm and surface water utility or *utility* means the utility created by this chapter to operate, regulate, maintain and improve the storm and surface water management system and for such other purposes as are set forth in this chapter.

Storm water utility fee or *storm water user fees* means a service fee authorized by Charter Ordinance CO-04-08, this chapter and as set forth in an ordinance adopted or amended by the unified government commission that is established to pay operation and maintenance, extension and replacement and debt service associated with the storm and surface water management system.

Storm water customer means the person, partnership, corporation, public agency, or other entity who occupies, controls, possesses, and/or owns, benefits from property and to whom storm water utility fees are billed as provided herein.

Unified Government means the Unified Government of Wyandotte County/Kansas City, Kansas.

Unified government commission means the governing body of the unified government.

(Ord. No. O-56-08, § 1(30-324), 7-31-2008; Ord. No. O-79-21, § 35, 6-10-2021; Ord. No. O-121-21, § 1, 9-9-2021; Ord. No. O-157-22, § 1, 11-3-2022)

Sec. 30-325. Stormwater and surface water utility.

Pursuant to the provisions of K.S.A. 12-3101 et seq., as modified by Charter Ordinance No. CO-4-08, the unified government commission does establish a stormwater and surface water utility and stormwater and surface water management system for the operation, regulation, construction, maintenance and repair of a stormwater and surface water management system and stormwater and surface water utility.

(Ord. No. O-56-08, § 1(30-325), 7-31-2008)

Sec. 30-326. Findings and determinations.

It is found, determined, and declared that the elements of the stormwater and surface water management system which provide for the collection, treatment and disposal of stormwater and surface water are of benefit

and provide services to property within the city. The beneficiaries of the system include all real properties within the city which are served and/or benefit by the provisions, operation, regulation, and improvement of the system. Such benefits may include, but are not limited to, the provision of systems of collection, conveyance, detention, treatment and release of stormwater and surface water, the reduction of hazard to property and life resulting from stormwater and surface water runoff, improvement in general health and welfare through reduction of undesirable stormwater and surface water conditions, and improvement to the water quality in the stormwater and surface water system and its receiving waters.

(Ord. No. O-56-08, § 1(30-326), 7-31-2008)

Sec. 30-327. Administration and authority.

The storm water and surface water utility, under the direction of the county administrator or his designee, shall have the power to:

(1) Administer the acquisition, design, construction, maintenance and operation of the storm water and surface water management system;

(2) Administer and enforce this article and all regulations and procedures adopted relating to the design, construction, maintenance, operation and alteration of the stormwater and surface water management system including, but not limited to, the quantity, quality and/or velocity of the storm water and surface water conveyed thereby;

(3) Advise the unified government commission on matters relating to the storm water and surface water management system;

(4) Review plans concerning extensions and replacement of the storm water and surface water management system and make recommendations to the unified government commission;

(5) Make recommendations for design guidelines and standard construction specifications for developments;

(6) Make recommendations to the unified government commission concerning establishing ordinances and regulations to protect and maintain water quality within the storm water and surface water management system in compliance with water quality standards established by state, regional and/or federal agencies as now adopted or hereafter adopted or amended;

(7) Analyze the cost of services and benefits provided by the storm water and surface water management system and the structure of fees, charges, rentals, fines and other revenues of the storm water and surface water utility annually;

(8) Require pollution prevention plans for discharges to the storm water collection system. PPPs may include, without limitation, requirements to investigate and identify the presence or absence of pollutants in storm water runoff, to determine quantities or concentrations of any such pollutants, to determine volumes and rates of storm water flow, to develop plans for the reduction or elimination of such pollutants subject to the approval of the storm water and surface water utility, and to reduce or eliminate pollutants in storm water or volumes or rates of storm water flow to standards that may be specified by permit or order. The storm water and surface water utility may prioritize classes of users and facilities for PPP programs by residential or nonresidential status, industrial or commercial process or business, size, location within sewer sheds, and other factors necessary or convenient to effectively implement its storm water control programs.

(9) Establish pollution prevention plan, operation, maintenance and other requirements for privately-owned storm water facilities necessary and convenient to implement the purposes and programs of this article VIII.

(10) Require FOG control as to discharges to the sanitary sewer system.

(11) Require I&I control as to discharges to the sanitary sewer system. Such I&I control may include requirements to investigate and identify the presence or absence of I&I that originates on the property of the sewer system user, to determine quantities of any such I&I, to develop plans for the reduction or elimination of I&I subject to the approval of the storm water and surface water utility, and to reduce or eliminate I&I to standards that may be specified by permit or order. The storm water and surface water utility may prioritize classes of users and facilities for I&I control by residential or nonresidential status, industrial or commercial process or business, size, location within sewer sheds, and other factors necessary or convenient to effectively implement its I&I programs.

(12) Promulgate regulations and administer programs that provide for credits and/or incentives that reduce storm water utility fees assessed against properties that utilize privately owned and maintained storm water and surface water retention or detention facilities or conduct activities, or provide services which reduce costs of the operating budget of the utility.

(Ord. No. 0-56-08, § 1(30-327), 7-31-2008; Ord. No. O-27-14, § 6, 4-10-2014; Ord. No. O-79-21, § 36, 6-10-2021; Ord. No. O-121-21, § 2, 9-9-2021)

Sec. 30-328. Operating budget.

The unified government shall, as part of its annual budget process, adopt an operating budget for the stormwater and surface water utility for the next following fiscal year. The operating budget shall be prepared in conformance with the state budget law, unified government policy and general accepted accounting practices.

(Ord. No. O-56-08, § 1(30-328), 7-31-2008)

Sec. 30-329. Storm water utility fee.

(a) *Fee established.* Subject to the provisions of this chapter, there is imposed on each and every single-family residential property and non-residential property in the city service area, a service fee to be known as a storm water utility fee. (Ord. No. O-56-08, § 1(30-329), 7-31-2008; Ord. No. O-57-08, § 1, 7-31-2008; Ord. No. O-59-09, § 1, 7-30-2009; Ord. No. O-45-10, § 1, 7-29-2010)

(b) Each and every property's impervious area shall be measured in square feet. Each property shall pay a stormwater utility fee calculated as the sum of a monthly base charge and a monthly impervious area charge. The monthly impervious area charge shall be determined by multiplying every 500 square feet of impervious area by the impervious area rate.

(c) Based upon the projected annual budget adopted by the unified government board of commissioners, the county administrator shall each year recommend to the unified government board of commissioners the monthly base charge and monthly impervious area rate. The unified government board of commissioners shall establish by ordinance the monthly base charge and monthly impervious area rate to ensure that the sewer system generates adequate annual revenues to pay the annual costs of operation and maintenance including replacement of the unified government's sewer system, to satisfy costs associated with any obligations and to provide for costs associated with the unified government capital improvement plan and the expenses of the annual operation. Changes to the rate ordinance shall be published in the official unified government newspaper.

(d) *Storm water utility fee credit.* The administrator may adopt regulations and procedures that establish credits and/or incentives that reduce the storm water utility fee that would otherwise be assessed against properties. If adopted, all procedures pertaining to credits shall be per the Unified Governments Stormwater Utility Fee Credits and Appeals Manual. In no event shall a storm water utility fee credit exceed 75 percent of

the property's impervious area charge, for either an individual type of credit that is approved for a property and/or as an aggregate of all types of credits that are approved for a property. Storm water utility fee credits are applicable to only the impervious area charge and non-residential property.

(Ord. No. O-56-08, § 1(30-329), 7-31-2008; Ord. No. O-57-08, § 1, 7-31-2008; Ord. No. O-59-09, § 1, 7-30-2009; Ord. No. O-45-10, § 1, 7-29-2010; Ord. No. O-121-21, § 3, 9-9-2021; Ord. No. O-157-22, § 2, 11-3-2022)

Ord. No. O-121-21, § 3, adopted Sept. 9, 2021, amended the title of § 30-329 to read as herein set out. The former § 30-329 title pertained to drainage fee.

Sec. 30-330. Appeal procedure.

(a) Any persons disagreeing with their monthly storm water utility fee, and/or disagreeing with whether their property is served by the storm water utility may appeal to the director. Any owner of a property for which a storm water utility fee has been assessed may appeal the storm water utility fee for that property for the following reasons: (i) designation of property classification and/or ownership, (ii) calculations of the storm water utility fee, (iii) designation of impervious area square feet, and (iv) determination of storm water utility fee credit.

(b) Appeals must be in writing to the director. The director or their designee shall thereafter hold an informal hearing. The director or designee, prior to such hearing, may request that the appealing party provide information concerning the basis of the appeal, including a land survey prepared by a registered surveyor showing dwelling units, total property area, and impervious area as appropriate, if such information is deemed to be material by the director or designee. The director or designee may consider any relevant evidence. Based on information provided, the director or designee shall make a determination as to whether the storm water utility fee should be adjusted for such property. The director or designee shall notify parties in writing of the decision.

(c) *Right to appeal; appeal board; appeal hearing.*

(1) A person shall have the right to appeal the decision of the director to the storm and surface water utility appeals board. Such appeal shall be made within 20 days of the date the director notifies the person of the director's decision in the informal proceedings. Such appeal shall be in writing and shall be filed with the director.

(2) The storm and surface water utility appeals board shall consist of the following members: county administrator or designee, county engineer or designee, director of public works or designee.

(3) A hearing on such appeal shall be held within 30 days from the date the notice of appeal is received, and the applicant shall be given seven days' advance notice of the time and date the appeal hearing is to be held. At such hearing, the appellant shall present evidence concerning the stormwater utility fee for the property in question and the director and/or his/her designee shall present evidence concerning their findings from the informal proceedings. The storm and surface water utility appeals board shall render a decision in writing that sets forth findings that support their decision within seven days of the hearing. The decision of the storm and surface water utility appeals board shall be final, and any further appeal of such decision shall be to the Judicial District Court of the State of Kansas by way of the provisions of K.S.A. 60-2101(d).

(Ord. No. O-56-08, § 1(30-330), 7-31-2008; Ord. No. O-121-21, § 4, 9-9-2021; Ord. No. O-157-22, § 3, 11-3-2022)

Sec. 30-331. Storm and surface water utility fee collection.

(a) Storm water utility fees shall be billed and collected monthly from the storm water customer with the monthly water and/or electric utility bill for those customers utilizing other BPU utilities and shall be billed and collected from the owner of the property with the register of deeds separately at intervals as set by the director for those properties not utilizing BPU utilities. The storm water utility fee for those properties utilizing other BPU utilities shall be part of the BPU utility bill for utility customers which shall be paid by a single payment. Unless otherwise provided for herein, all bills for storm water utility fees shall become due and payable in accordance with BPU rules and regulations that relate to the collection of utility charges. Storm water utility fee bills for any given property shall initially be the responsibility of the person who has the account with the BPU for water and/or electric service for the property. If the property is not using water and/or sewer services, then storm water utility fees shall be the responsibility of the person recorded as the owner of the property with the register of deeds. The property owner is responsible for the storm water utility fees not paid by the occupant or person in possession of the property.

(b) Storm water utility fees shall be subject to a penalty for late payment which is the same as that imposed for late payment of water and sewer utility charges. In addition to any other remedies or penalties provided by this chapter or any other ordinance of the unified government, failure of any user of the storm and surface water management system to pay such charges promptly when due shall subject such user to discontinuance of water, electrical, or other services and the general manager of the BPU is empowered and directed to enforce this provision as to any and all delinquent users.

(c) Storm water utility fees authorized to be charged in this chapter when delinquent may be placed on the tax roll for collection by the unified government clerk, subject to the same penalties and to be collected in like manner as taxes, and such storm water utility fees shall, thereafter, constitute a lien upon the real estate served by the storm and surface water utility, regardless of whether the storm water utility fees were incurred when a property owner was in possession of the property or a non-owner was in possession of the property.

(Ord. No. O-56-08, § 1(30-331), 7-31-2008; Ord. No. O-121-21, § 5, 9-9-2021)

Sec. 30-332. Stormwater and surface water utility fund.

Storm water utility fees collected by the unified government shall be paid into an enterprise fund which is created, to be known as the "storm water and surface water utility fund." Such fund shall be used for the purpose of paying the extension and replacement, regulation, operations and maintenance and debt service of the storm water and surface water management system and to carry out all other purposes of the utility including but not limited to compliance with federal and state storm water regulations.

(Ord. No. O-56-08, § 1(30-332), 7-31-2008; Ord. No. O-121-21, § 6, 9-9-2021)

Secs. 30-333—30-349. Reserved.

ARTICLE IX. FAT, OIL AND GREASE CONTROL PROGRAM

Sec. 30-350. Definitions.

In addition to the words, terms and phrases elsewhere defined in this chapter, the following words, terms and phrases as used in this chapter shall have the following meanings:

Automatic grease recovery unit (AGRU) means an electro-mechanical device designed to separate grease from wastewater within the unit and automatically discharge accumulated grease material to a separate container for disposal. The automatic grease recovery unit shall be certified by and conform to applicable Uniform Plumbing Code (UPC) standards.

Black water means wastewater containing human waste, from sanitary fixtures such as toilets and urinals.

Brown grease means fats, oil and grease that are discharged to the grease control equipment originating from kitchen or food prep wastewater.

Common grease interceptor means an external device to which grease wastes are directed from more than one food service facility or establishment, such as a food court or shopping center. The device functions to separate and retain grease from the normal sewage flows while allowing the balance of the liquid wastewater to discharge to the collection system by gravity. For common grease interceptors, it is the responsibility of the responsible party to ensure compliance for all those FSFs that discharge to a common grease interceptor.

Contact person means the individual responsible for overseeing daily operation of the FSF or the FOG generator and who is responsible for overseeing the compliance with the FOG control program as established herein.

FOG control equipment (FCE) means the properly and legally installed and operated FOG removal equipment including, but not limited to, indoor and outdoor grease interceptors, grease and solids trap combination units, and/or AGRUs as approved by the unified government.

FOG program administrator means the individual who will be directly responsible for managing, coordinating and overseeing the FOG control program for the unified government.

FSF or *FSE* means a stationary or portable food service facility or establishment that uses food preparation processes and include, but is not limited to those facilities that are registered and licensed by the State of Kansas Department of Agriculture. These facilities include, but are not limited to, restaurants, hotel/motel kitchens, hospitals, public and private school kitchens with food preparation, bars without food preparation, factory cafeterias, clubs, delis, kiosks, snack bars, grocery stores, convenience stores, food processing and packaging plants, ice cream shops, food courts, coffee shops, cafeterias, bakeries, nursing homes, multiple family dwellings with a minimum of five units, dairies, mobile food facilities, churches, diners and any other facility to produce fats, oil and grease originating from animal or vegetable sources. It does not include facilities that sell only pre-packaged food and/or beverages or facilities that only sell beverages.

Grease generator means any facility or business that generates grease from an animal or vegetable origin that may interfere with the operation of the collection system or POTW. This also includes grease that may be generated from mineral and/or petroleum products such as motor oil and industrial sources.

Grease interceptor means an external device designed for flows in excess of 50 gallons per minute (>50 GPM). The device is installed outside of the building and functions to separate and retain grease from the normal sewage flows while allowing the balance of the liquid wastewater to discharge to the collection system by gravity.

Grease recovery unit (GRU) means all active indoor mechanical systems designed to remove fats, oils and grease by physical separation from flowing wastewater. The grease recovery unit shall be certified by and conform to applicable Uniform Plumbing Code (UPC) standards.

Grease trap means an indoor device designed for smaller quantities of flow, typically designed for flow up to 50 gallons per minute (<50 GPM) installed to separate and retain all fats, oil and grease from wastewater flow while allowing the balance of the liquid wastewater to discharge to the collection system by gravity.

Hauler or *grease hauler* means a company, person or contractor who pumps, cleans and collects the contents of a grease interceptor or trap and transports it to a septage receiving station or disposal facility. A grease hauler may also provide other services related to grease interceptor maintenance for an FSF or FOG generating facility.

Renderable FOG container means a closed, leak-proof container for the collection and storage of yellow grease.

Responsible party means the owner or party that pays the bills for water pollution abatement and is listed on the BPU bill as the party responsible for paying the monthly bill.

Total flow-through rating means the total flow-through rating shall be calculated as the total draining fixture unit (DFU) sum for all fixtures draining to the interceptor equal to the flow in gallons per minute (one DFU = one GPM).

Yellow grease means fats, oils and grease that have not been in contact or contaminated from other sources (water, wastewater, solid waste, etc.) and can be recycled.

(Ord. No. O-57-13, § 3, 12-5-2013; Ord. No. O-79-21, § 37, 6-10-2021)

Sec. 30-351. FOG discharge permit required.

(a) All FSFs, FSEs and FOG generating businesses shall have a valid FOG discharge permit.

(b) Application for a FOG discharge permits shall be on forms provided by the unified government. Applications shall be verified and shall include the following information:

(1) Business name and address;

(2) FOG control equipment type;

(3) OG control equipment size or capacity;

(4) Cleaning/maintenance frequency.

(c) FOG discharge permits shall be issued annually and expire on December 31 of each year, or as otherwise determined by the director. The facility owner/operator shall apply for a FOG discharge permit reissuance no less than 30 days prior to the expiration of the facility owner/operator's existing FOG discharge permit. The terms and conditions of the FOG discharge permit may be subject to modification by the director during the term of the FOG discharge permit as limitations or requirements as identified in this article are modified or other just causes exist. The facility owner/operator shall be informed of any proposed changes in the FOG discharge permit at least 30 days prior to the effective date of change. Any changes or new conditions in the FOG discharge permit shall include a reasonable time schedule for compliance.

(d) An FCE pumping/maintenance log shall be maintained for each FCE device. This log shall include the date, type of service, service provider, disposal site (if known), volume pumped and service comments. This log shall be kept in an accessible and known location for inspection. This log shall be made immediately available to any WPC representative upon request.

(e) An employee best management practices (BMP) training log shall be maintained for each FSE and FOG generating business employee and submitted annually to environmental services. This log shall include the facility name, facility location, employee's name, initial training date and subsequent follow-up training dates. This log shall be kept in an accessible and known location for inspection. This log shall be made immediately available to any WPC representative upon request.

(f) The annual FOG discharge permit fee for 2023 shall be $0. Thereafter the annual fee shall be established by the Board of Commissioners.

(Ord. No. O-57-13, § 3, 12-5-2013; Ord. No. O-79-21, § 38, 6-10-2021; Ord. No. O-128-23, 10-12-2023)

Sec. 30-352. FOG control equipment's (FCE) installation.

(a) On or after the effective date of the ordinance all FSFs, FSEs and FOG generating businesses which are newly proposed or constructed, or existing facilities which shall be expanded or renovated to include a food service facility where such facilities did not previously exist, shall be required to have an approved FCE for the proper handling of liquid wastes containing grease, oil, sand or other harmful ingredients in excessive amounts.

(b) On or after the effective date of the ordinance all existing FSFs, FSEs and FOG generating businesses shall receive a conditional waiver and not be required to install a FCE unless the director determines that the installation of FCE is necessary for the proper handling of liquid wastes containing grease, oil, sand or other harmful ingredients in excessive amounts or if a partial or complete blockage of the sewer system is found.

(c) Failure to install a FCE within the time required by the director shall result in the assessment of an administrative penalty of not less than $1,000.00, water and sewer services to the facility may be disconnected, and the director may take any other remedies as are available by law.

(Ord. No. O-57-13, § 3, 12-5-2013; Ord. No. O-79-21, § 39, 6-10-2021)

Sec. 30-353. FOG control equipment's (FCE) maintenance.

(a) All FCEs shall be properly maintained by the user at the user's expense. Maintenance shall include, but is not limited to, the complete removal of all contents, including floating materials, wastewater, and bottom sludge and solids. Decanting or discharging of removed waste back into the FEC from which the waste was removed or any other FEC, for the purpose of reducing the volume to be disposed, is prohibited.

(b) FCEs must be pumped out completely a minimum of once every 90 days, or more frequently as needed, to prevent carryover of grease into the sanitary sewer collection system. Any request to extend the pumping frequency past 90 days must be done in writing to the director. Approval shall not be granted unless it can be adequately demonstrated to the director that extending the pumping period past 90 days will not adversely affect the municipal sewer system.

(c) All waste removed from each FCE must be disposed of at a treatment facility designed to receive such wastes. In no way shall the FCE wastes be returned to any private or public portion of the collection system or sewage treatment plants, without written approval from the director.

(d) Users shall maintain records and documentation indicating adequate operation and maintenance and, upon request of the director, shall supply such record within 24 hours.

(Ord. No. O-57-13, § 3, 12-5-2013)

Sec. 30-354. FSF reporting.

(a) Each FSF shall submit an annual FCE report to the director for the previous calendar year. The FCE report will be in a format acceptable to and supplied by the director. The annual report will include, at a minimum, a summary of all FCE maintenance and operation activities for the facility, additions to or reductions to the size and type of FCE, employee BMP training log and general or site-specific BMPs utilized to minimize or eliminate the amount of FOG entering the sewer system. In addition, a listing of the date(s) of cleaning (if not previously submitted).

(b) If the FSF does not have any FCE, the annual FCE report will indicate the absence of the FCE, the employee BMP training log and adherence to the remaining conditions in the FOG program.

(Ord. No. O-57-13, § 3, 12-5-2013; Ord. No. O-79-21, § 40, 6-10-2021)

Sec. 30-355. Inspections and entry.

Authorized personnel of the unified government, bearing proper credentials and identification, shall have the right to enter upon all properties subject to this chapter, as necessary and without prior notification, for the purpose of inspection, observation, measurement, sampling, testing or record review, in accordance with this chapter.

(Ord. No. O-57-13, § 3, 12-5-2013; Ord. No. O-79-21, § 41, 6-10-2021)

Sec. 30-356. Enforcement.

(a) Any FSF with a permitted FCE which causes a blockage in the sewer system shall be subject to the following enforcement:

(1) Upon the first violation, a notice of violation shall be issued and the costs associated with removing the blockage and an administrative penalty of not less than $250.00 will be assessed to the FSF.

(2) If an additional violation occurs, in the following 24-month period, a notice of violation shall be issued, the costs associated with removing the blockage and an administrative penalty of not less than $1,000.00 will be assessed to the FSF. The FSF shall have the FCE cleaned on a frequency determined by the director for a minimum of 12 months. Documentation of the cleanings shall be sent to the director within five business days of the cleaning. If no further blockages occur within a 36-month period, the frequency of cleaning and reporting shall revert to the previous permitted schedule upon the request of the FSF and approval of the director.

(b) Any FSF without permitted FCE and which heretofore has not been required to have permitted FCE which causes a partial or complete blockage in the sewer system shall be subject to the following enforcement:

(1) Upon the first violation, a notice of violation shall be issued and the costs associated with removing the blockage and an administrative penalty of not less than $250.00 will be assessed to the FSF. The FSF may elect to install a FCE within 90 calendar days of the notice of violation in lieu of paying for the cost associated with removing the blockage. If the FSF elects to install a FCE, documentation of the installation shall be sent to the director within five business days of completion of the installation.

(2) If an additional violation occurs, a notice of violation shall be issued, the costs associated with removing the blockage and an administrative penalty of not less than $1,000.00 will be assessed to the FSF, and the FSF shall be required to install the FCE within 90 calendar days. Documentation of the installation shall be sent to the director within five business days of completion of the installation. If a FSF is reasonably unable to install an outside grease interceptor, the FSF may submit a written request for a variance to the director for consideration. All requests shall contain such information as the director may require. The director may grant a variance on a case-by-case basis after consideration. No variance shall authorize the creation or maintenance of a nuisance or any danger to public health or safety. No variance granted by the director shall be construed to authorize any activity in violation of any state or any federal pollution control regulation or requirement.

(Ord. No. O-57-13, § 3, 12-5-2013; Ord. No. O-79-21, § 42, 6-10-2021)

Sec. 30-357. Emergency suspension of services.

The director may suspend water or sewer service when such suspension is necessary, in the opinion of the director, in order to stop an actual or threatened discharge which:

(1) Presents or may present an imminent or substantial endangerment to the public welfare or safety of persons or the environment;

(2) Causes stoppages, or excessive maintenance to be performed to prevent stoppages, in the municipal sewer system;

(3) Causes interference to the sewage treatment works; or

(4) Causes the unified government to violate any condition of its NPDES permit. Any person notified of a suspension of the water or sewer service shall immediately stop or eliminate the discharge. In the event of a failure of the person to comply voluntarily with the suspension order, the director shall take such steps as deemed necessary, including immediate termination of water or sewer service, to prevent or minimize damage to the POTW system or sewer connection or endangerment to any individuals. The director shall reinstate the water or sewer service when such conditions causing the suspension have passed or been eliminated. A detailed written statement submitted by the user describing the cause(s) of the harmful discharge and the measure(s) taken to prevent any future occurrence shall be submitted to the director within 15 days of the date of occurrence.

(Ord. No. O-57-13, § 3, 12-5-2013)

Sec. 30-358. Appeal.

An appeals process is available to any person aggrieved by an action of the director or his designee pursuant to section 30-5.

(Ord. No. O-57-13, § 3, 12-5-2013)

Sec. 30-359. Prohibitions.

Devices which grind solid food waste (such as, but not limited to, in-sink garbage disposal units) shall not be connected to any FCE. Floor drains shall not be connected to any FCE.

(Ord. No. O-57-13, § 3, 12-5-2013)

Tracking ID: 21235

Report to
Board of Commissioners

MEETING DATE	PRESENTER	DEPARTMENT
	Dilini Lankachandra, Assistant Counsel dlankachandra@wycokck.org x5077	Legal

AGENDA ITEM #7.2.

ORDINANCE: ALARM BUSINESSES AND SYSTEMS ORDINANCE CHANGES

BACKGROUND

ORDINANCE: An ordinance amending Chapter 19, article VII – Alarm Businesses and Systems of the Unified Government Code of Ordinances, to update the ordinance in light of current alarm technologies and amend the fee structure for alarm permits and excessive false alarms, submitted by Dilini Lankachandra, Assistant Counsel, Legal Department.

RECOMMENDATION

Approve

To approve the ordinance.

BUDGET IMPACTS / FINANCIAL CONSIDERATIONS

N/A

LEGAL/ POLICY CONSIDERATIONS

To approve the ordinance.

ATTACHMENTS

False Alarm Ordinance Amendment 3.25.26, Alarm Slideshow 2026-March KCKPD-KCKFD DRAFT 3.25.26

Approved by Mayor/Administrator to add to agenda.

Published: _____

ORDINANCE NO. _____

An ordinance amending Chapter 19, article VII – Alarm Businesses and Systems of the Code of Ordinances for the Unified Government of Wyandotte County / Kansas City, Kansas.

WHEREAS, the Unified Government Code of Ordinances currently provides for the registration of alarm systems and fines for excessive false alarms;

WHEREAS, the Kansas City, Kansas Police Department and Kansas City, Kansas Fire Department have found that the current number of false alarms places a significant burden on their time and resources;

WHEREAS, certain sections of Chapter 10, article VII – Alarm Businesses and Systems of the Code of Ordinances for the Unified Government of Wyandotte County / Kansas City, Kansas no longer reflect current alarm usage and technologies;

WHEREAS, the reduction of false alarms and clearly defined alarm user responsibilities benefit residents as well as the Unified Government;

NOW THEREFORE,

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY / KANSAS CITY, KANSAS:

Section 1. That Chapter 19 – Licenses, Permits and Miscellaneous Business Regulations, article VII – Alarm Businesses and Systems, of the Code of Ordinance for the Unified Government of Wyandotte County / Kansas City, Kansas, is amended to read as follows:

Sec. 19-182. Purpose.

The purpose of this article is to encourage alarm users and alarm businesses to maintain the mechanical reliability of and to properly use alarm systems, to prevent unnecessary police and fire emergency response to false alarms, and to protect the emergency response capability of the city from misuse.

(Code 1988, § 19-461; Ord. No. 65971, § 1, 12-22-1994)

Sec. 19-183. Definitions.

The following words, terms, and phrases, when used in this article, have the following meanings, except where the context clearly indicates a different meaning.

Alarm business means the business of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, monitoring, or installing any alarm system or causing to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed any alarm system.

Alarm coordinator means the individual or contractor designated by the police chief and/or fire chief to administer the provisions of this article.

Alarm dispatch request means a notification to the police communications center or to the fire department that an alarm, either manual or automatic, has been activated at a particular location.

Alarm signal means a detectable signal, audible, visual or both, generated by an alarm system indicating an illegal entry or other activity to which police or fire personnel are expected to respond to on an emergency basis. It does not include a local alarm system.

Alarm system means any assembly of equipment, mechanical or electrical, arranged to signal the occurrence of an illegal entry or other activity requiring the urgent attention and to which police or fire personnel are expected to respond.

Alarm user means any person who owns, controls, or occupies premises where an operating alarm system is located.

Answering service means a telephone answering business providing among its services the service of receiving on a continuous basis, through trained employees, emergency signals from alarm systems and thereafter immediately relaying the message by live voice to the police communication center or the fire department.

Central station means a location where operators are in attendance at all times to monitor alarm systems, record alarm signals, and to submit alarm dispatch request to the police communications center or to the fire department.

Central station protective system means a system or group of systems in which the operations of alarm systems are transmitted to, recorded in, maintained and supervised from a central station having operators in attendance at all times.

False alarm means an alarm signal eliciting an urgent response by police or fire personnel when a situation requiring an urgent response does not in fact exist.

(1) A false alarm includes:

   a. Negligently or accidentally activated signals;

   b. Signals that are the result of mechanical or electronic failure, malfunction, improper installation, improper adjustment, or improper maintenance; and

   c. Signals that are purposely activated in a nonemergency situation, except for testing.

(2) False alarm does not include signals activated by:

~~a. Unusually severe weather conditions;~~

b. Vandalism causing physical damage to the premises;

~~c. Telephone line outage;~~

d. Attempted entry of a location causing visible, physical or other evidence of damage to the location;

e. The test of an alarm system by a licensed alarm business agent who is servicing, repairing or installing the alarm and who has properly notified the alarm coordinator that the testing will occur, when such testing does not result in the alarm being activated for an uninterrupted period exceeding 60 seconds; or

f. Other extraordinary circumstances not reasonably subject to control by the alarm business or alarm user.

~~(3) For purposes of this article, multiple incidents that are classified as false alarms and occur on the same calendar day shall constitute one false alarm.~~

Fire chief means the chief of the fire department of the city or his designated representative.

Fire department means the city fire department.

Local alarm system means an alarm system that causes an audible or visual signaling device to be activated only on the premises where the system is installed or on a motor vehicle and which is intended to be heard or seen by others outside of the protected premises or vehicle.

Notice means written notice given by United States mail, postage prepaid.

Police chief means the chief of police of the city or his designated representative.

Police communication center means the city police department communication center.

Police department means the city police department.

~~*Radio room alarm* means an alarm system monitored by the police communications center or by the fire department that, once activated, requires the police or fire dispatcher to send police or fire personnel to the location to determine the need for police or fire department assistance.~~

(Code 1988, § 19-462; Ord. No. 65971, § 2, 12-22-1994; Ord. No. 66176, § 1, 12-5-1996)

Cross reference(s)—Definitions generally, § 1-2.

Sec. 19-184. Applicability; exceptions.

(a) *Applicability.* This article applies to all alarm businesses, alarm users, and alarm systems operating within the city, including governmental entities, except as provided in this section.

(b) *Exceptions.*

(1) This article does not apply to the city and any facilities owned and operated by it. But alarm systems operating on property owned by the city and leased to another are subject to this article.

(2) This article does not apply to proprietary alarm systems. Proprietary alarm systems are those whose alarm signals are not intended to elicit a response from the police

department or fire department. Proprietary alarm systems include alarm systems connected to a control center that elicit a response by private security guards under the control of the proprietor of the premises. If a proprietary system includes a signal line connected directly or by means of an automatic dialing device to the police communications center, the fire department, a central station protective system, or an answering service, it becomes an alarm system and subject to this article.

(3) Alarm users of local alarm systems are subject to this article only where specifically mentioned.

(Code 1988, § 19-463; Ord. No. 65971, § 3, 12-22-1994)

Sec. 19-185. Permit required.

(a) Every alarm user must obtain a permit to operate an alarm system within ten days after its installation. Application must be made to the alarm coordinator.

(b) ~~Except as provided in this section, there is no fee for an alarm permit~~Every alarm user must pay a registration fee in an amount set by the County Administrator~~.~~

(c) If an alarm user does not apply for or renew a permit within 30 days of the dates required by this article, a fee ~~of $25.00~~ will be charged, the amount of which will be set by the County Administrator.~~.~~

(d) Alarm permits are valid for a calendar year. All alarm users must renew alarm permits between January 1 and January 31 of each year. Failure to renew is considered a failure to have a valid permit as required by this article.

(e) Alarm permits are nontransferable. Alarm users who take over control of an existing alarm system previously controlled by another alarm user must obtain a new permit.

(f) Each permit must be physically upon the premises using the alarm system and available for inspection by the police ~~chief~~ department or the fire ~~chief~~department.

(g) Each permit shall contain the name of the current property owner or their representative and shall list a 24-hour emergency contact.

(h~~g~~) A permit must be obtained for each facility with an alarm system, except only one permit is required for multiple structures at a single location with a single alarm system. If tenants in a multitenant building or complex have individual alarm systems, each tenant must obtain a permit.

(i~~h~~) No permit will be issued or renewed for any alarm user who has any outstanding false alarm fees until such fees are paid.

(Code 1988, § 19-464; Ord. No. 65971, § 4, 12-22-1994; Ord. No. 66176, § 2, 12-5-1996)

Sec. 19-186. Unlawful acts; regulations.

(a) It shall be unlawful for any person to operate an alarm system without having first obtained a permit or without having renewed the permit as required by this article.

(b) It is unlawful for any alarm user to have more than three false alarms in a calendar year after the grace period allowed by this article.

(c) It is unlawful for any alarm system to emit a sound similar to that of an emergency vehicle siren or a civil defense warning system.

(d) Local alarm systems or any alarm system which can be heard outside the alarm user's premises must be equipped to automatically discontinue emitting an audible sound within five minutes of activation for personal residence and motor vehicles and within 15 minutes of activation for commercial buildings~~, unless some other time period is specified by underwriters laboratory (UL), in which case, the UL specified time period applies.~~ .

(e) Except for testing or necessary maintenance, it is unlawful for any person to activate any alarm system unless an actual emergency exists.

(f) It is unlawful for any person to make an alarm dispatch request if the person knows that such activation was caused by a malfunction of the alarm system.

(g) It is unlawful for any person to program an alarm system to automatically dial the city's 911 emergency telephone service line or to operate an alarm system that is automatically programmed to dial 911, except as permitted in section 22-383 or by other law or ordinance.

(h) It is unlawful for an alarm user to have an alarm system on any premises without providing address numbers, as required by city ordinance.

(i) It is unlawful for an alarm user to fail to pay any false alarm fee prescribed by this article.

(j) The central station or answering service shall cancel any alarm dispatch request by notifying the police and/or fire communication center~~ or the fire department~~. If there is no central station or answering service monitoring the alarm, alarm cancellations will not be accepted.

(k) If a central station or answering service cancels an alarm dispatch request before police or fire personnel have been dispatched, such false alarm will not be counted for purposes of determining chargeable false alarms.

(l) Central stations and answering services must make two attempts to verify all non-residential alarm signals by telephone call to the alarm user before calling for a police department response, except if the alarm signal indicates a hostage or duress situation. Verification requires contact with the alarm user and an affirmative request from the alarm user for a police response. Fire alarms need not be verified.

(m) Central stations and answering service must report alarm signals to telephone numbers designated by the alarm coordinator, police chief, or fire chief.

(n) An alarm business, alarm user, employee of a central station protective system or employee of an answering service charged with the responsibility of relaying a live voice request for police or fire response upon the activation of an alarm system shall give the following information to the police and/or fire communications center~~ or to the fire department personnel~~:

(1) Address of alarmed location;

(2) Type of alarm system that has been activated;

(3) Name of commercial business or resident;

(4) Specific location protected by the activated alarm;

(5) Name of the alarm business making request, if applicable;

(6) Name of person making the request; and

(7) A phone number where the requesting party or their designated representative can be contacted.

~~(o) The police chief and fire chief must adopt procedures to accept verified cancellations of alarm dispatch requests.~~

(op) The alarm user must give written notice to the alarm coordinator within ten days whenever a change occurs in the ~~written~~ registration information on file with the alarm coordinator.

~~(q) An alarm business that begins monitoring an alarm system previously monitored by another alarm business must notify the alarm coordinator within 48 hours after it begins the monitoring.~~

(pr) If an apartment complex provides alarm systems for its tenants, the owner or manager of the complex may either obtain one permit for the complex or may require each tenant to obtain a permit. The permit holder is responsible for payment of any false alarm fees incurred as a result of the operation of any alarm systems covered by the permit.

~~(s) Alarm users of radio room alarm systems must pay a monthly fee to the city in an amount set by the county administrator.~~

(qt) If the alarm coordinator has reason to believe that an alarm system is not being used or maintained in a manner that ensures proper operation and suppresses false alarms, the alarm coordinator, police chief, or fire chief ~~.~~may (i) require a conference with an alarm user and the alarm business responsible for monitoring or repair of the alarm system to review the circumstances of each false alarm or (ii) ~~.~~suspend response to certain intrusion alarms in accordance with written police department policy.

(ru) The police chief or the fire chief may establish rules and regulations, subject to the provisions of this article, as he deems necessary for the implementation and application of this article. Violation of any rule and regulation is a violation of this article.

(sv) It is unlawful for any person to violate any of the provisions of this article.

(Code 1988, § 19-465; Ord. No. 65971, § 5, 12-22-1994)

Sec. 19-187. Excessive false alarms; fees; grace period.

(a) *Residential alarms and alarms on not-for-profit facilities.* Any alarm user whose alarm system, maintained on a residence or on a facility owned and operated by an instrumentality of the United States, by a political subdivision of the state, by a church, or by an organization qualifying under the Internal Revenue Code of 1954, 26 USC 501(c)(3), as it may be amended, has recorded more than three false alarms within a calendar year will be assessed ~~the following false alarm fees:~~false alarm fees in an amount set by the County Administrator.

~~(1) Grace period: No fee.~~

~~(2) One to three false alarms: No fee.~~

~~(3) Four to six false alarms, each: $50.00.~~

~~(4) Seven to nine false alarms, each: $75.00.~~

~~(5) Ten to 12 false alarms, each: $100.00.~~

~~(6) Thirteen false alarms and each subsequent alarm, each: $125.00.~~

~~(b) *Radio room alarms.* Any alarm user whose radio room alarm has recorded more than six false alarms within a calendar year will be assessed the following false alarm fees:~~

~~(1) Grace period: No fee.~~

~~(2) One to six false alarms: No fee.~~

~~(3) Seven to nine false alarms, each: $100.00.~~

~~(4) Ten to 12 false alarms, each: $200.00.~~

~~(5) Thirteen false alarms and each subsequent alarm, each: $250.00.~~

(b~~c~~) *Commercial and industrial alarms.* Except as provided in subsections (a) ~~and (b)~~ of this section, any alarm user whose alarm system has recorded more than three false alarms within a calendar year will be assessed ~~the following false alarm fees:~~ false alarm fees in an amount set by the County Admnistrator.

~~(1) Grace period: No fee.~~

~~(2) One to three false alarms: No fee.~~

~~(3) Four to six false alarms, each: $100.00.~~

~~(4) Seven to nine false alarms, each: $150.00.~~

~~(5) Ten to 12 false alarms, each: $200.00.~~

~~(6) Thirteen false alarms and each subsequent alarm, each: $250.00.~~

(c~~d~~) *Payment.* The alarm user must pay the false alarm fee to the unified government director of revenue or to the alarm coordinator within 30 days after the date of the notice to pay.

~~(e) *Grace period.* There is a 60-day grace period from the date of activation for alarm users of new alarm systems during which false alarms will not be counted for purposes of determining chargeable false alarms. No fees will be charged for false alarms occurring within the grace period.~~

(d~~f~~) *Additional penalties.* Nothing contained in this section prohibits prosecution in municipal court for violations of this article and assessment of all other penalties provided by law.

(e~~g~~) *Outstanding fee; prosecution.* If any false alarm fee remains unpaid 45 days after the date of the fee notice, an alarm user may be prosecuted in municipal court for violation of this article.

(Code 1988, § 19-466; Ord. No. 65971, § 6, 12-22-1994; 66176, § 3, 12-5-1996)

Sec. 19-188. False alarm determination; notice; review.

(a) The alarm coordinator is responsible for determining which alarms constitute false alarms. A record of all false alarms will be maintained by the alarm coordinator.

(b) After the third false alarm within a calendar year, the alarm coordinator will give written notice to the alarm user stating that additional false alarms in a calendar year will require the payment of a false alarm fee under this article. After each false alarm over three within a calendar year, the alarm coordinator will notify the alarm user of such occurrence and the amount of the false alarm fee due. Failure to receive any notice does not relieve the alarm user of any responsibilities under this article.

(c) An alarm user may request a review by the ~~alarm coordinator~~police chief or fire chief of a false alarm determination. The request for review must be submitted in writing and received within ten days of the date of the false alarm notice. The payment of a false alarm fee, if any, will be postponed pending the alarm ~~coordinator's~~ review.

(d) The ~~alarm coordinator~~police chief or fire chief will send the alarm user a written review response within 20 days of the date the request for review was received.

(Code 1988, § 19-467; Ord. No. 65971, § 7, 12-22-1994; Ord. No. 66176, § 4, 12-5-1996)

Sec. 19-189. Appeals.

(a) Any alarm user who has been assessed a false alarm fee may appeal the assessment to the county administrator within ten days of the date of the fee notice or within ten days of the ~~alarm coordinator~~police chief or fire chief's decision, if a review was requested.

(b) The county administrator will appoint a hearing officer to hear the appeal.

(c) The hearing officer will send written notice of the time and place of the hearing to the alarm user and to the alarm coordinator at least ten days before the date set for the hearing.

(d) At the hearing, the alarm user and the alarm coordinator may present written and oral evidence and will be subject to cross examination.

(e) Within 20 days of the hearing, the hearing officer must issue a written decision upholding or setting aside the alarm coordinator's false alarm determination.

(f) If the hearing officer upholds the false alarm determination, the false alarm fee is due. If the hearing officer sets aside the false alarm determination, the false alarm will be removed from the alarm user's record.

(g) The filing of a request for appeal postpones the assessment until the hearing officer's decision.

(h) Failure of an alarm user to appeal a fee assessment or to pay the fee assessment creates a conclusive presumption that the alarm signal is a false alarm and that the alarm user has violated this article.

(Code 1988, § 19-468; Ord. No. 65971, § 8, 12-22-1994; Ord. No. 66176, § 5, 12-5-1996)

Sec. 19-190. User instructions.

(a) At the time of installation, every alarm business installing or converting an alarm system must furnish the alarm user with the following items or information:

(1) Verbal and written instructions that provide information to enable the user to operate the alarm system properly and avoid false alarms;

(2) Instructions on how to obtain service for the alarm system at any time; and

(3) Notification of the requirement to obtain a city permit; verbal and written instructions on how to obtain a permit~~a permit application form~~; and ~~a summary of this article prepared by the city~~verbal and written instructions to review this article.

~~(b) Within ten days after installing or converting an alarm system, every alarm business must give the alarm coordinator a standard form, signed by the alarm user and witnessed by an alarm business representative, indicating that these items have been received.~~

(b~~c~~) ~~Every~~ Upon request, any alarm business installing or converting an alarm system in the city ~~must~~ may furnish to the ~~alarm coordinator~~police chief or fire chief a copy of its written instructions to users. If the police chief or fire chief~~alarm coordinator~~ reasonably finds the instructions to be incomplete, unclear, or inadequate, the ~~alarm coordinator~~police chief or fire chief may require the alarm business to revise the instructions and to distribute the revised instruction to its alarm users.

(c~~d~~) For purposes of this section, the term "converting" means the process by which an alarm business begins monitoring an alarm system previously installed or monitored by another alarm business.

(Code 1988, § 19-469; Ord. No. 65971, § 9, 12-22-1994)

Sec. 19-191. Identification of alarm businesses and their employees and agents.

(a) Upon the effective date of the ordinance from which this article is derived, all alarm businesses doing business in the city must issue to each of its employees and agents who, as part of their duties, enter personal residences or any other premises, an alarm business identification card.

(b) The alarm business identification card must contain, at a minimum, the following information:

(1) Name~~, height, weight, date of birth~~;

(2) Name of employing company;

(3) Capacity with the company (e.g., salesman, repairman, installer, etc.);

(4) Date of ~~expiration~~ issue of the identification card;

(5) Signature of employee or agent.

(c) While acting in the scope of his employment, each alarm business employee or agent must maintain the alarm business identification card and must produce the identification card upon request, together with a driver's license containing a picture of the employee or agent.

(d) An alarm business identification card is valid for two years from the date of issuance or until the employee or agent terminates employment or other relationship.

(e) Each fire alarm business doing business in the city must be properly registered with the Kansas State Fire Marshal's Office and provide their state credentials to the Alarm Coordinator, Police Chief, or Fire Chief upon request.

(Code 1988, § 19-470; Ord. No. 65971, § 10, 12-22-1994)

Sec. 19-192. Confidentiality.

(a) All information submitted in compliance with this article is deemed a public record exempt from disclosure to the extent permitted by law.

(b) All information submitted in compliance with this article will be kept so that the contents are not disclosed except to persons authorized to administer and enforce this article.

(c) Subject to the requirements of confidentiality, the alarm coordinator will develop and maintain statistics to assist alarm system evaluation by members of the public and unified government board of commissioners.

(Code 1988, § 19-471; Ord. No. 65971, § 11, 12-22-1994)

Sec. 19-193. Penalty.

(a) Each conviction of a violation of any of the provisions or requirements of this article shall be punishable by a fine of not more than $1000~~500~~.00.

(b) Each person shall be guilty of a separate offense for each ~~day during which any~~instance in which violation of this article is committed, continued or permitted.

(c) Any fine imposed by the court is in addition to any false alarm fees that have been assessed against the alarm user under this article.

(Code 1988, § 19-472; Ord. No. 65971, § 12, 12-22-1994)

Secs. 19-194—19-224. Reserved.

Section 2. That said, original Article VII – Alarm Businesses and Systems of the Code of Ordinances for the Unified Government of Wyandotte County / Kansas City, Kansas is hereby amended.

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication in the official Unified Government newspaper.

PASSED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY / KANSAS CITY, KANSAS,

THIS _____ DAY OF _____, 2026

_____
Christal E. Watson, Mayor/CEO

Attest:

_____
Unified Government Clerk

Approved As To Form:

_____
Angela J. Lawson, Acting Chief Counsel

Updating Response Strategies for Police and Fire Alarms

April 2026

Current KCKPD Alarm Response

Alarm Types:

- Panic
- Holdup
- Intrusion

Standard Alarm Response:

- 2 Officers

Alarm Clearance Options:

- Alarm False
- Alarm True
- Uncertain/Weather
- Canceled
- Report/s.

Police Department Alarm Stats

Alarm Clearance	2020	2021	2022	2023	2024	2025
Total	5324	5628	5497	5162	4490	4822
False/Etc	4537	4840	4636	4188	3769	3871
Canceled	582	569	536	500	433	609
HBO	42	19	237	289	229	208
True or Report	120	130	70	53	59	47

2021-2025 Percentage of 5 year average
25,599 total alarms
83%
10%
4%
1.9% “TRUE” **98% FALSE**

PD Alarm Response vs Total Calls-for-Service

- Consistently 4% of total calls.
- 12% of total calls unfounded, versus 98% of alarm calls.

2021-2025 Percentage of 5 year average	
All Unfounded	**Alarm False**
12%	**98%**

CFS Data	2021	2022	2023	2024	2025
Total CFS	**147,798**	**125,454**	**128,201**	**107,087**	**108,517**
All CFS Unfounded	12%	13%	11%	12%	12%
Total Alarm CFS	5628	5497	5162	4490	4822
Alarm Calls Percent of all CFS	4%	4%	4%	4%	4%

Additional Alarm Statistics

- Excessive alarm fees billed:

2021	2022	2023	2024	2025
$94,384	$83,131	$124,112	$98,033	$108,059

  - Five year average: $101,544 / year.

- Conservative estimate of our cost in 2024: $110,2845.78.
- Time spent ~111 24-hour days/333 8-hour shifts.
  - Two officers are dispatched on each active alarm call. Looking at 2024 alone, we spent 2,665.3 hours on false and HBO alarms, assuming the very conservative estimate of 2 officers at 20 minutes per alarm. That's 111 24-days, or 333 8-hour shifts. At 2025, 6th year patrol officer base pay, that response is approximately $110,284.78, in addition to any other administrative staff work (alarm coordinators, call takers, dispatcher). ***This also affects response time to other citizen calls-for-service.***

- Currently around ~5000 registered alarms.
  - Fire Department does not currently have a registry.

KCKFD Participation

- Historically, the Fire Department has not been a participant in false alarm management. It’s time to change this, given their volume of alarm responses, the amount of human and material resources spent on alarm responses, and the ratio of false alarms.
- Typical Fire Department response to alarm activation is to send one suppression unit to investigate and determine the need for additional resources. The responding unit may be a pumper, quint, or truck, based on proximity.
- All fire alarm responses are high priority calls with no notification or verification by an alarm-user, much like police holdup and panic alarms.

Fire Department Alarm Statistics

2020-2024					
Year	Total Incidents	Alarm Incidents	Alarm Percent of Total Incidents	Unfounded Rate – All Incidents	Alarm False Rate
2020	32,158	1,935	6%	6%	99%
2021	33,757	2,084	6%	6%	99%
2022	34,784	1,977	6%	6%	98%
2023	36,154	2,253	6%	6%	98%
2024	35,627	2,319	7%	7%	97%

FD Alarm Response and Clearance Stats

	2020	2021	2022	2023	2024
Total	1948	2111	2024	2295	2378
Required Mitigation	13	27	47	42	59
False	1935	2084	1977	2253	2319

2021-2025 Percentage of 5 year average
10,756 total alarms
1.7% true
98% FALSE

FD Alarm Response and Clearance Stats

Significant time and resources are spent responding to false alarms.

Average annual estimated expense, based on apparatus and personnel costs, are approximately

$386,768/year.

2020-2024 Estimated Cost of Alarm Response	
2020	$354,086
2021	$381,351
2022	$361,771
2023	$412,276
2024	$424,354

Goals

- Update alarm ordinances and practices.
- Reduce false alarm calls; thus reducing the amount of time, personnel, and other resources wasted responding to false alarms.
- Use a system that recovers some of the costs of responding to alarms.
- Update alarm monitoring program:
  - Outsourcing to a company to manage registrations, false alarm notices, billing, notifications, and on line classes, etc., to be determined through an RFP.
  - Minimize alarm monitoring costs, and reduce alarm related administrative workload on sworn and nonsworn staff.

Alarm Ordinance Proposal Highlights

- Legal providing draft and details.

- Annual registration fee.
- Inclusion of Fire Department throughout.
- Alarm companies must make two attempts to contact a responsible party for intrusion alarms before contacting police. For business alarms, police will not be dispatched unless contact is made and the alarm subscriber/representative requests a police response.
- Require excessive alarm users to meet with Police or Fire; provide for suspension of intrusion alarm response for excessive users.
- Radio room alarm references removed, no longer relevant.

Preliminary Intrusion Alarm Policy Discussions

- Modify intrusion alarm policies to reduce alarm wasted time.
  - 4th unfounded response to business intrusion alarms: suspend response until an online class completed and Police field personnel can check hardware or other physical issues that are causing the problem.
  - After 10 false intrusion alarm in a year, response will be suspended for at least 6 months. The alarm user must complete training and a site inspection prior to reapplying for a permit. They will be referred to private security if they want an in-person response.
  - Weather events are included in false alarm category without exception or comment.

Tracking ID: 21119

Report to
Board of Commissioners

MEETING DATE	PRESENTER	DEPARTMENT
	Jennifer Tarwater, Deputy Director jtarwater@wycokck.gov x6366	Emergency Management

AGENDA ITEM #7.3.

RESOLUTION: FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) PUBLIC ASSISTANCE REIMBURSEMENT GRANT

BACKGROUND

Federal Emergency Management Agency (FEMA) grant reimbursement for debris management, cleanup, and repair performed by Public Works and Environmental Services estimated around $1 million for the July 17 - 22, 2025, severe weather and flooding. Presidential declaration was received in December, thus majority of work has already been completed. These funds will reimburse the UG for expenses already incurred. The UG may also qualify for mitigation expenses, which Public Works is currently identifying these projects to confirm eligibility. Because there is an 80% - 20% local match required, these will be brought back to the Commission for approval as a grant once the projects and local match budget are identified.

RECOMMENDATION

Approve

Recommended Action: Approve and expend Federal Emergency Management Agency (FEMA) funds.

BUDGET IMPACTS / FINANCIAL CONSIDERATIONS

The budget is not impacted due to expenses already been expended in the Fiscal Year 2025 Budget. Additional mitigation projects that require a 20% match may be brought back to the Commission for approval once identified.

LEGAL/ POLICY CONSIDERATIONS

Legal Considerations: No legal.

ATTACHMENTS

FEMA Grant Resolution - Draft 3.5.26, Signed Declaration of Emergency for Wy Co for July 17, 2025 flooding, SUMMARY 4897-DR

Approved by Mayor/Administrator to add to agenda.

Published in *The Wyandotte Echo* _____

RESOLUTION NO. R-_____

A RESOLUTION ACCEPTING FEMA PUBLIC ASSISTANCE GRANT FUNDS AND REIMBURSEMENTS RELATED TO SEVERE STORMS, STRAIGHT-LINE WINDS, AND FLOODING DAMAGE IN JULY 2025

WHEREAS, on July 17, 2025, a State of Local Disaster Emergency was declared for Wyandotte County due to severe storms, straight-line winds, and flooding for the period of July 17, 2025, through July 22, 2025.

WHEREAS, in December 2025, President Donald Trump approved a major presidential disaster declaration for public assistance at the request of Governor Laura Kelly.

WHEREAS, as a result of the declaration, the Federal Emergency Management Agency (FEMA) activated its Public Assistance grant program to provide assistance to local, state, tribal or territorial governments and certain non-profit organizations for eligible costs associated with emergency work and the repair or replacement of disaster-damaged facilities.

NOW THEREFORE, BE IT ORDAINED AND RESOLVED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

Section 1. The Board of Commissioners of the Unified Government of Wyandotte County/Kansas City, Kansas ("Unified Government") accepts any grant or reimbursement funds appropriated to the Unified Government by FEMA, including those previously received, in connection to the major presidential disaster declaration issued by President Donald Trump for severe storms, straight-line winds, and flooding experienced by Wyandotte County from July 17, 2025 through July 22, 2025.

Section 2. The Mayor/CEO, County Administrator, and other officials and employees of the Unified Government are hereby authorized to take such other actions as may be appropriate or desirable to accomplish the purposes of this resolution and ordinance.

Section 3. This ordinance and resolution shall take effect and be in full force from and after its passage and approval.

PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AND

APPROVED AND SIGNED BY THE MAYOR/CEO THIS _____ DAY OF _____ 2026.

_____

Christal E. Watson, Mayor/CEO

Attest:

_____

Unified Government Clerk

Approved as to Form:

_____

Chief Counsel

PROCLAMATION OF A
STATE OF LOCAL DISASTER EMERGENCY
FOR THE
COUNTY OF WYANDOTTE, KANSAS

WHEREAS, on the 17th day of July, 2025, I find that certain conditions have caused, or imminently threaten to cause, widespread or severe damage, injury or loss of life or property in disaster proportion in the County of Wyandotte, Kansas; and

WHEREAS, such conditions hinder and endanger the health, safety, and welfare of persons and property within the County of Wyandotte.

NOW, THEREFORE, I, the undersigned Mayor/CEO of the Unified Government of Wyandotte County, Kansas City, Kansas, by virtue of the authority vested in this office by K.S.A. 48-932, as amended, do hereby PROCLAIM that a State of Local Disaster Emergency exists.

I DO FURTHER PROCLAIM that the area within the County of Wyandotte, Kansas, covered by this proclamation is: the entire County

I DO HEREBY INVOKE any and all rights and/or powers to perform such functions as are vested in this office by and through the provisions of the Kansas Emergency Preparedness Act.

I DO HEREBY PROCLAIM that this Proclamation shall remain in effect for a period of seven (7) days from this date, unless terminated earlier, or renewed, by consent of the Wyandotte County Board of County Commissioners.

IN WITNESS WHEREOF, I, the undersigned Mayor/CEO of the Unified Government of Wyandotte County, Kansas City, Kansas, have hereunto affixed my signature this 22 day of July, 2025, at 5 o'clock PM.

COUNTY SEAL

Mayor/CEO
Unified Government of Wyandotte County,
Kansas City, Kansas

ATTEST:

Unified Government Clerk
Wyandotte County, Kansas City, Kansas

Unified Government of Wyandotte County and Kansas City Kansas
Emergency Management

701 North Seventh Street, Room B-20
Kansas City, Kansas 66101

Phone: (913) 573-6300
Fax: (913) 573-6363

Incident Report: Flash-Flood Emergency
As of July 17, 2025

At 733 PM on July 16th, the National Weather Service issued a Flood Advisory in effect until 1045 PM. Doppler radar indicated heavy rain due to thunderstorms with estimates between 0.5 to 1 inch of rain which could cause urban and small stream flooding for low-lying and poor drainage areas throughout the metro area, including Wyandotte County.

At 807 PM the NWS issued a Severe Thunderstorm Warning, to include eastern Wyandotte County, with reports of downed trees. Anticipated impact included hail damage to vehicles and wind damage to roofs, siding and trees.

At 1038 PM the NWS issued a Flash Flood Warning to include Wyandotte County until 445 AM. Doppler radar indicated thunderstorms producing heavy rain across the warned area. Between 1 and 3 inches of rain had already fallen. The expected rainfall rate was 1.5 to 2.5 inches in one hour. At this point an average of rain fall across the county was 3 inches in the previous 2 hours.

There was about a 2 hour break in the rainfall and then the next set of cells formed up and began to rain at close to an inch per hour rate. At 01:40 am July 17th A Special Weather Statement from NWS was issued advising of reformation of thunderstorms and of the possibility of 60 mph wind gusts.

Fire calls for downed trees and water rescues started about 1 am and at 0208 am a Severe Thunderstorm Warning was issued advising again of the high winds and possible flooding. Several warnings were reissued and times extended and an additional 3 to 4 inches of rain fell increasing the calls for service for flood and storm related impacts. Several streets including Interstates were closed due to high water crossings.

At 414 AM the Wyandotte County Emergency Operations Center (EOC) was activated to Level 3 by Department Director Matt May for severe weather and flooding. Total rain accumulation at 500 AM was approximately 5 inches at that time.

The EOC began assisting with coordination of resources and maintaining situational awareness, gathering information on flooded roadways and creeks, power outages (peak outage 4022 in the BPU service area and 125 in the area served by Evergy), as well as storm damage to neighborhoods and critical infrastructure.

701 North Seventh Street, Room B-20
Kansas City, Kansas 66101

Phone: (913) 573-6300
Fax: (913) 573-6363

The EOC provided resources and coordination support to KCKFD for their ongoing response to numerous water rescues of individuals trapped in their vehicles, a missing person swept away by flood waters – who was later successfully located – plus a gas leak evacuation of the Villa Allegra Apartment complex at 29th and Freeman which also sustained flood damage.

At 1025 AM emergency management was contacted by the property manager for the Royal Estates mobile home park (90 Royal Drive, KCK) whose residents – 90 homes with 150 residents – were displaced by flood waters. Once the water receded and the park was again accessible, the American Red Cross was deployed to provide assistance. After speaking with residents, the ARC found homes in the park had not sustained flood damage and a shelter was not required.

At 1145 AM emergency management received a call from the property owner of a 6-plex (2815 Parallel Pkwy, KCK) to report a landslide behind the structure. The information was shared with Public Works. At 1148 the EOC received a request for assistance from the KCKFD for barricades at 64th and Kansas Ave (Hwy K5) due to standing water at 4 to 5 feet above the road surface.

The EOC also coordinated with Parks and Recreation and the American Red Cross to stand up a mass care shelter at Kensington Recreation Center for thirty (30) displaced residents from the Villa Allegra Apartments.

The EOC transitioned back to Level 4 at 1111 AM with the duty officer continuing to monitor the situation.

Starting next week, departments will begin conducting damage assessments and debris removal and should have a better understanding of the costs associated with the storm.

Here's a link to additional information:

Press Release: Unified Government Responds to Historic Rainfall and Widespread Flooding in Kansas City, Kansas

Submitted by Wyandotte County Emergency Management as of July 18th at 1000

DECLARED DECEMBER 19, 2025

SUMMARY

STATE: Kansas

NUMBER: FEMA-4897-DR

INCIDENT: Severe Storms, Straight-line Winds, and Flooding

INCIDENT PERIOD: July 17-22, 2025

DATE REQUESTED BY GOVERNOR: September 17, 2025

FEDERAL COORDINATING OFFICER: Catherine R. Sanders

DESIGNATIONS AND TYPES OF ASSISTANCE:

INDIVIDUAL ASSISTANCE (Assistance to individuals and households):

Not Requested.

PUBLIC ASSISTANCE (Assistance for emergency work and the repair or replacement of disaster-damaged facilities):

Barton, Comanche, Edwards, Hodgeman, Logan, Morris, Ottawa, Rawlins, Saline, Stevens, Sumner, and Wyandotte Counties.

HAZARD MITIGATION GRANT PROGRAM (Assistance for actions taken to prevent or reduce long term risk to life and property from natural hazards):

Under Review.

OTHER: Additional designations may be made at a later date if requested by the state and warranted by the results of further damage assessments.

Tracking ID: 21264

Report to
Board of Commissioners

MEETING DATE	PRESENTER	DEPARTMENT
	Jeffrey Conway, Assistant Counsel jconway@wycokck.org x5075	Legal

AGENDA ITEM #7.4.

RESOLUTION: SELLING CERTAIN UNIFIED GOVERNMENT PROPERTIES TO THE PUBLIC

BACKGROUND

A resolution to authorize the sale of 10039 Leavenworth Road, 9913 Leavenworth Road, 3042 N. 99th Street, 3030 N. 99th Street, 12 N. James Street, and 16 N. James Street.

RECOMMENDATION

Approve

BUDGET IMPACTS / FINANCIAL CONSIDERATIONS

N/A

LEGAL/ POLICY CONSIDERATIONS

ATTACHMENTS

Resolution to sell UG properties 4-13-26_V2, 4.1 Maps

Approved by Mayor/Administrator to add to agenda.

RESOLUTION NO. R-_____

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO SELL CERTAIN IDENTIFIED PARCELS OF REAL PROPERTY OWNED BY THE UNIFIED GOVERNMENT

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas ("Unified Government") is the legal owner of certain real estate parcels in Kansas City, Kansas, at or about 10039 Leavenworth Road, 9913 Leavenworth Road, 3042 N. 99th Street, 3030 N. 99th Street, 12 N. James Street, and 16 N. James Street (collectively referred to as the "Properties");

WHEREAS, it is the policy of the Unified Government that it should dispose of surplus real property in a manner that will provide the best and highest return to the government and its taxpayers;

WHEREAS, the Unified Government has adopted a resolution establishing an alternative methodology for the disposal of real property and establishing minimum requirements for the disposal of such property as authorized and provided for in K.S.A. 19-211(b) and as authorized by the Unified Government's home rule power;

WHEREAS, said alternative methodology was approved by the Unified Government Board of Commissioners through the adoption of Resolution No. R-141-06 and Ordinance No. O-120-06 on November 2, 2006, with publication on November 8, 2006;

WHEREAS, the sale of real property by a consolidated city-county government should follow a uniform method of disposal unless mandated to do otherwise by a specifically applicable federal or state statute;

WHEREAS, real property of the Unified Government represents a considerable investment of public funds which require procedures and safeguards designed to encourage efficient utilization of property, establish managerial control, and provide for the efficient disposition of property in accordance with this policy or other applicable restrictions governing the disposition of such property;

WHEREAS, the timely redevelopment of the Properties is in the best interests of the parties and the health, safety, and welfare of the Unified Government's residents.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/ KANSAS CITY, KANSAS:

Section 1. That the Unified Government Board of Commissioners authorizes the County Administrator to offer for sale the Properties as identified by address below, pursuant to the policies outlined in Resolution No. R-141-06 and Ordinance No. O-120-06:

10039 LEAVENWORTH RD KANSAS CITY, KS 66109
9913 LEAVENWORTH RD KANSAS CITY, KS 66109
3042 N 99TH ST KANSAS CITY, KS 66109
3030 N 99TH ST KANSAS CITY, KS 66109
2938 N 99TH ST KANSAS CITY, KS 66109
12 N JAMES ST KANSAS CITY, KS 66118
16 N JAMES ST KANSAS CITY, KS 66118
72 CENTRAL AVE KANSAS CITY, KS 66118

Section 2. That the County Administrator and other officials and representatives of the Unified Government are hereby authorized to negotiate the terms and conditions of such sales and to execute in the name of the Unified Government of Wyandotte County/Kansas City, Kansas, such deeds and any such other documents, certificates, and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution and to take any further action necessary to effectuate the sales.

Section 3. This Resolution will take effect and be in full force from and after its passage by the Board of Commissioners.

ADOPTED BY THE BOARD OF COMMISSIONERS OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS _____ DAY OF _____ 2026

_____
Christal E. Watson, Mayor/CEO

Attest:

_____
Monica Sparks, Unified Government Clerk

Approved as to Form:

_____
Angela J. Lawson, Acting Chief Counsel


A=12 N. James; B=16 N. James; C=72 Central Ave.
Lyon Ave
N 2nd St
N 2nd St
N 1st St
Central Ave
Central Ave Via
S 2nd St
S Water St
S 1st St
S James St
Central Ave
A
B
C


A=10039 Leavenworth Rd.
B=9913 Leavenworth Rd.
C=3042 N. 99th St.
D=3030 N. 99th St.
E=2938 N. 99th St.
Edith Ave
N 103rd Ter
N 103rd Ct
Parkview Ave
N 103rd Pl
Farrow Ave
N 100th St
N 99th Ter
N. 99th St
Leavenworth Rd Frontage Rd
Leavenworth Rd
A
B
C
D
E
435
N 103rd Ter
Webster Ave
N 101st St
Webster Ct

Tracking ID: 21231

Report to
Board of Commissioners

MEETING DATE	PRESENTER	DEPARTMENT
	Casey Meyer, Senior Counsel cmeyer@wycokck.org x2851	Legal

AGENDA ITEM #7.5.

RESOLUTION: HOUSE SUBSTITUTE FOR SENATE BILL 244

BACKGROUND

The Legal Department is asking for authorization for the commission to authorize the County Administration to implement policy, 244: Restroom Use and Accommodations.

RECOMMENDATION

Approve

Adopt the resolution..

BUDGET IMPACTS / FINANCIAL CONSIDERATIONS

na/

LEGAL/ POLICY CONSIDERATIONS

Legal has reviewed/approved.

ATTACHMENTS

Designation and Use of Multiple-Occupancy Private Spaces Policy 3.25.26, Resolution H Sub SB 244

Approved by Mayor/Administrator to add to agenda.

Designation and Use of Multiple-Occupancy Private Spaces

1. **Purpose.**

The purpose of this policy is to ensure compliance with House Substitute for Senate Bill 244, regarding the designation and use of multiple-occupancy private spaces in public buildings owned or leased by the Unified Government of Wyandotte County/Kansas City, Kansas (UG). This policy establishes procedures for designation of such spaces, responding to complaints, and documenting actions taken to comply with the law.

2. **Applicability.**

This policy applies to all public buildings owned or leased by the UG, except for buildings owned by the UG that are leased to a private entity if the lease agreement was in force before February 26, 2026.

3. **Definitions.**

For purposes of this policy, the following definitions apply:

A. **Multiple-Occupancy Private Space**: A facility designed or designated for simultaneous use by more than one individual where an individual may be in a state of undress in the presence of another individual. Examples include restrooms, locker rooms, shower rooms, and changing rooms.

B. **Single-Occupancy Private Space**: A facility designed or designated for use by only one individual at a time where the individual may be in a state of undress. Examples include single-user restrooms with locking doors and family restrooms.

C. **Sex**: An individual's biological sex, either male or female, at birth.

4. **Designation of Facilities.**

A. All multiple-occupancy private spaces located within a public building owned or leased by the UG and subject to this policy shall be designated for use only by individuals of one sex.

B. Clear signage shall be posted identifying the designation of each multiple-occupancy private space.

C. Where feasible, the UG may provide **single-occupancy private spaces** for use by any individual seeking additional privacy.

5. **Exceptions.**

Consistent with Kansas law, individuals may enter a multiple-occupancy private space designated for the opposite sex under the following circumstances:

A. Custodial, maintenance, or inspection purposes;

B. Rendering medical or emergency assistance;

C. Assisting an individual who requires help using the facility;

D. Law enforcement purposes;

E. Preventing a serious threat to safety or order;

F. Coaching or athletic training when precautions are taken to ensure no individual is undressed; or

G. A child under nine years of age accompanied by a caregiver.

6. **Reasonable Steps to Ensure Compliance.**

The UG shall take reasonable steps to ensure compliance with facility designations. Reasonable steps may include:

A. Posting clear signage;

B. Providing staff training, or

C. Establishing procedures for receiving and documenting complaints.

7. **Complaint Reporting.**

A. UG employees who receive a complaint regarding the use of a multiple-occupancy private space shall notify their supervisor who will provide the individual with a UG complaint form and direct the individual to submit the completed form to the Human Resources Department for review. Complaints submitted through this process may be reviewed and investigated by the Director of Human Resources or Director of Buildings and Logistics or their designees.

B. UG employees should not verify an individual's sex, request personal documentation, or directly confront individuals regarding the use of a multiple-occupancy private space. Employees who receive a concern should refer the matter through the complaint process outlined in this policy.

C. Employees shall respond to complaints in a professional manner and refer concerns to a supervisor or designated administrator as appropriate.

D. The UG may review concerns brought to its attention even if a complaint form is not completed.

8. Complaint Review and Investigation.

A. The Director of Human Resources or Director of Buildings and Logistics or their designees shall be responsible for reviewing complaints related to this policy.

B. Upon receiving a complaint, the Director of Human Resources or Director of Buildings and Logistics or their designees may:

1. Review incident reports.
2. Speak with staff or witnesses.
3. Evaluate whether further action is appropriate.

C. The Director of Human Resources or Director of Buildings and Logistics or their designees shall document the outcome of the review.

9. Written Notice of Violation.

A. If the UG determines that an individual has violated the designation of a multiple-occupancy private space under Kansas law, the UG shall issue written notice of violation to the individual.

The written notice may be delivered by one or more of the following methods:

1. Personal delivery to the individual, or
2. Certified mail, return receipt requested to the individual's last known address.

B. The written notice shall include:

1. The date and location of the multiple-occupancy private space where the violation occurred;
2. a statement that repeated violations may result in fines or criminal charges; and
3. the procedure to administratively appeal the finding that such individual violated this section.

10. Appeal of Determination.

A. Any individual who receives a written notice of violation under this policy may request an administrative review of the determination.

B. A request for review must be submitted in writing to the UG within ten business days after the date the written notice is issued.

C. The request should include the individual's name, contact information, and a brief explanation of why the individual believes the determination was made in error.

D. The appeal shall be reviewed by the County Administrator or his designee provided that the reviewing official was not directly involved in the initial determination when practicable.

E. In conducting the review, the UG may consider:

1. The incident report;
2. Statements from UG employees or witnesses; and
3. Any written information submitted by the individual requesting the review.
4. The reviewing official may affirm, modify, or dismiss the determination.
5. The UG shall provide written notice of the decision to the individual. The decision of the reviewing official shall constitute the final administrative action of the UG.

11. Recordkeeping.

The UG shall maintain records of complaints and investigations related to this policy in accordance with applicable records retention requirements.

12. Staff Training.

To assist with implementation of this policy, the UG may provide guidance or training, as appropriate, to employees who interact with members of the public.

13. Policy Administration.

The County Administrator shall be responsible for administering this policy and may develop procedures or guidance necessary to implement it.

RESOLUTION NO. _____

A RESOLUTION authorizing the County Administrator to implement a policy related to ensuring compliance with House Substitute for Senate Bill 244 regarding the designation and use of multiple-occupancy private spaces in public buildings.

WHEREAS, Kansas House Substitute for Senate Bill 244 was passed by the Kansas Legislature, effective February 26, 2026; and

WHEREAS, Kansas House Substitute for Senate Bill 244 requires the governing body take every reasonable step to comply with this law; and

WHEREAS, Section 2-103 of the Unified Government Code of Ordinances provides the County Administrator authority to execute the policies of the unified board of commissioners.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/ KANSAS CITY, KANSAS AS FOLLOWS:

Section 1. The County Administrator and/or his designee is hereby authorized to implement a policy related to ensuring compliance with House Substitute for Senate Bill 244 regarding the designation and use of multiple-occupancy private spaces in public buildings.

APPROVED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS _____DAY OF_____, 2026.

_____
Christal E. Watson, Mayor/CEO

_____
Unified Government Clerk

Tracking ID: 21228

Report to
Board of Commissioners

MEETING DATE	PRESENTER	DEPARTMENT
	Shakeva Christian, Manager schristian@wycokck.org x5661	Human Resources

AGENDA ITEM #7.6.

APPROVAL: HR GUIDE REVISION: 5.13 PAID CHILDBIRTH AND PARENTAL LEAVE

BACKGROUND

In 2022, the Unified Government approved a new policy to allow eligible full-time employees to receive 160 hours of paid parental leave and 240 hours of paid childbirth leave. For 40 hour employees, this was equivalent to 4 weeks and 6 week respectively. New verbiage added to reflect that eligible employees that work non-traditional schedules of a longer workweek will receive the equivalent pro-rated amount of 4 weeks of parental leave and 6 weeks of childbirth leave. Language also added to reflect that employees may be subject to reimburse UG for not returning to work after such paid leave and that this paid leave can not be used to extend the last day of employment for those separating from the UG.

RECOMMENDATION

Approved policy revisions.

BUDGET IMPACTS / FINANCIAL CONSIDERATIONS

Since the policy has been in place, the UG has approved an average of 71 paid parental leaves and 17 childbirth leaves. Those that work non-traditional workweeks comprise approximately 25.23% of the total UG employee headcount. Assuming the same UG population percentage applies to the number of employees that take paid parental and childbirth leave, it would yield an approximate 18 employees on non-traditional workweeks taking 4 weeks of paid parental leave and 4 employees on non-traditional workweek taking 6 weeks of paid childbirth leave. This is an approximate additional 995 hours of paid time off granted per year.

LEGAL/ POLICY CONSIDERATIONS

n/a

ATTACHMENTS

4.13.26 Presentation_FINAL, Paid-childbirth-parental-leave-policy_redlined, Paid-childbirth-parental-leave-policy_FINAL

Approved by Mayor/Administrator to add to agenda.

Human Resources

2.13 Identification Badge Policy Update

Date: April 13, 2026
Administration & Human Services Meeting

Overview of Proposed Changes to Policy

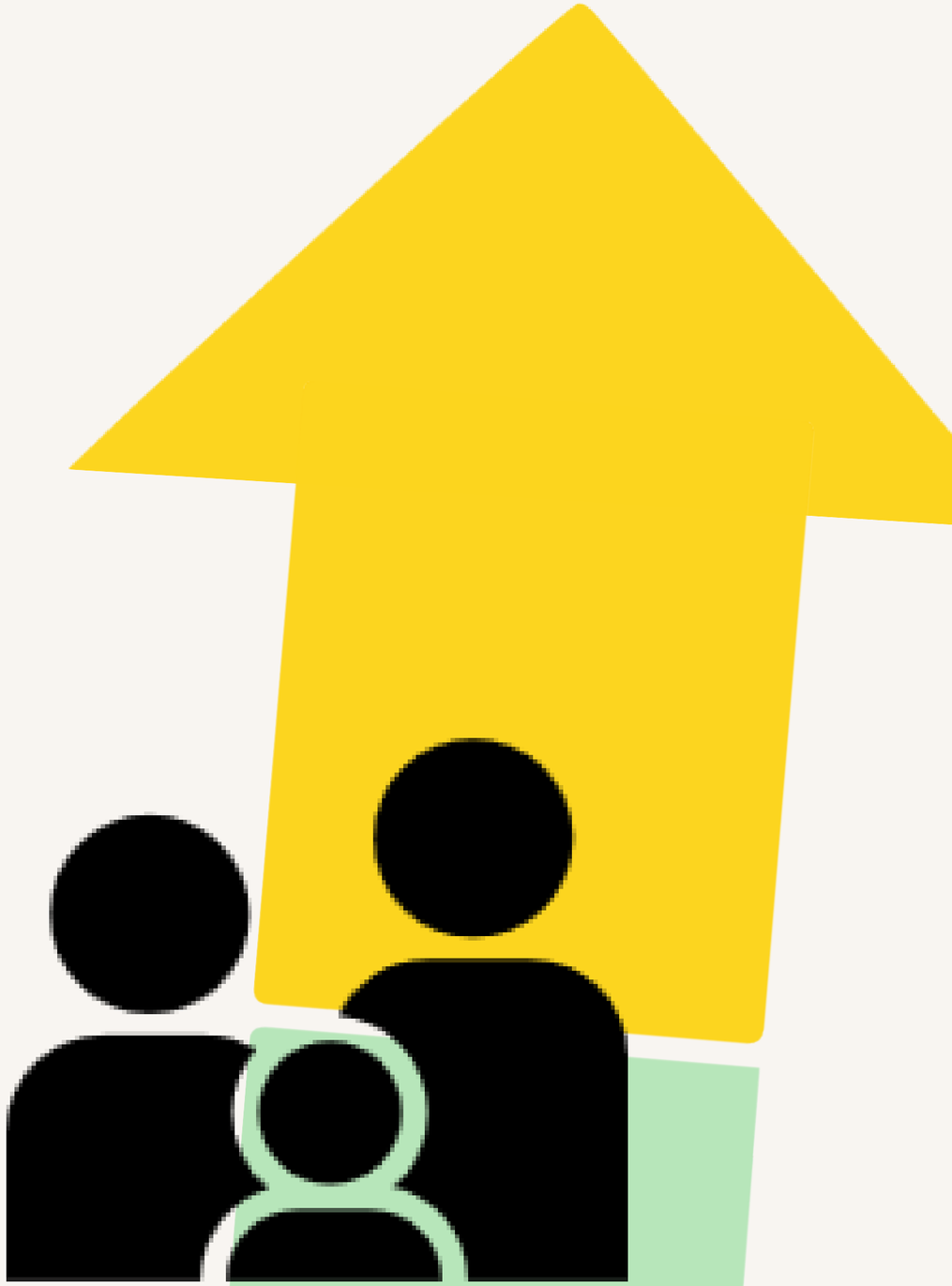
- Policy now indicates it applies to ALL individuals performing work: Employees, Contractors, Volunteers, Interns, Temporary/Seasonal staff (not just employees)
- Strict badge visibility requirement at all times
- Anti-tailgating rules for entering into UG facilities:
  - No badge sharing
  - No holding doors
- Enhanced badge lifecycle (Day 1 issuance, updates, reporting)
- Supervisor accountability added
- Workday-triggered deactivation
- Immediate vs end-of-day deactivation rules
- Visitor escort procedures added

Why This Change is Needed

- Strengthens building security and access control
- Prevents unauthorized access to offices, records, and operational spaces
- Reduces risk of badge misuse (sharing, tailgating)
- Ensures timely removal of access upon separation
- Establishes clear accountability for supervisors

Human Resources

5.13 Paid Childbirth and Parental Leave Policy Update



What this Policy Provides

Overview of Policy

- Paid childbirth leave for recovery following delivery
  - ✓ 240 hours for full-time employees (120 hs for PT): equivalent to six (6) weeks for 40-hour employees.
- Paid parental leave for bonding after birth, adoption, or foster placement
  - ✓ 160 hours for full-time employees (80 hrs for PT): Equivalent to four (4) weeks for 40-hour employees.
- Runs concurrently with FMLA but does not require FMLA eligibility

Key Changes



- Language changed so that leave is now pro-rated for non-traditional work schedules

Paid Childbirth Leave

- Equivalent to six (6) weeks for non-traditional schedule

Paid Parental Leave

- Equivalent to four (4) weeks for non-traditional schedules

- Leave cannot extend employment separation date
- Employees who do not return may be required to reimburse UG

Rationale for Changes

- Ensures equitable amount of “time off” across traditional and non-traditional work schedules
- Clarifies eligibility, usage, and limitations of paid leave

Human Resources

6.6 Take Home Vehicle Policy



a

Purpose of the Policy

The purpose of this policy is to establish a strong internal UG-wide control system to ensure UG vehicles are being properly used, stored and comply with state and federal regulations.

Note: Department heads can establish more strict guidelines than the general UG policy. Police, Fire, Sheriff and Public Works currently have set aside departmental policies that abide by this general policy.

Why changes are needed:

- Change in residency requirement requires new parameters to be set to reduce liability
- Maintain operational readiness and response expectation for employees with take-home vehicles.

Key Policy Changes

New Requirements

- Vehicles must be stored within Wyandotte County
- Employees living outside the WYCO cannot store vehicles at home
- Departments may establish a UG facility/parking lot to store UG take-home vehicles for employees residing outside of WYCO.

Why This Matters

- Ensures proper use of public assets
- Reduces liability and misuse risk

Response Time & Operational Expectations Defined

- Employees must respond within 60 minutes when required
- Departments may require shorter response times based on operations
- Employees must acknowledge these guideline before assigned a UG take-home vehicle.

Why This Matters

- Ensures emergency response reliability
- Ensures expectations are clearly defined and adhered to.

Unified Government Human Resources Guide

Effective ~~01-01-22~~

PAID CHILDBIRTH AND PARENTAL LEAVE

I. General: Paid childbirth leave is available to employees who give birth to a child or children to provide time for recovery from childbirth before returning to work. Paid parental leave is available to eligible employees to care for and bond with their child or children after birth or placement with the employee for adoption or foster care. These benefits are separate from leave under the Family and Medical Leave Act (FMLA) but will run concurrently with FMLA leave.

II. Policy

A. Paid childbirth leave

1. Full-time employees who give birth to a child or children are eligible for up to 240 hours of paid leave following delivery. Part-time A employees who give birth are eligible for up to 120 hours of paid leave following delivery. These amounts will be pro-rated or adjusted to the equivalent of six (6) weeks of leave for employees who work non-traditional schedules.

2. Paid childbirth leave begins on the day of delivery and must be taken continuously.

3. An employee should notify her department that she will be taking leave for childbirth at least 30 days before the anticipated delivery date.

B. Paid parental leave

1. Eligibility

a. Full-time or Part-time A employees are eligible for paid parental leave following a qualifying event. An employee need not be eligible for leave under the FMLA to use paid parental leave.

b. Parents who are both eligible employees may each take the maximum amount of leave available under this policy for the same qualifying event; they are not required to share the paid leave.

2. Definitions

a. "Child" means a biological, adopted, or foster child who is under age 18.

b. "Qualifying event" means the birth of the employee's child or children or the placement of one or more children with the employee for adoption or

foster care.

3. Leave available

Paid parental leave is available to full-time and Part-time A employees as follows:

Employee Status	Maximum per qualifying event
Full-time	160 hours
Part-time A	80 hours

These amounts will be pro-rated or adjusted to the equivalent of four (4) weeks of leave for employees who work non-traditional schedules.

4. Use of leave

a. Paid parental leave may be taken continuously or, with the approval of the department head, on an intermittent or reduced schedule basis.

b. Employees may not use more hours of paid parental leave per day than they are normally scheduled to work.

5. Limitations on paid parental leave

a. An employee may receive paid parental leave for only one qualifying event in a 12-month period.

b. An employee may receive only one instance of paid parental leave per qualifying event. (For example, a full-time employee is eligible to receive 160 hours, not 320 hours, of paid parental leave following the birth of twins.)

c. A child may be the subject of only one qualifying event. (For example, an employee who uses paid parental leave following the placement of a child with the employee for foster care is not eligible for paid parental leave if the employee later adopts the child.)

d. Paid parental leave must be used within 16 weeks of the qualifying event. Leave not used within 16 weeks is forfeited. The County Administrator may make exceptions to this requirement in extenuating circumstances (such as when a child is born prematurely and must remain in neonatal intensive care for an extended time after birth). An employee requesting an extension of time to use paid parental leave may be required to provide supporting documentation from the treating medical provider.

e. Paid parental leave may not be taken beyond the life of the child or the end of the child's placement with the employee.

f. The following employees are ineligible for paid parental leave:

(1) Surrogate mothers and sperm donors.

(2) Employees who elect to give up their newborn child for adoption.

(3) Employees who adopt a stepchild.

6. Requests for leave

a. Human Resources is responsible for determining an employee's eligibility for paid parental leave and for approving the leave.

b. An employee must submit a completed Request for Paid Parental Leave form to Human Resources at least 30 days before the anticipated qualifying event. If the completed form cannot be submitted 30 days in advance, it must be submitted as soon in advance as possible.

c. An employee may be required to submit documentation substantiating the reason for the leave. The documentation required will be determined by Human Resources.

7. Notification to department

a. Upon submitting a Request for Paid Parental Leave form to Human Resources, an employee must notify his or her department of the request for paid parental leave.

b. If taking paid parental leave on an intermittent or reduced schedule basis, an employee must submit a proposed leave schedule to his or her supervisor for approval before beginning paid parental leave. If the supervisor does not approve the schedule, the supervisor and employee should work together to come to a mutually acceptable schedule.

C. Compensation

1. Childbirth and parental leave will be paid at the employee's base salary or hourly rate of pay.

2. Paid childbirth and parental leave will not count as hours worked for purposes of calculating overtime.

3. Paid childbirth and parental leave will count towards the minimum month worked.

4. Employees using paid childbirth or parental leave will continue to accrue vacation and sick leave.

5. Official holidays will not be counted against paid childbirth or parental leave.

D. Relationship to FMLA and other leave policies

1. Paid childbirth and parental leave will run concurrently with FMLA leave.

2. Employees are not required to exhaust other available leave (e.g., vacation or sick leave) to use paid childbirth or parental leave.

E. Separation or retirement

1. Employees will not be paid for unused childbirth or parental leave upon separation from employment or retirement.

2. Paid childbirth and parental leave shall not be used to extend the date of separation from employment.

3. Employee who do not return to work or separate from their position during paid childbirth or parental leave may be required to reimburse Unified Government for said leave.

~~F. Effective date~~

~~Paid childbirth and parental leave will be available for births or, in the case of paid parental leave, for placements for adoption or foster care that occur on or after January 1, 2022.~~

RELATED POLICIES: 5.6 Family & Medical Leave
2.17A Pregnant Worker Fairness Act Policy
2.19 Break Time for Nursing Mothers
RELATED FORMS: FMLA Packet
Request for Lactation Space and Break Time

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Unified Government Human Resources Guide

Effective

PAID CHILDBIRTH AND PARENTAL LEAVE

I. General: Paid childbirth leave is available to employees who give birth to a child or children to provide time for recovery from childbirth before returning to work. Paid parental leave is available to eligible employees to care for and bond with their child or children after birth or placement with the employee for adoption or foster care. These benefits are separate from leave under the Family and Medical Leave Act (FMLA) but will run concurrently with FMLA leave.

II. Policy

A. Paid childbirth leave

1. Full-time employees who give birth to a child or children are eligible for up to 240 hours of paid leave following delivery. Part-time A employees who give birth are eligible for up to 120 hours of paid leave following delivery. These amounts will be pro-rated or adjusted to the equivalent of six (6) weeks of leave for employees who work non-traditional schedules.

2. Paid childbirth leave begins on the day of delivery and must be taken continuously.

3. An employee should notify her department that she will be taking leave for childbirth at least 30 days before the anticipated delivery date.

B. Paid parental leave

1. Eligibility

a. Full-time or Part-time A employees are eligible for paid parental leave following a qualifying event. An employee need not be eligible for leave under the FMLA to use paid parental leave.

b. Parents who are both eligible employees may each take the maximum amount of leave available under this policy for the same qualifying event; they are not required to share the paid leave.

2. Definitions

a. “Child” means a biological, adopted, or foster child who is under age 18.

b. “Qualifying event” means the birth of the employee’s child or children or the placement of one or more children with the employee for adoption or foster care.

3. Leave available

Paid parental leave is available to full-time and Part-time A employees as follows:

Employee Status	Maximum per qualifying event
Full-time	160 hours
Part-time A	80 hours

These amounts will be pro-rated or adjusted to the equivalent of four (4) weeks of leave for employees who work non-traditional schedules.

4. Use of leave

a. Paid parental leave may be taken continuously or, with the approval of the department head, on an intermittent or reduced schedule basis.

b. Employees may not use more hours of paid parental leave per day than they are normally scheduled to work.

5. Limitations on paid parental leave

a. An employee may receive paid parental leave for only one qualifying event in a 12-month period.

b. An employee may receive only one instance of paid parental leave per qualifying event. (For example, a full-time employee is eligible to receive 160 hours, not 320 hours, of paid parental leave following the birth of twins.)

c. A child may be the subject of only one qualifying event. (For example, an employee who uses paid parental leave following the placement of a child with the employee for foster care is not eligible for paid parental leave if the employee later adopts the child.)

d. Paid parental leave must be used within 16 weeks of the qualifying event. Leave not used within 16 weeks is forfeited. The County Administrator may make exceptions to this requirement in extenuating circumstances (such as when a child is born prematurely and must remain in neonatal intensive care for an extended time after birth). An employee requesting an extension of time to use paid parental leave may be required to provide supporting documentation from the treating medical provider.

e. Paid parental leave may not be taken beyond the life of the child or the end of the child's placement with the employee.

f. The following employees are ineligible for paid parental leave:

(1) Surrogate mothers and sperm donors.

(2) Employees who elect to give up their newborn child for adoption.

(3) Employees who adopt a stepchild.

6. Requests for leave

a. Human Resources is responsible for determining an employee's eligibility for paid parental leave and for approving the leave.

b. An employee must submit a completed Request for Paid Parental Leave form to Human Resources at least 30 days before the anticipated qualifying event. If the completed form cannot be submitted 30 days in advance, it must be submitted as soon in advance as possible.

c. An employee may be required to submit documentation substantiating the reason for the leave. The documentation required will be determined by Human Resources.

7. Notification to department

a. Upon submitting a Request for Paid Parental Leave form to Human Resources, an employee must notify his or her department of the request for paid parental leave.

b. If taking paid parental leave on an intermittent or reduced schedule basis, an employee must submit a proposed leave schedule to his or her supervisor for approval before beginning paid parental leave. If the supervisor does not approve the schedule, the supervisor and employee should work together to come to a mutually acceptable schedule.

C. Compensation

1. Childbirth and parental leave will be paid at the employee's base salary or hourly rate of pay.

2. Paid childbirth and parental leave will not count as hours worked for purposes of calculating overtime.

3. Paid childbirth and parental leave will count towards the minimum month worked.

4. Employees using paid childbirth or parental leave will continue to accrue vacation and sick leave.

5. Official holidays will not be counted against paid childbirth or parental leave.

D. Relationship to FMLA and other leave policies

1. Paid childbirth and parental leave will run concurrently with FMLA leave.

2. Employees are not required to exhaust other available leave (e.g., vacation or sick leave) to use paid childbirth or parental leave.

E. Separation or retirement

1. Employees will not be paid for unused childbirth or parental leave upon separation from employment or retirement.

2. Paid childbirth and parental leave shall not be used to extend the date of separation from employment.

3. Employee who do not return to work or separate from their position during paid childbirth or parental leave may be required to reimburse Unified Government for said leave.

RELATED POLICIES:	5.6 Family & Medical Leave
	2.17A Pregnant Worker Fairness Act Policy
	2.19 Break Time for Nursing Mothers
RELATED FORMS:	FMLA Packet
	Request for Lactation Space and Break Time

Unified Government Human Resources Guide

Tracking ID: 21229

Report to
Board of Commissioners

MEETING DATE	PRESENTER	DEPARTMENT
	Shakeva Christian, Manager schristian@wycokck.org x5661	Human Resources

AGENDA ITEM #7.7.

APPROVAL: HR GUIDE REVISION: 2.13 IDENTIFICATION BADGES

BACKGROUND

New language is proposed to clarify that employees must wear UG ID badges while on duty; Employees can only use their own ID badge to gain entry into authorized facilities and supervisors must promptly collect and disable badge access from employees that are no longer employed.

RECOMMENDATION

Approve

Approve recommended policy revisions.

BUDGET IMPACTS / FINANCIAL CONSIDERATIONS

n/a

LEGAL/ POLICY CONSIDERATIONS

Legal has reviewed/approved

ATTACHMENTS

Identification Badges_3-24-26 Redlined, Identification Badges_3-24-26_FINAL, 4.13.26 Presentation_FINAL

Approved by Mayor/Administrator to add to agenda.

Unified Government Human Resources Guide

Effective 045-01-0519

IDENTIFICATION BADGES

I. General: It is the policy of the Unified Government to require identification badges for employees, contract personnel, volunteers, interns, and temporary/ seasonal workers while on duty. Identification badges support staff Identification, access control, safety, and security throughout Unified Government facilities. ~~that each employee be required to wear an identification badge while on duty to differentiate between employees and members of the public.~~

II. Policy

A. Covered Individuals

~~A.~~ All Unified Government personnel, including employees, volunteers, contract employees, interns, and temporary/seasonal employees, must wear identification badges while performing official duties, whether working inside or outside of Unified Government ~~main~~ buildings, ~~are required to wear employee identification badges while on duty~~. The only exceptions are when the display of such identification interferes with the performance of official duties.

B. Display and Badge Usage

1. Visibility requirements:

Employee identification badges must be worn at all times in a clearly visible place. The badges should be worn either around the neck or attached to the front of the ~~employee's~~employee's garments. Employees who fail to wear their identification badge may be subject to disciplinary action as indicated in Section 7.1, Rules and Discipline.

2. Individual Badge use and Anti- Tailgating:

Badges are assigned to an individual and may not be used by another person. Employees must not badge in others, allow another person to use their badge, or hold doors open to permit unauthorized entry. All Individuals employees or visitors alike must badge in their own credential each time they enter access-controlled areas.

~~B.~~ C. Badge issuance and replacements

~~1.~~ New Hires: ~~Identification badges may be obtained by contacting the Buildings and Logistics Police Security Department office.~~ Upon first day of employment, Human Resources will provide the initial identification badge

2. Transfers: When and employee transfer departments, the new department head will coordinate with the police asset protection division for an updated badge with correct departmental information ~~Upon transfer of employment to a new~~

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~~department, the new Department Head will coordinate with Police Asset Protection Division for an updated identification badge indicating the new department.~~

3. Lost Badges: ~~2.~~ ~~The first badge is provided by the Unified Government.~~ If a badge is ~~it is~~ lost or stolen, the employee must notify security immediately so the badge can be deactivated. ~~a second~~A second identification badge is ~~also~~ provided at no cost to the employee. After the second badge, a fee will be charged to the employee for replacement.

4. Badge ownership: Badges remain property of the Unified Government and must be turned in when the employment or affiliation ends. ~~–~~Returned badges should be collected by the supervisor at the time of separation and forwarded to Human Resources within three (3) calendar days.

D. Supervisor Enforcement and Responsibilities

1. Compliance Oversight: Supervisors are responsible for ensuring personnel under their direction understand and comply with badge policies.

2. Remediation: Supervisors must address violations (~~–~~e.g. failures to badge, badge sharing, or unmet escort requirements) may initiate corrective actions consistent with Section 7.1, Rules and Discipline.\

3. Access Control review: Supervisors must notify the appropriate security unit whenever an employee's access needs change (~~–~~e.g. job duty changes, schedule changes, extended absence)

E. Visitors and escort procedures

1. Visitor Badges: All Visitors must check-in at a designated front desk or security station and must present a valid government issued photo identification before being issued a visitor's badge. Security will temporarily retain visitors' identification while the visitors' badge is in use. The visitor's identification will be returned upon surrender of the visitor's badge when departing Unified Government facility.

2. Escort Requirement: Visitor must be escorted at all times by an authorized employee while in a non-public area. Escorts are responsible for ensuring visitors do not access unauthorized spaces.

F. Access Authorization & Security Coordination

3. Department heads are responsible for determining access the employee will need for the hours of operations and contacting the appropriate security division/unit.

- For access to the Sheriff's Office, Courthouse, and Community Corrections facilities contact the Sheriff/Court Security Unit.
- For access to all other Unified Government Buildings contact the Police Asset Protection Division. This must be communicated to the Police Asset Protection Division within the established security protocol.

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4. Badges are the property of the Unified Government and must be turned in to the supervisor or the department director when the employee separates from Unified Government employment, the employment or business relationship ends. Returned badges should be given to the Human Resources Department.

G. Workday Process

When employee, contractor, or affiliate separation is initiated in Workday.

1. Automated Notification

Once a termination, resignation, retirement or contract end date is entered and approved in workday, an automated Nnotification shall be sent to the appropriate security unit (Police Asset Protection Division or Sheriff/Court Security Unit) to deactivate the individual's physical access badge.

2. Timing of Deactivation

Badge access shall be disabled:

- Immediately for Involuntary separations, security related removals, or misconduct cases
- At the end of the last scheduled workday for voluntary resignations, retirements, or end of the contract separation

3. Supervisor responsibilities

Supervisor and department heads must:

- Ensure separations actions are entered promptly and accurately in Workday
- Not delay Workday processing in order to extend badge access

4. Collect physical badges and forward them to Human Resources within Three (3) Calendar days.

Security units may independently disable badges access upon receiving notice of separation, even if physical badge return has not yet occurred.

5. Failure to process

Failure to initiate or complete separation in Workday may result in unauthorized building access and may be treated as a compliance or security violation, subject to disciplinary action

RELATED POLICIES: 7.1 Rules and Discipline

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Unified Government Human Resources Guide

Effective 05-01-19

IDENTIFICATION BADGES

I. General: It is the policy of the Unified Government to require identification badges for employees, contract personnel, volunteers, interns, and temporary/ seasonal workers while on duty. Identification badges support staff Identification, access control, safety, and security throughout Unified Government facilities.

II. Policy

A. Covered Individuals

All Unified Government personnel, including employees, volunteers, contract employees, interns, and temporary/seasonal employees, must wear identification badges while performing official duties, whether working inside or outside of Unified Government buildings, The only exceptions are when the display of such identification interferes with the performance of official duties.

B. Display and Badge Usage

1. Visibility requirements:

Employee identification badges must be worn at all times in a clearly visible place. The badges should be worn either around the neck or attached to the front of the employee's garments. Employees who fail to wear their identification badge may be subject to disciplinary action as indicated in Section 7.1, Rules and Discipline.

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Badges are assigned to an individual and may not be used by another person. Employees must not badge in others, allow another person to use their badge, or hold doors open to permit unauthorized entry. All Individuals employees or visitors alike must badge in their own credential each time they enter access-controlled areas.

C. Badge issuance and replacements

1. New Hires: Upon first day of employment, Human Resources will provide the initial identification badge.
2. Transfers: When and employee transfer departments, the new department head will coordinate with the police asset protection division for an updated badge with correct departmental information .
3. Lost Badges: If a badge is lost or stolen, the employee must notify security immediately so the badge can be deactivated. A second identification badge is provided at no cost to the employee. After the second badge, a fee will be charged to the employee for replacement.

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2. Escort Requirement: Visitor must be escorted at all times by an authorized employee while in a non-public area. Escorts are responsible for ensuring visitors do not access unauthorized spaces.

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RELATED POLICIES: 7.1 Rules and Discipline

Human Resources

2.13 Identification Badge Policy Update

Date: April 13, 2026
Administration & Human Services Meeting

Overview of Proposed Changes to Policy

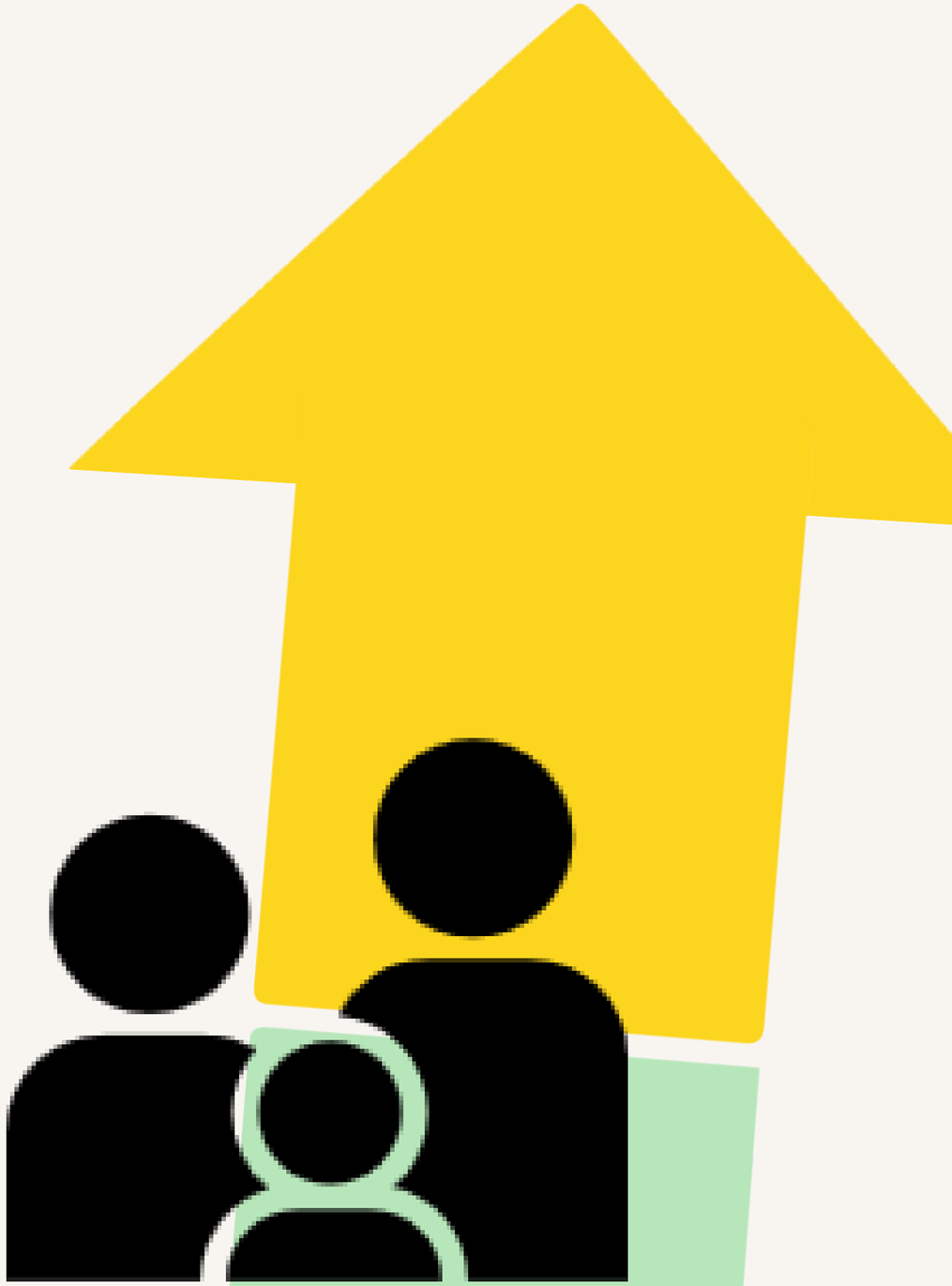
- Policy now indicates it applies to ALL individuals performing work: Employees, Contractors, Volunteers, Interns, Temporary/Seasonal staff (not just employees)
- Strict badge visibility requirement at all times
- Anti-tailgating rules for entering into UG facilities:
  - No badge sharing
  - No holding doors
- Enhanced badge lifecycle (Day 1 issuance, updates, reporting)
- Supervisor accountability added
- Workday-triggered deactivation
- Immediate vs end-of-day deactivation rules
- Visitor escort procedures added

Why This Change is Needed

- Strengthens building security and access control
- Prevents unauthorized access to offices, records, and operational spaces
- Reduces risk of badge misuse (sharing, tailgating)
- Ensures timely removal of access upon separation
- Establishes clear accountability for supervisors

Human Resources

5.13 Paid Childbirth and Parental Leave Policy Update



What this Policy Provides

Overview of Policy

- Paid childbirth leave for recovery following delivery
  - ✓ 240 hours for full-time employees (120 hs for PT): equivalent to six (6) weeks for 40-hour employees.
- Paid parental leave for bonding after birth, adoption, or foster placement
  - ✓ 160 hours for full-time employees (80 hrs for PT): Equivalent to four (4) weeks for 40-hour employees.
- Runs concurrently with FMLA but does not require FMLA eligibility

Key Changes



- Language changed so that leave is now pro-rated for non-traditional work schedules

Paid Childbirth Leave

- Equivalent to six (6) weeks for non-traditional schedule

Paid Parental Leave

- Equivalent to four (4) weeks for non-traditional schedules

- Leave cannot extend employment separation date
- Employees who do not return may be required to reimburse UG

Rationale for Changes

- Ensures equitable amount of “time off” across traditional and non-traditional work schedules
- Clarifies eligibility, usage, and limitations of paid leave

Human Resources

6.6 Take Home Vehicle Policy



a

Purpose of the Policy

The purpose of this policy is to establish a strong internal UG-wide control system to ensure UG vehicles are being properly used, stored and comply with state and federal regulations.

Note: Department heads can establish more strict guidelines than the general UG policy. Police, Fire, Sheriff and Public Works currently have set aside departmental policies that abide by this general policy.

Why changes are needed:

- Change in residency requirement requires new parameters to be set to reduce liability
- Maintain operational readiness and response expectation for employees with take-home vehicles.

Key Policy Changes

New Requirements

- Vehicles must be stored within Wyandotte County
- Employees living outside the WYCO cannot store vehicles at home
- Departments may establish a UG facility/parking lot to store UG take-home vehicles for employees residing outside of WYCO.

Why This Matters

- Ensures proper use of public assets
- Reduces liability and misuse risk

Response Time & Operational Expectations Defined

- Employees must respond within 60 minutes when required
- Departments may require shorter response times based on operations
- Employees must acknowledge these guideline before assigned a UG take-home vehicle.

Why This Matters

- Ensures emergency response reliability
- Ensures expectations are clearly defined and adhered to.

Tracking ID: 21230

Report to
Board of Commissioners

MEETING DATE	PRESENTER	DEPARTMENT
	Shakeva Christian, Manager schristian@wycokck.org x5661	Human Resources

AGENDA ITEM #7.8.

APPROVAL: HR GUIDE REVISIONS: 6.6 TAKE-HOME VEHICLE POLICY

BACKGROUND

Request approval to revisions of the HR Guide policy 6.6 Take-Home Vehicles. As a result of the elimination of the residency requirement for Unified Government employees, it is necessary to amend the Take-Home Vehicle policy to mitigate risks associated with storing UG vehicles outside of Wyandotte County. The revised policy adds verbiage that indicates that those that are assigned a take-home vehicle who live outside of Wyandotte County will be required to leave their UG vehicles at a nearby UG facility that is closest to his/her home.

RECOMMENDATION

Approve revised policy.

BUDGET IMPACTS / FINANCIAL CONSIDERATIONS

n/a

LEGAL/ POLICY CONSIDERATIONS

Legal has reviewed/approved

ATTACHMENTS

4.13.26 Presentation_FINAL, Take Home Vehicle Policy_Redline, Take Home Vehicle Policy_FINAL

Approved by Mayor/Administrator to add to agenda.

Human Resources

2.13 Identification Badge Policy Update

Date: April 13, 2026
Administration & Human Services Meeting

Overview of Proposed Changes to Policy

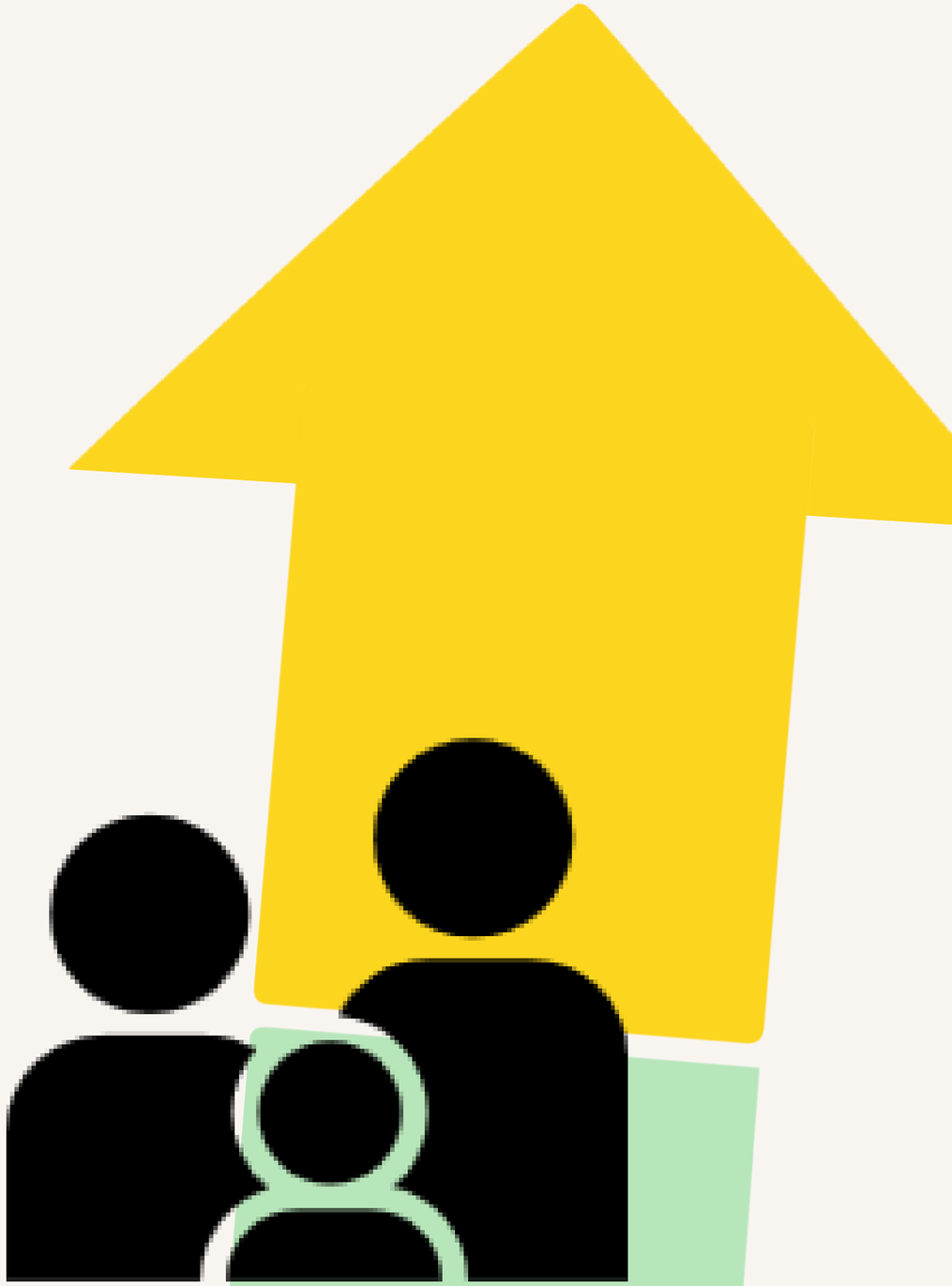
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  - No badge sharing
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- Enhanced badge lifecycle (Day 1 issuance, updates, reporting)
- Supervisor accountability added
- Workday-triggered deactivation
- Immediate vs end-of-day deactivation rules
- Visitor escort procedures added

Why This Change is Needed

- Strengthens building security and access control
- Prevents unauthorized access to offices, records, and operational spaces
- Reduces risk of badge misuse (sharing, tailgating)
- Ensures timely removal of access upon separation
- Establishes clear accountability for supervisors

Human Resources

5.13 Paid Childbirth and Parental Leave Policy Update



What this Policy Provides

Overview of Policy

- Paid childbirth leave for recovery following delivery
  - ✓ 240 hours for full-time employees (120 hs for PT): equivalent to six (6) weeks for 40-hour employees.
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- Language changed so that leave is now pro-rated for non-traditional work schedules

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Rationale for Changes

- Ensures equitable amount of “time off” across traditional and non-traditional work schedules
- Clarifies eligibility, usage, and limitations of paid leave

Human Resources

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Purpose of the Policy

The purpose of this policy is to establish a strong internal UG-wide control system to ensure UG vehicles are being properly used, stored and comply with state and federal regulations.

Note: Department heads can establish more strict guidelines than the general UG policy. Police, Fire, Sheriff and Public Works currently have set aside departmental policies that abide by this general policy.

Why changes are needed:

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Key Policy Changes

New Requirements

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- Ensures proper use of public assets
- Reduces liability and misuse risk

Response Time & Operational Expectations Defined

- Employees must respond within 60 minutes when required
- Departments may require shorter response times based on operations
- Employees must acknowledge these guideline before assigned a UG take-home vehicle.

Why This Matters

- Ensures emergency response reliability
- Ensures expectations are clearly defined and adhered to.

UNIFIED GOVERNMENT
HUMAN RESOURCES GUIDE

Effective: ~~06-27-2024~~

TAKE-HOME VEHICLES

I. General: This policy establishes rules and procedures for authorization and use of Unified Government take-home vehicles. Some of these rules are mandated by federal and state regulations (such as K.S.A. 8-301 *et seq,* K.S.A. 21-6002(a)(1) and IRS guidelines).

II. Policy

A. Unified Government employees must follow these rules and procedures for authorization and use of take-home vehicles. Take-home vehicle authorizations will be based on demonstrable and beneficial need for the delivery of services for the Unified Government and will comply with IRS guidelines for employer-provided vehicles.

B. Departments may create their own take-home vehicle policy subject to review by Human Resources and legal and the approval of the County Administrator. Such policies may be stricter than the Unified Government take-home vehicle policy.

C. Authorization for Take-Home Vehicles

1. Take-home vehicles will be approved only for the purpose of conducting Unified Government business, based on public purpose and demonstrable and beneficial need, in accordance with IRS guidelines.

2. Operators must maintain a valid Kansas driver's license for the class of vehicle they are assigned to operate.

3. An employee may be authorized to use a take-home vehicle only after a Take-Home Vehicle Use Authorization Form has been submitted to and approved by the by the department head. Take-Home Vehicle Use Authorization Forms must be completed annually. Authorization will not exceed one year.

4. If the basis for the authorization changes during the year, a new authorization form must be submitted and approved.

5. Department heads will only approve take-home vehicles when there is a justified business necessity.

6. In declared emergencies, the department head, or his or her designee, may temporarily change a take-home vehicle's use to support Unified Government operations.

7. Employees who are authorized to use a take-home vehicle must comply with this policy to ensure IRS rules are followed. Unified Government will report employee take-home vehicles as imputed income via payroll tax deduction.

D. Responsible Use of Take-Home Vehicles

1. Only authorized employees are permitted to operate Unified Government vehicles.

2. Non-business passengers (e.g., family members and friends) are prohibited from operating, riding in, or using Unified Government vehicles.

3. Only "de minimis" personal use of a take-home vehicle is permitted. De minimis use is defined as infrequent and limited travel outside of the direct commuting route between the employee's residence and his or her place of work each day or outside of direct travel between work stops during the workday, e.g., stopping at a convenience store on the direct route while commuting to home or work or stopping between two work sites for a meal or to use the restroom.

4. Employees are prohibited from travelling outside of a 50-mile radius of Wyandotte County in a take-home vehicle unless the travel is pre-approved by the employee's department head, or his or her designee.

5. When operating a Unified Government vehicle, employees must comply with all federal, state, and local laws.

6. Operators of take-home vehicles shall immediately notify their supervisor and department director of any changes in their driver's license, traffic citations received while operating a UG or personal vehicle (if that citation affects the status of the driver's license).

7. Operators of Unified Government vehicles must adhere to HR Guide 6.2 Driver Safety, Accident Reporting and Vehicle Use.

8. Operators of take-home vehicles will be subject to the Substance Abuse policy 7.4 and Substance Abuse Policy Transit 7.4A as outlined in the Human Resources Guide.

9. Take-home vehicles must be maintained in accordance with Unified Government fleet management operating procedures. Vehicle maintenance and refueling must be done at department designated Unified Government facilities.

10. Traffic or parking citations received while driving a take-home vehicle are the responsibility of the vehicle's operator.

11. Mileage incurred in a Unified Government vehicle is not eligible for reimbursement.

12. Employees authorized to utilize a take-home vehicle are not eligible for compensation of a stipend or vehicle allowances.

13. Use of tobacco products, including e-cigarettes and chewing tobacco, in a Unified Government vehicle is prohibited.

14. The Unified Government highly encourages employees who have been authorized to use a take-home vehicle to park the vehicle in the driveway, to be respectful of neighbors and motorists and to reduce the risk to children at play.

15. Unified Government vehicles shall not be regularly parked or stored outside of Wyandotte County. Employees that are assigned a Take Home Vehicle who reside outside of Wyandotte County are prohibited from storing/parking their UG assigned vehicle at their residence or any other location outside of Wyandotte County. Upon approval by the County Administrator, Department heads can authorize the use of a Unified Government facility/parking lot for which a Take Home Vehicle may be parked/stored. Public Safety Departments may designate parking areas at the Chief's or Sheriff's discretion.

16. ~~In emergency situations whereby an employee's response utilizing their UG assigned take-home vehicle is required, the employee must be able to respond to the appropriate work location within 60 minutes. Department heads canmay require a shorter response time based via their specific approved departmental policies based on their operational needs.~~In situations where an immediate response requiring an employee to respond using their UG-assigned take-home vehicle, the employee must be able to report to the designated work location within 60 minutes. Department heads may establish a shorter response time in accordance with their approved departmental policies and operational needs.

~~14.~~

~~15.~~17. The use of a take home vehicle is a privilege and can be revoked for policy violations (i.e., failed drug/alcohol test, misuse of vehicle, failure to timely respond to calls for service etc.).

~~16.~~18. Employees in violation of this policy are subject to discipline up to and including termination.

~~17.~~19. Employees should consult their department head, or his or her designee, if they have questions about this policy.

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Related Polices:

6.2 Driver's Safety, Accident Reporting and Vehicle Use
6.5 Use of Cell Phones and Electronic Devices While Driving
7.1 Rules and Discipline
7.4 Substance Abuse
7.4A Substance Abuse Transit Department

Related Forms:
Take Home Vehicle Justification Form

UNIFIED GOVERNMENT HUMAN RESOURCES GUIDE

Effective:

TAKE-HOME VEHICLES

I. General: This policy establishes rules and procedures for authorization and use of Unified Government take-home vehicles. Some of these rules are mandated by federal and state regulations (such as K.S.A. 8-301 *et seq,* K.S.A. 21-6002(a)(1) and IRS guidelines).

II. Policy

A. Unified Government employees must follow these rules and procedures for authorization and use of take-home vehicles. Take-home vehicle authorizations will be based on demonstrable and beneficial need for the delivery of services for the Unified Government and will comply with IRS guidelines for employer-provided vehicles.

B. Departments may create their own take-home vehicle policy subject to review by Human Resources and legal and the approval of the County Administrator. Such policies may be stricter than the Unified Government take-home vehicle policy.

C. Authorization for Take-Home Vehicles

1. Take-home vehicles will be approved only for the purpose of conducting Unified Government business, based on public purpose and demonstrable and beneficial need, in accordance with IRS guidelines.

2. Operators must maintain a valid Kansas driver's license for the class of vehicle they are assigned to operate.

3. An employee may be authorized to use a take-home vehicle only after a Take-Home Vehicle Use Authorization Form has been submitted to and approved by the by the department head. Take-Home Vehicle Use Authorization Forms must be completed annually. Authorization will not exceed one year.

4. If the basis for the authorization changes during the year, a new authorization form must be submitted and approved.

5. Department heads will only approve take-home vehicles when there is a justified business necessity.

6. In declared emergencies, the department head, or his or her designee, may temporarily change a take-home vehicle's use to support Unified Government operations.

7. Employees who are authorized to use a take-home vehicle must comply with this policy to ensure IRS rules are followed. Unified Government will report employee take-home vehicles as imputed income via payroll tax deduction.

D. Responsible Use of Take-Home Vehicles

1. Only authorized employees are permitted to operate Unified Government vehicles.

2. Non-business passengers (e.g., family members and friends) are prohibited from operating, riding in, or using Unified Government vehicles.

3. Only "de minimis" personal use of a take-home vehicle is permitted. De minimis use is defined as infrequent and limited travel outside of the direct commuting route between the employee's residence and his or her place of work each day or outside of direct travel between work stops during the workday, e.g., stopping at a convenience store on the direct route while commuting to home or work or stopping between two work sites for a meal or to use the restroom.

4. Employees are prohibited from travelling outside of a 50-mile radius of Wyandotte County in a take-home vehicle unless the travel is pre-approved by the employee's department head, or his or her designee.

5. When operating a Unified Government vehicle, employees must comply with all federal, state, and local laws.

6. Operators of take-home vehicles shall immediately notify their supervisor and department director of any changes in their driver's license, traffic citations received while operating a UG or personal vehicle (if that citation affects the status of the driver's license).

7. Operators of Unified Government vehicles must adhere to HR Guide 6.2 Driver Safety, Accident Reporting and Vehicle Use.

8. Operators of take-home vehicles will be subject to the Substance Abuse policy 7.4 and Substance Abuse Policy Transit 7.4A as outlined in the Human Resources Guide.

9. Take-home vehicles must be maintained in accordance with Unified Government fleet management operating procedures. Vehicle maintenance and refueling must be done at department designated Unified Government facilities.

10. Traffic or parking citations received while driving a take-home vehicle are the responsibility of the vehicle's operator.

11. Mileage incurred in a Unified Government vehicle is not eligible for reimbursement.

12. Employees authorized to utilize a take-home vehicle are not eligible for compensation of a stipend or vehicle allowances.

13. Use of tobacco products, including e-cigarettes and chewing tobacco, in a Unified Government vehicle is prohibited.

14. The Unified Government highly encourages employees who have been authorized to use a take-home vehicle to park the vehicle in the driveway, to be respectful of neighbors and motorists and to reduce the risk to children at play.

15. Unified Government vehicles shall not be regularly parked or stored outside of Wyandotte County. Employees that are assigned a Take Home Vehicle who reside outside of Wyandotte County are prohibited from storing/parking their UG assigned vehicle at their residence or any other location outside of Wyandotte County. Upon approval by the County Administrator, Department heads can authorize the use of a Unified Government facility/parking lot for which a Take Home Vehicle may be parked/stored. Public Safety Departments may designate parking areas at the Chief's or Sheriff's discretion.

16. In situations where an immediate response requiring an employee to respond using their UG-assigned take-home vehicle, the employee must be able to report to the designated work location within 60 minutes. Department heads may establish a shorter response time in accordance with their approved departmental policies and operational needs.

17. The use of a take home vehicle is a privilege and can be revoked for policy violations (i.e., failed drug/alcohol test, misuse of vehicle, failure to timely respond to calls for service etc.).

18. Employees in violation of this policy are subject to discipline up to and including termination.

19. Employees should consult their department head, or his or her designee, if they have questions about this policy.

Related Polices:

6.2 Driver's Safety, Accident Reporting and Vehicle Use

6.5 Use of Cell Phones and Electronic Devices While Driving

7.1 Rules and Discipline

7.4 Substance Abuse

7.4A Substance Abuse Transit Department

Related Forms:

Take Home Vehicle Justification Form

County Administrator's Office
David W. Johnston, County Administrator

701 North 7th St., Suite 945
Kansas City, Kansas 66101-3064

Phone: (913) 573-5030
Fax: (913) 573-5540

NOTICE OF PENDING APPOINTMENT

DATE: 4/27/2026

BOARD POSITION: Golf Advisory Board

INCUMBENT REPLACED: Chancellor Adams

ADDRESS:

TERM EXPIRATION DATE: 12/15/25

APPOINTING COMMISSIONER: Andrew Davis

REQUEST FOR APPOINTMENT

NAME OF NEW APPOINTMENT: Steve Pope

TERM OF OFFICE: 5/7/26 – 12/15/29

Andrew Davis

SIGNATURE OF APPOINTING COMMISSION MEMBER

* NOTICE: IF THERE ARE NO CONCERNS RAISED IN THE INITIAL 7 BUSINESS DAYS REVIEW PROCESS DATE, THEN THE NOMINATION WILL BE AUTOMATICALLY PROCESSED AS AN ITEM FOR THE NEXT AGENDA REVIEW PROVIDED NO OTHER APPLICATIONS WERE SUBMITTED.

County Administrator's Office

David W. Johnston
County Administrator

701 North 7th St., Suite 945
Kansas City, Kansas 66101-3064

Phone: (913) 573-5030
Fax: (913) 573-5540

NOTICE OF PENDING APPOINTMENT

DATE: 4/28/26

BOARD POSITION: Housing Authority

INCUMBENT REPLACED: _____

ADDRESS: _____

TERM EXPIRATION DATE: 12/15/2025

APPOINTING COMMISSIONER: Andrew Kump

REQUEST FOR REAPPOINTMENT

NAME OF REAPPOINTMENT: Brennan Crawford

TERM OF OFFICE: 5/7/26 – 12/15/29



SIGNATURE OF APPOINTING COMMISSION MEMBER

OFFICE OF THE
MAYOR/CEO
CHRISTAL E. WATSON

701 North 7th St., Suite 926
Kansas City, Kansas 66101

Phone: (913) 573-5010

NOTICE OF PENDING APPOINTMENT

Date: April 22, 2026

BOARD POSITION Solid Waste Management Plan Committee

INCUMBENT REPLACED: Tom Burroughs

APPOINTING COMMISSION: Christal Watson

REQUEST FOR APPOINTMENT

NAME OF NEW APPOINTMENT: Kori Hall

TERM OF OFFICE: 4/22/2026 - 12/15/2030

Christal E. Watson

SIGNATURE OF APPOINTING COMMISSION MEMBER

OFFICE OF THE
MAYOR/CEO
CHRISTAL E. WATSON

701 North 7th St., Suite 926
Kansas City, Kansas 66101

Phone: (913) 573-5010

NOTICE OF PENDING APPOINTMENT

Date: April 22, 2026

BOARD POSITION Solid Waste Management Plan Committee

INCUMBENT REPLACED: Rusty Roberts

APPOINTING COMMISSION: Christal Watson

REQUEST FOR APPOINTMENT

NAME OF NEW APPOINTMENT: Monica Mendez

TERM OF OFFICE: 4/22/2026 - 12/15/2030

SIGNATURE OF APPOINTING COMMISSION MEMBER

OFFICE OF THE
MAYOR/CEO
CHRISTAL E. WATSON

701 North 7th St., Suite 926
Kansas City, Kansas 66101

Phone: (913) 573-5010

NOTICE OF PENDING APPOINTMENT

Date: April 22, 2026

BOARD POSITION Solid Waste Management Plan Committee

INCUMBENT REPLACED: Carlos Maderos

APPOINTING COMMISSION: Christal Watson

REQUEST FOR APPOINTMENT

NAME OF NEW APPOINTMENT: Amanda DeVriese

TERM OF OFFICE: 4/22/2026 - 12/15/2030

SIGNATURE OF APPOINTING COMMISSION MEMBER

OFFICE OF THE
MAYOR/CEO
CHRISTAL E. WATSON

701 North 7th St., Suite 926
Kansas City, Kansas 66101

Phone: (913) 573-5010

NOTICE OF PENDING APPOINTMENT

Date: April 22, 2026

BOARD POSITION Solid Waste Management Plan Committee

INCUMBENT REPLACED: Bill Johnson

APPOINTING COMMISSION: Christal Watson

REQUEST FOR APPOINTMENT

NAME OF NEW APPOINTMENT: Nick Moreno

TERM OF OFFICE: 4/22/2026 - 12/15/2030

SIGNATURE OF APPOINTING COMMISSION MEMBER

CONSENT AGENDA ITEM NO. _____

Unified Government of Wyandotte County and Kansas City, Kansas

Board of Commissioners

Commission Chambers
701 N. 7th Street Trafficway, Kansas City, KS 66101

Mayor Tyrone Garner
Commissioner At-Large Dist. 1 Melissa Bynum – Commissioner At-Large Dist. 2 Tom Burroughs –
Commissioner Dist. 1 Gayle E. Townsend – Commissioner Dist. 2 Bill Burns –
Commissioner Dist. 3 Christian Ramirez – Commissioner Dist. 4 Evelyn Hill –
Commissioner Dist. 5 Mike Kane – Commissioner Dist. 6 Phil Lopez –
Commissioner Dist. 7 Chuck Stites – Commissioner Dist. 8 Andrew Davis

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MINUTES

Thursday, July 10, 2025
7:03 PM – 12:31 AM

Attendance:

Commissioner's Present:

- Mayor Tyrone Garner
- Commissioner Lopez
- Commissioner Bynum
- Commissioner Burroughs
- Commissioner Davis
- Commissioner Kane
- Commissioner Townsend
- Commissioner Ramirez
- Commissioner Burns
- Commissioner Hill
- Commissioner Stites

Commissioner's Absent:

- None

Staff Present:

- David Johnston (County Administrator)
- Alan Howze (Assistant County Administrator)
- Monica L. Sparks (Unified Government Clerk)

- Angela Lawson (Acting Chief Counsel)
- Casey Meyer (Senior Counsel)
- Irene Caudillo (Mayor's Chief of Staff)
- Reginald Lindsey (Budget Director)
- Michael Peterson (Deputy Budget Director)
- Jeff Miles (Sanitary Waste Director)
- Dr. Shelley Kneuvean (Chief Financial Officer)

Call to Order:

Mayor Tyrone Garner called the meeting to order at 7:03 p.m. The invocation was led by Sister Therese Bangert, Our Lady Saint Rose Catholic Church, followed by the Pledge of Allegiance

Revisions to Agenda:

No revisions to the agenda were reported.

Mayor's Agenda:

Item No. 1 – PRESENTATION: DOTTE PROUD RECOGNITION (Discussion Begins: 5:10)

Irene Caudillo, Chief of Staff, recognized barbeque establishments in Wyandotte County on behalf of Mayor Garner :

- **American Royal Kansas City (Discussion Begins 8:10)**
- **Big Q BBQ (Discussion Begins 9:50)**
- **Blind Box BBQ (Discussion Begins 10:37)**
- **Holy Smoke BBQ (Discussion Begins 11:31)**
- **Famous Dave's (Discussion Begins 12:46)**
- **Joe's Kansas City Bar-B-Que (Discussion Begins 13:52)**
- **Jones Bar-B-Q (Discussion Begins 14:34)**
- **Koren BBQ & Hot Pot (Discussion Begins 15:31)**
- **Quentin's BBQ & Sides (Discussion Begins 16:26)**
- **Rosedale Bar-B-Q (Discussion Begins 17:16)**
- **Roscoe's Barbeque (Discussion Begins 18:40)**
- **Slap's BBQ (Discussion Begins 19:56)**
- **Wood Yard Bar-B-Que (Discussion Begins 21:21)**
- **Wyandot B-B-Q (Discussion Begins 22:23)**

This item was for information only, and no commission action was required.

Item No. 2 - PROCLAMATION: WYANDOTTE COUNTY/KANSAS CITY, KANSAS - HOME OF THE BBQ TRAIL DAY (Discussion Begins 24:53)

A Proclamation proclaiming Synopsis: A Proclamation proclaiming July 10, 2025, as Wyandotte County/Kansas City, Kansas – Home of the BBQ Trail Day.

This item was read into the record of the meeting, and no commission action was required.

Item No. 3 – PROCLAMATION: TONY CHARLES MONTEZ JR. DAY (Discussion Begins 30:46)

A Proclamation proclaiming July 10, 2025, as Tony Charles Montez Jr. Day.

This item was read into the record of the meeting, and no commission action was required.

Item No. 4 – PROCLAMATION: THE ALTAR DAY (Discussion Begins 37:25)

A Proclamation proclaiming July 11, 2025, as The Altar Day.

This item was read into the record of the meeting, and no commission action was required.

Consent Agenda: (Discussion Begins 37:43)

Item No. 2 - RESOLUTION: FISCAL YEAR 2025 COMMUNITY POLICING DEVELOPMENT MICRO GRANT PROGRAM

Item No. 3 - MINUTES

Item No. 4 – WEEKLY BUSINESS

Commissioner Kane made a motion to approve all remaining items on the Consent Agenda. The motion was seconded by Commissioner Burns.

Vote: Motion carries 10/0

- Ayes: Lopez, Bynum, Burroughs, Davis, Kane, Ramirez, Townsend, Burns, Hill, Stites
- Nays: None
- Absent: None

Set Aside Item:

Item No. 6.1 – ORDINANCE: REPEALING CERTAIN SUPERCEDED PROVISIONS OF THE CODE OF ORDINANCES (Discussion Begins 38:50)

Commissioner Lopez requested to set aside Item No. 6.1.

Casey Meyer, Attorney with Legal Department, explained this was housekeeping to remove outdated language that became null and void after the 2015 statutory amendments that eliminated cities' ability to criminalize concealed carry.

Commissioner Burroughs made a motion to approve the ordinance. The motion was seconded by Commissioner Stites.

Vote: Motion carries 10/0

- Ayes: Lopez, Bynum, Burroughs, Davis, Kane, Ramirez, Townsend, Burns, Hill, Stites
- Nays: None
- Absent: None

Public Hearing Agenda: (Discussion Begins 42:48)

Item No. 1 - PUBLIC HEARING: REVENUE NEUTRAL RATE

County Administrator David Johnston outlined the budget process and unique challenges for 2026, including hosting the World Cup and celebrating America's 250th anniversary. State law requires setting a mill rate levy cap as part of the annual budget process. Reginald Lindsey, Budget Director, presents his team and information on revenue neutral.

Michael Peterson, Deputy Budget Director, presented information regarding mill levy rates and budget information:

Mr. Peterson presented a 10-year mill rate history showing:

- Kansas City, Kansas, mill rate dropped 9.4 mills (21% decrease)
- Wyandotte County mill rate dropped 5.3 mills (14% decrease)
- 4 mills dropped in 2024 alone (10% decrease for both city and county)

Comparative Rankings:

- Kansas City, Kansas, ranks 15th of 26 first-class cities in mill rates
- Wyandotte County ranks 98th of 105 counties (only 7 counties have lower rates)

Alan Howze, Assistant County Administrator, outlined four established priorities:

- Upholding fiscal sustainability
- Foster economic development
- Focus on service and communication
- Improve infrastructure

Mr. Lindsey, Budget Director, presented fund information and scenarios for both city and county:

County General Fund:

- Current mill rate: 33.5 mills generating $112 million
- Property taxes: $69 million (62% of revenue)
- Sheriff's Department: 46% of expenditures
- Personnel costs: 67% of the budget

City General Fund:

- Current mill rate: 34 mills generating $181 million
- Sales tax: 34% of revenue
- BPU Pilot: 22% of revenue
- Property tax: 21% of revenue
- Fire Department: 34% of expenditures
- Police Department: 34% of expenditures
- Personnel costs: 80% of budget

Budget Challenges:

County Fund Analysis:

- 4 mill reduction in 2025
- 6 mill reduction since 2021
- Sheriff's reimbursements down (KDADS and Housing)
- 2025 Fund balance reserve at critically low 5% (target is 25%)
- Projected $3.4 million overspend in 2025
- Projected $6.2 million deficit in 2026

City Fund Analysis:

- 4 mill reduction in 2025
- Flat/slow growing sales tax and BPU pilot revenues
- Fund balance at 18% with reserves (target is 25%)
- Projected $5 million overspend in 2025
- Projected $5.5 million deficit in 2026
- Transit losing $2.9 million in ARPA/COVID funding

Scenario Analysis:

Mr. Lindsey presented three scenarios for both city and county:

1. **Revenue Neutral:** 0% property tax growth
2. **Full Valuation:** 7% property tax growth (maintaining current mill rates)
3. **Proposed Maximum:** 23% property tax increase (5 additional mills)

Forest County General Fund Scenarios:

- Revenue Neutral: $9.3 million deficit, /4.7% fund balance
- Full Valuation: $5.5 million deficit, -0.6% fund balance
- Maximum Mill Levy: $5.6 million surplus, 11.2% fund balance

Forecast City General Fund Scenarios:

- Revenue Neutral: $7.1 million deficit requiring cuts, 13% fund balance
- Full Valuation: $4.6 million deficit, 14.5% fund balance
- Maximum Mill Levy: $5.2 million surplus, 20% fund balance

Property Tax Impact: One mill on a $200,000 house equals $24 annually. Five additional mills would cost $120 per year for both city and county residents.

County Administrator David Johnston recommended establishing a maximum mill levy cap of 5 additional mills for both city and county to provide flexibility during the budget process, continue current service levels, and prevent workforce reductions.

Alternative Budget Reduction Options:

- Reduce department budgets by 5%
- Eliminate capital spending
- Freeze vacant positions
- Personnel reductions
- Reduce incentives and rebates
- Cut non-mandated programs

The Mayor opened the public hearing. The following comments were received:

The Clerk read the following comments submitted:

- Scott Harding **(Comment Begins 1:37:25)**
- Matthew Bursar **(Comment Begins 1:39:20)**
- Maggie Watson **(Comment Begins 1:40:11)**
- Susan Eubanks **(Comment Begins 1:41:45)**
- J. Chris Wing **(Comment Begins 1:42:03)**
- Katherine Green **(Comment Begins 1:44:40)**
- Jackie Anderson **(Comment Begins 1:45:20)**
- Gary Warrell **(Comment Begins 1:45:57)**
- Dennis Grendel **(Comment Begins 1:46:22)**
- Nick Cabrini **(Comment Begins 1:47:02)**
- Steven Jennings **(Comment Begins 1:49:29)**
- Mary Jean Grindle **(Comment Begins 1:49:42)**

The following individuals appeared in person or via Zoom:

- Ross Stewart **(Comment Begins 1:51:53)**
- Stephanie Bell **(Comment Begins 1:53:40)**
- Dr. Willie Lawrence, Jr. **(Comment Begins 1:54:41)**
- Neal Palmer **(Comment Begins 1:57:12)**
- Marcus Wynn **(Comment Begins 1:59:38)**
- Sam Voyles **(Comment Begins 2:01:23)**
- Albert McComas **(Comment Begins 2:03:39)**
- Carl Kimbrell **(Comment Begins 2:05:34)**
- Manny Stevens **(Comment Begins 2:09:26)**
- CeCe Harlin **(Comment Begins 2:12:07)**
- Bob Stoneking Jr. **(Comment Begins 2:13:57)**
- John McAllister **(Comment Begins 2:15:52)**
- Alex Sanchez **(Comment Begins 2:18:27)**
- Fred Hull **(Comment Begins 2:21:10)**
- Kirk Wiggins **(Comment Begins 2:23)**
- Dr. Alma Hall **(Comment Begins 2:28:24**

- Fannie Hill **(Comment Begins 2:28:04)**
- Tim Lewis **(Comment Begins 2:30:54)**
- Lisa Walker Yeager **(Comment Begins 2:32:30)**
- Carolyn Wyatt **(Comment Begins 2:35:48)**
- Fred Postlewait **(Comment Begins 2:38:48)**
- Eva Garcia Mesa **(Comment Begins 2:40:50)**
- Allison Williamson **(Comment Begins 2:43:26)**
- Jordan Michael Tyner Mackey **(Comment Begins 2:45:57)**
- Corie Hall **(Comment Begins 2:47:21)**
- Thomas Barnes **(Comment Begins 2:48:50)**
- Nanette Tucker **(Comment Begins 2:50:42)**
- Cheryl Yates **(Comment Begins 2:52:15)**
- Randy Naye **(Comment Begins 2:53:50)**
- Jessie Villarreal **(Comment Begins 2:55:20)**
- Carrie McCarthy **(Comment Begins 2:57:52)**
- Robert Johnson **(Comment Begins 3:00:30)**
- Stephanie Barton **(Comment Begins 3:02:46)**
- Catherine Holm **(Comment Begins 3:04:23)**

The Mayor closed the public hearing.

Mayor Garner left at 11:13 PM and returned at 11:16 PM. Commissioner Burroughs acted as Mayor Pro Tem in his absence.

Commissioner Bynum made a motion to suspend Rule 5.17 at 11:58 p.m. The motion was seconded by Commissioner Davis.

Vote: Motion carries 7/3

- Ayes: Bynum, Davis, Kane, Ramirez, Townsend, Burns, Hill
- Nays: Burroughs, Lopez, Stites
- Absent: None

Mayor Garner made a motion to table the discussion and bring the discussion to a special session on July 17, 2025 at 5 PM. The motion was seconded by Commissioner Townsend.

Vote: Motion carries 6/5

- Ayes: Bynum, Burroughs, Townsend, Hill, Stites, Garner
- Nays: Burns, Ramirez, Kane, Lopez, Davis
- Absent: None

Commissioner Stites left the meeting at 12:29 a.m.

Administrator's Agenda:

Item No. 1 - ORDINANCE: APPROPRIATING FUNDS FOR CAPITAL OUTLAY FOR SOIL REMOVAL (Discussion Begins: 5:23:45)

Jeff Miles, Sanitary Waste Director, presented an ordinance appropriating funds for soil removal at Kaw Point. The contaminated soil heap from the 1980s must be removed immediately under EPA and KDHE requirements. The cost is $18,000 per week while waiting, and the project will use cash reserves while maintaining the 25% reserve requirement.

Commissioner Stites made a motion to adjourn, and any other business be carried to the July 17 meeting.

Commissioner Stites rescinded his motion.

Commissioner Kane made a motion to approve the ordinance. The motion was seconded by Commissioner Davis.

Vote: Motion carries 9/0

- Ayes: Lopez, Bynum, Burroughs, Davis, Kane, Ramirez, Townsend, Burns, Hill
- Nays: None
- Absent: Stites
-

Commissioner Ramirez made a motion to adjourn and reconvene as the Land Bank Board of Trustees. The motion was seconded by Commissioner Davis. (Discussion Begins 5:26:41)

Vote: Motion carries 9/0

- Ayes: Lopez, Bynum, Burroughs, Davis, Kane, Ramirez, Townsend, Burns, Hill
- Nays: None
- Absent: Stites

<u>Land Bank Board of Trustees Consent Agenda:</u> (Discussion Begins: 5:27:15)

Item No. 1: LAND BANK OPTIONS

Item No. 2: LAND BANK TRANSFERS

Commissioner Davis made a motion to approve the consent agenda. The motion was seconded by Commissioner Ramirez.

Vote: Motion carries 9/0

- Ayes: Lopez, Bynum, Burroughs, Davis, Kane, Ramirez, Townsend, Burns, Hill
- Nays: None
- Absent: Stites

<u>Adjournment:</u> (Discussion Begins 5:27:42)

Commissioner Kane made a motion to adjourn the meeting. The motion was seconded by Commissioner Davis.

Vote: Motion carries 9/0

- Ayes: Lopez, Bynum, Burroughs, Davis, Kane, Ramirez, Townsend, Burns, Hill
- Nays: None
- Absent: Stites

MAYOR GARNER

ADJOURNED THE MEETING AT 12:31 A.M.

July 10, 2025

_____

Monica L. Sparks, CMC

Unified Government Clerk

MLS

CONSENT AGENDA ITEM NO. _____

Unified Government of Wyandotte County and Kansas City, Kansas

Board of Commissioners

Commission Chambers
701 N. 7th Street Trafficway, Kansas City, KS 66101

Mayor Christal E. Watson
Commissioner At-Large Dist. 1 Melissa Bynum – Commissioner At-Large Dist. 2 Andrew Kump –
Commissioner Dist. 1 Jermaine Howard – Commissioner Dist. 2 Bill Burns –
Commissioner Dist. 3 Christian Ramirez – Commissioner Dist. 4 Evelyn Hill –
Commissioner Dist. 5 Carlos Pacheco – Commissioner Dist. 6 Phil Lopez –
Commissioner Dist. 7 Chuck Stites – Commissioner Dist. 8 Andrew Davis

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MINUTES

Thursday, April 2, 2026
5:30 PM – 6:50 PM

Attendance:

Commissioners Present:

- Mayor CEO Christal E. Watson
- Commissioner Melissa Bynum
- Commissioner Jermaine Howard
- Commissioner Bill Burns
- Commissioner Evelyn Hill
- Commissioner Carlos Pacheco
- Commissioner Phil Lopez
- Commissioner Chuck Stites
- Commissioner Christian Ramirez
- Commissioner Andrew Kump

Commissioners Absent:

- Commissioner Andrew Davis

Staff Present:

- Bridgette Cobbins (Assistant County Administrator)
- Monica L. Sparks (Unified Government Clerk)
- Angela Lawson (Acting Chief Counsel)
- Terrie Garrison (Interim Health Director)

Call to Order

Mayor Watson called the meeting to order at 5:30 P.M. The invocation was led by Chaplain Annie Erickson from Riverside Unity Church [NOVO Mission], followed by the Pledge of Allegiance.

Revisions to Agenda: (Discussion Begins 4:00)

The Clerk reported there was an agenda update issued, adding Section 13 for an Executive Session and removing the resolution regarding the Homefield community investment from the Consent Agenda to the Standing Committee agenda.

Consent Agenda: (Discussion Begins 4:24)

Item No. 1 – RESOLUTION: LETTER OF INTENT BETWEEN THE UNIFIED GOVERNMENT AND SANTA FE GROCERS

Item No. 2 – RESOLUTION: TRANSFER OF FUNDS SENIOR CITIZEN TAX REFUND PROGRAM

Item No. 3 – APPOINTMENT: BOARDS AND COMMISSIONS

Item No. 4 – MINUTES

Item No. 5 – WEEKLY BUSINESS

Commissioner Ramirez made a disclosure regarding Santa Fe Grocers, stating that Mr. Estrada is family, but there is no financial interest. After consulting with Legal and the Ethics Code, Commissioner Ramirez confirmed there is no conflict of interest, but wanted to make the disclosure to the board.

Commissioner Ramirez made a motion to approve all items on the consent agenda. The motion was seconded by Commissioner Burns.

Vote: Motion carries 9/0

- Ayes: Stites, Bynum, Kump, Howard, Burns, Ramirez, Hill, Pacheco, Lopez
- Nays: None
- Absent: Davis

<u>Standing Committee's Agenda:</u>(Discussion Begins 5:48)

Item No. 1 – RESOLUTION: HOMEFIELD COMMUNITY INVESTMENT (MOVED PER AGENDA UPDATE)

Commissioner Bynum provided remarks explaining that Homefield agreed to a multi-million dollar community investment as part of their development agreement. Commissioner Bynum thanked Homefield and the owners for their significant community investment and asked Mr. LaSala to provide an overview.

Todd Lasala explained that the resolution addresses a $4.35 million community investment requirement from the Homefield development agreement, to be focused on downtown or historically urban areas. Homefield proposed investing in attainable housing.

Two changes were made to the letter agreement following committee feedback:

1. Language encouraging the use of land bank lots for homes
2. Requirement for quarterly reports to the committee on progress, lot locations, construction costs, and pricing

Mr. Knapper from Homefield was present to answer questions.

Commissioner Bynum made a motion to adopt the resolution. The motion was seconded by Commissioner Kump.

Vote: Motion carries 9/0

- Ayes: Stites, Bynum, Kump, Howard, Burns, Ramirez, Hill, Pacheco, Lopez
- Nays: None
- Absent: Davis

Commissioner Bynum made a motion to adjourn and reconvene as the Wyandotte County Board of Health. The motion was seconded by Commissioner Kump. (Discussion Begins 9:45)

Vote: Motion carries 9/0

- Ayes: Stites, Bynum, Kump, Howard, Burns, Ramirez, Hill, Pacheco, Lopez
- Nays: None
- Absent: Davis

Board of Health Regular Agenda:(Discussion Begins 10:20)

Item No. 1 – QUARTERLY UPDATE: BOARD OF HEALTH

Assistant County Administrator Bridgette Cobbins introduced Terrie Garrison for the presentation. Terrie Garrison, Interim Director for the Wyandotte County Public Health Department, provided the following updates:

Key Points:

Infectious Disease Updates:

- **Measles:** One case previously identified through KCI; recent case in Kansas City, Missouri. No known cases in Wyandotte County
    A. 2025 saw highest measles cases in US in three decades; 2026 projected to surpass that
    B. Wyandotte County kindergarten MMR vaccination coverage for 2024-25 school year was 83% (up from 75% previous year), but 95% needed for herd immunity
- **Tuberculosis:** As of April 1, 2026: 13 active cases and 16 latent cases (up from 6 active and 13 latent when slides were prepared)
    A. Higher than usual but not considered an outbreak. Typically see 10-15 active TB cases annually when no outbreak present
- **RSV:** Started later this year, expected to last longer into spring
    A. Increases seen through mid-March in children under 13
- **COVID and Flu:** Decreased after earlier winter increases
    A. Eight flu deaths this season compared to five and six in the previous two seasons

FIFA World Cup Preparations:

- Bi-weekly internal meetings across health department programs, monthly meetings with the state
- Collaboration with Mid America Regional Council on communications and regional coordination

County Health Rankings:

- No longer uses numerical rankings within the state; shows comparison to state and national averages
- Wyandotte County ranks in the middle range for population health and well-being nationally and statewide
- Challenges identified in primary care providers, dental care access, and social determinants of health

Key Statistics:

- Uninsured rate: 15% (improved from 24% in 2010), still below the Kansas state and national rates
- Primary care providers: Lower ratio than state and national averages
- Poverty and education: Below state and national standards

This item was for information only, and no action was required.

Commissioner Kump made a motion to adjourn and reconvene as the Board of Commissioners. The motion was seconded by Commissioner Ramirez. (Discussion Begins 39:31)

Vote: Motion carries 9/0

- Ayes: Stites, Bynum, Kump, Howard, Burns, Ramirez, Hill, Pacheco, Lopez
- Nays: None
- Absent: Davis

Executive Session (ADDED PER AGENDA UPDATE): Discussion Begins 40:10)

Motion made by Commissioner Bynum that the Commission convene into Executive Session until 6:40 p.m. in the 5th floor conference room to consult with our attorneys on matters relating to employer-employee negotiations whether or not in consultation with the representative or representatives of the public body to agency, as permitted under the Kansas Open Meetings Act; and that Angela Lawson remain as needed to participate in the discussion.

The motion was seconded by Commissioner Kump.

Vote: Motion carries 9/0

- Ayes: Stites, Bynum, Kump, Howard, Burns, Ramirez, Hill, Pacheco, Lopez
- Nays: None
- Absent: Davis

Present for the Executive Session: Kump, Howard, Burns, Ramirez, Hill, Pacheco, Lopez, Stites, and Watson, Mayor/CEO; presiding. Staff Present: Angela Lawson, Interim Chief Counsel.

Mayor Watson reconvened back into Special Meeting at 6:40 p.m.

Mayor Watson asked for a motion to go back into Executive Session.

Commissioner Bynum made a motion to extend the Executive Session until 6:50 p.m.

The motion was seconded by Commissioner Kump.

Vote: Motion carries 9/0

- Ayes: Stites, Bynum, Kump, Howard, Burns, Ramirez, Hill, Pacheco, Lopez
- Nays: None
- Absent: Davis

Mayor Watson reconvened back into Special Meeting at 6:50 p.m.

Adjournment:

Commissioner Bynum moved to adjourn the meeting. The motion was seconded by Commissioner Lopez.

Vote: Motion carries 9/0

- Ayes: Stites, Bynum, Kump, Howard, Burns, Ramirez, Hill, Pacheco, Lopez
- Nays: None
- Absent: Davis

MAYOR WATSON

ADJOURNED THE MEETING AT 6:50 P.M.

April 2, 2026

_____

Monica L. Sparks, CMC

Unified Government Clerk

ML

CONSENT AGENDA ITEM NO. _____

Unified Government of Wyandotte County and Kansas City, Kansas

BOARD OF COMMISSIONERS

Commission Chambers
701 N. 7th Street Trafficway, Kansas City, KS 66101

Mayor Christal E. Watson
Commissioner At-Large Dist. 1 Melissa Bynum – Commissioner At-Large Dist. 2 Andrew Kump –
Commissioner Dist. 1 Jermaine Howard – Commissioner Dist. 2 Bill Burns –
Commissioner Dist. 3 Christian Ramirez – Commissioner Dist. 4 Evelyn Hill –
Commissioner Dist. 5 Carlos Pacheco – Commissioner Dist. 6 Phil Lopez –
Commissioner Dist. 7 Chuck Stites – Commissioner Dist. 8 Andrew Davis

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MINUTES

SPECIAL MEETING

Thursday, April 23, 2026
6:17 PM – 8:10 PM

Attendance:

Commissioners Present:

- Mayor Christal E. Watson
- Commissioner Bynum
- Commissioner Kump
- Commissioner Howard
- Commissioner Hill
- Commissioner Lopez
- Commissioner Stites

Commissioners Absent:

- Commissioner Burns
- Commissioner Ramirez
- Commissioner Pacheco
- Commissioner Davis

Staff Present:

- Monica L. Sparks (Unified Government Clerk)
- David Johnston (County Administrator)
- Angela Lawson (Interim Chief Legal Counsel)
- Shelley Kneuvean (Chief Financial Officer)
- Debbie Jonscher (Deputy Chief Financial Officer)

Call to Order:

Mayor Watson called the meeting to order at 6:17 PM.

Notice and Consent to Meeting:

NOTICE OF SPECIAL MEETING of the Unified Government of Wyandotte County/Kansas City, Kansas, is scheduled to be conducted in a hybrid format on Thursday, April 23, 2026, at 6:15 p.m. for consideration of an ordinance related to Board of Public Utilities Water and Electric Lines Central Avenue to State Line project and a budget workshop related to debt strategy in the fifth-floor conference room of the Municipal Office Building, 701 N. 7th Street, Kansas City, Kansas.

CONSENT TO MEETING of the governing body of Wyandotte County/Kansas City, Kansas, accepting service of the foregoing notice, waiving all and any irregularities in such service and in such notice, and consent and agree that we, the governing body, shall meet at the time and place therein specified and for the purpose therein stated.

ADMINISTRATOR'S AGENDA

Item No. 3.1 ORDINANCE: BOARD OF PUBLIC UTILITIES WATER AND ELECTRIC LINES CENTRAL AVENUE TO STATE LINE PROJECT (Discussion begins: 00:00:07))

Angela Lawson, Acting Chief Counsel, presented the ordinance, noting that members of the BPU were present for any additional questions about the project.

Commissioner Bynum made a motion to approve the ordinance. The motion was seconded by Commissioner Howard.

Vote: Motion carries 6/0

- Ayes: Bynum, Kump, Howard, Hill, Lopez, Stites
- Nays: None
- Absent: Davis, Burns, Ramirez, Pacheco

Item No. 3.2 - PRESENTATION: DEBT STRATEGY (Discussion begins: 00:01:15)

County Administrator David Johnston introduced Chief Financial Officer, Shelley Kneuvean, who provided an extensive presentation covering:

Overview of Debt Strategy

CFO Kneuvean outlined the presentation structure:

- Recap of debt strategy supported by Mayor and Commission in previous year
- Recommendations for upcoming budget
- Three-year and ten-year debt outlook

Types of Debt and Funding Mechanisms

Capital Asset Financing: Debt is used for capital projects with significant lifecycles (typically 20+ years) including roads, sewers, and water lines.

Funding Methods:

- Cash funding (preferred due to no interest costs)
- Lease financing (3–10-year terms for equipment like fire trucks)
- Bond financing (20–30-year terms for major infrastructure)

Current Debt Portfolio

Outstanding Principal and Interest by Type:

- City General Obligation/PBC: $301 million (property tax funded)
- Sanitary Sewer Related: $249 million (rate funded)
- County PBC: $44 million (property tax funded)
- **Total Outstanding Debt:** $657 million

Annual Debt Service Impact

The presentation showed annual payment requirements and growth percentages over the last 10 years:

- City General Fund: 72% increase
- County: 270% increase (smaller base amount)
- Sanitary Sewer: 180% increase (consent decree related)
- Storm Sewer: 130% increase (small amounts)

Debt Process Changes

CFO Kneuvean explained process improvements implemented in the previous year:

- Elimination of spending authorization before debt issuance
- Removal of temporary notes to permanent debt conversion
- Implementation of project-specific debt authorization

City General Fund Debt Strategy

Current Challenge: 40% of property taxes are used for debt service, which exceeds best practices of 10-20%.

Ten-Year Strategy:

- 2028: $2.8 million in debt retirement creating capacity
- 2031: $6.1 million in debt retirement (largest opportunity)
- Conversion formula: $13 million in debt capacity = $1 million annual payment
- Tax reduction formula: $1.8 million debt reduction = 1 mill property tax reduction

Three-Year Plan (2026-2028):

- 2026: $10 million new debt authorized
- 2027: Recommended $10 million limit
- 2028: Recommended $18 million limit
- Strategy maintains current annual payment levels without compounding debt burden

County General Fund Analysis

County Debt Characteristics:

- Only 5% of property taxes are used for debt service (healthy level)
- Primary challenge: insufficient funding for operations (jail, courts, sheriff)
- Structural imbalance with reserves at 7% (policy requires 25%)

Recommendation: No new county debt issuance for 2027 due to operational funding constraints.

Sanitary Sewer Enterprise Fund

Funding Structure:

- Primary revenue source: User rates ($56.2 million projected for 2026)
- Additional revenue: Investment income ($2 million), connection fees
- Current debt service: 30% of rates ($18 million annually)

Budget Allocation:

- Operations and personnel: 58%
- Cash capital: 14%
- Debt payments: 30%

Rate Increase Considerations: The Mayor questioned adequacy of current rates.

CFO Response: Rate increase recommendations are pending Commission decision:

- Current year: 4% approved, requesting additional 1%
- Next year: Options of 4% or 7% increase
- Increases necessary due to infrastructure needs and consent decree requirements

Debt Issuance Process and Timeline

Immediate Actions for 2026:

- City: $10 million general obligation debt (fire station, police station, roads)
- Sewer: $33.8 million (pending rate decisions)

Process Timeline:

- Ordinance approval by Commission
- Legal document preparation
- Bond marketing and rating agency review
- Investor bidding process
- 30-day closing period

COMMISSIONER QUESTIONS AND DISCUSSION

Mayor's Question : The Mayor inquired about project delays related to Consent Decree requirements.

CFO Response: Some delays occurred (approximately 6 months) but will not affect overall consent decree compliance. Delays were primarily due to revenue neutral budget decisions and rate-setting requirements.

Commissioner Bynum

Question: Inquired about prepayment options for debt, similar to mortgage principal payments.

CFO Response: General obligation bonds typically have 10-year call provisions. Current callable bonds are at 2-3% interest rates, making prepayment financially inadvisable with current 4.2% market rates.

Commissioner Hill

Question: Sought clarification on the 40% debt service figure and historical context.

CFO Response: Confirmed 40% of property tax revenue (not total budget) goes to debt service on city side. County side only uses 5% for debt service but faces operational funding challenges.

Commissioner Lopez

Questions: Multiple inquiries about cost-cutting measures, inter-departmental efficiency, and resource utilization between departments.

Observations: Noted opportunities for operational cost reductions through better coordination between BPU, Wastewater, and Fleet operations.

Commissioner Stites

Comments: Emphasized need for spending reduction discussions rather than focusing solely on debt issuance and rate increases.

Request: Asked when Commission will discuss asset reduction and cost efficiency measures rather than increasing taxpayer burden.

FINANCIAL ANALYSIS HIGHLIGHTS

WIFIA vs. General Obligation Bonds:

- WIFIA currently has 1% higher interest than GO bonds
- WIFIA offers 5-year payment deferral but higher total costs
- GO bonds provide better overall financial terms currently
- CFO monitors all options for most cost-effective approach

State Revolving Fund:

- Preferred option when available (2.8% interest rate)
- Limited availability requires supplemental funding sources

Adjournment (Discussion Begins: 01:50:40)

Commissioner Howard made a motion to adjourn. The motion was seconded by Commissioner Lopez.

Vote: Motion carries 6/0

- Ayes: Bynum, Kump, Howard, Hill, Lopez, Stites
- Nays: None
- Absent: Davis, Burns, Ramirez, Pacheco

MAYOR WATSON ADJOURNED

THE MEETING AT 8:10 P.M.

_____

Monica L. Sparks, CMC
Unified Government Clerk

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CONSENT AGENDA NO. _____

Unified Government Clerk's Office

Monica Sparks, CMC
Unified Government Clerk

701 North 7th Street, Suite 323
Kansas City, Kansas 66101-3070

Phone: 913-573-5260
Fax: 913-573-5299
http://www.wycokck.org

Memorandum

To: David Johnston
County Administrator

From: Monica L. Sparks
UG Clerk

Date: March 12, 2026

Re: Weekly Business Material

Attached is a listing of weekly business items presented to the Unified Government of Wyandotte County/Kansas City, Kansas, for informational purposes.

In addition to the listing of the items, we have indicated the action taken by the Unified Government Clerk.

Attachments

BJS

1. **CLAIMS:**
   - Yasmeen Coleman and Naeemah Coleman, Kansas City, KS, alleging damage to personal property on 07/16/2025 through 07/17/2025.
   - Glenn Davis, Kansas City, KS, alleging damage to personal property on 12/01/2025.
   - Russell Madsen and Samantha Highland, Kansas City, KS, alleging damage to personal property on 01/26/2026.
   - Matthew and Abby Raveill, Kansas City, KS, alleging damage to personal property on 07/17/2025.

   Action: Received and filed. Copies previously forwarded to Legal.

2. **TRAVEL REQUESTS:**
   - Rodney Ashley Jr., Kansas City Kansas Fire Department, travel to Ozark, MO, from 02/28/2026 through 02/28/2026, to attend Deputy Hislope and Deputy Ramirez Funerals, Employee Training and Travel.
   - Maya Banks, Kansas City Kansas Police Department, travel to Wichita, KS, from 04/13/2026 through 04/16/2026, to attend 2026 KS Crime Victims' Rights Conference, 100% VOCA Training and Travel.
   - David W. Johnston, County Administrator's Office, travel to Washington, DC, from 02/28/2026 through 03/04/2026, to attend IEDC 2026 Leadership Summit, Employee Training and Travel.
   - Daniel Kuhn, Legal Department, travel to Boston, MA, from 04/21/2026 through 04/24/2026, to attend 2026 Annual Wet Weather Workshop, Employee Training and Travel.
   - Andrew Loaiza and Mary Stilwell, District Attorney's Office, travel to St. Louis, MO, from 04/13/2026 through 04/16/2026, to attend Karpel Annual User Group Event, Employee Training and Travel.
   - Brett McCoy, Kansas City Kansas Fire Department, travel to Indianapolis, IN, from 04/21/2026 through 04/25/2026, to attend FDIC 2026, Employee Training and Travel.
   - Dennis L. Rubin, Kansas City Kansas Fire Department, travel to Indianapolis, IN, from 04/20/2026 through 04/24/2026, to attend FDIC 2026, All cost covered.
   - John Russell, Wyandotte County Sheriff's Department, travel to Omaha, NE, from 06/07/2026 through 06/11/2026, to attend National Sheriff's Association Conference, Training/Travel SL053.
   - Claudia St. John, Public Works - Engineering, travel to San Diego, CA, from 07/12/2026 through 07/17/2026, to attend ESRI User Conference, Employee Training and Travel.

   Action: Approved by Administrator's Office and received and filed.

5. **APPLICATIONS FOR PRIVATE SECURITY:**
   - GardaWorld Security Services, d/b/a GardaWorld Security Services, 6700 Antioch Rd., Ste. 140, Merriam, KS 66204.

   Action: Referred to License.

CONSENT AGENDA NO. _____

Unified Government Clerk's Office

Monica Sparks, CMC
Unified Government Clerk

701 North 7th Street, Suite 323
Kansas City, Kansas 66101-3070

Phone: 913-573-5260
Fax: 913-573-5299
http://www.wycokck.org

Memorandum

To: David Johnston
County Administrator

From: Monica L. Sparks
UG Clerk

Date: March 26, 2026

Re: Weekly Business Material

Attached is a listing of weekly business items presented to the Unified Government of Wyandotte County/Kansas City, Kansas, for informational purposes.

In addition to the listing of the items, we have indicated the action taken by the Unified Government Clerk.

Attachments

BJS

1. **COMMUNICATION:**
   - Financial Statements for Water District No. 1 of Johnson County, Kansas, for the year ending December 31, 2025.

   Action: Received and filed.

1. **CLAIMS:**
   - Horace Brown, Kansas City, KS, granting power of attorney on 12/15/2023.
   - Gregory Gay, Shawnee, KS, alleging damage to personal vehicle on 03/05/2026.
   - Carolyn Stephen, Kansas City, KS, alleging damage to personal property on 12/02/2025.
   - James Watson, Kansas City, MO, alleging damage to personal vehicle on 02/25/2026.

   Action: Received and filed. Copies previously forwarded to Legal.

2. **TRAVEL REQUESTS:**
   - Chad Casper, Andrew Lewis, Joe Markovich, and Andrew Wilcox, Kansas City, Kansas, Police Department, travel to Ozark, MO, from 02/27/2026 through 02/28/2026, for Line of Duty Death Escort, Employee Training and Travel.
   - Alaine Cawthon and Kris Van Zandt, District Attorney's Office, travel to New Orleans, LA, from 04/06/2026 through 04/09/2026, to attend End Violence Against Women International 26 Conference, Employee Training and Travel.
   - Natalie Fiorella and Kris Van Zandt, District Attorney's Office, travel to Wichita, KS, from 04/14/2026 through 04/16/2026, to attend Crime Victims' Rights Conference (CVRC), Employee Training and Travel.
   - Sarah Shafer, Public Works/Engineering, travel to Charlotte, NC, from 04/13/2026 through 04/17/2026, to attend Center for Watershed Protection 2026 National Conference, Employee Training and Travel.
   - Andrew Taylor, District Attorney's Office travel to St. Louis, MO, from 04/13/2026 through 04/16/2026, to attend Karpel Annual User Group Event, Employee Training and Travel.

   Action: Approved by Administrator's Office and received and filed.

4. **BUSINESS BONDS:**
   - Electrical Bonds:
     - 435 Electric, LLC
     - Adam R. Davey dba Lesser Electric, Inc.
     - Brightside Electric LLC
     - Crockett Electric Company, Inc.
     - IES Residential, Inc.
     - J D Nunez Electric LLC
     - Jimenez Heating
     - Lynn Electric & Communications Inc.
     - PM Contracting, Inc.

- PRMEnterprise LLC DBA Prime Electric
- Pro Circuit, Inc

- Plumber's Bonds:
  - Jimenez Heating
  - Martin Mechanical Inc
  - PM Contracting, Inc.
- Mechanical/HVAC Bonds:
  - Central Industrial Sheet Metal Works
  - Comfort Engineering, LLC
  - Indoor Air Specialists
  - KC HVAC d/b/a – KC HVAC

Action: Referred to License.

5. CONTINUATION CERTIFICATES:

- Electrical Bonds:
  - Skyview Utilities LLC
- Plumber's Bonds:
  - Alliance Mechanical Contractors LLC
- Mechanical/HVAC Bonds:
  - 9018 Enterprises LLC DBA Comfort Systems Heating Cool and Plumbing
  - B & C Mechanical Services, LLC
  - West Heating and Cooling, Inc
- Beverage System Installation & Service Contractor:
  - Todco Beverage LLC

Action: Referred to License.

6. CANCELLATION NOTICE OF INSURANCE/BOND:

- Electrical Bond:
  - Al's Electrical Maintenance
- Plumber's Bonds:
  - Becerra Plumbing LLC
  - Plumber Time, LLC
- Mechanical/HVAC Bond:
  - CLR Heating and Cooling LLC

Action: Referred to License.

7. APPLICATIONS FOR CMB LICENSE (PKG):

- My Store III Inc, Yadira De La Fuente, d/b/a Speed Stop, 9801 Parallel Pkwy, Kansas City, KS 66111.

Action: Referred to License.

8. APPLICATIONS FOR CMB LICENSE (OP):

- Chipotle Mexican Grill of Kansas LLC, Rick Rehorn, d/b/a Chipotle Mexican Grill #4036, 7750 State Ave, Kansas City, KS 66112.

Action: Referred to License.

9. APPLICATIONS FOR DRINK EST./PUBLIC VENUE:

- Big Boy Bacon Corp, William W Hutton, d/b/a Blind Box BBQ, 1601 Village West Pkwy, Kansas City, KS 66111.

Action: Referred to License.

10. APPLICATIONS FOR CATERER/DRINK EST/HOTEL:

- HFMGV KCK Owner LLC, d/b/a Margaritaville Hotel Kansas City, 1491 N 98th Ter, Kansas City, KS 66111.

Action: Referred to License.

11. APPLICATIONS FOR MASSAGE THERAPIST LICENSE:

- LaShuna Talley, d/b/a Chateau Avalon Hotel & Spa, 701 Village West Pkwy, Kansas City, KS 66111.
- Kassie Watson, d/b/a/ Talkenna Yoga & Massage/Kaw Point Massage, 8833 State Ave – Ste 2, Kansas City, KS 66112.
- Katelyn Wigginton, d/b/a Kaw Point Massage, 8833 State Ave – Ste 2, Kansas City, KS 66112.

Action: Referred to License.

12. APPLICATIONS FOR MASSAGE THERAPY BUSINESS LICENSE:

- Kassie Watson, d/b/a/ Talkenna Yoga & Massage/Kaw Point Massage, 8833 State Ave, Kansas City, KS 66112.

Action: Referred to License.

13. APPLICATIONS FOR PRIVATE SECURITY:

- BKI Services, d/b/a/ BKI Services, 315 S Baker Blvd, Carthage, MO 64836.

- St. Moritz Security Services, Inc., d/b/a St. Moritz Security Services, Inc., 2900 Southwest Wanamaker Dr., Ste. 204., Topeka, KS 66614.

Action: Referred to License.

CONSENT AGENDA NO. _____

Unified Government Clerk's Office

Monica Sparks, CMC
Unified Government Clerk

701 North 7th Street, Suite 323
Kansas City, Kansas 66101-3070

Phone: 913-573-5260
Fax: 913-573-5299
http://www.wycokck.org

Memorandum

To: David Johnston
County Administrator

From: Monica L. Sparks
UG Clerk

Date: April 2, 2026

Re: Weekly Business Material

Attached is a listing of weekly business items presented to the Unified Government of Wyandotte County/Kansas City, Kansas, for informational purposes.

In addition to the listing of the items, we have indicated the action taken by the Unified Government Clerk.

Attachments

BJS

1. **CLAIMS:**
   - Lauren Storch, Kanas City, KS, alleging loss of personal property on unknown date.

   Action: Received and filed. Copies previously forwarded to Legal.

2. **MISCELLANEOUS:**
   - Francesca's Acquisition, LLC, et al., Case No. 26-11312, 03/26/2026, Final Order (I) Approving and Authorizing the Debtors to Assume and Perform Under the Store Closing Consulting Agreement, (II) Approving Procedures for Store Closing Sales, (III) Approving Modifications to Certain Customer Programs, and (IV) Granting Related Relief.

   Action: Received and filed. Copies previously forwarded to Legal.

3. **TRAVEL REQUESTS:**
   - Uzoamaka Amachree and Tresza Hutcheson, Health Department/Community Health/Tobacco, travel to Baltimore, MD, from 03/04/2026 through 03/07/2026, for Society for Research on Nicotine and Tobacco Annual 2026 Conference, Funded by Chronic Disease Risk Reduction Grant.
   - Alaine Cawthon and Emily O'Donnell, District Attorney's Office, travel to Dallas, TX, from 05/17/2026 through 05/21/2026, to attend 21st Annual Conference on Crimes Against Women, Employee Training and Travel.
   - Terrie Garrison, Health Department, travel to Wichita, KS, from 04/29/2026 through 05/01/2026, to attend 2026 Kansas Governor's Public Health Conference, Employee Training and Travel.
   - Jeff Irwin, Scarlett Mitchell, and Lily Szewc, Kansas City, Kansas, Police Department, travel to San Antonio, TX, from 04/12/2026 through 04/16/2026, to attend IHIA/TX AG Office Cold Case and Missing Persons Presents, Employee Training and Travel.
   - Anthony Lee Jr. and Jennifer Stewart, Health/Environmental Health/Lead, travel to Arlington, VA, from 04/26/2026 through 04/30/2026, to attend HUD Program Manager School, Employee Training and Travel.
   - Karl Oakman, Kansas City, Kansas, Police Department, travel to Washington, DC, from 05/12/2026 through 05/16/2026, to attend National Police Week, Employee Training and Travel.

   Action: Approved by Administrator's Office and received and filed.

4. **APPLICATIONS FOR CMB LICENSE (PKG):**
   - Concession Foods 101 LLC, Rohyali Bhatti, d/b/a Concession Foods 101, 2401 Central Ave, Kansas City, KS 66102.

   Action: Referred to License.

5. **APPLICATIONS FOR CMB LICENSE (OP):**
    - 1702 Asian Buffet Inc, Sunqi Jiang, d/b/a Golden Apple Buffet, 1702 Village West Pkwy, Kansas City, KS 66111.
    - Taco Burrito House LLC, Nadler Peralta, d/b/a Taco Burrito House LLC, 1230 Merriam Ln, Kansas City, KS 66103.

    Action: Referred to License.

6. **APPLICATIONS FOR DRINK EST./PUBLIC VENUE:**
    - Patricia Bailey, d/b/a Dad's Hole in the Wall, 1111 N 50th Ter, Kansas City, KS 66102.
    - Dewey's LLC, Rachel Mills, d/b/a Dewey's, 612 N 5th St, Kansas City, KS 66101.

    Action: Referred to License.

7. **APPLICATIONS FOR CATERER/DRINK EST/HOTEL:**
    - W D Catering LLC, W D Young, d/b/a WDY Catering, 1314 Quindaro Blvd, Kansas City, KS 66104.

    Action: Referred to License.

8. **APPLICATIONS FOR MASSAGE THERAPIST LICENSE:**
    - Aliyah Blue, d/b/a Kaw Point Massage, 8833 State Ave, Ste 2, Kansas City, KS 66112.

    Action: Referred to License.

9. **APPLICATIONS FOR PRIVATE SECURITY:**
    - Daniels Security Service, Inc., d/b/a/ Daniels Security Service, Inc., 3404 N 109th Ter, Kansas City, KS 66109.

    Action: Referred to License.

CONSENT AGENDA NO. _____

Unified Government Clerk's Office

Monica Sparks, CMC
Unified Government Clerk

701 North 7th Street, Suite 323
Kansas City, Kansas 66101-3070

Phone: 913-573-5260
Fax: 913-573-5299
http://www.wycokck.org

Memorandum

To: David Johnston
County Administrator

From: Monica L. Sparks
UG Clerk

Date: April 9, 2026

Re: Weekly Business Material

Attached is a listing of weekly business items presented to the Unified Government of Wyandotte County/Kansas City, Kansas, for informational purposes.

In addition to the listing of the items, we have indicated the action taken by the Unified Government Clerk.

Attachments

BJS

Weekly Business Material for April 3, 2026 – April 9, 2026

1. **CLAIMS:**
   - Sonia Maribel Garcia Mendoza, Kansas City, KS, alleging damage to personal vehicle on 03/21/2026.
   - Elihu Meggerson, Kansas City, KS, alleging personal injury on 09/26/2024.

   Action: Received and filed. Copies previously forwarded to Legal.

2. **APPLICATIONS FOR CMB LICENSE (OP):**
   - Lakeside Speedway Inc, Patti Clark, d/b/a Lakeside Speedway, 5615 Wolcott Dr, Kansas City, KS 66109.

   Action: Referred to License.

3. **APPLICATIONS FOR DRINK EST./PUBLIC VENUE:**
   - Club 403 Enterprises LLC, Gordon Scholes III, d/b/a 403 Club, 614 Reynolds Ave, Kansas City, KS 66101.
   - TBB Hospitality LLC, William W Hutton, d/b/a KC Monarchs Hospitality, 1800 Village West Pkwy, Kansas City, KS 66111.

   Action: Referred to License.

4. **APPLICATIONS FOR CATERER:**
   - Make Me Smile Event Management Inc, Rick Rehorn, d/b/a Brancato's Catering, 5050 Kansas Ave, Kansas City, KS 66106.

   Action: Referred to License.

5. **APPLICATIONS FOR MASSAGE THERAPY BUSINESS LICENSE:**
   - Lakisha Green, d/b/a Your Inner G Massage.com, 1955 N 63rd Dr, Kansas City, KS 66102.

   Action: Referred to License.

6. **APPLICATIONS FOR MASSAGE THERAPIST LICENSE:**
   - Lakisha Green, d/b/a Your Inner G Massage.com, 1955 N 63rd Dr, Kansas City, KS 66102.

   Action: Referred to License.

Tracking ID: 21455

Report to
Board of Commissioners

MEETING DATE	PRESENTER	DEPARTMENT
	Shelley Kneuvean, Chief Financial Officer skneuvean@wycokck.org x5849	Finance

AGENDA ITEM #7.12.

RESOLUTION: APPROVING ISSUANCE OF INDUSTRIAL REVENUE BONDS (HOMEFIELD AMD PARTNERS SENIOR HOUSING PROJECT) (ADDED PER AGENDA UPDATE)

BACKGROUND

Aapprove the adoption of a resolution determining the intent to issue Industrial Revenue Bonds in the amount of not to exceed $15,000,000 to finance the costs and equipping a Commercial Multifamily facility for the benefit of AMD Partners LLC. located at approximately 94th Street in the Homefield STAR bonds area for sales tax exemption on construction.

It is requested that this item be fast tracked to the May 7, 2026 Board of Commissioners meeting.

RECOMMENDATION

Approve
Fast Track

BUDGET IMPACTS / FINANCIAL CONSIDERATIONS

Funds will be deposited into the Community Benefit Fund upon closing of the bonds.

LEGAL/ POLICY CONSIDERATIONS

ATTACHMENTS

Homefield AMD Partners Senior Housing, Resolution of Intent - AMD Partners LLC (UG)

Approved by Mayor/Administrator to add to agenda.

AMD PARTNERS LLC SENIOR HOUSING INDUSTRIAL REVENUE BONDS (IRB)

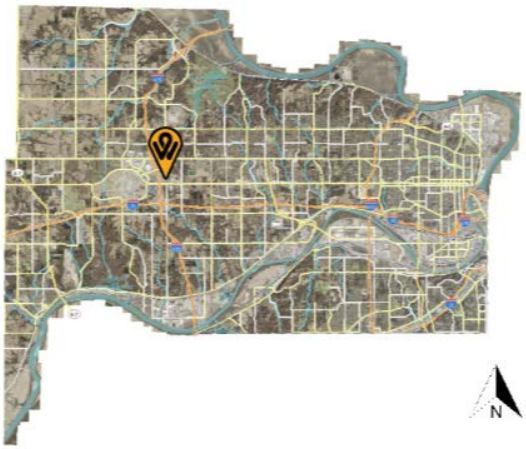
Location: Northwest Corner of 9400 State Avenue, Kansas City, Kansas

Date: May 1, 2026

Staff: Shelley Kneuvean Unified Government

Project Summary

Overview: AMD Partners LLC has submitted a request for Industrial Revenue Bonds (IRBs) to provide a construction sales tax exemption to build a 50,000 square foot multifamily facility and associated infrastructure improvements in the Homefield STAR bonds area. This development is intended to be a senior housing facility and include a Low-Income Tax Credit Application (applying at State of Kansas).



This location is in the Homefield development area near the Switch Apartments off of 94th Street. A multi-family development is permitted under the current development agreement, and the developer received the required rezoning approval from the Mayor and Commission on April 30, 2026.

When completed there will be 48 total units near the Switch Apartments, of which 24 will be 1-bedroom and 24 will be 2-bedroom units.



Total Investment: $15 million in IRBs is requested for the sales tax exemption on construction. No tax abatement of property or sales taxes are requested.

As a note, IRBs are <u>not general obligation bonds</u> and not backed by the UG; and therefore, the <u>UG has no financial risk with these types of bonds.</u>

Community Benefit Ordinance Contribution: The CBO contribution will be $52,500 of which 50% goes to the Community Benefit Fund upon closing of the bonds, or $26,250.

RESOLUTION NO. R-____-26

RESOLUTION DETERMINING THE INTENT OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS TO ISSUE ITS INDUSTRIAL REVENUE BONDS IN THE AMOUNT NOT TO EXCEED $15,000,000 TO FINANCE THE COSTS OF ACQUIRING, CONSTRUCTING AND EQUIPPING A COMMERCIAL FACILITY FOR THE BENEFIT OF AMD PARTNERS LLC AND ITS SUCCESSORS AND ASSIGNS (SALES TAX EXEMPTION ONLY)

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the "Issuer"), desires to promote, stimulate and develop the general welfare and economic prosperity of the Issuer and its inhabitants and thereby to further promote, stimulate and develop the general welfare and economic prosperity of the State of Kansas; and

WHEREAS, the Issuer is authorized and empowered under the provisions of K.S.A. 12-1740 to 12-1749d, inclusive (the "Act"), to issue industrial revenue bonds to pay the cost of certain facilities (as defined in the Act) for the purposes set forth in the Act, and to lease such facilities to private persons, firms or corporations; and

WHEREAS, AMD Partners LLC, a Missouri limited liability company (together with permitted successors and assigns, the "Company"), has submitted to the Issuer an Application for the Issuance of Industrial Revenue Bonds (the "Application") requesting that the Issuer finance the cost of acquiring, constructing and equipping an approximately 50,000 square foot multifamily facility and associated site work and infrastructure improvements, all as more fully described in the Application and approved final development plans (the "Project") through the issuance of its industrial revenue bonds in the principal amount not to exceed $15,000,000 (the "Bonds"), and to lease the Project to the Company and its successors or assigns in accordance with the Act; and

WHEREAS, it is hereby found and determined to be advisable and in the interest and for the welfare of the Issuer and its inhabitants that the Issuer finance the costs of the Project by the issuance of the Bonds under the Act in the principal amount of the Bonds not to exceed $15,000,000, such Bonds to be payable solely out of rentals, revenues and receipts derived from the lease of the Project by the Issuer to the Company.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS:

Section 1. Approval of Project. The governing body of the Issuer hereby finds and determines that the acquiring, constructing and equipping of the Project will promote the general welfare and economic prosperity of the Issuer and the issuance of the Bonds to pay the costs of the Project will be in furtherance of the public purposes set forth in the Act. The Project shall be approximately located in the vicinity of N 94th Street and State Avenue, all as further described in the Application.

Section 2. Intent to Issue Bonds. The governing body of the Issuer hereby determines and declares the intent of the Issuer to acquire, construct and equip the Project out of the proceeds of the Bonds of the Issuer in the principal amount not to exceed $15,000,000, to be issued pursuant to the Act.

Section 3. Provision for the Bonds. Subject to the conditions of this Resolution, the Issuer expresses its intent to (i) issue the Bonds to pay the costs of acquiring, constructing and equipping the Project, with such maturities, interest rates, redemption terms and other provisions as may be determined by ordinance of the Issuer; (ii) provide for the lease (with an option to purchase) of the Project to the Company; and (iii) to effect the foregoing, adopt such resolutions and ordinances and authorize the execution and delivery of such instruments and the taking of such action as may be necessary or advisable for the authorization and issuance of the Bonds by the Issuer and take or cause to be taken such other action as may be required to implement the aforesaid.

Section 4. Conditions to Issuance. The issuance of the Bonds and the execution and delivery of any documents related to the Bonds are subject to: (i) obtaining any necessary governmental approvals; (ii) agreement by the Issuer, the Company and the purchaser of the Bonds upon (a) mutually acceptable terms for the Bonds and for the sale and delivery thereof, and (b) mutually acceptable terms and conditions of any documents related to the issuance of the Bonds and the Project; (iii) the Company's compliance with all applicable codes, laws and regulations, including without limitation the Issuer's policies relating to the issuance of industrial revenue bonds and all building, zoning, and related codes applicable to the Project; (iv) the passage and publication of an Ordinance authorizing the issuance of the Bonds; and (v) Company's payment of all of the costs of issuance related to the issuance of the Bonds.

Section 5. Sale of the Bonds. The sale of the Bonds shall be the sole responsibility of the Company; provided, however, arrangements for the sale of the Bonds shall be acceptable to the Issuer.

Section 6. Limited Obligations of the Issuer. The Bonds and the interest thereon shall be special, limited obligations of the Issuer payable solely out of the amounts derived by the Issuer under a lease agreement with respect to the Bonds and are secured by a transfer, pledge and assignment of and a grant of a security interest in the trust estate to the bond trustee for the Bonds and in favor of the owners of the Bonds, all as provided in the Bond Indenture. The Bonds shall not constitute a general obligation of the Issuer, the State or of any other political subdivision thereof within the meaning of any State constitutional provision or statutory limitation and shall not constitute a pledge of the full faith and credit of the Issuer, the State or of any other political subdivision thereof and shall not be payable in any manner by taxation, but shall be payable solely from the funds provided for as provided in the Bond Indenture. The issuance of the Bonds shall not, directly, indirectly or contingently, obligate the Issuer, the State or any other political subdivision thereof to levy any form of taxation therefor or to make any appropriation for their payment.

Section 7. Authorization to Proceed. The Company is hereby authorized to proceed with the acquiring, constructing and equipping of the Project, including the necessary planning and engineering for the Project and entering into of contracts and purchase orders in connection therewith, and to advance such funds as may be necessary to accomplish such purposes, and, to the extent permitted by law and upon compliance with the other requirements of this Resolution, the Issuer will reimburse the Company for all expenditures paid or incurred therefor out of the proceeds of the Bonds.

Section 8. No Reliance on Resolution. Kansas law provides that the Issuer may only issue the Bonds by passage of an Ordinance and compliance with other state law requirements. The Issuer has not yet passed an Ordinance for the Bonds. This Resolution only evidences the intent of the current governing body to issue the Bonds for the Project. The Company should not construe the adoption of this Resolution as a promise or guarantee that the Ordinance for the Bonds will be passed or that the Project will be approved.

Section 9. Termination of Resolution. This Resolution shall terminate three (3) years from the date of the adoption of this Resolution unless (i) the Bonds have been issued for the Project or (ii) a building permit has been issued by the Issuer for the Project. The Issuer, upon the written request of the Company, may extend this time period.

Section 10. Benefit of Resolution. This Resolution will inure to the benefit of the Issuer and the Company. The Issuer may, at the prior written request of the Company, assign all or a portion of the Company's interest in this Resolution to another entity, and such assignee will be entitled to the benefits of the portion of this Resolution assigned and the proceedings related hereto.

Section 11. Further Action. Counsel to the Issuer and Gilmore & Bell, P.C., Bond Counsel for the Issuer, together with the officers and employees of the Issuer, are hereby authorized to work with the purchaser of the Bonds, the Company, their respective counsel and others, to prepare for submission to and final action by the Issuer all documents necessary to effect the authorization, issuance and sale of the Bonds and other actions contemplated hereunder.

Section 12. Effective Date. This Resolution shall take effect and be in full force immediately after its adoption by the Governing Body of the Issuer.

[Balance of page intentionally left blank]

ADOPTED this ___day of _____, 2026.

UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

By:_____
Mayor/CEO

[SEAL]

ATTEST:

_____
Clerk

APPROVED AS TO FORM:

_____
Office of Chief Counsel

Tracking ID: 21427

Report to
Board of Commissioners

MEETING DATE	PRESENTER	DEPARTMENT
	Troy Shaw, County Engineer/ Director of Public Works tshaw@wycokck.org x5416	Public Works

AGENDA ITEM #9.1.

PRESENTATION: STORMWATER UTILITY RATES (SUBSTITUTING DOCUMENTS PER AGENDA UPDATE)

BACKGROUND

The Public Works Department is requesting to present the enterprise utility fund rate approval process separately from the general fund mill levy to allow focused discussion on utility requirements, needs, and long-term goals. These goals include meeting regulatory requirements, ensuring transparency and equity for ratepayers, maintaining fiscal and fiduciary responsibility, and minimizing generational debt while supporting sustainable development.

The Unified Government of Wyandotte County and Kansas City, Kansas (UG) established the stormwater utility to fund the programming, operations, maintenance, and capital improvements associated with stormwater infrastructure. The financial model and rate structure—developed through workshops and formalized by Ordinance 157-22 and Ordinance 158-22—serve as the basis for the proposed 2026 and 2027 revenue goals.

Public Works will present three level-of-service options for Commission consideration. Each option outlines specific program opportunities, projects, and studies, with the associated budget to be submitted during the 2026 amended and 2027 budget process.

RECOMMENDATION

Approve

Approval to move forward to the Full Commission Meeting for approval. At the Full Commission Meeting, Public Works will request approval for selecting one option.

BUDGET IMPACTS / FINANCIAL CONSIDERATIONS

N/A

LEGAL/ POLICY CONSIDERATIONS

N/A

ATTACHMENTS

NEW 05.07.2026-Enterprise-Rates-Deck-V1

Approved by Mayor/Administrator to add to agenda.

Enterprise Fund Rates

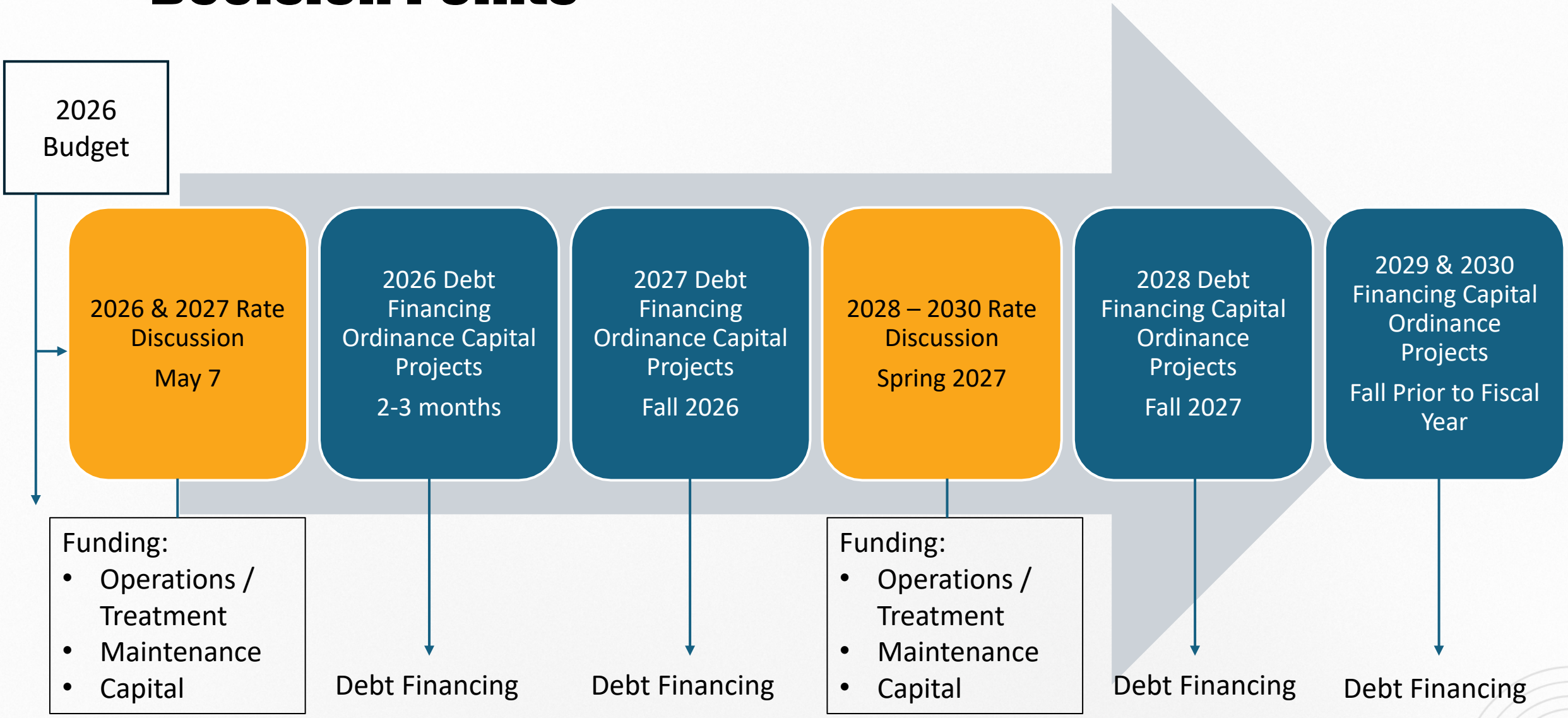
BUDGET DIRECTION

Sewer, Stormwater & Solid Waste



Full Commission | **May 7, 2026**

Rate Discussions – Mayor and Commission Decision Points



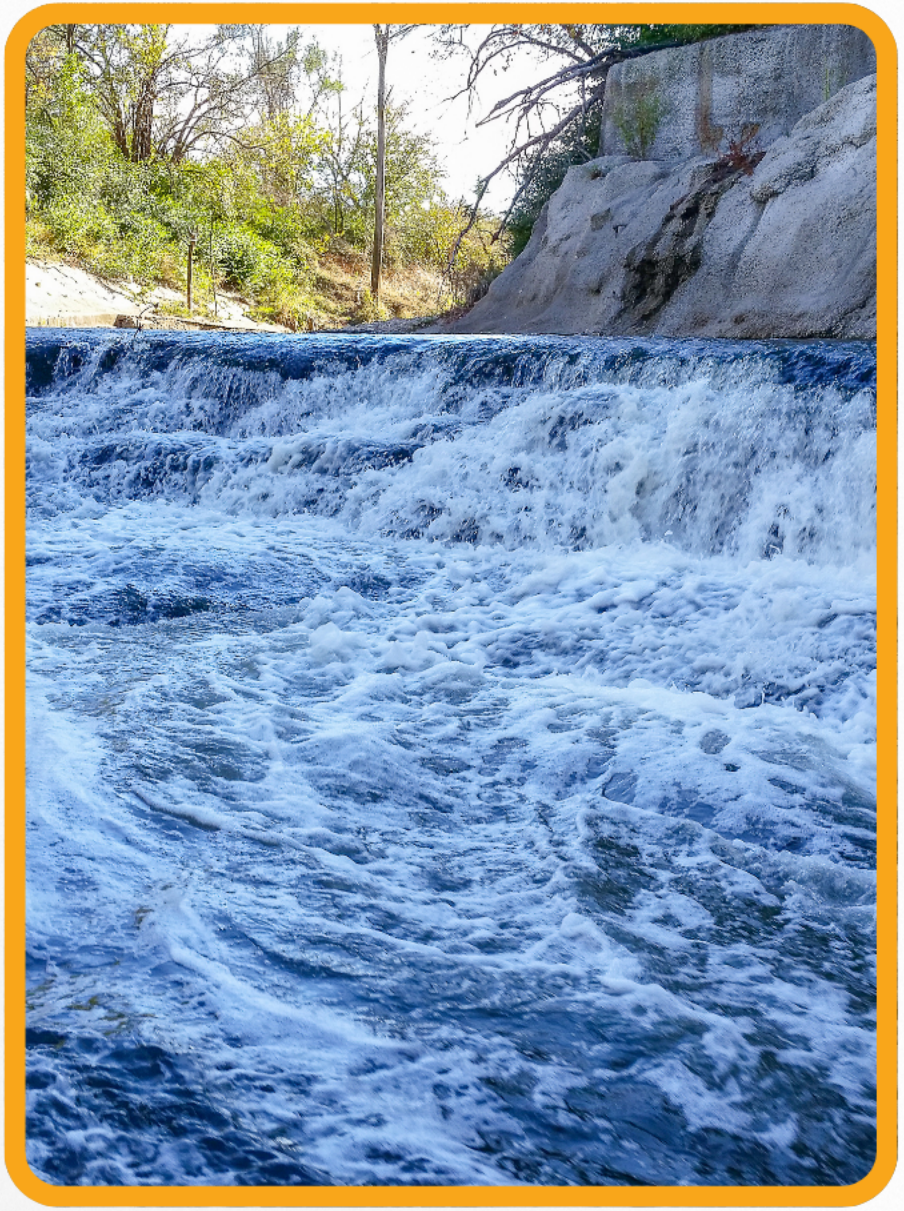
DECISIONS

01 Separate Enterprise Rate Approvals from the Budget Process

- **General Fund**: Allocates tax dollars across many services.
- **Enterprise Funds**: Set service levels paid for by user charges.

02 Provide Rate Direction

- Select desired service level (Required, Responsible, Resilient)
- Set 2026-2027 rates for Wastewater, Stormwater & Solid Waste.



SOLID WASTE



SOLID WASTE

Solid Waste rate setting is different.

Solid Waste

Equity & allocation
Determine who pays which costs

Central Question

How should costs be shared between customer groups?



CHALLENGES

01 Costs in Residential Rates

- FY 2026 impact: **$669,000**
- Equivalent: **$1.11 per household per month**
- Includes:
  - City facility collection
  - City department waste and illegal dumping disposal
  - Graffiti clean up

02 Costs Not Fully Recovered

- FY 2026 cost (Bonner Springs and Edwardsville): $62,113
- Real charge: $208.08 per visit
- Current charge: $3.54 per visit



SOLID WASTE

How Costs are Shared in the Rate

	Scenario A	Scenario B	Scenario C
Policy Outcome	KCK residents fund all services	KCK residents do not fund internal city services	Bonner Springs & Edwardsville pay cost of services
2026 Rate	$20.15	$20.15	$20.15
2027 Rate	$21.46	$20.15	$21.35
2027 Change	+$1.31	+$0.00	$1.20

STORMWATER



LEVELS OF SERVICE

A **Levels of Service approach focuses resources around agreed-upon goals and replaces “intuition” with clear service expectations**. It links service choices to costs and makes trade-offs, consequences, and risks visible, including what is required versus what improves resiliency. With that clarity, elected officials can approve the desired service level and risk tolerance, along with the rates, budgets, and debt needed to support it.

Required

Baseline service and regulatory compliance.

Responsible

Maintain assets and reduce preventable failures.

Resilient

Economic development support opportunities

STORMWATER

Levels of Service for the Stormwater Enterprise Fund

	Required	Responsible	Resilient
Meaning	Compliance + Emergencies	Reliability + Performance	Future Readiness + Sustainability
Examples	• MS4 permit obligations and inspections • Fix emergency drainage hazards and failures • Clear inlets when flooding threatens safety	• Routine inlet and channel cleaning programs • Planned culvert and pipe rehabilitation • Regular maintenance • Long-term capital improvement planning	• Flood mitigation in repeat problem areas • Prepare systems for changing rainfall patterns • Long-term watershed and resilience investments • Long-term economic development support opportunities

STORMWATER RATES

Rate Options Based on Levels of Service

	Scenario A (Required)		Scenario B (Responsible)		Scenario C (Resilient)	
Year	2026	2027	May 1, 2026	2027	May 1, 2026	2027
Rate	Base: $5.38 IA/500sf: $0.85		Base: $5.41 IA/500sf: $0.88	Base: $5.46 IA/500sf: $1.04	Base: $5.41 IA/500sf: $0.88	Base: $5.46 IA/500sf: $1.26
Average Household Increase	-	-	$0.20	$0.96	$0.20	$2.21
What Customers Get	• Supports regulatory compliance of the MS4 Permit • Deferred maintenance backlog • Emergency response		• Supports all Scenario A activities • Supports obtaining grant funding • Supports increased cash investment of $1M for emergency and high priority repairs • Supports cash investment of $1M for inspections as matching funds for Watershed Planning Assistance Study • Supports maintenance • Supports long-term capital improvement		• Supports all Scenario A & B activities • Supports cash investment of $2M for Watershed Planning and Deficiencies Study for the STAR Bond watershed to prepare for development demands • Long-term economic development support opportunities	

SANITARY SEWER



LEVELS OF SERVICE

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Required

Baseline service and regulatory compliance.

Responsible

Maintain assets and reduce preventable failures.

Resilient

Economic development support opportunities

SANITARY SEWER

Levels of Service for the Sanitary Sewer Enterprise Fund

	Required	Responsible	Resilient
Meaning	Compliance + Emergencies	Reliability + Performance	Future Readiness + Sustainability
Examples	• Permit and Consent Decree requirements • Emergency response • Required monitoring and reporting	• Pump station rehabilitation and reliability upgrades • Live observation and monitoring • System maintenance • Long-term capital improvement planning	• Capacity improvements for growth and peak events • Redundancy for critical assets (power, pumping, treatment) • Inflow and infiltration reduction to lower long-term risk • Economic development support opportunities

SANITARY SEWER RATES

Rate Options Based on Levels of Service

	Scenario A (Not Compliant)		Scenario B (Required)		Scenario C (Responsible)	
Year	2026	2027	May 1, 2026	2027	May 1, 2026	2027
Rate	0%	+4%	1%	7%	2%	8%
Average Monthly Household Increase	-	-	$0.56	$3.97	$1.13	$4.61
What Customers Get	• Supports Monitoring and Reporting Non-Compliance • Deferred Maintenance backlog • Supports $124M total in Debt Authority		• Supports all Scenario A Activities • Meets Consent Decree • Planned Construction, Permitting, Regulatory Requirements & Compliance • Long-term Kaw Point Facility Plan • Increased cash investment of $4.5M for emergency repairs and inspection • Total debt authority increases to $140M		• Supports all Scenario A & B Activities • Supports cash investment of $4M for long term facility and service studies for the STAR bond sewer sheds to prepare for development demands that affect Treatment Plans 20 and Wolcott	

The Proposed Four-Year Request Cycle (2027 through 2030)

2026 Rates
(Mid-year Increase)
Proposed Effective May 1, 2026

2027 Rates
(Full-year Increase)
Proposed Effective January 1, 2027

2028 through 2030 Rates
(Full-year Increase)
Effective January 1st of each year

KEY COST DRIVERS IN THE RATE STUDY REQUEST

1. Routine Operations annual inflationary cost increases
2. Routine Maintenance annual inflationary cost increases
3. Additional cash needs to meet regulatory consent decree
4. Existing debt service on outstanding debt already issued
5. Additional debt service on bonds to be issued in 2026 & 2027
6. Bare minimum O&M reserve for emergencies and Debt Service Coverage for financial borrowing resiliency

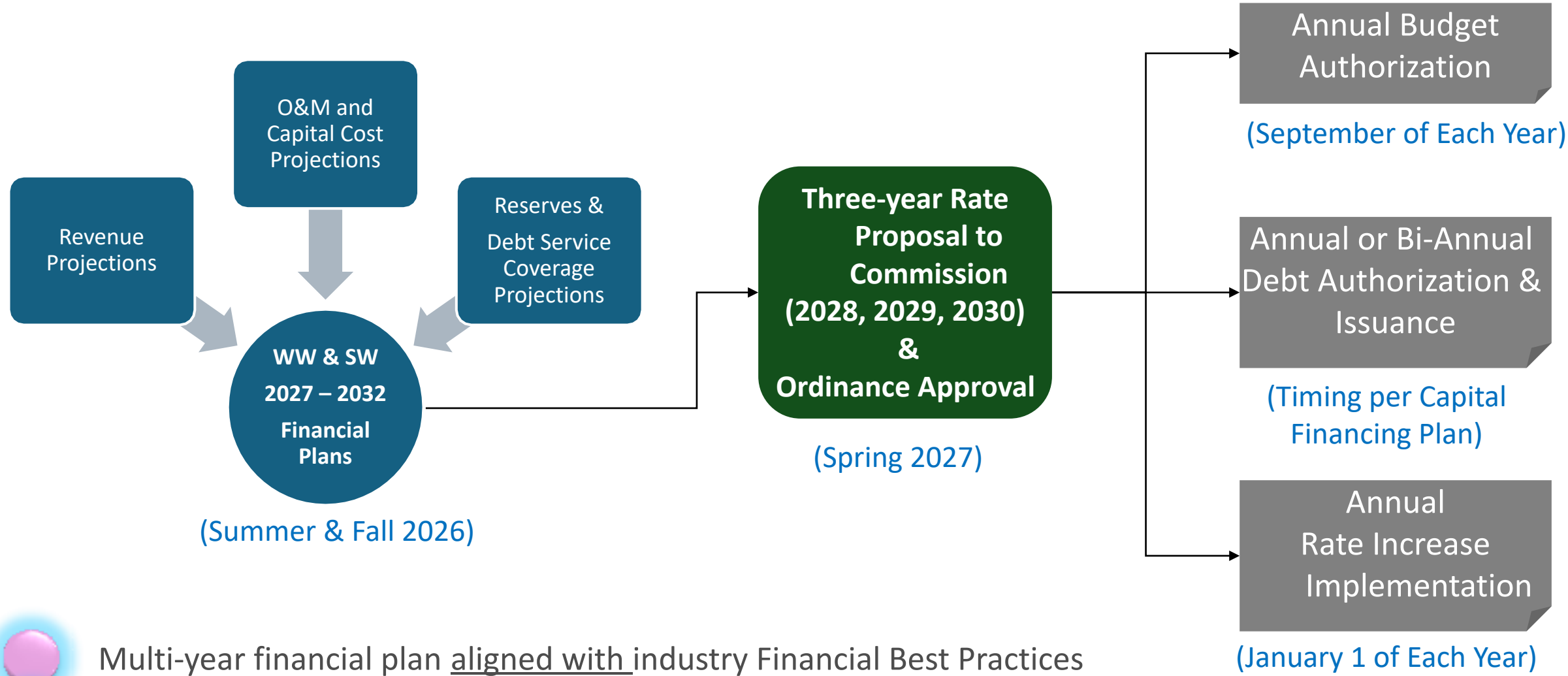
2028 – 2030 RATE STUDY KEY CONSIDERATIONS

1. Comprehensive Sanitary Sewer and Storm Water rate study to be performed
2. Currently PW is evaluating O&M service needs and associated annual "recurring" and/or "one-time" costs
3. Currently PW is evaluating CIP projects, priorities, costs, and timing; these will be defined for a ten-year period
4. Cost effective capital program funding and financing (multiple sources) to be evaluated and finalized, once the CIP is defined
5. O&M reserve for emergencies and Debt Service Coverage for resiliency to be defined in the ordinances
6. A multi-year FINANCIAL PLAN to be developed integrating the above factors AND all the factors listed under 2026/2027 rate study

Commission Decision
For 2026 & 2027 rate increase request

Study Timeline: Over the next six months
Engagement with Commission: Feb– Apr 2027

UG's Sanitary Sewer and Storm Water Financial Planning Process



- Multi-year financial plan aligned with industry Financial Best Practices
- Financial plan reviewed annually to monitor actual performance to projections

Tracking ID: 21428

Report to
Board of Commissioners

MEETING DATE	PRESENTER	DEPARTMENT
	Troy Shaw, County Engineer/ Director of Public Works tshaw@wycokck.org x5416	Public Works

AGENDA ITEM #9.2.

PRESENTATION: SANITARY SEWER UTILITY RATES (SUBSTITUTING DOCUMENTS PER AGENDA UPDATE)

BACKGROUND

The Public Works Department is requesting to present the enterprise utility fund rate approval process separately from the general fund mill levy to allow focused discussion on the sanitary sewer utility's requirements, needs, and long-term goals. These goals include meeting regulatory obligations, maintaining transparency and equity for ratepayers, ensuring fiscal and fiduciary responsibility, and minimizing generational debt while supporting sustainable development.

The Unified Government of Wyandotte County and Kansas City, Kansas (UG) established the sanitary sewer utility to fund the programming, operations, maintenance, and capital improvements necessary to collect and treat sanitary and combined sewer flows. As a highly regulated utility operating under consent decrees, the sanitary sewer enterprise relies on an existing financial model and rate structure to guide proposed 2026 and 2027 revenue goals.

Public Works will present three level-of-service options for Commission consideration, each outlining specific regulatory permitting requirements, projects, and studies. The associated budget will be submitted during the 2026 amended and 2027 budget process.

RECOMMENDATION

Approve

Approval to move forward to the Full Commission Meeting. At the Full Commission Meeting, Public Works will request approval for selecting one option.

BUDGET IMPACTS / FINANCIAL CONSIDERATIONS

N/A

LEGAL/ POLICY CONSIDERATIONS

N/A

ATTACHMENTS

NEW 05.07.2026-Enterprise-Rates-Deck-V1

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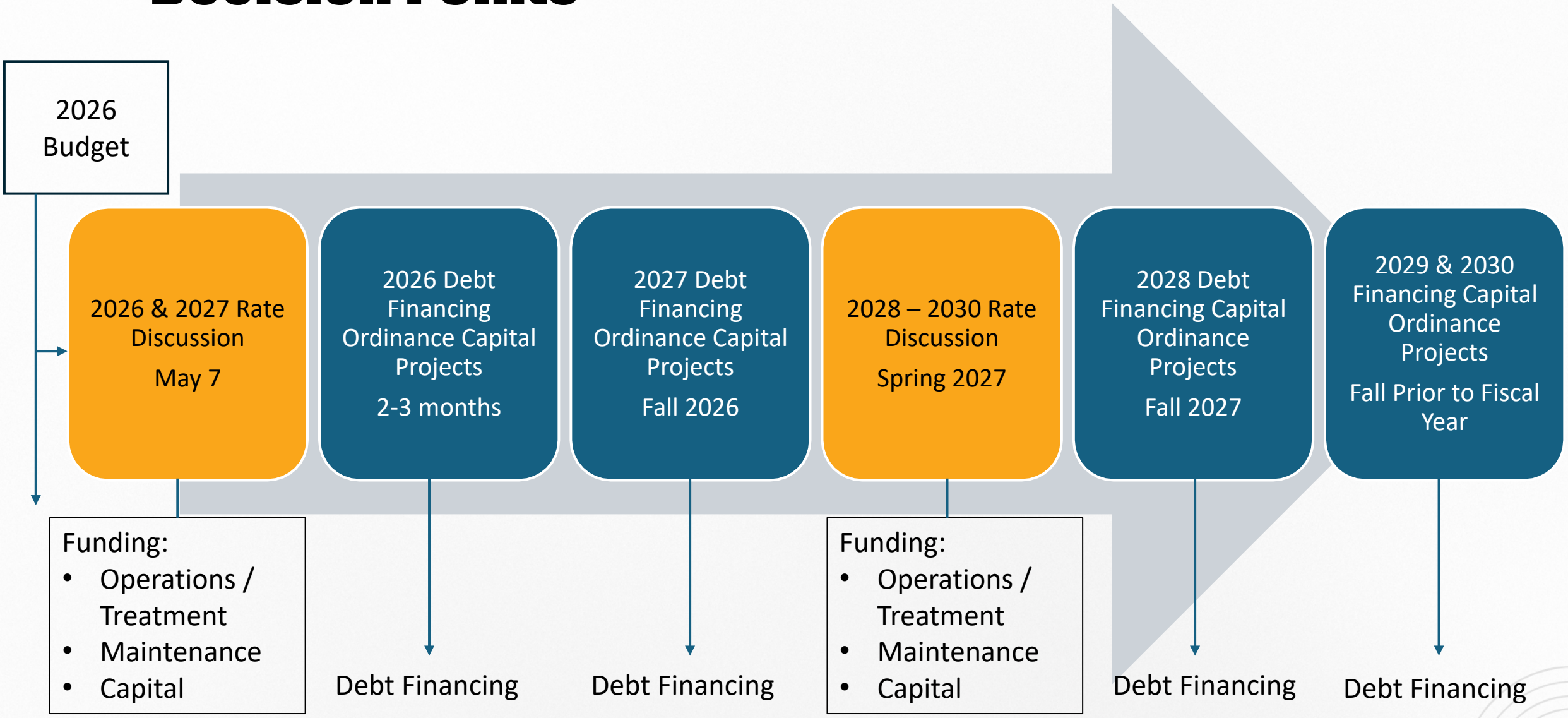
BUDGET DIRECTION

Sewer, Stormwater & Solid Waste



Full Commission | **May 7, 2026**

Rate Discussions – Mayor and Commission Decision Points



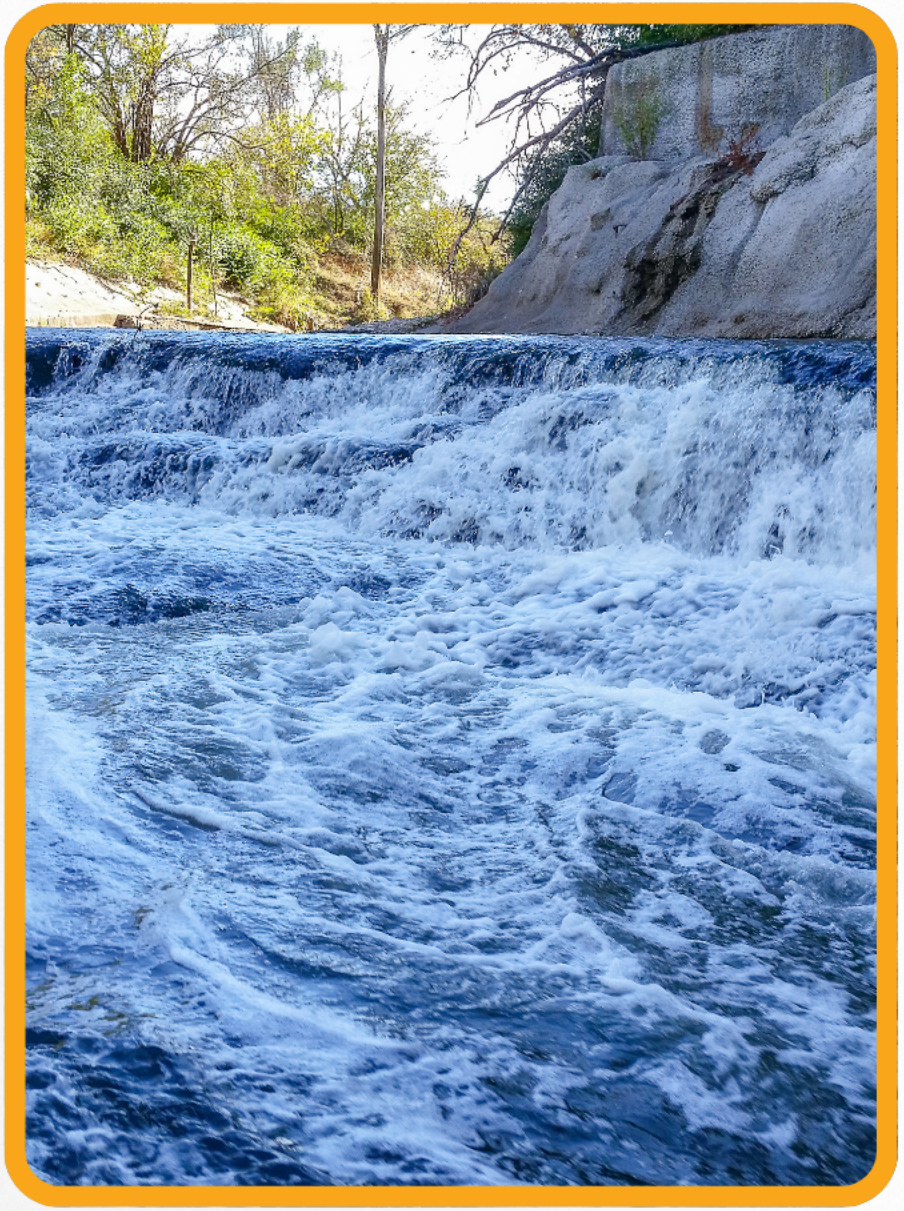
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Determine who pays which costs

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STORMWATER

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SANITARY SEWER



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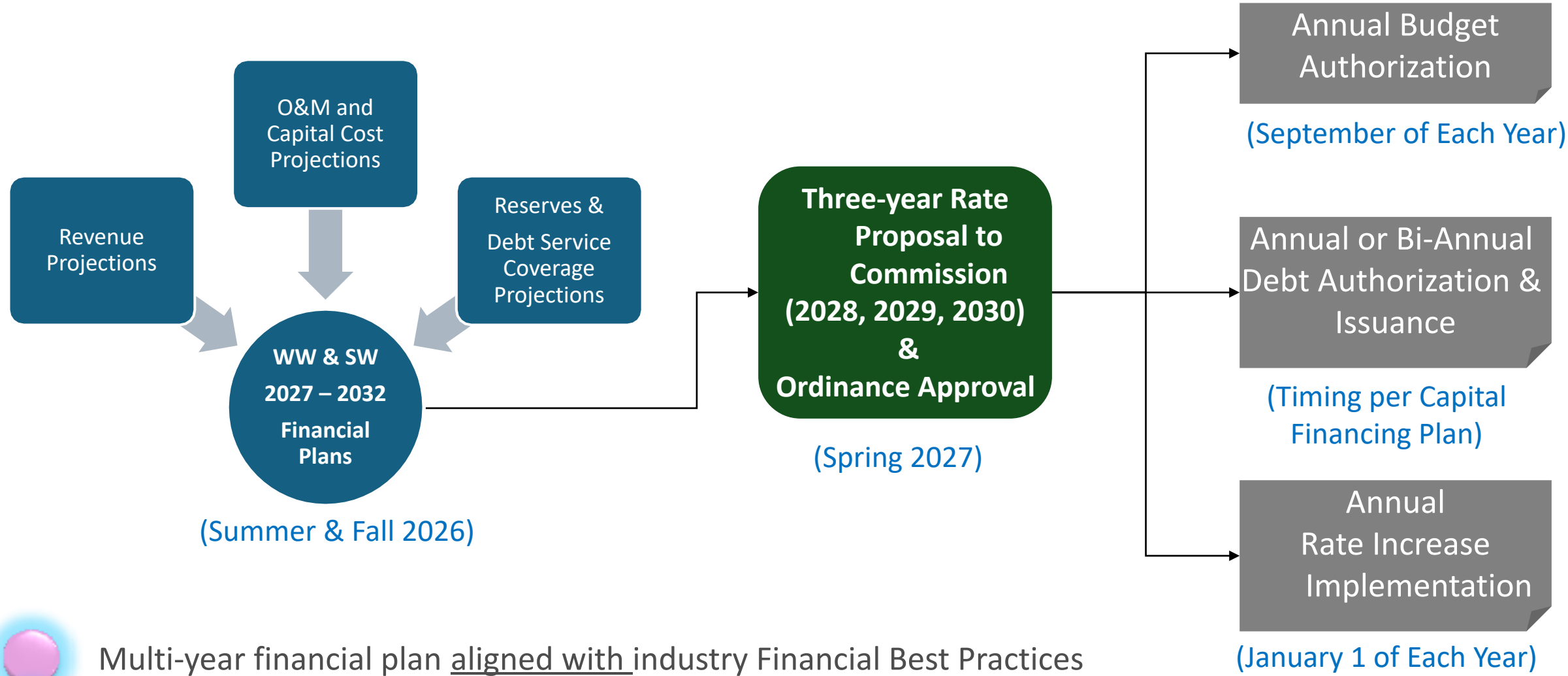
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UG's Sanitary Sewer and Storm Water Financial Planning Process



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- Financial plan reviewed annually to monitor actual performance to projections

Tracking ID: 21429

Report to
Board of Commissioners

MEETING DATE	PRESENTER	DEPARTMENT
	Troy Shaw, County Engineer/ Director of Public Works tshaw@wycokck.org x5416	Public Works

AGENDA ITEM #9.3.

PRESENTATION: SOLID WASTE UTILITY RATES (SUBSTITUTING DOCUMENTS PER AGENDA UPDATE)

BACKGROUND

The Public Works Department will present the solid waste utility rate approval process separately from the general fund mill levy to allow for a focused discussion on rate equity and cost allocation within the solid waste utility. The objective is to evaluate how costs should be distributed equitably among customer groups.

Public Works will present three options for Commission consideration. The associated budget will be submitted during the 2026 amended and 2027 budget process.

RECOMMENDATION

Approve

Approval of moving forward to the Full Commission Meeting. At the Full Commission Meeting, Public Works will request approval for selecting one option.

BUDGET IMPACTS / FINANCIAL CONSIDERATIONS

N/A

LEGAL/ POLICY CONSIDERATIONS

N/A

ATTACHMENTS

NEW 05.07.2026-Enterprise-Rates-Deck-V1

Approved by Mayor/Administrator to add to agenda.

Enterprise Fund Rates

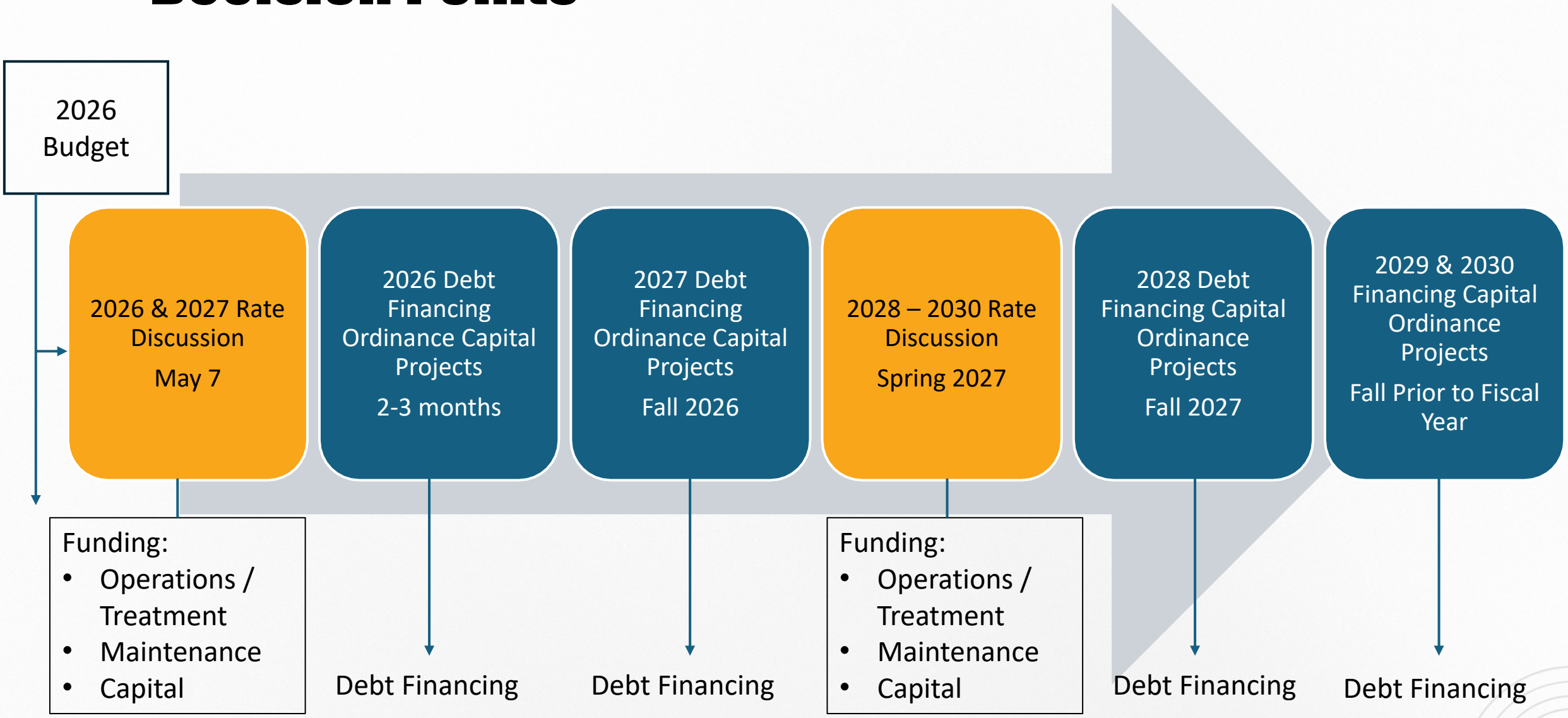
BUDGET DIRECTION

Sewer, Stormwater & Solid Waste



Full Commission | **May 7, 2026**

Rate Discussions – Mayor and Commission Decision Points



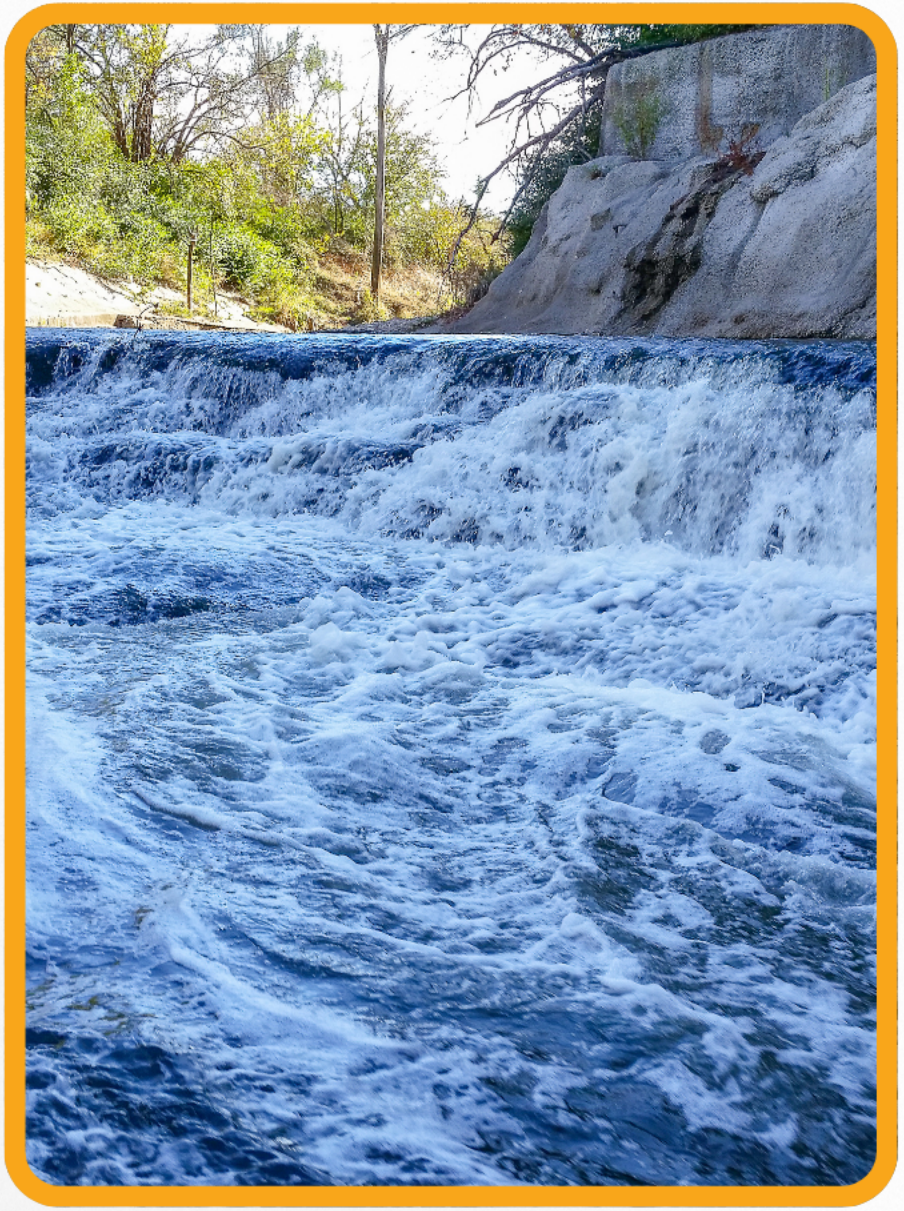
DECISIONS

01 Separate Enterprise Rate Approvals from the Budget Process

- **General Fund**: Allocates tax dollars across many services.
- **Enterprise Funds**: Set service levels paid for by user charges.

02 Provide Rate Direction

- Select desired service level (Required, Responsible, Resilient)
- Set 2026-2027 rates for Wastewater, Stormwater & Solid Waste.



SOLID WASTE



SOLID WASTE

Solid Waste rate setting is different.

Solid Waste

Equity & allocation
Determine who pays which costs

Central Question

How should costs be shared between customer groups?



CHALLENGES

01 Costs in Residential Rates

- FY 2026 impact: **$669,000**
- Equivalent: **$1.11 per household per month**
- Includes:
  - City facility collection
  - City department waste and illegal dumping disposal
  - Graffiti clean up

02 Costs Not Fully Recovered

- FY 2026 cost (Bonner Springs and Edwardsville): $62,113
- Real charge: $208.08 per visit
- Current charge: $3.54 per visit



SOLID WASTE

How Costs are Shared in the Rate

	Scenario A	Scenario B	Scenario C
Policy Outcome	KCK residents fund all services	KCK residents do not fund internal city services	Bonner Springs & Edwardsville pay cost of services
2026 Rate	$20.15	$20.15	$20.15
2027 Rate	$21.46	$20.15	$21.35
2027 Change	+$1.31	+$0.00	$1.20

STORMWATER



LEVELS OF SERVICE

A **Levels of Service approach focuses resources around agreed-upon goals and replaces “intuition” with clear service expectations**. It links service choices to costs and makes trade-offs, consequences, and risks visible, including what is required versus what improves resiliency. With that clarity, elected officials can approve the desired service level and risk tolerance, along with the rates, budgets, and debt needed to support it.

Required

Baseline service and regulatory compliance.

Responsible

Maintain assets and reduce preventable failures.

Resilient

Economic development support opportunities

STORMWATER

Levels of Service for the Stormwater Enterprise Fund

	Required	Responsible	Resilient
Meaning	Compliance + Emergencies	Reliability + Performance	Future Readiness + Sustainability
Examples	• MS4 permit obligations and inspections • Fix emergency drainage hazards and failures • Clear inlets when flooding threatens safety	• Routine inlet and channel cleaning programs • Planned culvert and pipe rehabilitation • Regular maintenance • Long-term capital improvement planning	• Flood mitigation in repeat problem areas • Prepare systems for changing rainfall patterns • Long-term watershed and resilience investments • Long-term economic development support opportunities

STORMWATER RATES

Rate Options Based on Levels of Service

	Scenario A (Required)		Scenario B (Responsible)		Scenario C (Resilient)	
Year	2026	2027	May 1, 2026	2027	May 1, 2026	2027
Rate	Base: $5.38 IA/500sf: $0.85		Base: $5.41 IA/500sf: $0.88	Base: $5.46 IA/500sf: $1.04	Base: $5.41 IA/500sf: $0.88	Base: $5.46 IA/500sf: $1.26
Average Household Increase	-	-	$0.20	$0.96	$0.20	$2.21
What Customers Get	• Supports regulatory compliance of the MS4 Permit • Deferred maintenance backlog • Emergency response		• Supports all Scenario A activities • Supports obtaining grant funding • Supports increased cash investment of $1M for emergency and high priority repairs • Supports cash investment of $1M for inspections as matching funds for Watershed Planning Assistance Study • Supports maintenance • Supports long-term capital improvement		• Supports all Scenario A & B activities • Supports cash investment of $2M for Watershed Planning and Deficiencies Study for the STAR Bond watershed to prepare for development demands • Long-term economic development support opportunities	

SANITARY SEWER



LEVELS OF SERVICE

A **Levels of Service approach focuses resources around agreed-upon goals and replaces “intuition” with clear service expectations**. It links service choices to costs and makes trade-offs, consequences, and risks visible, including what is required versus what improves resiliency. With that clarity, elected officials can approve the desired service level and risk tolerance, along with the rates, budgets, and debt needed to support it.

Required

Baseline service and regulatory compliance.

Responsible

Maintain assets and reduce preventable failures.

Resilient

Economic development support opportunities

SANITARY SEWER

Levels of Service for the Sanitary Sewer Enterprise Fund

	Required	Responsible	Resilient
Meaning	Compliance + Emergencies	Reliability + Performance	Future Readiness + Sustainability
Examples	• Permit and Consent Decree requirements • Emergency response • Required monitoring and reporting	• Pump station rehabilitation and reliability upgrades • Live observation and monitoring • System maintenance • Long-term capital improvement planning	• Capacity improvements for growth and peak events • Redundancy for critical assets (power, pumping, treatment) • Inflow and infiltration reduction to lower long-term risk • Economic development support opportunities

SANITARY SEWER RATES

Rate Options Based on Levels of Service

	Scenario A (Not Compliant)		Scenario B (Required)		Scenario C (Responsible)	
Year	2026	2027	May 1, 2026	2027	May 1, 2026	2027
Rate	0%	+4%	1%	7%	2%	8%
Average Monthly Household Increase	-	-	$0.56	$3.97	$1.13	$4.61
What Customers Get	• Supports Monitoring and Reporting Non-Compliance • Deferred Maintenance backlog • Supports $124M total in Debt Authority		• Supports all Scenario A Activities • Meets Consent Decree • Planned Construction, Permitting, Regulatory Requirements & Compliance • Long-term Kaw Point Facility Plan • Increased cash investment of $4.5M for emergency repairs and inspection • Total debt authority increases to $140M		• Supports all Scenario A & B Activities • Supports cash investment of $4M for long term facility and service studies for the STAR bond sewer sheds to prepare for development demands that affect Treatment Plans 20 and Wolcott	

The Proposed Four-Year Request Cycle (2027 through 2030)

2026 Rates
(Mid-year Increase)
Proposed Effective May 1, 2026

2027 Rates
(Full-year Increase)
Proposed Effective January 1, 2027

2028 through 2030 Rates
(Full-year Increase)
Effective January 1st of each year

KEY COST DRIVERS IN THE RATE STUDY REQUEST

1. Routine Operations annual inflationary cost increases
2. Routine Maintenance annual inflationary cost increases
3. Additional cash needs to meet regulatory consent decree
4. Existing debt service on outstanding debt already issued
5. Additional debt service on bonds to be issued in 2026 & 2027
6. Bare minimum O&M reserve for emergencies and Debt Service Coverage for financial borrowing resiliency

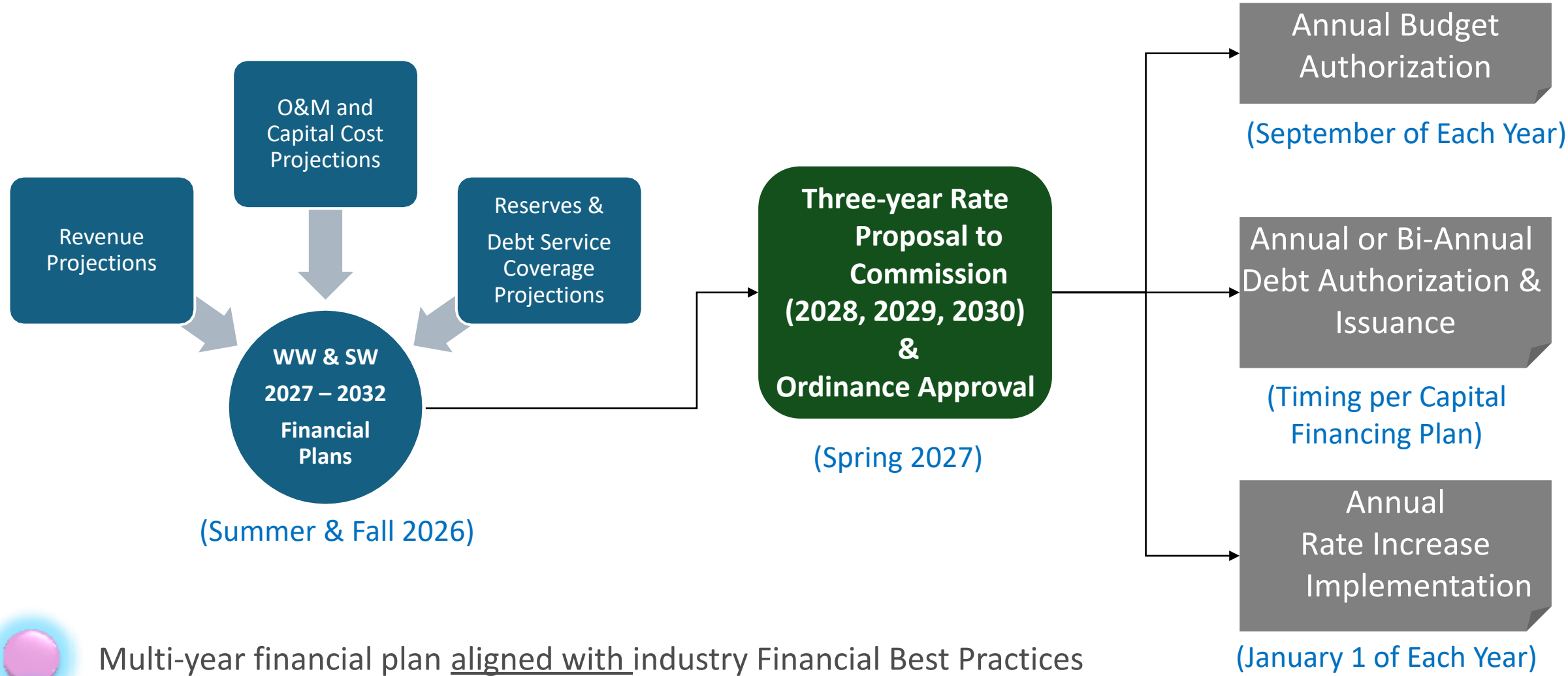
2028 – 2030 RATE STUDY KEY CONSIDERATIONS

1. Comprehensive Sanitary Sewer and Storm Water rate study to be performed
2. Currently PW is evaluating O&M service needs and associated annual "recurring" and/or "one-time" costs
3. Currently PW is evaluating CIP projects, priorities, costs, and timing; these will be defined for a ten-year period
4. Cost effective capital program funding and financing (multiple sources) to be evaluated and finalized, once the CIP is defined
5. O&M reserve for emergencies and Debt Service Coverage for resiliency to be defined in the ordinances
6. A multi-year FINANCIAL PLAN to be developed integrating the above factors AND all the factors listed under 2026/2027 rate study

Commission Decision
For 2026 & 2027 rate increase request

Study Timeline: Over the next six months
Engagement with Commission: Feb– Apr 2027

UG's Sanitary Sewer and Storm Water Financial Planning Process



- Multi-year financial plan aligned with industry Financial Best Practices
- Financial plan reviewed annually to monitor actual performance to projections