

RESOLUTION NO. WD 92-22

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF
JOHNSON COUNTY, KANSAS ADOPTING THE CODE OF REGULATIONS
FOR PRIVATE INFILTRATION AND INFLOW, 1992 EDITION

On this 4th day of June, 1992, the Board of County Commissioners of Johnson County, Kansas met in regular session with the following members being present and participating, to-wit:

Johnna Lingle - Chairman
Sue E. Weltner - Member
Murray L. Nolte - Member
Bruce R. Craig - Member

WHEREUPON, there came before the Board for consideration the matter of adopting the Johnson County Code of Regulations For Private Infiltration and Inflow, 1992 Edition, superseding Resolution No. W.D. 85-96.

The Board, after thorough deliberation, upon a motion duly made, seconded and carried, adopted the following:

WHEREAS, the Board of County Commissioners did adopt Resolution No. W.D. 85-96 establishing a program for the reduction of the number of private sector infiltration and inflow sources into the sanitary sewer system of the Johnson County Unified Wastewater Districts; and

WHEREAS, Resolution No. W.D. 85-96 prohibited the connection of roof down spouts, interior or exterior foundation drains, area way drains, or other sources of surface runoff or ground water directly to a public sanitary sewer or to a building sewer or building drain which is connected to a public sanitary sewer, all in conformance with state and federal environmental protection regulations; and

WHEREAS, the introduction of stormwater and other pollutants or ground contaminants into the sanitary sewer system, by infiltration, inflow, discharge, or other means, can and does increase the costs of constructing and operating the sewer system; does adversely impact the effective treatment of wastewater; does create conditions that pollute waterways; and does pose a direct threat to the public health and safety by causing sewer back-ups and sewer by-passes, as well as stream and ground pollution; and

WHEREAS, the continued implementation and enforcement of the regulations on private infiltration and inflow sources into the sanitary sewer system is necessary and advisable for the protection of the health, safety and welfare of the citizens of Johnson County, for the protection and preservation of the environment, and for compliance with the state and federal laws, rules and regulations.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Johnson County, Kansas that the Johnson County Code of Regulations For Private INFILTRATION AND INFLOW, 1992 Edition, a copy of which is attached to this Resolution, shall be and hereby is adopted and enacted, and the Code, as adopted by this Resolution, shall supersede the policies, regulations, procedures and provisions of Resolution No. W.D. 85-96.

BE IT, FURTHER, RESOLVED by the Board of County Commissioners of Johnson County, Kansas that the Code of Regulations For Private Infiltration and Inflow, 1992 Edition shall be and become effective from and after June 15, 1992 and shall be applicable to all persons and properties located within any benefit, improvement or other lawfully established wastewater or sewer district now or hereafter created or operated under the authority and jurisdiction of the Board of County Commissioners and for which sanitary sewer facilities or services are available or utilized, including authorized contract service areas.

BE IT, FURTHER, RESOLVED by the Board of County Commissioners of Johnson County, Kansas that the terms, parts, and provisions of the Code of Regulations for Infiltration and Inflow, 1992 Edition, as enacted under this Resolution, shall, to the extent applicable, be and apply retroactive and any condition, consideration, ruling, or other action made or authorized under the provisions of Resolution No. W.D. 85-96 shall be and remain effective, and any condition, connection, act or failure considered or constituting a violation of the

provisions of Resolution No. W.D. 85-96 which is not abated or which continues to exist upon the effective date of the Code of Regulations adopted under this Resolution shall be considered and constitute a violation of the Code and shall be processed and prosecuted pursuant to the provisions of the Code, as then in effect at the time of prosecution.

BE IT, FURTHER, RESOLVED by the Board of County Commissioners of Johnson County, Kansas that:

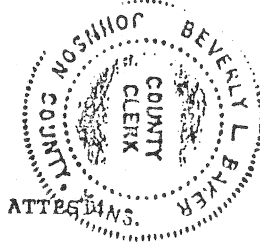
A. From and after the effective date of the Code of Regulations as enacted under this Resolution, no person shall knowingly allow or commit a violation of the provisions or requirements of the Code of Regulations or any administrative rulings issued pursuant to the Code, and any such violation or willful failure, by and person, to comply with the rules, standards, regulations or requirements established by or pursuant to the Code, shall be and hereby is declared to be unlawful as a violation of County Codes and Resolutions, as authorized under K.S.A. 19-101;

B. The failure of any person to comply with, or the commission of any act in violation of, any provision, requirement, standard, directive, notice, or ruling established by or pursuant to the Code of Regulations for Infiltration and Inflow, 1992 Edition, shall be a public offense designated as a Class D infraction under the authority of the County Codes and Regulations and shall be punishable, upon conviction, by a fine in an amount not less than Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00) for each separate violation and offense, and each separate day that a violation knowingly exists or is allowed to occur shall be considered as a separate offense and violation, which may, upon conviction, be punishable by a separate and additional amount or may be considered as a more serious class violation under the authority of the County Codes and Regulations; and

C. Prosecutions of offenses under the Code of Regulations shall be prosecuted under the direction of the County

Counselor of K.S.A. 19-101d through the established procedures for the enforcement of County Codes and Resolutions, and the Code of Regulations may be enforced through actions commenced in any court of competent jurisdiction and any lawful order, ruling, injunctive action or other relief authorized and available pursuant to the Code and the laws of the State of Kansas.

This Resolution and the Code of Regulations, as adopted, shall be published once in the official County newspaper and copies of the Code, as enacted, shall be made available for review and inspection at the office of the Board, the County Clerk and the Johnson County Unified Wastewater District.



BOARD OF COUNTY COMMISSIONERS
OF JOHNSON COUNTY, KANSAS

By *Johanna Lingle*
Johanna Lingle, Chairman

Beverly L. Baker By: *Pannelle S. Gallick*
Beverly L. Baker County Clerk Pannelle S. Gallick Deputy County Clerk

APPROVED AS TO FORM:

Don Jarrett
Don Jarrett, Chief Counsel