

JOHNSON COUNTY CODE OF REGULATIONS FOR
PRIVATE INFILTRATION AND FLOW

1992 EDITION

Johnson County Wastewater Districts
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CHAPTER I
POLICY AND PURPOSE

ARTICLE I
GENERAL PROVISIONS

- SEC. 1 TITLE. This Code shall be known and may be cited as the Johnson County Code of Regulations for Private Infiltration & Inflow, 1992 Edition.
- SEC. 2 PURPOSE. The purpose of this Code is:
- A. To promote the health, safety and welfare of the public; and
 - B. To prescribe rules, regulations, standards and enforcement procedures for the minimization, control or elimination of the potential and actual sources or causes of storm water infiltration and inflow into the sanitary sewer system operated by the Johnson County Unified Wastewater Districts.
- SEC. 3 AUTHORITY. This Code is adopted pursuant to the authority provided in Johnson County Charter Resolution No. 18-84 and Charter Resolution No. 29-92, and any amendments and modifications thereto, the general powers of K.S.A. §19-101, et. seq., and the powers and authorities established under federal and state laws.
- SEC. 4 SCOPE. This Code shall be applicable to all persons and properties located within any benefit,

improvement, or other lawfully established sewer district, created or operated under the authority and jurisdiction of the Board of County Commissioners of Johnson County, pursuant to Charter Resolution No. 18-84 and Charter Resolution No. 29-92, or other general powers.

SEC. 5 SEVERABILITY. If any clause, sentence, paragraph, section or subsection of this Code shall be adjudged invalid by a court of competent jurisdiction such judgment shall not affect, repeal or invalidate the remainder or any other provision, and shall be confined to the clause, sentence, paragraph, section or subsection which was found invalid.

SEC. 6 DISCLAIMER OF LIABILITY. This Code shall not be construed nor interpreted as imposing upon the County or any sewer district or its officials or employees (1) any liability or responsibility for damages to any property; or (2) any warranty that any system, installation or portion thereof, that is constructed or repaired under permits and inspections required by this Code will function properly. In addition, the administrative agency or any employee charged with the enforcement of this Code acting in good faith and without malice in the performance of their official duties shall

not assume nor have imposed upon them any personal liability, and they are 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 their official duties.

SEC. 7 AMENDMENTS AND ADDITIONS. This Code may be supplemented or its provisions may be amended by Resolution duly adopted by the Board of County Commissioners, and any such amendments or additions shall be incorporated within and codified as a part of this Code.

SEC. 8 EFFECTIVE DATE. This Code shall become effective on or after June 15, 1992, upon adoption by the Board of County Commissioners and publication as required by law.

ARTICLE 2

DEFINITIONS

SEC. 1 DEFINITIONS. When used in this Code, unless the context specifically indicates otherwise:

1. Access means entry into or upon any real estate or structure, including any part thereof.

2. Administering Agency means the Johnson County Unified Wastewater Districts (JCUWD), or its authorized deputy, agent or representative, which shall be responsible for administering any of the provisions of this Code.
3. Administrator means the Administrator of the JCUWD.
4. Infiltration means the water, other than wastewater, that enters a sanitary sewage system, including sewer service connections, from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections, or manhole walls. Infiltration does not include, and is distinguished from, inflow.
5. Infiltration/Inflow is the total quantity of water from both infiltration and inflow entering a sanitary sewage system without distinguishing the source.
6. Inflow means the water, other than wastewater that enters a sanitary sewer system, including sewer service connections, from such sources as, but not limited to, roof leaders; cellar, yard, and area drains; foundation drains, cooling water discharges; drains from springs and swampy areas, manhole covers; cross con-

nections from storm sewers, combined sewers, catch basins; storm waters; surface runoff; street washwaters; or drainage. Inflow does not include, and is distinguished from, infiltration.

7. Sanitary Sewage System means any property owned by the sewer district or any property in which the sewer district has a property interest and any trunk lines, outfall or intercepting sewer manholes, pumps, pumping stations, lift stations, treatment plants, and any appurtenances and apparatus necessary for the collection, storage, treatment and disposal of sanitary sewage and wastewater.
8. Sewage means a combination of liquid wastes which may include chemicals, house wastes, laundry wastes, human excreta, animal or vegetable matter in suspension or solution, and other solids in suspension or solution, and which is discharged from a dwelling, building, or other establishment.
9. Sewer District means a lawfully established special benefit, improvement, or other district duly formed, authorized and empowered to plan, construct and operate a public sanitary

sewerage system under the authority of the
Board of County Commissioners.

CHAPTER 2
RULES AND REGULATIONS

ARTICLE I
APPLICABILITY

- SEC. 1 DWELLINGS, BUILDINGS, OTHER STRUCTURES. This Code shall apply to all properties, dwellings, buildings or other structures existing as of the effective date of this Code and to any dwelling, building, property or other erected or established from and after the effective date.
- SEC. 2 PREVIOUS REGULATIONS. This Code shall apply uniformly to all properties, dwellings, buildings, or other structures which are or may be connected to or using the sanitary sewage system, regardless of any codes, standards or other authorities which may have applied or continue to apply to such property, dwelling, building or other structure, and no approval, permit, or other authority, under any code or standard, which did or may be construed to allow any connection or other act prohibited by this Code, shall relieve any person from compliance with the requirements of this Code.
- SEC. 3 RESPONSIBILITY FOR COMPLIANCE WITH CODE. It shall be the responsibility of the owner of, and any

occupant having a legal interest in, the property, building, dwelling or other structure to ensure compliance with the provisions of this Code.

SEC. 4 EXEMPTIONS AND EXCEPTIONS. The Administrator may, and is hereby authorized, to issue exemptions or exceptions to the requirements of this Code for specific connections whenever, upon proper application and review under the provisions of Chapter 4, the Administrator finds and determines that:

- A. The disconnection of a particular source or connection, prohibited by this Code, would or could seriously compromise the structural integrity of the dwelling, building or structure; or
- B. The disconnection of a particular source or connection or remediation of the infiltration or inflow would not be cost effective; and
- C. Continuation of the source or connection, otherwise prohibited by this Code, would not, in the opinion of the Chief Engineer of the JCUWD or other JCUWD professional engineer, likely contribute to any sewer back-up or bypass nor adversely impact the effective operation of the sanitary sewage system.

ARTICLE 2

PROHIBITED ACTS AND CONDUCT

- SEC. 1 PROHIBITED CONNECTIONS. No person shall make or allow connection of roof downspouts, interior or exterior foundation drains, areaway drains, or other sources of surface runoff or ground water to a building sewer or building drain which is connected to a sanitary sewage system or sources which are connected directly to a public sanitary sewage system.
- SEC. 2 REFUSAL TO DISCONNECT. No person shall continue, allow the continuation of, or refuse to disconnect any roof downspouts, interior or exterior foundation drains, areaway drains, or any other drain, connection or source for the entry of surface runoff or ground water into any sewer or the public sanitary sewage system.
- SEC. 3 PROHIBITED ALTERATIONS OR REMOVAL. No person shall alter, modify or remove any pump, device or other apparatus, installed or attached at or upon any property for the purpose of preventing or remedying the sources of infiltration or inflow, where such alteration, modification or removal would cause or allow any prohibited connection or unauthorized

source of infiltration or inflow pursuant to the provisions of this Code.

SEC. 4 FALSE OR MISLEADING INFORMATION. No person shall knowingly provide false or misleading information requested by any inspector or code enforcement officer in the performance of their official duties under this Code.

SEC. 5 OBSTRUCTION AND INTERFERENCE. No person shall willfully obstruct or interfere with any inspector, code enforcement officer or other representative of the JCUWD in the performance of their official duties under this Code nor shall any person refuse or obstruct the lawful access and entry upon any property for the purpose of inspection of the premises or property for compliance with the provisions of this Code.

SEC. 6 FAILURE TO COMPLY. No person shall willfully fail or refuse to comply with any ruling, order or determination issued by the Administrator or other authorized officer pursuant to the provisions of this Code.

CHAPTER 3
ENFORCEMENT

ARTICLE 1

VIOLATIONS AND CLASSIFICATION OF OFFENSE

SEC. 1 VIOLATIONS AND CLASSIFICATION. The failure of any person to comply with, or the violation of any provision, requirement, standard or condition contained within or as a part of this Code, shall be a public offense designated as a Class D Infraction under the provisions of the County Codes and Regulations, as adopted pursuant to K.S.A. 19-101d.

SEC. 2 FAILURE TO COMPLY WITH ADMINISTRATIVE ORDER. The failure of any person to comply with, or the violation of any order, directive or notice of the Administrator related to the provisions of this Code, shall be a public offense designated as a Class D Infraction under the provisions of the County Codes and Regulations, as adopted pursuant to K.S.A. 19-101d.

ARTICLE 2

ENFORCEMENT PROCEDURES

SEC. 1 RESPONSIBILITY. The provisions of this Code shall be administered and enforced under the direction of the Administrator and such other persons as the Administrator or the Board may designate.

SEC. 2 CODE ENFORCEMENT OFFICERS. For the purposes of enforcing the provisions of this Code, the following specified positions shall be and hereby are designated as Code Enforcement Officers for Johnson County, Kansas, pursuant to K.S.A. 19-101d, and are authorized and empowered to issue citations and notices to appear in the Johnson County District Court, County Codes Division, for any and all violations:

- A. The Administrator for the JCUWD;
- B. The Chief Engineer of the JCUWD;
- C. The Senior Engineer within the JCUWD responsible for Infiltration and Inflow projects;
- D. The Infiltration/Inflow Planning Coordinator of the JCUWD;
- E. The Senior Infiltration/Inflow Inspector for the JCUWD; and
- F. Each Infiltration/Inflow Inspector for the JCUWD, as appointed by the Administrator.

SEC. 3 ACCESS AND INSPECTION. Any Code Enforcement Officer authorized to enforce this Code shall have authority and be permitted upon reasonable notice and at any reasonable time to enter upon any property for the purpose of performing inspections and other duties required under this Code and shall have the authority to:

- A. Seek a lawful order or search warrant to compel access whenever access is denied; and
- B. Issue necessary orders and directives to expose or uncover any part of any construction or sewer use whenever reasonable access to or inspection of any connection or other apparatus is hindered or prevented.

SEC. 4 DISCONNECT ORDERS AND DIRECTIVES. The Administrator, the Chief Engineer, the Senior Engineer and Infiltration/Inflow Planning Coordinator for Infiltration and Inflow projects of the JCUWD shall be and hereby are authorized to issue disconnect orders and directives to any person subject to any provision of this Code to:

- A. Cease any act, conduct or use which is deemed to be a violation of this Code; or
- B. Correct within a specified period of days any violation of this Code.

SEC. 5 PENALTIES AND FINES.

- A. CLASS D INFRACTION. Any person who violates any provision of this Code shall be punishable, upon conviction, by a fine for a Class D Infraction in an amount not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00).
- B. SEPARATE VIOLATIONS. Each separate day that a violation exists or occurs shall be considered a separate violation, subject upon conviction to an additional and separate fine amount.
- C. MULTIPLE VIOLATIONS. Multiple or repeated violations, occurring within a twelve month period, of any provisions of this Code shall be deemed as a more serious violation and shall be subject, upon conviction, to a fine in an amount not less than Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00).

SEC. 6 PROSECUTION OF ACTIONS. The County Counselor, or other person designated by the County Counselor, shall have the duty of prosecuting all actions for the enforcement of this Code that may be prosecuted in accordance with the provisions of K.S.A. 19-101d.

- SEC. 7 AUTHORITY. The County Counselor, or his designee, shall be vested with all of the discretion with respect to the prosecution of this Code as may be vested in any other prosecuting attorney with statutory authority to prosecute actions for the enforcement of county codes and resolutions.
- SEC. 8 ENFORCEMENT PROCEDURES CUMULATIVE. The provisions for enforcement of this Code shall be cumulative and in addition to all other procedures provided by law for the enforcement of county resolutions, codes or regulations.
- SEC. 9 OTHER ACTIONS. All actions that are not authorized by the provisions of this Code for the enforcement of said regulations, shall be prosecuted as otherwise provided by law.
- SEC. 10 CIVIL REMEDIES. In addition to any criminal or penal enforcement proceedings authorized under this Code, the County Counselor or his designee shall be and hereby is authorized, upon request from the Administrator or the Board of County Commissioners, to commence civil legal proceedings, within the District Court for Johnson County, Kansas, for an order of abatement, mandatory or prohibitory injunction, or such other relief as may be legally authorized to enforce the intent, purpose and provisions of this Code.

CHAPTER 4

APPEALS AND ADMINISTRATIVE PROCEDURES

ARTICLE 1

APPEALS

- SEC. 1 FILING. Any person aggrieved by any order, directive or other action taken pursuant to the provisions of this Code, other than a citation or legal enforcement proceeding, may file an appeal seeking review of the decision or other action. Any appeal filed pursuant to this Section shall be made in writing and shall be mailed or delivered to the Administrator within thirty (30) days from the date of the order, directive or decision for which the appeal is filed.
- SEC. 2 ADMINISTRATOR REVIEW. Upon receipt of any appeal filed under this Section, the Administrator shall, within fourteen (14) days, review the appeal and either schedule the appeal for hearing or, if no hearing is requested, notify the appellant of the determination made on the appeal. Any appeal not scheduled for hearing or having a determination made within thirty (30) days after filing shall be deemed denied.
- SEC. 3 INVESTIGATION. The Administrator may cause an investigation to be made on any appeal filed under

this Section and may request that the appellant submit such information or permit such inspection as may be reasonably necessary for a determination of the appeal. Whenever an investigation is deemed necessary or advisable by the Administrator, notice shall be mailed to the appellant and the times established for hearings and determinations under this Code shall then be extended to the conclusion of all investigation or inspection activities.

SEC. 4 DECISIONS. The Administrator shall issue a written decision on each appeal, and a copy of the decision shall be mailed to the appellant. In rendering a decision, the Administrator may affirm, modify or rescind any order, directive or other action subject to the appeal and may issue such supplemental order, directives or decisions, consistent with the provisions of this Code, as the Administrator deems advisable.

ARTICLE 2

REVIEW OF ADMINISTRATIVE APPEAL

SEC. 1 PETITION FOR REVIEW. Any person who has filed an appeal under Article 1 of this Chapter may seek a review of the final decision or determination of the Administrator by filing a written petition for review with the Office of the Board of County

Commissioners. Any petition for review made under this Section must be filed with the Board within fourteen (14) days after mailing of the final decision of the Administrator.

SEC. 2 REVIEW PROCEEDINGS. Upon receipt of any petition for review, the Board shall schedule a de novo hearing to consider and review the petition. The Board may conduct the hearing as a Board or may designate a hearing officer or other official to conduct the hearing. Written notice of the hearing shall be mailed to the petitioner, and the petitioner may appear in person and/or by counsel and may present evidence and statements related to the request for review.

SEC. 3 DECISION. Upon consideration of any petition for review of any determination of the Administrator, the Board or its designated hearing officer or official may affirm, modify or set aside the order, directive or other action and shall render its decision in writing. The decision of the Board or officer shall be a final decision, shall be made in writing, and a copy shall be sent to the Petitioner.

CHAPTER 5
OWNER ASSISTANCE PROGRAM

ARTICLE 1
REIMBURSEMENT AND PROCEDURE

- SEC. 1 FINANCIAL ASSISTANCE. Financial assistance in the form of partial or full reimbursement for the cost of disconnecting prohibited infiltration and inflow sources may be provided to qualified persons who receive and comply with a disconnect order issued for a property, building, dwelling or other structure erected prior to January 1, 1986. Such reimbursement shall be in the amount and subject to the terms set out in this Article.
- SEC. 2 PROCEDURE UPON NOTIFICATION. Upon verification by the Administering Agency that a prohibited private sector infiltration or inflow connection exists at or upon any property, dwelling, building or structure erected prior to January 1, 1986, then the Agency shall issue a disconnect order to the owner and shall notify the owner of the procedures and guidelines necessary to qualify for financial assistance.
- SEC. 3 OWNER COMPLIANCE. Upon receipt of the disconnect order and notification of procedures, the owner of

the property shall, within the time specified by the order or such other time requested from and permitted by the Administrator, undertake whatever work, action, construction or installation as may be necessary to comply with the requirements of this Code and the disconnect order. Representatives from the JCUWD shall provide technical assistance and required guidelines to the owner but the owner shall be solely responsible for any and all decisions, actions and work performance necessary to comply with this Code. The owner may, in his or her discretion, complete the required work performance through self-help methods, by contract with a plumbing or other competent contractor, or other means satisfactory to any applicable building code or other requirements.

SEC. 4 MINIMUM STANDARDS. All work shall be performed in a workmanlike manner, shall comply with the minimum standards of design established or adopted by the Infiltration and Inflow Planning Coordinator of the JCUWD, and shall be sufficient and adequate to complete all necessary disconnection of the infiltration or inflow source.

SEC. 5 PROCEDURE AFTER DISCONNECTION. After the owner has completed the disconnection or other specified actions, the Administering Agency shall reinspect

the premises to verify compliance with the disconnect order and verify that there are no other illegal connections. The agency shall not verify nor be responsible for proper design or installation of any work performed or equipment installed.

SEC. 6 PAYMENT QUALIFICATIONS. To qualify for payment of any costs for the disconnection or removal of any private infiltration or inflow source, the owner of the property must:

- A. Complete the work as required under this Code;
- B. Submit to the JCUWD all bills, receipts, contracts or work orders required for compliance; and
- C. Certify that the connection or source was in existence on or before January 1, 1986.

SEC. 7 REIMBURSEMENT SCHEDULE. If compliance with this Code is verified, the administering agency may pay to the homeowner, or his agent, as reimbursement for his/her expense of disconnection an amount not to exceed the following maximum amounts per source:

	<u>Source Description</u>	<u>Maximum Amount</u>
(1)	Directly Connected Storm Sump Pump	\$ 800.00 per sump pump
(2)	Directly Connected Combination Sump Pump	\$1,800.00 per sump pump
(3)	Foundation Drain Sump Pit	\$ 800.00 per sump pit
(4)	Combination Foundation Drain Sump Pit	\$1,800.00 per sump pit
(5)	Area Drains (Driveway,	\$2,200.00 per

	Window Well, Patio, Yard)	area drain
(6)	Area Drains (Basement Entry)	\$ 850.00 per drain
(7)	Downspouts	\$ 100.00
(8)	Cleanouts	\$ 250.00
(9)	Auxiliary Back-up Pump (only allowed with separate authorization)	\$ 400.00
(10)	Buried Solid Discharge Pipe	\$ 3.50 per ft.
(11)	Buried Shallow Lateral Pipe	\$ 6.00 per ft.
(12)	Buried Deep Lateral Pipe	\$ 10.00 per ft.

SEC. 8 SELF-HELP. If the homeowner chooses to disconnect by means of self-help, the Administering Agency may reimburse the landowner for materials only, in an amount not to exceed the above maximum amounts per source. Acceptance of reimbursement shall constitute a consent by the person accepting such payment to a reinspection of the premises by the administering agency within five (5) years following payment for the sole purpose of verifying continued compliance with this Code. Such reinspection shall be done at a convenient time.

SEC. 9 MAINTENANCE AND FOLLOW-UP. The owner of the property shall be responsible for all maintenance of any device, equipment, or other materials installed as a part of the required disconnection. Any and all repair, warranty or other follow-up work shall be the obligation of the property owner and his or her contractor, if any, and not the JCUWD. Any and

all costs of repair, replacement or maintenance, incurred or arising after the initial payment or reimbursement by JCUWD shall be paid by the owner and shall not be subject to any other reimbursement by JCUWD.

CHAPTER 6
MISCELLANEOUS PROVISIONS

ARTICLE 1
PROGRAM IMPLEMENTATION

SEC. 1 SOURCE OF FUNDS. The payment of any costs or reimbursements authorized under this Code shall be made from the capital improvement fund of the JCUWD.

SEC. 2 COORDINATOR. Except as otherwise specified, the office of the Infiltration and Inflow Planning Coordinator within the Johnson County Unified Wastewater Districts shall be responsible for the implementation of all administrative procedures under this Code and shall be and hereby is authorized to establish and adopt procedures and guidelines necessary to effectuate and implement the intent purpose, and technical standards required under the provisions of this Code.