

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF JOHNSON COUNTY, KANSAS ESTABLISHING A PROGRAM FOR THE REDUCTION OF THE NUMBER OF PRIVATE SECIOR INFILTRATION AND INFLOW SOURCES INTO THE SANITARY SEWER SYSTEM.

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On this 3rd day of October, 1985, the Board of County Commissioners of Johnson County, Kansas, as the Governing Body of the Johnson County Unified Wastewater Districts, met in regular session, a quorum of the following Commissioners being present and participating, to-wit:

Janet D. Leick, Chairman  
Johnna Lingle, Commissioner  
Kent Crippin, Commissioner  
Bruce Craig, Commissioner

WHEREAS, A fundamental duty of every government is the protection of the health and safety of its citizens and to thereby promote the public welfare. Consequently, the Board of County Commissioners hereby finds, determines and declares that it is necessary to adopt a uniform system of rules, regulations and standards to eliminate and prevent certain environmental conditions that are hazardous to the public health, safety and welfare. Specifically, the Board of County Commissioners finds that the excessive inflow and infiltration of storm water from any source, private or public, into the sanitary sewage system operated by the Johnson County Unified Wastewater Districts is a hazard to the health, safety and welfare of the citizens of this County and surrounding communities because such infiltration and inflow overloads the capacity of both sanitary sewer lines and treatment plants,

WHEREAS, the Sewer Use Resolution (Res. No. WD 82-233), JCUWD regulations, and municipal, state and federal regulations restrict the types of connections to a public sanitary sewer system,

NOW THEREFORE, BE IT RESOLVED that the following resolution be adopted, to establish a program for the reduction of certain sources of storm water from private or public locations into the sanitary sewer system operated under the authority of the JCUWD and districts included therein and pursuant to Johnson County Charter Resolution 18-84.

ARTICLE I-POLICY, PURPOSE, & APPLICABILITY

- SEC. 1 Purpose: The purpose of this resolution 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 potential and actual sources or causes of storm water infiltration and inflow into the sanitary sewer system operated by Johnson County Unified Wastewater District.
- SEC. 2 Applicability: This resolution shall be applicable to any sewer district created under the authority of Johnson County Charter Resolution 18-84, K.S.A. 19-2731 et seq., K.S.A. 19-2787 et seq., K.S.A. 19-2704a et seq., K.S.A. 19-27,140 et seq., or other Kansas statutes.
- SEC. 3 Effective Date: This resolution shall become effective January 1, 1986.
- SEC. 4 Severability: If any clause, sentence, paragraph, section or subsection of this resolution shall be adjudged invalid for any reason whatsoever, by a court of competent jurisdiction such judgment shall not affect, repeal or invalidate the remainder thereof, but shall be confined to the clause, sentence, paragraph, section or subsection thereof so found invalid.
- SEC. 5 Disclaimer of Liability: This resolution shall not be construed or 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 resolution will function properly. In addition, the administrative authority or any employee charged with the enforcement of this resolution acting in good faith and without malice for the authority in the discharge of his or her duties, shall not thereby render himself 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 resolution in the discharge of his duties.
- SEC. 6 Definitions:
- (a) Access: Entry into or upon any real estate or structure including any part thereof.
  - (b) Administration: The Johnson County Unified Wastewater District (JCUWD) is hereby designated as the agency responsible for administering the provisions of this regulation.
  - (c) Infiltration: The water entering a sewer system, including sewer service connection, 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.
  - (d) Infiltration/Inflow: A combination of infiltration and inflow wastewater volumes in sewer lines, with no way to distinguish either of the basic sources, and with the same effect of usurping the capacities of sewer systems and other sewer system facilities.
  - (e) Inflow: The water discharged into a sewer system, including 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 connections from storm sewers, combined sewers, catch basins; storm waters; surface runoff; street washwaters; or drainage. Inflow does not include, and is distinguished from, infiltration.
  - (f) Sanitary Sewage System: A system of pipes, tanks, conduits, structures or other devices for the collection, transportation, storage, treatment or disposal of sewage.
  - (g) Schedule of Compliance: means a schedule of remedial measures and times including an enforceable sequence of actions or operations leading to compliance with any control regulation or effluent limitation.
  - (h) 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.

- (i) Sewage Treatment Works: means a system or facility for treating, neutralizing, stabilizing, or disposing of sewage, which system or facility has a designed capacity to receive more than two thousand gallons of sewage per day. The term "sewage treatment works" includes appurtenances such as interceptors, collection lines, outfall and outlet sewers, pumping stations, and related equipment.
- (j) Sewer District: means a special benefit district duly formed, authorized and empowered to plan, construct and operate a public sewerage system.

SEC. 7 Policy.

No person shall henceforth 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 public sanitary sewer or directly to a public sanitary sewer, even though such connection may have been allowable when made under then existing standard, rule or regulation.

ARTICLE II-ENFORCEMENT

SEC. 1 Infractions and Penalties

- (a) Obstruction of an Administering Agency: Obstruction of an administering agency is the willful obstruction of or interference with a representative of the agency designated as responsible for administering this resolution when such representative is discharging his or her official duties under this resolution. Obstructing an administering agency is a misdemeanor.
- (b) Failure to Comply with an Administrative Order: Failure to comply with an order is failing or refusing to comply with a written order issued by the administering agency within such reasonable time as the agency may specify in the order. Failure to comply with an agency order is a misdemeanor.
- (c) Penalties: Notwithstanding any other provisions of this resolution, a violation of any provision of this resolution shall be deemed to be an unclassified misdemeanor and punishable by a fine not to exceed two hundred (\$200.00) dollars for each offense, and each day's violation shall constitute a separate offense.
- (d) Prosecution: The District Attorney of Johnson County shall prosecute any violation of the provisions of this resolution.
- (e) Notice of Violation: Proceedings for violation of this resolution shall be in accordance with the provisions of the K.S.A. Chapter 22.

SEC. 2 Civil Remedies

- (a) Disconnect Order. The Administrator of the Johnson County Unified Wastewater District may issue an order directing the owner of a premises to disconnect a private infiltration or inflow source from the sanitary sewer system. The order shall be effective not less than 90 days from its date of issuance. The order may state a deadline for compliance but such deadline shall not be more than one (1) year after issuance of the order.

Within 60 days after receipt of the order the owner may request a review hearing before the JCUWD Administrator by filing a written request therefore with the Director of Health Services. The filing of such request shall act as a stay of the order. After such hearing the JCUWD Administrator may affirm, set aside or modify such order.

- (b) Termination of Service: The Johnson County United Wastewater District may terminate sanitary sewage service to any premises the owner of which refuses to comply with an order to disconnect a storm water inflow source from the sanitary

sewer system. The termination shall be effective 30 days after service upon the owner. Service of the order shall be in person or by restricted delivery mail.

After receipt of the order, the owner may request a hearing by filing a written request therefore with the JCUWD Administrator prior to the termination date. The filing of such request shall act as a stay of the termination order. After hearing, the JCUWD Administrator may affirm, set aside or modify the terms of such order.

- (c) Abatement of Nuisances: The administering agency may maintain a civil action by injunction, in the name of the Board of County Commissioners of Johnson County, to abate and temporarily or permanently enjoin the continuing connection of a private infiltration or inflow source as a nuisance, in any court of competent jurisdiction.
- (d) Any decision of the JCUWD Administrator entered after a review hearing may be appealed de novo to the Board of County Commissioners of Johnson County, Kansas, and the Board may affirm, set aside or modify the order as issued or as modified.

SEC. 3 Access & Entry:

- (a) Access: Representatives of the administering agency shall have the right to make an inspection of such establishments, premises, places and localities for the purpose of determining compliance with this resolution. Inspections shall be done at a reasonable time.
- (b) Notice: If the building, premises or establishment to be inspected is occupied the representative shall first present proper credentials and request entry, and if such building or premises be unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry.
- (c) Search Warrants: If, after proper request, entry or access is refused, the administering agency may compel such access by application to a court of competent jurisdiction, provided, however, that the agency complies with the provisions of Section 15 of the Kansas Bill of Rights and the fourth amendment to the United States Constitution relating to unreasonable searches and seizures.

ARTICLE III-OWNER ASSISTANCE PROGRAM

SEC. 1 Financial Assistance

Financial assistance in the form of partial or full reimbursement for the cost of disconnecting prohibited infiltration and inflow sources shall be provided to persons who receive and comply with a Disconnect Order as described in Article II, Sec. 2(a). Such reimbursement shall be in the amount and subject to the terms set out in this Article.

SEC. 2 Procedure

Upon verification by the administering agency that a prohibited private sector infiltration or inflow connection exists the agency shall issue a Disconnect Order to the landowner subject to the conditions set out in Article II, Sec 1(a).

The owner shall comply with the order by having the work done by a plumbing or other competent contractor, through self-help, or other means at his or her discretion.

All work shall be done in a workmanlike manner and shall comply with the minimum standards of design for such device, structure, appurtenance or connection. Uniform minimum standards of design shall be established or adopted by the Private Infiltration and Inflow Coordinator as established in Section 4 herein.

After the landowner completes the disconnection the agency shall reinspect the premises to verify compliance with the Disconnect Order and verify that there are no other illegal connections.

If compliance with this Resolution is verified the agency shall pay to the owner as reimbursement for his or her expense of disconnection an amount equal to the actual cost of labor and materials but not to exceed the following maximum amounts per source:

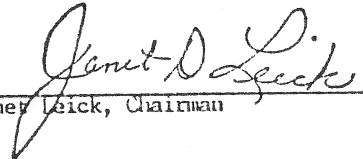
<u>Source Description</u>	<u>Maximum Amount</u>
(a) Directly Connected Storm Sump Pump.	\$ 800.00 per sump pump
(b) Directly Connected Storm Sump Pump with Divertor Valve	\$ 300.00 per sump pump
(c) Combination Sanitary/Storm Sump Pump.	\$ 1,800.00 per sump pump
(d) Area Drains (Driveway, Patio, Basement Entry, etc.).	\$ 2,200.00 each
(e) Downspout.	\$ 100.00 each
(f) Cleanout.	\$ 250.00 each

Acceptance of reimbursement shall constitute a consent by the person accepting such payment to a reinspection of the premises by the agency within one year following payment for the sole purpose of verifying continued compliance with this Resolution. Such reinspection shall be done at a convenient time.

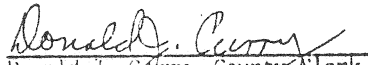
SEC. 3 Source of Funds  
Payment of reimbursement described in Section 2 of this Article shall be made from the capital account of the sanitary sewer district in which the affected property is located.

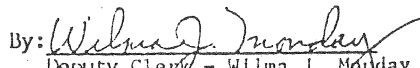
SEC. 4 Coordinator  
There is hereby established within the Johnson County Unified Wastewater Districts the office of "Private Infiltration and Inflow Coordinator". This office shall be responsible for the implementation and administration of this Resolution and is authorized to establish procedures to effectuate and implement its intent.

BOARD OF COUNTY COMMISSIONERS OF  
JOHNSON COUNTY, KANSAS

  
Janet Leick, Chairman



  
Donald J. Coffey, County Clerk

By:   
Deputy Clerk - Wilma J. Monday

APPROVED AS TO FORM:

  
Timothy S. Carmody  
Staff Attorney

Resolution Establishing A Program For The Elimination Of Private Sector Infiltration And Inflow Sources Into The Sanitary Sewer System.