

**ORDINANCE NO. 566**

**AN ORDINANCE ADOPTING A SANITARY CODE REGULATING NON-PUBLIC WATER SUPPLIES FOR THE CITY OF SEDGWICK, HARVEY AND SEDGWICK COUNTIES, OUTLINING THE PURPOSE AND INTENT, APPLICABILITY, DEFINITIONS, REQUIREMENTS FOR NON-PUBLIC WATER SUPPLIES, MINIMUM STANDARDS FOR GROUNDWATER SUPPLIES, AND REQUIREMENTS FOR SUBDIVISION DEVELOPMENT.**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SEDGWICK, KANSAS.**

**SECTION 1.           PURPOSE AND INTENT.**

The provisions of this ordinance is for the purpose of regulating and controlling the development, maintenance, and use of potable non-public water supplies in the City of Sedgwick, in order that public health will be protected and the contamination and pollution of the water resources of the City will be prevented.

**SECTION 2.           APPLICABILITY.**

The provisions of this ordinance shall apply to all areas located within the city limits of the City of Sedgwick and to all parcels of property regardless of size.

**SECTION 3.           DEFINITIONS.**

- a.**           **Domestic Purpose** means used for drinking, culinary, ablutionary, or irrigation purposes.
- b.**           **Potable Water** means water free from impurities in amounts sufficient to cause disease or harmful physiological effects in humans and conforming with the latest Public Health Service Drinking Water Standards.
- c.**           **Non-Public Water Supply** means all water supplies not meeting the definition of Public Water Supply.
- d.**           **Public Water Supply** means the system that serves the residents of the City of Sedgwick.

**SECTION 4.           REQUIREMENTS FOR NON-PUBLIC WATER SUPPLIES.**

- a.**           **Permit To Develop A Private Water Supply.** No person shall develop any private water supply

subject to the regulations of this ordinance until a Permit To Develop a Private Water Supply has been obtained from the City of Sedgwick Administrative Office.

b. Permit To Abandon An Existing Private Water Supply. No person shall abandon any existing private water supply until they have first obtained a Permit to Abandon An Existing Private Water Supply from the City of Sedgwick Administrative Office.

c. Permit Fee. A fee of \$5.00 shall be assessed for Permit to Develop A Private Water Supply and/or a Permit to Abandon an Existing Private Water Supply.

d. Approved Plans. No permit to develop a private water supply subject to regulations of this ordinance shall be issued until the plans have been approved by the Administrative Agency.

e. Use Limitation.

1. A permit for construction or use of a private water supply shall only be issued to an owner of property that is served by The City of Sedgwick's Public Water Supply, when usage is to be for other than household water supply.

2. No permit for construction or use of a private water supply shall be issued to any owner of property that is served or can be served at reasonable cost by a public water supply.

3. Use of a surface water (lakes, ponds, or streams) as a source of water for a private water supply shall not be permitted (1) where a satisfactory ground water sources is available, (2) unless adequate treatment is provided (in no case shall surface water be used without filtration and chlorination), and (3) where the pond or lake receives any drainage or discharges from septic tanks, or sewage treatment plants.

## SECTION 5.

### MINIMUM STANDARDS FOR GROUNDWATER SUPPLIES.

a. Location. All wells used as sources of water for private water supplies shall be separated from the specified sources of pollution by distances equal to

or greater than those shown in Table II. Such distances may be increased by the Administrative Agency to provide assurance that the well will not be contaminated.

TABLE II

Minimum distance requirements from domestic water wells

<u>Area</u>	<u>Minimum Separation</u>
Subsurface absorption field for septic tank.....	50 ft.
effluent	
Pit privy.....	50ft.
Septic tank.....	50ft.
Barnyards, stables, manure piles, pens, etc.....	50 ft.
Streams, lakes and ponds.....	25 ft.
Sewer lines, not cast iron or equally tight.....	50 ft.
Sewer lines, of cast iron or equally tight.....	10 ft.

- b.            Construction. The enforcement of this section of the sanitary code shall be regulated in accordance with K.A.R. 28-30-01 through 28-30-10 et seq. as amended. Recommended standards for design, construction and location, and practices consistent with current approved technology shall be followed.
- c.            Casing. All wells shall have durable watertight casing from at least one foot above finished ground surface to the top of the producing zone of the aquifer. In no event shall the watertight casing extend less than 20 feet below the ground level. Exceptions may be granted by the state department of health and environment. To facilitate grouting, the grouted interval of the well bore shall be drilled to a minimum diameter at least three inches greater than the maximum outside diameter of the well casing. The top of the well casing shall be sealed by installing a sanitary well seal.
- d.            Well Vents. Well vents shall be used and shall terminate not less than one foot above ground surface and shall be screened with not less than 16-mesh, brass, bronze, copper screen or other screen materials approved by the state department of health and environment and turned down in full 180

degrees return bend so as to prevent the entrance off contaminating materials.

- e. Pump Mounting. All pumps installed directly over the well casing shall be so installed that an airtight and watertight seal is made between the top of the well casing and the gear or pump head, pump foundation or pump stand. When the pump is not mounted directly over the well casing and the pump column pipe or pump suction pipe emerges from the top of the well casing, a sanitary well seal shall be installed between the pump column pipe or pump suction pipe and well casing. An airtight and watertight seal shall be provided for the cable conduit when submersible pumps are used.
  
- d. All Wells. When unattended during construction, reconstruction, treatment or repair, or during use as cased test holes, observation or monitoring wells, shall have the top of the holes, observation or monitoring wells, shall have the top of the well casing securely capped in a watertight manner to prevent contaminating or polluting materials from gaining access to the ground water aquifer.
  
- e. Water Wells. Water wells shall not be constructed in pits, basements, garages, or crawl spaces. Existing water wells which are reconstructed, abandoned and plugged in basements shall conform to these rules and regulations except that the finished grade of the basement floor shall be considered ground level.
  
- f. Disinfection. During construction, reconstruction, treatment or repair and prior to initiation of use, all wells producing water for human consumption or food processing, shall be disinfected according to K.A.R. 28-30-10.

## SECTION 6.

### REQUIREMENTS FOR SUBDIVISION DEVELOPMENT.

After adoption of this Code no person shall develop any subdivision until the plans and specifications for public and non-public water management for such subdivision have been approved by the Administrative Agency.

SECTION 7.            INACTIVE WATER WELLS.

In accordance with K.A.R. 28-30-7, Landowners may obtain the City's written approval to maintain wells in an inactive status rather than being plugged if the landowner can present evidence to the City as to the condition of the well as to the landowner's intentions to use the well in the future. as evidence of intentions, the owner shall be responsible for property maintaining the well in such a way that:

- The well and the annular space between the hole and the casing shall have no defects that will permit the entrance of surface water or vertical movement of subsurface water into the well;

- The well is clearly marked and is not a safety hazard; The top of the well is securely capped in a watertight manner and is adequately maintained in such a manner as to prevent easy entry by other than the landowner;

- The area surrounding the well shall be protected from potential sources of contamination within a 50 foot radius;

- If the pump, motor or both, have been removed for repair, replacement, etc., the well shall be maintained to prevent injury to the people and to prevent the entrance of any contaminants or other foreign materials;

- The well shall not be used for disposal or injection of trash, garbage, sewage, wastewater, or storm runoff; and the well shall be accessible to routine maintenance periodic inspection.

SECTION 8.            PLUGGING OF ABANDONED WELLS, CASED AND UNCASED TEST HOLES.

All water wells abandoned by the landowner on or after July 1, 1979 which pose a threat to groundwater supplies, shall be plugged or caused to be plugged by the landowner. In all cases, the landowner shall perform the minimum requirements for plugging abandoned wells according to K.A.R. 28-30-7, a copy of which is attached hereto for reference purposes.

SECTION 9.            PENALTY.

Any person violating the provisions of this ordinance shall upon conviction be subject to a fine of not more than \$500.00.

PASSED AND ADOPTED BY THE GOVERNING BODY OF THE CITY OF SEDGWICK THIS  
THIRD DAY OF JULY, 1995.

SEAL:

Donald K. DeHaven  
DONALD K. DeHAVEN, MAYOR

Patty Brooner  
PATTY BROONER, CITY CLERK CMC