

## 2012 Kansas Statutes

**65-189c. Subdivider to submit engineering study and sanitation plan; review and approval; information required in instrument of conveyance; construction and use of buildings and facilities; sanitation plan and construction of water and sewage systems required; review and approval of plans; appeals.** Whenever regulations establishing sanitation zones and providing for the control of sanitation therein shall have been adopted under the provisions of this act: (a) The owner or owners of any land located within such zone proposing to subdivide any land providing one or more lots shall submit a preliminary engineering study and sanitation plan for all such lots with the proposed plat to the reservoir sanitation officer of the county in which the land is located. If the sanitation plan contains plans for a sewage system or a water supply to serve two or more lots or services, the reservoir sanitation officer shall submit the preliminary engineering study and sanitation plan to the secretary of health and environment for review and approval prior to his approval. The board of county commissioners of the county in which the proposed plat is located shall not approve the plat until approval of the sanitation plan related thereto is received from the reservoir sanitation officer.

(b) The owner or owners of any lot located within such zone proposing to sell such lot, either by deed or contract, shall provide in the legal instrument or instruments information to the effect that such lot is located in a specific sanitation zone and that prior to construction of any building structure or facilities thereon a sanitation plan for water supply, sewage, and refuse disposal facilities meeting the standards of the secretary's rules and regulations must be submitted to and approved by the reservoir sanitation officer of the specific county in which the lot is located.

(c) The owner or owners of any lot located within such zone proposing to construct a building, structure or facility on such lot shall, prior to starting such construction, obtain the approval of the reservoir sanitation officer of the sanitation plan for the proposed use of such lot. Such building structure or facility shall not be occupied or used for any purpose until such approved water and sewage systems have been completed, inspected and approved by the reservoir sanitation officer as being in accordance with the approved sanitation plan. If the sanitation plan is for a sewage system or a water supply serving two or more lots or services such sanitation plan shall not be approved by the reservoir sanitation officer until it has first been approved by the secretary.

The reservoir sanitation officer shall determine if sanitation plans for the proposed subdividing of land or constructing of building structures or facilities submitted to him for septic tank systems, sewage holding tanks or individual water supply systems comply with the standards established by the rules and regulations of the secretary of health and environment. If the plan does comply with such standards such fact shall be endorsed thereon. The reservoir sanitation officer prior to his approval of sanitation plans for the proposed subdividing of land or constructing of building structures or facilities submitted to him for a sewage system or for a water supply to serve two or more lots or services shall submit such sanitation plans to and receive approval from the secretary of health and environment. If the reservoir sanitation officer shall find that any sanitation plan does not meet the standards established by the secretary of health and environment, he shall within thirty (30) days from the date of receipt of such plan notify the owner or owners of such fact. If the plan does meet standards established by the secretary of health and environment and the plans and specifications of the proposed water supply and sewage disposal systems have been approved by the secretary of health and environment, such fact shall be endorsed thereon.

Appeals to the secretary of health and environment may be taken by the owner of land from the decision of the reservoir sanitation officer denying the approval of any sanitation plan submitted by him within twenty (20) days of the date of receipt of the notice of such denial.

**History:** L. 1969, ch. 294, § 4; L. 1974, ch. 352, § 55; July 1.