

KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT  
Suite 904, Landon State Office Building  
OFFICE OF LEGAL SERVICES  
MEMORANDUM

296-1330  
July 30, 1992

RECEIVED

AUG 13 1992

BUREAU OF  
ENVIRONMENTAL QUALITY

TO: Bob Hipple  
FROM: Kay Arbuckle-Higdon  
RE: Sanitary Codes

I reviewed the proposed wording which addresses the agricultural exemption provided in K.S.A. 19-3706. It is my opinion that the proposed wording is satisfactory.

Kansas Department of Health and Environment  
Division of Environment  
Bureau of Environmental Quality

M E M O R A N D U M

Date: July 13, 1992  
To: Kay Arbuckle  
From: Bob Hipple, LEPP, 296 5579  
Subject: Adequacy of wording of "Applicability" sections of county environmental codes.

~~The attached memo from Eugene Lueger of the legal office, dated February 13, 1992,~~ suggest counties address the area of "applicability" of their environmental codes more clearly than "all unincorporated areas" of the county.

I am currently reviewing codes which were originally reviewed prior to and revised without consideration of Mr. Lueger's memo. I have developed some proposed wording which, if acceptable, might allow the codes to be recommended for approval by Secretary Young without the codes having to be returned to the counties for another round of revision. Would you please review the proposed wording and the existing cited sections of the codes to see if the proposed wording adequately addresses the issues raised by Mr. Lueger.

NEMAHA COUNTY - PROPOSED REVISIONS

SECTION 2-2.0 and 3-2.0 APPLICABILITY

Upon adoption, the provisions of this chapter shall apply to all dwelling units or residences located on unincorporated lands of Nemaha County including those associated with but not located on lands used strictly for agricultural purposes as defined in Section 1-2.3 of this code.

1-2.2 ADMINISTRATIVE RULES. Those rules and regulations contained in Chapter 1 of this code which prescribe general procedures to be followed in the administration of the code adopted by the county.

**1-2.3 AGRICULTURAL PURPOSE.** This code shall not apply to any premises under one ownership which exceeds 10 acres in area, and which is used only for agricultural purposes. For the purposes of this code "agricultural purpose" means a purpose related to the production of livestock or crops. It does not include the dwelling unit.

1-2.4 AUTHORIZED REPRESENTATIVE. Any person who is designated by the Administrative Agency to administer this code.

1-2.5 BOARD OF COUNTY COMMISSIONERS. Means the Board of County Commissioners of Nemaha County, Kansas.

1-2.6 BOARD OF HEALTH. Means the Nemaha County Board of Health (K.S.A. 65-201).

1-2.7 DWELLING UNIT. Any building or structure occupied by a human being on either a full time or part time basis.

1-2.8 HEALTH OFFICER. The legally appointed Health Officer of Nemaha County or his/her duly authorized representative.

1-2.9 HEARING OFFICER. Means any person designated by the County Commissioners to hear appeals from decisions of the Administrative Agency relating to the enforcement and administration of this code and other environmental/sanitary codes, not subject to enforcement as declared by statute to the county attorney.