

**Chapter 16.180**  
**PRIVATE SEWAGE DISPOSAL CODE**

**16.180.100 Private Sewage Disposal Code – Incorporation.**

There is incorporated by reference, for the purpose of adopting regulations, provisions, conditions, terms, and specifications, for the control of buildings and structures within the City; the issuing, suspension, and revocation of permits; the collection of fees; the making of inspections; the execution of plan reviews; the enforcement of Chapter 16.100 of the Overland Park Municipal Code and the fixing of penalties for violations thereof, the 2006 International Private Sewage Disposal Code, dated January, 2006, as published by the International Code Council, Inc., excepting only such parts or portions thereof as are specifically deleted or amended in Overland Park Municipal Code Chapters 16.100 through and including 16.190 and including such new and additional provisions added to said code by Overland Park Municipal Code Chapters 16.100 through and including 16.190. Not less than three (3) copies of said 2006 International Private Sewage Disposal Code shall be marked Official Copy as Adopted by Ordinance No. BC-2635, to which shall be attached a copy of the ordinance codified herein, and filed with the City Clerk to be opened to inspection and available to the public at all reasonable business hours. The Municipal Court and all administrative departments of the City charged with the enforcement of the ordinance shall be supplied at the cost of the City such number of official copies of such ordinance as may be deemed expedient.  
(History: Ord. BC-2635 §163, 2007; BC-2459 §142, 2004; BC-2237 §9, 2001)

**16.180.101.1**

Section 101.1 of the 2006 International Private Sewage Disposal Code is hereby amended to read as follows:

**101.1 Title.** These regulations shall be known as the Private Sewage Disposal Code of the City of Overland Park, Kansas, hereinafter referred to as “this code.”  
(History: Ord. BC-2635 §164, 2007)

**16.180.101.2**

Section 101.2 of the 2006 International Private Sewage Disposal Code is hereby amended to read as follows:

**101.2 Scope.** Septic tank and effluent absorption systems or other treatment tank and effluent disposal systems shall be permitted where an exception has been granted by the Governing Body or where both the following conditions are met:

1. Public sewers are not available as defined in the 2006 International Plumbing Code; and
2. The building being served is a single-family dwelling located either on a lot of at least five (5) acres in area unless a preliminary plat has been approved prior to September 13, 1976, or on a lot zoned RE, Residential Estates, of at least one (1) acre in area.

**Exception:** The Governing Body, upon good cause being shown and after public hearing, may grant exceptions from the provisions of Items 1 and 2 above if two-thirds (2/3) or more of the votes cast by Councilmembers are affirmative votes in

favor of the exception. The applicant shall serve notice of public hearing. A copy of the plat map with the 200-foot (200') radius shown must be submitted. Any information or plans concerning improvements on this property must also be submitted. This information must be filed with the Building Official at least ten (10) days prior to the hearing.

Notification shall be by certified mail, return receipt requested, to all owners of record within the 200-foot (200') radius of subject property stating the date, time and place of the hearing and the nature of the variance or appeal requested. This shall be done no later than ten (10) days prior to the hearing. A copy of the application shall accompany the notice.

Return receipts, a copy of the notice to the owners, and a list of all owners of record of property within or touched by the 200-foot (200') radius shall be filed with the Building Official at least five (5) days prior to the hearing, at which time, an Affidavit of Mailing stating that the certified notices were mailed by the required date shall be signed by the applicant and notarized.

Unless specifically approved, the private sewage disposal system of each building shall be entirely separate from and independent of any other building. The use of a common system or a system on a parcel other than the parcel where the structure is located shall be subject to the full requirements of this code as for systems serving public buildings.

Except where specific reference is made in this code to an appendix, the provisions in the appendices shall not apply unless specifically adopted.

(History: Ord. BC-2635 §165, 2007; BC-2459 §143, 2004; BC-2237 §9, 2001; Source or prior law: 7.52.010 (part); SS-1701 §1, 91; SS-1341 §1, 85; SS-878 §1, 76; SS-183A §1, 66; 7.52.020 (part); SS-1701 §1, 91; SS-183A §2, 66; SS-183 §2, 63; 7.52.030; SS-1701 §1, 91; SS-183 §3, 63; 16.09.210; BC-2013 §47, 97)

### **16.180.101.3**

Section 101.3 of the 2006 International Private Sewage Disposal Code is hereby amended to read as follows:

**101.3 Public sewer connection.** No permit for construction of a private sewage treatment system shall be issued for any lot or tract of land any part of which is located within 200 feet of a main or lateral sewer line which is part of a public sewage treatment system which can serve the lot or tract.

**101.3.1 Public sewer availability.** Where public sewers become available and it has been determined that connection to the public system is feasible and reasonably available to the property owner the use of an existing private sewage disposal system shall be discontinued and the structure served by the private sewage disposal system shall then be connected to the public sewer, where any of the following conditions are met.

1. Where a significant addition or alteration is made to an existing structure which would necessitate the need for a significant alteration or enlargement of the existing private sewage disposal system.
2. A change in use or occupancy classification which would result in a higher occupancy rate, regardless of the amount of construction that may or may not be undertaken.
3. Where a significant alteration, addition or repair to an existing private sewage disposal system is proposed.
4. Where a private sewage disposal system has failed as described in Section 101.5.1 of the 2006 International Private Sewage Disposal Code.

**101.3.2 Extension or Waivers.** The requirement for connection to a public sewer system for any particular tract or lot may be waived, or the time to connect may be extended, by the Building Official for cause shown that the required connection would result in undue hardship.

(History: Ord. BC-2832 §2, 2009; BC-2734 §1, 2008; BC-2635 §166, 2007; BC-2459 §144, 2004; BC-2237 §9, 2001; Source or prior law: 16.08.190 (part); BC-2013 §44, 97)

**16.180.102.2**

Repealed.

(History: Ord. BC-2832 §3, 2009; BC-2635 §167, 2007; BC-2459 §145, 2004; BC-2237 §9, 2001; Source or prior law: 16.09.220 (part); BC-2013 §48, 97)

**16.180.102.4**

Repealed.

(History: Ord. BC-2459 §187, 2004; BC-2237 §9, 2001; Source or prior law: 7.52.035 (part); SS-1701 §1, 91)

**16.180.103**

Sections 103 through 109 of the 2006 International Private Sewage Disposal Code are hereby deleted.

(History: Ord. BC-2635 §168, 2007; BC-2459 §146, 2004; BC-2237 §9, 2001; Source or prior law: 16.09.230; BC-2013 §49, 97)

**16.180.106.3**

Repealed.

(History: Ord. BC-2635 §211, 2007; BC-2459 §147, 2004; BC-2237 §9, 2001; Source or prior law: 16.09.240; BC-2013 §50, 97)

**16.180.107**

Repealed.

(History: Ord. BC-2635 §211, 2007; BC-2459 §148, 2004; BC-2237 §9, 2001; Source or prior law: 16.09.250, 16.09.260 and 16.09.270; BC-2013 §§51, 52 and 53, 97)

**16.180.302.2**

Section 302.2 of the 2006 International Private Sewage Disposal Code is hereby amended to read as follows:

**302.2 Cesspools and privies.** Privies and cesspools shall be prohibited. Any existing cesspool or privy shall be considered a nuisance and abated.

(History: Ord. BC-2635 §169, 2007; BC-2459 §149, 2004; BC-2237 §9, 2001; Source or prior law: Chapter 7.48 (part); PV-156 §§1 and 2, 62; 16.09.280; BC-2013 §54, 97; 16.09.290; BC-2013 §55, 97)

**16.180.403.1**

Repealed.

(History: Ord. BC-2459 §187, 2004; BC-2237 §9, 2001; Source or prior law: 16.09.300; BC-2013 §56, 97)

**16.180.403.1.6**

Section 403.1.6 of the 2006 International Private Sewage Disposal Code is hereby added to read as follows:

**403.1.6 Soil data.** A soil test report shall be submitted, indicating soil boring and percolation test data related to the undisturbed and finished grade elevations, vertical elevation reference point, and horizontal reference point. Surface elevations shall be given for all soil borings. All soil reports shall bear the signature of a soil tester and shall reference the soil in accordance with the Munsell Color System at each horizon level.

The City is to be notified at least 24 hours prior to the conduction of any soil testing to allow monitoring of these tests by the City at its discretion.

(History: Ord. BC-2635 §170, 2007; BC-2459 §150, 2004; BC-2237 §9, 2001; Source or prior law: 16.09.310; BC-2013 §57, 97)

**16.180.403.5**

Section 403.5 of the 2006 International Private Sewage Disposal Code is hereby added to read as follows:

**403.5 Protection of excavated areas.** All borings, trenches, and other excavations shall be protected by fences or other means to prevent injury by parties entering the property.

(History: Ord. BC-2635 §171, 2007; BC-2459 §151, 2004)

**16.180.404**

Section 404 of the 2006 International Private Sewage Disposal Code is hereby deleted.  
(History: Ord. BC-2635 §172, 2007; BC-2459 §152, 2004; BC-2237 §9, 2001; Source or prior law: 16.09.320; BC-2013 §58, 97)

**16.180.405.2.5**

Section 405.2.5 of the 2006 International Private Sewage Disposal Code is hereby amended to read as follows:

**405.2.5 Observations.** The first observation shall be made on or before March 1. Observations shall be made thereafter every seven (7) days or less until November 30 or until the site is determined to be unacceptable, whichever occurs first. Where water is observed above the critical depth at any time, an observation shall be made one (1) week later. Where water is present above the critical depth at both observations, monitoring shall cease and the site shall be considered unacceptable. Where water is not present above the critical depth at the second observation, monitoring shall continue until November 30. Where any two observations seven (7) days apart show the presence of water above the critical depth, the site shall be considered unacceptable and the Building Official shall be notified in writing. When rainfall of 0.5 inch (1/2”) or more occurs in a 24-hour period during monitoring, observations shall be made at more frequent intervals, where necessary.  
(History: Ord. BC-2635 §173, 2007; BC-2459 §153, 2004; BC-2237 §9, 2001; Source or prior law: 16.09.330; BC-2013 §59, 97)

**16.180.405.2.6**

Section 405.2.6 of the 2006 International Private Sewage Disposal Code is hereby amended to read as follows:

**405.2.6 Reporting data.** Where monitoring shows saturated conditions, the following data shall be submitted in writing: test locations; ground elevations at the wells; soil profile descriptions; soil series, if available from soil maps; dates observed; depths to observed water; and local precipitation data, monthly from at least one year prior to monitoring and daily during monitoring.

Where monitoring discloses that the site is acceptable, the following data shall be submitted in writing: location and depth of test holes; ground elevations at the wells and soil profile descriptions; soil series, if available from soil maps; dates observed; results of observations; information on artificial drainage; and local precipitation data, monthly from at least one year prior to monitoring and daily during monitoring. A request to install a soil absorption system shall be made in accordance with Section 106.  
(History: Ord. BC-2635 §174, 2007; BC-2459 §154, 2004; BC-2237 §9, 2001; Source or prior law: 16.09.340; BC-2013 §60, 97)

**16.180.406.1**

Table 406.1 of the 2006 International Private Sewage Disposal Code is hereby amended to read as follows:

**TABLE 406.1  
MINIMUM HORIZONTAL SEPARATION DISTANCES  
FOR SOIL ABSORPTION SYSTEMS**

<b>ELEMENT</b>	<b>DISTANCE (feet)</b>
Cistern	50
Habitable building, below-grade foundation	25
Habitable building, slab-on-grade	15
Lake, high-water mark	50
Lot line	10
Reservoir	50
Roadway ditches	10
Spring	100
Streams or watercourse	50
Swimming pool	15
Uninhabited building	10
Water main	50
Water service	10
Water well	50

For SI: 1 foot = 304.8 mm.

(History: Ord. BC-2635 §175, 2007; BC-2459 §155, 2004; BC-2237 §9, 2001; Source or prior law: 16.09.350; BC-2013 §61, 97)

**16.180.505.11**

Repealed. See 16.180.505.12.

(History: Ord. BC-2635 §211, 2007; BC-2459 §156, 2004; BC-2237 §9, 2001; Source or prior law: 16.09.360; BC-2013 §62 97)

**16.180.505.12**

Section 505.12 of the 2006 International Private Sewage Disposal Code is hereby amended to read as follows:

**505.12 Vitrified clay pipe.** The use of vitrified clay pipe is prohibited.

(History: Ord. BC-2635 §176, 2007)

**16.180.603.1**

Section 603.1 of the 2006 International Private Sewage Disposal Code is hereby amended to read as follows:

**603.1 General.** The bottom area for seepage trenches or beds or the side-wall area for seepage pits required for a soil absorption system serving residential property shall be determined from Table 603.1 using soil percolation test data and type of construction.

**Exception:** The only percolation class permitted in the City of Overland Park is Class 4. (History: Ord. BC-2635 §177, 2007; BC-2459 §157, 2004; BC-2237 §9, 2001)

**16.180.605.1**

Section 605.1 of the 2006 International Private Sewage Disposal Code is hereby amended to read as follows:

**605.1 Seepage trench excavations.** Seepage trench excavations shall be 1 foot to 3 feet wide. Trench excavations shall be spaced a minimum of 6 feet apart. The absorption area of a seepage trench shall be computed by using only the bottom of the trench area. Distribution piping in a seepage bed shall be uniformly spaced a maximum of 5 feet and a minimum of 3 feet apart, and a maximum of 3 feet and a minimum of 1 foot from the sidewall or headwall. The bottom excavation area of the distribution header shall not be computed as absorption area. Individual seepage trenches shall be a maximum of 100 feet long, unless otherwise approved.

(History: Ord. BC-2635 §178, 2007; BC-2459 §158, 2004; BC-2237 §9, 2001; Source or prior law: 16.09.370; BC-2013 §63, 97)

**16.180.605.3**

Section 605.3 of the 2006 International Private Sewage Disposal Code is hereby deleted.

(History: Ord. BC-2635 §179, 2007; BC-2459 §159, 2004; BC-2237 §9, 2001; Source or prior law: 16.09.380; BC-2013 §64, 97)

**16.180.605.5**

Section 605.5 of the 2006 International Private Sewage Disposal Code is hereby amended to read as follows:

**605.5 Aggregate and backfill.** A minimum of 6 inches of aggregate ranging in size from ½ to 2 ½ inches shall be laid into the trench or bed below the distribution pipe elevation. The aggregate shall be evenly distributed a minimum of 2 inches over the top of the distribution pipe. The aggregate shall be covered with approved synthetic materials or 9 inches of uncompacted marsh hay or straw. Building paper shall not be used to cover the aggregate. A minimum of 18 inches of soil backfill shall be provided above the covering.

**Exceptions:**

1. **Shallow-in-ground system:** On sites where conventional in-ground systems are unsuitable due to conditions such as high water table, shallow bedrock or slowly permeable soil layer, it may be possible to install a shallow-in-ground system. Essentially shallow-in-ground systems are identical to conventional systems in terms of design and construction with the following modifications:
  - a. The trench excavation can be as shallow as six inches (6"). The actual excavation will be dependent upon the depth to the limiting factor. There must be two-to-four foot (2'-4') separation between the bottom of the trench and the limiting factor.
  - b. The backfill material must be of the same textural class as the excavated soil. This material must be inspected and accepted by the local authority. A minimum of 10-12 inches (10"-12") of backfill cover needs to be provided, and it should extend at least 20 feet (20') beyond the perimeter of the absorption field.

- c. It is recommended that the site be prepared by cutting grass as short as possible or even chisel plowing the area as is done prior to installation of a mound.
2. **Gravel less/chambered system:** This system may be considered in a situation where there is a residential property with a failed septic system under the following conditions:
  - a. There is not enough property available to accommodate a full sized gravel trench system in square feet.
  - b. Upon doing soil profile excavation pits, the soils are found to be permeable to 60" in depth with no limiting areas.
  - c. The required square footage of trench will be determined by calculating the square footage of trench required for a convention absorption system, which is 330 square feet per bedroom (Section 603) and then allowing only 70% of that total square foot requirement for a chambered system.
  - d. All other aspects of the system will be installed according to the 2006 International Private Sewage Disposal Code.

(History: Ord. BC-2635 §180, 2007; BC-2459 §160, 2004; BC-2237 §9, 2001; Source or prior law: 16.09.390; BC-2013 §65, 97)

#### **16.180.605.10**

Section 605.10 of the 2006 International Private Sewage Disposal Code is hereby added to read as follows:

**605.10 New construction.** Where a private sewage system is installed where new home construction is not completed, distribution piping shall be protected with barriers to prevent construction traffic from crossing over the lateral field, trunk lines, and manifold piping. (History: Ord. BC-2635 §181, 2007; BC-2459 §161, 2004; BC-2237 §9, 2001; Source or prior law: 16.09.400; BC-2013 §66, 97)

#### **16.180.702.2.1**

Section 702.2.1 of the 2006 International Private Sewage Disposal Code is hereby added to read as follows:

**702.2.1 Percolation rate.** The only percolation rate permitted in the City of Overland Park for Table 702.2 is 45 to 60. (History: Ord. BC-2635 §182, 2007; BC-2459 §162, 2004; BC-2237 §9, 2001)

#### **16.180.802.2**

Section 802.2 of the 2006 International Private Sewage Disposal Code is hereby amended to read as follows:

**802.2 Design of septic tanks.** Septic tanks shall have a minimum of two (2) compartments. The inlet compartment shall be not less than two-thirds (2/3) of the total capacity of the tank, not less than a 670-gallon liquid capacity and not less than 3 feet wide and 5 feet long. The

secondary compartment of a septic tank shall have a minimum capacity of 330 gallons and not more than one-third (1/3) of the total capacity. The secondary compartment of septic tanks having a capacity greater than 1,500 gallons shall be not less than 5 feet long.

The liquid depth shall be a minimum of 30 inches and a maximum average of 6 feet. The total depth shall be at least 8 inches greater than the liquid depth.

Rectangular tanks shall be constructed with the longest dimensions parallel to the direction of the flow.

Cylindrical tanks shall have a minimum inside diameter of 48 inches.

(History: Ord. BC-2635 §183, 2007; BC-2459 §163, 2004; BC-2237 §9, 2001; Source or prior law: 16.09.410 (part); BC-2013 §67, 97)

**16.180.802.7.1**

Section 802.7.1 and Table 802.7.1 of the 2006 International Private Sewage Disposal Code are hereby amended to read as follows:

**802.7.1 Sizing of septic tank.** The minimum liquid capacity for one- and two-family dwellings shall be in accordance with Table 802.7.1.

**TABLE 802.7.1  
SEPTIC TANK CAPACITY FOR  
ONE- AND TWO-FAMILY DWELLINGS**

<b>NUMBER OF BEDROOMS</b>	<b>SEPTIC TANK (gallons)</b>
1	1,000
2	1,200
3	1,200
4	1,425
5	1,425
6	1,875
7	1,875
8	2,100

For SI: 1 gallon = 3.785 L.

(History: Ord. BC-2635 §184, 2007; BC-2459 §164, 2004; BC-2237 §9, 2001; Source or prior law: 16.09.420; BC-2013 §68, 97)

**16.180.805.1**

Section 805.1 of the 2006 International Private Sewage Disposal Code is hereby amended to read as follows:

**805.1 Approval.** The installation of a holding tank shall not be approved where the site can accommodate the installation of any other private sewage disposal system specified in this code. A pumping and maintenance schedule for each holding tank installation shall be submitted to the Building Official.

**Exception:** Temporary sewage disposal facilities are permitted for systems meeting all of the following:

1. The system is installed for a period of time not to exceed two (2) years. Sufficient documentation, acceptable to the Building Official, shall be submitted to substantiate the temporary nature of the facility to ensure the facility will be removed or connected to the public sewer system within two (2) years.
2. The design and construction of the system conforms to the Holding Tank requirements of the 2006 International Private Sewage Disposal Code.
3. Public sewers are not available as defined in the 2006 International Plumbing Code.
4. The use of the building shall not utilize commercial cooking operations or any material that would be detrimental to the system.

(History: Ord. BC-2635 §185, 2007; BC-2459 §165, 2004; BC-2237 §9, 2001)

**16.180.903.6.4**

Section 903.6.4 of the 2006 International Private Sewage Disposal Code is hereby added to read as follows:

**903.6.4 Percolation rate.** The only percolation rate permitted in the City of Overland Park for Table 903.6 is greater than 60 to 120.

(History: Ord. BC-2635 §186, 2007; BC-2459 §166, 2004; BC-2237 §9, 2001)

**16.180.1001**

Repealed.

(History: Ord. BC-2459 §187, 2004; BC-2237 §9, 2001)

**16.180.1202.7**

Section 1202.7 of the 2006 International Private Sewage Disposal Code is hereby added to read as follows:

**1202.7 Certification.** Prior to occupancy, a certified engineer registered in the State of Kansas, which designed the sewage system, is required to certify the installation of the complete sewage system.

(History: Ord. BC-2635 §187, 2007; BC-2459 §167, 2004; BC-2237 §9, 2001; Source or prior law: 16.09.440; BC-2013 §70, 97)

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