

Chapter 220

HEALTH AND SANITATION

Cross Reference — Health nuisances, see ch. 215.

ARTICLE I

Public Health Standards

Section 220.010. Definitions. [CC 1985 §7-201; Ord. No. 691, 5-3-1982]

Unless the context specifically indicates otherwise, the following terms used in this Article shall mean as follows:

CITY — The City of Mulvane, Sedgwick-Sumner Counties, Kansas.

CONTROL MEASURES — Any chemical, structure, physical procedures or processes designed to eradicate, minimize, prevent or otherwise limit the reproduction and/or infestation of insects, rodents or other animal populations detrimental to public health.

DEAD ANIMALS — Those that die in the normal course of community activity, excluding condemned animals at slaughter houses or any other animals normally used as industrial refuse.

DIRECTOR OF PUBLIC HEALTH — The Director of the Sedgwick County Department of Public Health.

FOOD STUFFS — All food used for human consumption.

GARBAGE — The putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

HEALTH OFFICER — The Director of the Sedgwick County Department of Public Health or his/her authorized representative.

HUMAN EXCRETA — The body discharges (both feces and urine) of humans.

INDUSTRIAL REFUSE — The solid wastes resulting from industrial processes.

INSECTS — The following classes of Arthropoda:

1. Insecta, and
2. Arachnida, including flies, mosquitoes, fleas, lice, cockroaches, bedbugs, plant bugs and mites, ticks, spiders and scorpions.

MANURE — The body discharges of all animals except humans.

PREMISES — A lot, plot or parcel of land, including the dwellings and structures, if any, located thereon.

REFUSE — All putrescible and non-putrescible waste materials (except body waste) such as trash, garbage, tree trimmings, grass cuttings, dead animals and industrial wastes but shall not include human or animal excrements, salvage or inert materials produced in connection with the erection or demolition of buildings.

RODENTS — The so called domestic rats, *Rattus Norliegicus*, *Rattus Alexandrinus* and *Rattus*, domestic mice, *Mus Musculus* and other wild native rodents associated with the transmission of diseases affecting man or other animals.

SALVAGE MATERIALS — Materials of some value that are obtained from the disassembly of various kinds of machinery and mechanical appliances and/or the demolition of buildings or similar structures.

SALVAGE YARD — Any premises used for:

1. The sale and resale of used merchandise;
2. The disassembling of wrecked or used automobiles and sale of auto parts; and
3. The collection, sorting, storage and/or resale of various kinds of metal and/or used building materials.

SANITARY SEWER — A sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

SEWAGE — A combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments together with such ground, surface and storm waters as may be present.

TRASH or RUBBISH — All non-putrescible wastes including, but not limited to, paper, cardboard, tin cans, glass, wood, yard clippings, crockery, metals and ashes.

WASTE or WASTES — Useless, unused, unwanted or discarded materials resulting from normal community activities. "*Waste*" includes solids, liquids or gases.

Section 220.020. Responsibility of Health Officer. [CC 1985 §7-202; Ord. No. 691, 5-3-1982]

The Health Officer shall be responsible for the enforcement of this Article and is hereby authorized to make such investigations, to issue notices, orders and directions as are necessary for, the enforcement of the provisions of this Article.

Section 220.030. Responsibility of Municipal Prosecutor. [CC 1985 §7-203; Ord. No. 691, 5-3-1982]

The Municipal Prosecutor shall be responsible for the prosecution of all violators of the provisions of this Article in the Municipal Court of the City.

Section 220.040. Notices. [CC 1985 §7-204; Ord. No. 691, 5-3-1982]

- A. Whenever the Health Officer determines that there has been a violation of any provision of this Article, he/she shall give notice of such alleged violation to the person or persons responsible therefor as hereinafter provided. Such notices shall:

1. Be in writing;
2. Particularize the violations alleged to exist or been committed;
3. Provide a reasonable time for the correction of the violations particularized;
4. Be addressed to and served upon the owner and/or occupant of the premises, provided that such notice shall be deemed to be properly served upon such owner, operator or occupancy if a copy thereof is served upon him/her personally or if a copy thereof is sent by certified or registered mail to his/her last known address. If the notice cannot be conveniently served by the aforesaid, service of the notice may be made upon such person or persons by posting the notice in a conspicuous place in or about the premises affected by the notice. In which event, the Health Officer shall make a statement for inclusion in the record as to why such posting was necessary. Such notice may contain an outline of remedial action which, if taken, will affect correction of the particularized alleged violations.

Section 220.050. Hearings. [CC 1985 §7-205; Ord. No. 691, 5-3-1982]

- A. Any person affected by any notice which has been issued in connection with the enforcement of any provisions of this Article, who is aggrieved thereby and who believes the same to be contrary to the policies or regulations of the City may request and shall be granted a hearing on the matter before the Director of Public Health or his/her designated representative, provided that such person shall file in the office of the City Clerk of the City a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within ten (10) days after the notice is served. Upon receipt of such petition, the Health Officer shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing, the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn. The hearing shall be commenced not later than ten (10) days after the day on which the petition was filed, provided that upon application of the petitioner, the Health Officer may postpone the date of the hearing for a reasonable time beyond such a ten (10) day period if, in his/her judgment, the petitioner has submitted a good and sufficient reason for such postponement.
- B. The proceedings at such hearing, including the findings and decision of the Director of Public Health or his/her designated representative, shall be summarized, reduced to writing and entered as a matter of public record in the office of the Health Officer. Such record shall also include a copy of every notice or order issued in connection with the matter. Appeals from the decision of the Director of Public Health or his/her designated representative may be made to the Governing Body of the City within five (5) days after such decision has been declared. Whenever the Director of Public Health or his/her designated representative finds that an emergency exists which requires immediate action to protect the public health, he/she may request that the Mayor of said City issue an order reciting the existence of such an emergency and requiring that such action be taken as they (the Director of Public Health or his/her designated representative and the Mayor of said City) deem necessary to meet the emergency. The Mayor of said City shall determine whether the aforesaid order shall issue. In the event that the Mayor of said City determines

that an emergency exists as aforesaid, he/she may, without notice or hearing, issue such order as aforesaid. Notwithstanding the other provisions of this Article, such order shall be immediately effective. Any person to whom such an order is directed shall comply therewith immediately but, upon petition to the Health Officer, shall be afforded a hearing as herein provided as soon as possible. After such hearing, upon the recommendations of the Health Officer, the Mayor of said City shall determine whether the order as aforesaid shall be continued in effect, be modified or revoked.

Section 220.060. Orders. [CC 1985 §7-206; Ord. No. 691, 5-3-1982]

After such hearing, the Health Officer or his/her designated representative may sustain, modify or withdraw the notice, depending upon his/her findings as to whether the provisions of this Article and of the rules and regulations adopted pursuant thereto have been complied with. If the Health Officer or his/her designated representative sustains or modifies such notice, it shall be deemed to be an order. Any notice served pursuant to this Article shall become an order if a written petition for a hearing is not filed in the office of the Health Officer within ten (10) days after such notice is served.

Section 220.070. Sanitation for Refuse. [CC 1985 §7-207; Ord. No. 691, 5-3-1982; Ord. No. 1148, 8-19-2002]

A. Storage.

1. The owners or occupants of all residential premises shall store all refuse produced on such premises in metal or plastic liquid-tight containers covered with fly-tight, watertight lids or covers. All garbage that is produced on such residential premises shall be drained and wrapped in newspaper or similar material prior to being placed in the container, provided that garbage that is disposed of by garbage grinders shall otherwise be excluded from the provisions of this Section, provided further, that combustible trash that is burned in an approved type of trash burner or incinerator shall otherwise be excluded from the provisions of this Section, and provided further, that no garbage or non-combustible trash may be deposited in such trash burners or incinerators.
2. All garbage that is not otherwise disposed of by garbage grinders from commercial or other establishments that process, sell or serve food or food products shall be stored in separate metal liquid-tight containers covered with fly-tight and watertight lids or covers.
3. Owners or occupants of premises other than residential shall store all trash produced on such premises in suitable, metal liquid-tight containers covered with fly-tight and watertight lids or covers, provided that combustible trash that is burned in an approved type of trash burner or incinerator shall otherwise be excluded from the provisions of this Section; provided further, that in the event trash is of such quantity as to make it impractical to place the same in containers, the owner or occupant of such premises shall provide storage facilities for the trash as may be required by the Health Officer.
4. Bulky non-putrescible material may be stored on the ground near the refuse

containers of all premises provided such material is tied securely in bundles less than four (4) feet in length and less than fifty (50) pounds in weight.

B. *Collection, Removal And Disposal.*

1. The refuse from all premises shall be collected and removed at least once each week in covered vehicles of watertight construction inspected and approved for collection of refuse by the Health Officer.
2. All vehicles used for the collection of refuse shall be kept in a clean and sanitary condition and shall be washed free of all putrescible materials at the close of each day and shall be kept in a safe mechanical condition.
3. All persons, other than those collecting and removing refuse from premises occupied by them, who collect or offer to collect refuse in the City of Mulvane, Sedgwick-Summer Counties, Kansas, shall be licensed as required by City ordinance.
4. All refuse collected from premises within the corporate limits of the City shall be disposed of at such locations and in such manner as approved by the Health Officer.

Section 220.080. Sanitation Standards for Animals. [CC 1985 §7-208; Ord. No. 691, 5-3-1982]

A. *Running At Large.* Chickens, ducks, geese and all domestic animals except dogs and cats are prohibited from running at large within the City. They shall be confined to the premises of their owners.

B. *Diseased Animals Or Fowl.* Any domestic animal or fowl suffering from a disease that is hazardous to other animals or humans shall be destroyed or placed in custody of a veterinarian in an animal hospital.

C. *Animal Pen.*

1. *Location.* No animal pen, rabbit hutch, pigeon loft or similar structure of enclosure housing animals or fowl shall be located less than fifty (50) feet from a dwelling or street and less than ten (10) feet from any property line.
2. *Cleaning.* Structures or enclosures used to confine fowl or animals shall be kept in a sanitary condition that will not produce offensive odors or breed flies. All accumulations of manure, straw or litter shall be removed from such structures or enclosures each day and placed in containers approved by the Health Officer for such purpose.
3. *Feeding of garbage to animals.* Domestic garbage or food scraps shall not be fed to animals or fowl harbored or kept in pens located within the corporate limits of the City.

D. *Rabies Control.*

1. *Vaccination.* All dogs kept or harbored within the City shall be vaccinated against rabies using vaccine approved by the U. S. Department of Agriculture.
2. *Tags.* The owners of all dogs vaccinated in accordance with this Article shall

securely fasten a metallic or plastic tag, which the veterinarian rendering the vaccination service shall supply, to the collar of the dog. The tag shall be numbered and the date of the vaccination shall be impressed upon the face of the tag.

3. *Number of dogs permitted.* Any person having in his/her possession more than two (2) dogs on any one (1) premises shall confine such dogs to the premises as provided for other fowl and animals in Subsection (A) herein and shall also comply with Subsection (C) herein. "Dogs", for the purpose of this Section, shall mean mature dogs when such dogs are fully weaned.

Section 220.090. Sewage and Human Excreta. [CC 1985 §7-209; Ord. No. 691, 5-3-1982]

- A. *Facilities.* All human excrements shall be discharged into a plumbing system connected to a sanitary sewer system or septic tank system as approved by the Health Officer and as otherwise required in the City's sewer ordinance.
- B. *Disposal.* No owner or occupant of any premises within the corporate limits of the City shall discharge or permit to be discharged on the surface of the ground of any premises owned or occupied by him/her any sewage, industrial waste, septic tank effluent or any other liquid or solid wastes that are hazardous or dangerous to health.
- C. *Privies.* Privies shall not be used for the disposal of human excreta except for construction projects located in unsewered areas, in which case privies approved by the Health Officer will be permitted until such time as adequate plumbing facilities can be provided.

Section 220.100. Salvage Materials. [CC 1985 §7-210; Ord. No. 691, 5-3-1982]

- A. *Storage In Residential Areas.* No waste materials for use in improving the premises may be stored on premises in residential areas. Salvage materials for use in improving the premises may be stored providing the materials are used in six (6) months and providing such materials are stored on racks at least eighteen (18) inches off the ground and not closer than forty-eight (48) inches to a wall or fence.
- B. *Salvage Yards.*
 1. All salvage yards shall be located on premises as provided for in the City's Zoning Ordinance.
 2. All salvage materials shall be stored on racks or in bins with at least eighteen (18) inches of clearance between the bottom of the rack or bin and the ground and a width of forty-eight (48) inches or less.
 3. No rack or bin shall be closer than forty-eight (48) inches to a wall, fence or adjacent bin or rack.
 4. Non-rackable materials shall be stored in a manner specified by the Health Officer to prevent rodent harborage and breeding. No non-rackable materials shall be kept in any salvage yard until written permission is obtained from the Health Officer and acceptable methods of storage have been determined.
 5. All ground surfaces, except lawns, shall be kept free of all grasses and weeds by

using soil sterilants and/or other effective methods.

6. An effective, continuous rodent poisoning program approved by the Health Officer shall be maintained at all salvage yards.
7. Salvage yards handling wrecked or discarded automobile bodies shall promptly remove all valuable materials and cut and compress the remains so that they can be stored satisfactorily or transport the uncut remains to other salvage yards for cutting, compressing and storing or transport them to a disposal site approved by the Health Officer.

Section 220.110. Rodent Control. [CC 1985 §7-211; Ord. No. 691, 5-3-1982]

- A. *Rodent Proofing.* Buildings or premises located in industrial and commercial zones and all premises with multi-family dwellings shall be maintained in rodent proof condition by proper application of structural materials or alterations approved by the Health Officer for rodent proofing and applied in the manner specified by the Health Officer.
- B. *Storage Of Food Stuffs.* All food stuffs stored within buildings or premises described in Subsection (A) hereof shall be stored in an orderly fashion in order to prevent contamination and minimize food or harborage for rodents.
- C. *Storage Of Non-Food Stuffs.* All non-food stuffs stored within buildings or premises described in Subsection (A) hereof shall be stored off the floor in a manner that will facilitate proper cleaning and minimize rodent harborage. All organic non-food stuffs shall be treated in a manner that will limit the access of such materials to rodents. All storage areas within the building shall be kept free of trash and rubbish.
- D. *Storage Of Materials Outside Buildings.* Materials stored outside buildings or premises described in Subsection (A) hereof shall be kept on racks that provide a clearance of eighteen (18) inches or more between the bottom of the rack and the ground surface and at least forty-eight (48) inches away from a building, wall or fence. Refuse containers may be stored on a concrete slab as specified by the Health Officer.
- E. *Rodent Eradication.* When directed to do so by the Health Officer, the owners or occupants of any premises shall institute effective rodent eradication measures as recommended by the Health Officer.

Section 220.120. Insect Control. [CC 1985 §7-212; Ord. No. 691, 5-3-1982]

- A. *Insect Breeding.* All premises in the City shall be maintained free of conditions that encourage or permit any unnecessary breeding of insects that are annoying or dangerous to residents of the City.
- B. *Screening.* Exterior windows and doors of all buildings used for human habitation or for the storage, preparation or serving of food shall be screened in a manner prescribed by the Health Officer.
- C. Whenever the Health Officer shall find that it is impossible or impractical for owners or occupants to individually control populations of dangerous or annoying insects, he/she shall notify the City, and it shall be the duty of the City to develop, in cooperation with the

Health Officer, a practical program for community-wide control.

Section 220.130. Penalty. [CC 1985 §7-213; Ord. No. 691, 5-3-1982]

Any person who shall violate any provision of this Article, or any provision of any rule or regulation adopted by the Health Officer pursuant to authority granted by this Article, shall be punished by a fine of not more than one hundred dollars (\$100.00) or by imprisonment in the County Jail for a period of not exceeding three (3) months or by both such fine and imprisonment. Each day that any violation of this Article continues shall constitute a separate offense and be punishable hereunder as a separate violation.