

FEDERAL AND STATE AFFAIRS COMMITTEE

March 31, 1969

The meeting was called to order by the Chairman who introduced Senator Shultz to discuss SB 194. The Senator explained that this deals with pollution around the reservoirs in the state; that he did not know all of the ramifications of the bill but that it had been introduced out of concern for good sanitary systems in these areas. He pointed out that on page 9, line 1, the dates had been changed but felt that it might be suitable if the Committee re-established the dates to the original form. He stated that the bill provides for the developer to furnish a surety bond equal to 20% of the cost of constructing a sanitary system. The dates mentioned would constitute a hardship waiver.

Senator Rogers stated that he was speaking for Senator Owen, Senator Winter and others. He stated that because of Board of Health rulings in sanitation matters that virtually all construction has been halted around the three reservoirs in the state; that they have ruled you cannot build on any lot unless there is a public municipal sewer system; that people buying on installments are not the owner and not entitled to the benefits; that he had believed when the law passed last time that it was a good one but that it created many problems; that this proposal is to rectify some mistakes that were not foreseen. He stated that before construction can take place, a plan must be submitted to the Board of Health and that it is virtually impossible to get approval because of the rules and regulations adopted by the Board of Health; that this has caused the developers to be wiped out. He stated that with this bill the County could adopt a sanitary code and exempt themselves from the Act. He stated that the proposed date change would take care of the people who have already platted with the understanding that they could go ahead, but new developers would know they had to meet the strict requirements.

Mr. James F. Swoyer, Jr., of Oskaloosa, representing the Board of County Commissioners, stated that if passed this bill should have considerable amending, but really felt it should be tossed out completely; that for one thing they object to the use of holding tanks for sewage, explaining that this means they must be pumped out by trucks and that the quantity of liquid involved is remarkable, and explained that the cost for this service is almost prohibitive. He stated that there are many developers in his area and they have lived with the present law and that there are others in the process of forming districts. He stated that he would like to see the hardship date rolled back and require bonds at 100% of cost of construction of a sanitary system.

Mr. Duane King of Oskaloosa, stated that his only interest was that he lives in the Perry Reservoir area; that he believes pollution control should not stop at the 3-mile limit but should extend to every tributary no matter how small.

Senator Winter stated that he represents Osage and Franklin Counties; that there are two federal reservoirs which have taken land from the tax rolls in that area and that there is no industry except agriculture; that they are anxious to promote building, etc. and that many of his people support SB 194.

Leon Barnan, Director of the Wichita-Sedgwick County Health Department testified that he is interested in the Cheney Reservoir area and that his department has done a good job there. He urged proper disposal of waste to enhance and protect the water for drinking and recreation; that while some people may resent what they consider restrictive legislation it is sometimes necessary to protect people from themselves.

Jim Aiken from Wichita proposed numerous amendments (see exhibit file). He urged that the date not be rolled back to exclude those areas platted prior to July 1, 1965. He urged the facilities for disposal be constructed prior to selling lots or else have a performance bond. He stated that he had submitted suggestions to the Senate Committee but believed that this proposal is better than what he suggested to them.

Mr. Ross McKenney of Lawrence, a member of the faculty at KU, stated that he was really appearing as a private citizen; that he does not believe this bill will take care of any problems; that everyone is in favor of sanitation and are trying to find the best way; that we should recognize the different kinds of sanitation needs. He states there is no "magic" size for lots; that sanitation must take into consideration the character of the soil and drainage and many other things; that it is an engineering problem and not a legislative matter. He suggested a resolution from the Legislature to the Board of Health rather than trying to tell the Board how to run this. He stated it is wrong to "force" any kind of a plan on the people but that it is basically an educational matter concerning the problems they will encounter if they do not have proper sanitation; that it may cost them some money but in the long run will cost less than having poor sanitation.

Rep. Linde stated that Cheney Reservoir is a water supply for the city of Wichita; about 35 to 40% of the total water supply; that some treated sewage passes into this reservoir; that it is a shallow body and evaporation is a big factor; that after a period of dry weather the salt and mineral content of the water is very high and that certainly sanitation should be maintained for the good of the people.

Mr. Larry Brennon of Overland Park stated he believed this bill would dilute the present law to where there was very little control; that while the counties are certainly concerned the people of the state have a real interest also; that from the terms of benefit to the state he would be reluctant to put controls at the county level, because these reservoirs are a state resource; that he believes regulation should be at the state level. He stated there are serious difficulties with the present law and the passage of this would result in additional serious difficulties. He agreed with Mr. Buchele that he understood that much construction had stopped but stated he believed it is a matter of economics of the developers; that he believes this is (the present law) reasonable, and that there have been sub-standard plans submitted which has resulted in disapproval.

Grant Barcus of Kansas City, Kansas stated that he is a developer in the Perry area; that he would not object to a bond for 100% of construction in his platted areas, but that he believes by the time enough lots are sold to demand a central disposal system that the inflationary situation will have made the bond inadequate. He stated the most important part of the act is not sanitation but proper development.

Mr. Mays of the Board of Health stated that he had discussed these matters with several members of the Committee; that he wanted everyone to know that the differences between the developers and his Board were not that the Board would approve only municipal systems; that this is not true; that they are constantly working toward the best interests of the people as evidenced by the fact they have had three different sets of regulations since the law was passed; that even in those cases where developers have started work without approval his department has attempted to work with them in working out their problems; that sometimes the problem is this type of thin and other times, just improper plans being submitted.

Rep. Gaines appeared before the Committee and stated that he believed the State Board of Health had no alternative but to act as they have in view of the kind of a law the legislature gave them to work with; that he had heard that the Board of Health would never approve a septic tank of a holding tank, and suggested that there could be an amendment on page 6 of Mr. Aikens proposed amendments in line 17-18-19, setting out language to the effect that they could be used in cases where there was reason to believe that the safety and health of the people would not be endangered.

Senator Shultz discussed SB 45, and introduced Max Bickford of the Board of Regents to explain the bill. He stated this bill was proposed by the Legislative Council and the Board of Regents is interested only in Section 1; that it would give them the right to determine when a position should be classified or unclassified.

Mr. Bob Hoffman stated that Section 2 came as an amendment in the Senate Committee after the Personnel Division and he were asked to prepare some amendments; that in considering the total problem of types of classifications under the Civil Service Act it appeared there were only about 217 classified exempt and it was felt they could get rid of this category. Now he says that after discussions with Mr. Bibb and learning that a study is going to be made they would recommend that section 2 be amended out of the bill. Mr. Shultz stated that the senate committee would have no feeling on this.

Senator Shultz discussed SB 47, stating that this had to do with expenditure of funds for the recruitment of personnel; that it would allow for certain payments to individuals who come for interviews. He stated it meets with Mr. Bickford's approval. Mr. Bibb stated this came out of the Legislative Budget Committee of the Legislative Council; that he has been working on such a proposal for sometime; that Kansas is out of the market unless they can do this. Mr. McCray inquired if the term "unusual qualifications" was rather broad and Mr. Bibb stated it was just the opposite--it was in fact very restrictive.

The meeting was adjourned.

(As Amended by Senate Committee of the Whole)

(As Amended by Senate Committee)

Session of 1969

SENATE BILL No. 194

By Committee on Federal and State Affairs

AN ACT relating to areas surrounding water impoundments; and concerning sanitation and pollution control for such areas; amending K. S. A. 1968 Supp. 65-184, 65-185 and ~~65-189a~~, ~~65-187~~, ~~65-189a~~ and ~~65-189b~~ and repealing the existing sections and also repealing K. S. A. 1968 Supp. 65-189 and ~~65-189b~~ and 65-189b.

Be it enacted by the Legislature of the State of Kansas:

1 Section 1. K. S. A. 1968 Supp. 65-184 is hereby amended to read
2 as follows: 65-184. It is the purpose and intention of this
3 act to assure the maintenance of healthful and sanitary de-
4 velopment and conditions in the areas of the state surround-
5 ing certain impoundments of water so that the state will
6 realize the maximum benefits therefrom and for the preser-
7 vation of the health, safety and welfare of the people of
8 the state. The purpose of this act is to regulate and control
9 development of areas of the state surrounding certain impound-
10 ments of water to prevent pollution of such impoundments, to
11 assure sound and economical development and maintenance of
12 healthful and sanitary conditions so that the state will realize maxi-
13 mum benefits therefrom, and the health, safety and well-being of
14 the people of the state will be protected.

15 Sec. 2. K. S. A. 1968 Supp. 65-185 is hereby amended to read
16 as follows: 65-185. For the purpose of this act unless the context
17 otherwise requires:

18 (a) The term "sanitation zone" means the land within an area
19 designated and described by regulation of the state board of health
20 under the provisions of this act, no portion of which is located

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1 more than three (3) miles from the water line of the conservation
2 pool of any existing or proposed state or *authorized* federal reservoir
3 having a surface area of its conservation pool of more than one
4 hundred (100) acres, but not including any area within any incor-
5 porated city, or any area downstream from the dam site.

6 (b) The term "federal reservoir" means any reservoir *authorized*
7 or constructed and operated by any agency of the federal gov-
8 ernment.

9 (c) The term "state reservoir" means any reservoir, lake or water
10 impoundment operated by any agency of the state of Kansas.

11 (d) The word "department" means the state department of health.

12 (e) The term "agricultural use" means use for growing crops or
13 pasture and functions related thereto, but not including drylot
14 and the feeding of livestock other than for incidental use by a
15 resident on the land.

16 (f) The term "reservoir sanitation officer" means the county engi-
 17 neer or other officer designated by a majority of the county com-
 18 missioners in counties with territory in such sanitation zone, sub-
 19 ject to the approval of the state board of health. In any event
 20 the board of county commissioners shall fund the budget
 21 of the reservoir sanitation officer in accordance with the
 22 counties' area contained in the sanitation zone. The budget
 23 of the reservoir sanitation officer shall be funded by the boards of
 24 county commissioners and the proportion furnished by each county
 25 shall be based upon the area of the zone in the respective county.

26 (g) The term "owner" means the title holder of record or a per-
 27 son purchasing the lot or tract in question under a written contract
 28 of sale.

29 (h) The term "sanitation plan" means plans for furnishing water,
 30 disposing of sewage and handling refuse.

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1 (i) "Developer" means a person or persons who subdivide, plat,
 2 and sell lots or tracts.

(j) The term "lot" means (1) any premise of less than three (3) acres used or intended for use for a single family dwelling or (2) any premise, regardless of size, used or intended for use for any purpose other than a single family dwelling or agricultural use. All such premises shall be platted prior to construction of buildings or facilities thereon.

3 Sec. 3. K. S. A. 1968 Supp. 65-189a is hereby amended to read
 4 as follows: 65-189a. ~~Whenever regulations establishing sanitation~~
~~5 zones and providing for the control of sanitation therein shall have~~
~~6 been adopted under the provisions of this act, the owner or owners~~
~~7 of any land located within such zone, proposing to (a) build or~~
~~8 construct any building, structure or facility for any purpose other~~
~~9 than a single family residence or dwelling upon any lot or tract of~~
~~10 land of five (5) acres or less, or for any purpose other than~~
~~11 a single family residence or dwelling upon any lot or tract~~
~~12 of land of more than five (5) three (3) acres, or (b) subdividing~~
~~13 the same into tracts or lots any one or all of which are of five (5)~~
~~14 three (3) acres or less, shall submit a sanitation plan for such land~~
~~15 to the reservoir sanitation officer of the county in which the land~~
~~16 is located. If such plan provides for any water supply or sewage~~
~~17 disposal system serving two (2) or more lots or tracts of land of~~
~~18 five (5) three (3) acres or less or serving any lot or tract of more~~
~~19 than five (5) three (3) acres used for any purpose other than a~~
~~20 single family residence or dwelling, maps, plans and specifications~~
~~21 of such proposed system or systems shall be submitted to and be~~
~~22 approved by the department and the reservoir sanitation officer~~
~~23 shall not approve any sanitation plan without the plans and speci-~~
~~24 fications of any such water supply or sewage disposal systems hav-~~
~~25 ing first been approved by the department.~~

~~26 The reservoir sanitation officer shall determine if plans sub-~~
~~27 mitted comply with the standards established by the rules and reg-~~
~~28 ulations of the state board of health. If the reservoir sanitation~~
~~29 officer shall find that any sanitation plan does not meet the standards~~
~~30 established by the state board of health, he shall within thirty (30)~~
~~31 days of the date of receipt of such plan, notify the owner or owners-~~

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~~1 of such fact. If the plan does meet the standards established by the~~
~~2 state board of health and the plans and specifications of the pro-~~
~~3 posed water supply or sewage disposal systems have been approved~~
~~4 by the department, such fact shall be endorsed thereon.~~
~~5 Appeals to the state board of health may be taken by the owner~~
~~6 of land from the decision of the reservoir sanitation officer denying~~
~~7 the approval of any sanitation plan submitted by him within~~
~~8 twenty (20) days of the date of receipt of the notice of such denial.~~

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 department 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 state board of health 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 department.

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 state board of health. 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 department. If the reservoir sanitation officer shall find that any sanitation plan does not meet the standards established by the state board of health 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 state board of health and the plans and specifications of the proposed water supply and sewage disposal systems have been approved by the department, such fact shall be endorsed thereon.

Appeals to the state board of health 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.

9 *New Sec. 4:* No structure or building shall be built or con-
10 structed for any purpose upon any lot or tract of land of
11 three (3) acres or less, or for any purpose other than for a
12 single family residence or dwelling or any lot or tract of
13 land of more than three (3) acres, located within a sanita-
14 tion zone, without a sanitation plan therefor having been
15 approved by the reservoir sanitation officer and the state
16 department of health where required by this act or regu-
17 lations adopted thereunder, or other state statutes, and all
18 systems and facilities included in such sanitation plans
19 having been installed, inspected and approved by the reser-
20 voir sanitation officer as conforming with the approved plan.
21 *New Sec. 5:* Developers of platted subdivisions, located
22 within a sanitation zone, shall be exempted from the re-
23 quirements of this law without a sanitation plan and the
24 installation of the systems provided for in the plan if (1)
25 the subdivision is within the boundaries of a special district
26 authorized to plan, construct and operate water and sew-
27 age systems;
28 (2) the governing bodies of such districts file a sworn
29 statement with the state department of health indicating
30 that they are legally authorized by petition, election or
31 otherwise to plan and construct water supply and sewerage

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1 systems for the subdivision and are willing and ready to
2 do so whenever fifty percent (50%) of the lots are sold,
3 or sooner, if it is deemed by the state department of health
4 to be desirable or necessary to correct unsanitary conditions
5 or protect health; and
6 (3) the developer agrees to deposit with the county trea-
7 surer a sum of money equal to estimated assessments that
8 will be assessed against the lot for water and sewerage
9 service, before the legal title to any lot is transferred.
10 Owners of individual lots in a platted subdivision located
11 in a sanitation zone shall be exempted from the provisions
12 of this law prohibiting the construction of buildings or
13 structures on any lot or tract without a sanitation plan and
14 the installation of such facilities if (1) the subdivision is
15 located within boundaries of special districts authorized to
16 plan, construct and maintain water and sewerage systems;
17 (2) the governing bodies of such districts file a sworn
18 statement with the state department of health indicating
19 that they are legally authorized by petition, election or
20 otherwise to plan and construct water supply and sewerage
21 systems for the subdivision and are willing and ready to
22 do so whenever fifty percent (50%) of the lots are sold,
23 or sooner, if it is deemed by the state department of health
24 to be desirable or necessary to correct unsanitary condi-
25 tions or protect health;
26 (3) the owner or owners have deposited with the county
27 treasurer a sum of money equal to the estimated assess-
28 ments that will be assessed to the lot for water and sewer-
29 age facilities to be used to pay for planning and construc-
30 tion of such water and sewerage systems.
31 *Sec. 4. K. S. A. 1963 Supp. 65-187 is hereby amended to read*

1 as follows: 65-187. The following powers and duties are hereby
2 conferred and imposed upon the department and state board of
3 health;

4 (a) The state board of health is authorized to adopt rules and
5 regulations designating and establishing "sanitation zones" for the
6 purposes of this act: Provided, That when a sanitation zone is es-
7 tablished the state board of health shall file a certified copy of the
8 regulation establishing the boundaries of a sanitation zone in the
9 office of the register of deeds in any county any territory of which
10 is located in such sanitation zone.

11 (b) The state board of health is hereby authorized to adopt rules
12 and regulations fixing minimum standards for the control of sani-
13 tation in water supply, sewage disposal and refuse disposal upon
14 property located within sanitation zones established under the
15 provisions of this act. Such regulations shall fix a scale of reason-
16 able fees to be paid to the county by the applicant for approval of
17 sanitation plans. [The rules and regulations may provide for the
18 use of septic tanks and sewage holding tanks upon any lot where
19 the public health and safety will not be endangered thereby.]

20 (c) The state board of health shall adopt rules and regulations
21 establishing procedures for the hearing of appeals by landowners
22 from decisions of reservoir sanitation officers denying approval of
23 sanitation plans.

24 (d) The department shall examine and approve the maps, plans
25 and specifications of all water supply and sewage disposal systems
26 required to be submitted to the department under the provision of
27 this act.

~~28 Sec. 5. K. S. A. 1968 Supp. 65-189b is hereby amended to read~~
~~29 as follows: 65-189b. (a) No building structure or facility shall be~~
~~30 built or constructed for any purpose upon any lot or tract of land of~~
~~31 five (5) three (3) acres or less, or for any purpose other than a~~

~~1 single family residence or dwelling upon any lot or tract of land of~~
~~2 more than five (5) three (3) acres, located within any sanitation~~
~~3 zone and no tract or lot of five (5) acres or less located~~
~~4 within any sanitation zone shall be sold or conveyed without~~
~~5 a sanitation plan therefor having first been approved by the reser-~~
~~6 voir sanitation officer and the state department of health where~~
~~7 required by this act and the laws of the state and regulations~~
~~8 adopted thereunder and all water and sewage systems and facili-~~
~~9 ties provided in such plan having been completed installed, in-~~
~~10 spected and approved by the reservoir sanitation officer as being~~
~~11 in accordance with the approved plan: Provided, That in lieu of~~
~~12 completing such work or installation prior to the construction of any~~
~~13 building or structure or the sale or conveyance of any tract or~~
~~14 lot, the reservoir sanitation officer may accept on behalf of the~~
~~15 county, a corporate surety bond, cashier's check, escrow account~~
~~16 or other like security in an amount equal to not less than twenty~~
~~17 percent (20%) of the cost of constructing such systems and facilities~~
~~18 to be approved by the board of county commissioners conditioned~~
~~19 upon the actual construction of such systems for facilities within a~~
~~20 specified period in accordance with the approved plan. The board~~
~~21 of county commissioners are is hereby empowered to enforce such~~
~~22 bond by all legal and equitable remedies.~~

~~23 (b) No developer or owner shall sell, contract to sell or convey~~
~~24 any tract or lot of three (3) acres or less located within any sanita-~~
~~25 tion zone without a sanitation plan therefor having first been ap-~~
~~26 proved and all water and sewage systems and facilities provided in~~
~~27 such plan having been completed and approved by the reservoir~~
~~28 sanitation officer as being in accordance with the approved plan:~~
~~29 Provided, That in lieu of completing such work or installation prior~~
~~30 to the sale or conveyance of any tract or lot, the reservoir sanitation~~
~~31 officer may accept on behalf of the county, a corporate surety bond,~~

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~~1 cashier's check, escrow account or other like security in an amount,~~
~~2 equal to not less than twenty percent (20%) of the cost of construct-~~
~~3 ing such systems or facilities upon the tract or lot being sold, to be~~
~~4 approved by the board of county commissioners conditioned upon~~
~~5 the actual construction of such systems or facilities within a speci-~~
~~6 fied period in accordance with the approved plan, and the board of~~
~~7 county commissioners is hereby empowered to enforce such bond~~
~~8 by all legal and equitable remedies. Such security shall be required~~
~~9 only for the costs of the construction of the systems and facilities~~
~~10 required for the [lot or] lots proposed to be sold and not for lots~~
~~11 and tracts within such subdivision not being sold and conveyed.~~
~~12 New Sec. 6. All land subdivided into tracts or lots of three (3)-~~
~~13 acres or less and located within a sanitation zone shall be platted,~~
~~14 and approved by the board of county commissioners before filing~~
~~15 in the office of the register of deeds. No plat containing more than~~
~~16 ten (10) building sites, any one of which contains less than three~~
~~17 (3) acres shall be approved until a preliminary engineering report,~~
~~18 plan and cost estimate for providing water, sewerage and refuse~~
~~19 disposal service has been filed with and approved by the state~~
~~20 department of health. Such cost estimate shall be used in deter-~~
~~21 mining the amount of the deposit to be provided in lieu of the~~
~~22 construction required by section 5 above.~~

23 New Sec. 7.5. The provisions of this act shall not apply to (1)
 24 land used exclusively for agricultural purposes as defined in this act
 25 or to land under the control of the state park and resources author-
 26 ity or the forestry fish and game commission, but these state agen-
 27 cies shall not develop any land under their control without pro-
 28 viding water, sewage disposal and refuse disposal facilities that are
 29 in conformity with these standards and have submitted plans
 30 therefor to the state department of health, and obtained its approval;
 31 (2) owners of individual lots located in subdivisions platted

~~1~~ and approved by the board of county commissioners prior to July 1,
~~2~~ 1968: *Provided*, This waiver of compliance shall not be extended
~~3~~ to any construction other than a single family residence: *And pro-*
~~4~~ *vided further*, Nothing in this exemption shall permit violation of
~~5~~ any local ordinance or code or the creation of any condition that
~~6~~ is detrimental to health or property of adjacent property owner;
~~7~~ (3) any tract or lot subject to a sanitary code as defined
~~8~~ in K. S. A. 19-3701 to 19-3708, inclusive, and acts amenda-
~~9~~ tory thereof.
10 (2) (3) to land subject to a sanitary code or codes as defined in
11 K. S. A. 19-3701 to 19-3708, inclusive, and acts amendatory thereof,
12 which contain provisions for control of the subsurface disposal of
13 sewage, supplying of water from on-lot wells and the disposal of
14 refuse: *Provided*, That the local health department enforcing such
15 sanitary codes shall furnish to the department such information as
16 said department may require concerning the number and types
17 of such sewage, water and refuse facilities installed in the sani-
18 tation zone.

19 New Sec. 8: Also, notwithstanding the provisions of this act, the
20 department and state board of health shall adopt rules and regu-
21 lations which shall, consistent with the purposes of this act, make
22 provision for exceptions to be made in platted areas approved by
23 the board of county commissioners, and filed prior to July 1, 1968,
24 where it is shown that an undue hardship would otherwise result
25 to the developer or owner, and where it is found that the granting
26 of such exceptions would not be unduly harmful to the health and
27 welfare of the area as a whole. When an exception is granted the
28 order granting the same may contain a reasonable time limitation,
29 may require the property owner involved to consent to and connect
30 to a public water and sewer system when available.

31

1 Sec. 9: K. S. A. 1968 Supp. 65-184, 65-185, 65-187, 65-189, 65-189a
2 and 65-189b are hereby repealed.
3 Sec. 10: This act shall take effect and be in force from and after
4 its publication in the official state paper.