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ORDINANCE NO. 1322

AN ORDINANCE AMENDING THE CODE OF BALDWIN CITY, KANSAS PROHIBITING LITTERING IN THE CITY OF BALDWIN CITY, KANSAS.

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF BALDWIN CITY, KANSAS:**

**SECTION 1.** The purpose of this ordinance is to prohibit littering in the streets, sidewalks, parks, or other public places within Baldwin City, Kansas.

**SECTION 2.** The following terms, for the purposes of this ordinance, are defined as:

a. "Garbage" shall mean putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

b. "Litter" shall mean garbage, refuse, and rubbish and all other waste material which, if thrown or deposited as prohibited herein, tends to create a danger to public health, safety, and welfare.

c. "Person" shall mean any person, firm, partnership, association, corporation, company, or organization of any kind.

d. "Public Place" shall mean any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, schools, grounds and buildings.

e. "Refuse" shall mean putrescible and nonputrescible solid wastes including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles and parts thereof, solid market and industrial wastes, and construction wastes.

f. "Rubbish" shall mean nonputrescible solid wastes including, but not limited to: paper wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding and similar materials.

g. "Vehicle" shall mean every device, upon or by which any person or property is or may be transported or drawn upon a highway, road or street.

h. "Yard Maintenance" shall mean the mowing, clipping, shredding, raking, and trimming of vegetation and plants including grass and trees.

**SECTION 3.** No Person shall throw or deposit Litter in any Public Place except in public receptacles for waste collection.

**SECTION 4.** No Person while a driver or passenger in a Vehicle shall throw or deposit Litter upon any Public Place or private property.

**SECTION 5.** No Person shall drive or move any Vehicle unless such Vehicle is constructed or loaded so as to prevent any load, contents or Litter from being blown or deposited upon any Public Place or private property.

**SECTION 6.** It shall be the duty of the owner and the occupant of any private property abutting upon any Public Place to conduct any Yard Maintenance so that all waste from such Yard Maintenance that accumulates in a Public Place adjacent to such private property is removed within 12 hours.

**SECTION 7.** No Person shall sweep into or deposit waste from Yard Maintenance in any gutter, street or other Public Place.

**SECTION 8.** No Person shall throw or deposit Litter on private property except that the owner or Person in control of private property may maintain authorized receptacle for collection in such a manner that Litter will be prevented from being carried or deposited by the wind or other elements upon any Public Place or private property.

**SECTION 9.** The owner or Person in control of any private property shall at all times maintain the premises free of Litter. This Section shall not prohibit the storage of Litter in authorized private receptacles for collection.

**SECTION 10.** Any person violating the provisions of the foregoing sections shall, upon conviction, be fined in any sum not more than \$100.00.

**SECTION 11.** If any owner or person in control of any private property shall refuse or neglect to clean or remove from the sidewalk or street abutting the private property, all Litter within the time specified the City may cause such Litter to be removed from the private property and the cost thereof shall be assessed against such adjoining private property. The city clerk shall certify the same to the county clerk for collection as provided by law.

**SECTION 12.** The City Clerk shall, at the time of certifying other city taxes to the county clerk, certify the unpaid costs for removal of Litter and the county clerk shall extend the same on the tax roll of the county against the lot or parcel of ground. The cost of such work shall be paid from the general fund or other proper fund of the City, and such fund shall be reimbursed when payments therefore are received or when such assessments are collected and received by the City.

**SECTION 13. EFFECTIVE DATE OF ORDINANCE.** This Ordinance shall take effect on its passage and upon its publication as required by law.


Passed by the City Council this 6th day of April, 2015.

  
\_\_\_\_\_  
Mayor Marilyn Pearce

ATTEST:

  
\_\_\_\_\_  
Anna-Marie Keena, City Clerk

**(Approved as to Form):**

  
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Matthew H. Hoy, City Attorney

