

ORDINANCE NO. 8021

AN ORDINANCE AMENDING LEAVENWORTH CODE OF ORDINANCES, CHAPTER 46, ENVIRONMENT, ADDING ARTICLE VIII STORMWATER MANAGEMENT-LAND DISTURBANCE PERMITS, SEC. 46-261 THROUGH 46-272, PROVIDING SUBSTITUTE PROVISIONS AND REPEALING SECTIONS IN CONFLICT.

THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LEAVENWORTH, KANSAS:

Section 1. Code of Ordinances, Chapter 46 Environment, adding Article VIII, Stormwater Management-Land Disturbance Permits, Sec. 46-261 through 46-272

ARTICLE VIII – STORMWATER MANAGEMENT-LAND DISTURBANCE PERMITS

46-261 Definitions.

“Applicant” means a property owner or agent of a property owner who has filed an application for a permit that is subject to the requirements of this Title.

“Best Management Practices” or *“BMPs”* mean the utilization of methods, techniques or products that have been demonstrated to be the most effective and reliable in minimizing adverse impacts on water bodies and the adjacent Stream Corridors, including but not limited to, schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include physical facilities, schedule of activities, prohibitions of practices, maintenance procedures, and other management practices which, when properly designed, installed and maintained, will be effective to prevent or reduce the discharge of water or air pollution, treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage associated with Land Disturbance activities regulated by this Title.

“Certified Professional in Erosion and Sediment Control (CPESC)” means an individual who is currently holding such certification as issued by CPESC, Inc., or other Person holding a State license authorizing them to prepare and submit an Erosion and Sediment Control Plan.

“City” means the City of Leavenworth, Kansas.

“City Engineer” means the City Engineer for the City of Leavenworth, Kansas, or duly designated representative.

“Clean Water Act” means the federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

“Code” means the Leavenworth Code of Ordinances.

“Development” means any man-made change to improved or unimproved real property including the construction or reconstruction of buildings or structures; paving, excavation, grading, filling or similar operations; or the filing and recording of a subdivision plat.

“Erosion” means the wearing away of land by the action of wind, water, gravity or ice or a combination thereof.

“Erosion and Sediment Control Plan”, or “Plan”, means a Plan for the control of soil erosion and sedimentation resulting from land disturbing activity, and may include, without being limited to, the drawings, specifications, construction documents, schedules, or other related documents which establish the Best Management Practices (BMPs) on a project. The Plan shall include any information required to review the design of the BMPs and to ensure proper installation, maintenance, inspection, and removal of the BMPs, along with the details required to construct any portion of the final storm sewer system that was impeded by a BMP.

“Erosion and Sediment Control Standards”, or “Standards” means the Erosion and Sediment Control design criteria and specifications adopted in writing by the City Engineer.

“Governing Body” means the City Commission for the City of Leavenworth, Kansas.

“Land Disturbance” means any activity that changes the physical conditions of landform, vegetation and hydrology, creates bare soil, or otherwise may cause erosion or sedimentation. Such activities include, but are not limited to, clearing, removal of vegetation, stripping, grading, grubbing, excavating, filling, logging and storing of materials.

“Land Disturbance Permit” means a permit issued by the City Engineer subsequent to approval of Final Stormwater Management plans and Erosion and Sediment Control Plans under this Title.

“Landowner” means the legal or beneficial owner or owners of a lot or tract. The holder of a contract to purchase or other person having an enforceable proprietary interest in a lot or tract shall be deemed a landowner.

“Municipal separate storm sewer system” (MS4) means the system of conveyances, (including roads with drainage systems, municipal streets, private streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned and operated by the City and designed or used for collecting or conveying stormwater, and which is not used for collecting or conveying sewage.

National Pollution Discharge Elimination System or “NPDES” means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements under Sections 307, 318, 402 and 405 of the federal Clean Water Act.

“NPDES Permit” means for the purpose of this Title, a permit issued by United States Environmental Protection Agency (EPA) or the State of Kansas that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

“Notice of Intent (NOI)” means the state approved permit issued under the NPDES general permit that authorizes the discharge of stormwater from construction activities within the state for sites greater than or equal to one acre or when the site is a part of a larger common plan of development or sale which will disturb a cumulative total of one or more acres.

“Perennial Vegetation” means grass or other appropriate natural growing vegetation that provides substantial land cover, Erosion protection and soil stability and that is capable of sustained and healthy growth over multiple years under the constraints of shade, temperature, and moisture that will be prevalent on the site. For the purposes of this Title, annual grasses that do not regenerate after winter, ornamental plants or shrubs that do not offer effective Erosion and Sediment protection, and plants that are not suitable for the expected growing conditions on the site shall not be considered Perennial Vegetation.

“*Person*” means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns, including all federal, State, and local governmental entities.

“*Permit*” means a Land Disturbance Permit.

“*Property Owner*” means the named property owner as indicated by the records of the Leavenworth County, Kansas Records and Tax Administration.

“*Sediment*” means any solid material, organic, or inorganic, that has been deposited in water, is in suspension in water, is being transported or has been removed from its site of origin by wind, water, ice or gravity as result of soil erosion. Sedimentation is the process by which eroded material is transported and deposited by the action of wind, water, ice or gravity.

“*State*” means the state of Kansas.

“*Stop Work Order*” means an order issued which requires that all construction activity on a site be stopped.

“*Storm Sewer System*” means any conveyance or system of conveyances for stormwater, including road with drainage systems, streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains, as well as any system that meets the definition of a municipal separate Storm Sewer System or “MS4” as defined by the Environmental Protection Agency in 40 CFR 122.26.

“*Stormwater*” means storm water runoff, snow melt runoff, and surface runoff and drainage.

“*Stormwater Pollution Prevention Plan (SWPPP)*” means the written document that addresses all pollutants and their sources, including sources of sediment associated with construction, construction site erosion, and all other activities associated with construction activity and controlled through the implementation of Best management Practices (BMPs).

“*Stormwater runoff*” means water resulting from precipitation which is not absorbed by the soil, evaporated into the atmosphere, or entrapped by ground surface depressions and vegetation and which flows over the surface.

“*Stormwater Treatment Facilities*” or “*Facilities*” means all structures, plantings, natural features, or other physical elements that are designed, constructed and maintained in accordance with this Title and which are provided to prevent or reduce stormwater pollution or to control stormwater runoff volume and discharges.

Sec. 46-262 Purpose

The purpose of this Chapter is to implement and provide for the enforcement of a program to regulate land disturbance and construction activities related to grading and to control erosion and sediment resulting from these activities.

The Congress of the United States has amended the Clean Water Act of 1972 to reduce pollutants discharged into the waters of the United States by extending National Pollution Discharge Elimination System (NPDES) requirements to regulate stormwater and urban runoff discharge from land disturbance and construction activities, into the City’s Stormwater Drainage Systems.

The City of Leavenworth is subject to NPDES requirements of federal law as an operator of a small Municipal Separate Storm Sewer System. The City is therefore obligated by federal law to develop,

implement, and enforce minimum erosion and sediment control standards in compliance with the City's Kansas Water Pollution Control General MS4 Permit.

Sec. 46-263 Activity

- 1) No person shall maintain a land disturbance activity or construction site that fails to provide and implement erosion and sediment control Best Management Practices to the maximum extent practicable to prevent the discharge of sediment, construction materials, concrete truck washout, fuel, or other pollutants beyond the project construction limits, adjacent staging, storage or parking areas and/or property boundaries or into the City's Stormwater Drainage System, rights-of-way, drainage easements, alleys, or other property of the City.
- 2) No person shall maintain a land disturbance activity or construction site without a Land Disturbance Permit and/or a site specific Erosion and Sediment Control Plan approved by the City Engineer or his designee.
- 3) No person shall fail to immediately take all action necessary to completely abate any violation of this Chapter including but not limited to the establishment or restoration of Erosion and Sediment Control BMP's as required by this Chapter and remedial action to clean and/or remove sediment and other pollutants in violation of this Chapter.

Sec. 46-264 Land Disturbance Permit Required

The issuance and approval of a Land Disturbance Permit is subject to and contingent upon compliance with this Chapter and all other City permits, Leavenworth Code of Ordinances, other City regulations and other requirements specific to the development during the duration of the land disturbance, and such Land Disturbance Permit may be revoked or withdrawn upon a failure to comply with this Chapter. The failure to comply with the requirements stated in this Chapter shall be unlawful and shall constitute a violation of this Chapter. No person shall authorize or maintain a land disturbance activity without first obtaining any Land Disturbance Permit required by this Chapter. The landowner of the land upon which a land disturbance activity takes place, shall be the person responsible for obtaining any required Land Disturbance Permit except for work conducted in the right-of-way or utility easements. The person or construction site operator conducting land disturbance activities in the right-of-way or easements shall be responsible for obtaining any required Land Disturbance Permit.

- 1) A Land Disturbance Permit is required for the following land disturbance activities.
 - a) Any disturbance that will include more than one-hundred (100) square feet of fill or cut; or
 - b) Any disturbance that occurs in or within fifty (50) feet of a natural or improved channel or drainage way; or
 - c) Any disturbance that involves building construction of a new roofed structure of more than two-hundred-fifty (250) square feet on a site with less than one (1) acre of land disturbance.
 - d) The following land disturbances will require the submittal of a state approved SWPPP and an NOI prior to the issuance of a Land Disturbance Permit.
 - i. The cumulative disturbance of an area greater than or equal to one (1) acre; or
 - ii. The disturbance of any part of a larger common plan of development or sale that, when completed, will disturb a cumulative area greater than or equal to one (1) acre; or

- iii. Any construction activities which disturb less than one acre, and which are not part of larger common plan of development or sale, if the water quality impact from the discharge of stormwater from the construction activity warrants consideration because the proposed construction activities constitute a significant pollution potential.
- 2) A Land Disturbance Permit is not required for the following:
 - a) Work to correct or remedy emergencies, including situations that pose an immediate danger to life and property; or
 - b) Agricultural uses with the exception, that if the City Engineer determines that erosion and sediment controls are needed, then the following standards or permits may be required to be completed and maintained:
 - i. United States Department of Agriculture Natural Resources Conservation Service Erosion and Sediment Control Standards; or
 - ii. Land Disturbance Permit may be required.
- 3) Land Disturbance Permit Application shall include, but is not limited to, the following minimum submittal requirements:
 - a) A site specific Erosion and Sediment Control Plan that complies with this Chapter and the Leavenworth Code of Ordinances.
 - b) A site specific grading plan that complies with this Chapter and the Leavenworth Code of Ordinances, and/or other applicable City of Leavenworth Policies;
 - c) A Stormwater Pollution Prevention Plan (SWPPP) that complies with this Chapter. The SWPPP must be in compliance with the State of Kansas KDHE General Permit for NPDES stormwater runoff from construction activities;
 - d) Contact information for the applicant, construction site operator, project owner, qualified erosion control specialist, and inspector;
 - e) Area to be disturbed;
 - f) Duration of land disturbance;
 - g) Security as required by this Chapter;
 - h) Permit Fee as required by this Chapter.
- 4) The construction site operators required to be identified in the application shall be trained in erosion and sediment control practices, shall maintain a copy of any project related SWPPP on the project site and shall comply with all requirements of the Land Disturbance Permit.
- 5) The land disturbance activity described in the Land Disturbance Permit application shall be commenced within the time limits defined in the application. The land disturbance activity described and authorized in the Land Disturbance Permit application shall adhere to the schedule defined in the Land Disturbance Permit application or be subject to additional fees defined in this Chapter.
- 6) The Land Disturbance Permit application, Erosion and Sediment Control Plans and all other Land Disturbance Permit requirements shall be prepared under the supervision of and sealed by a

Professional Engineer or Landscape Architect licensed in the State of Kansas who has received a minimum of eight (8) hours classroom instruction in sediment and erosion control taught by a Qualified Erosion Control Specialist.

- 7) For all Permits requiring a KDHE NOI and/or SWPPP, the Land Disturbance Permit application, Erosion and Sediment Control Plans and all other Land Disturbance Permit requirements shall be prepared under the supervision of and sealed by a Professional Engineer or Landscape Architect licensed in the State of Kansas who has received a minimum of eight (8) hours classroom instruction in sediment and erosion control taught by a Qualified Erosion Control Specialist.
- 8) A Land Disturbance Permit not being required for a site does not exempt a site from following the basic erosion control practices defined in the Leavenworth Code of Ordinances.
- 9) If the land disturbance activity threatens or impedes the ability of the City to meet its own permit requirements under the NPDES Stormwater Discharge Permit, the City Engineer may require any person to obtain a Land Disturbance Permit in full compliance with this Chapter.
- 10) Every permit shall expire based on the time limits defined in the application.
- 11) No person required by this Chapter to obtain a Land Disturbance Permit shall authorize or maintain a land disturbance activity or a site of construction, which is not maintained at all times, in compliance with the site specific Erosion and Sediment Control Plan approved by the City Engineer.
- 12) No person shall permit, authorize or maintain a land disturbance activity or construction activity until all erosion and sediment control measures identified in the Land Disturbance Permit application have been installed, inspected, and approved in accordance with this Chapter.
- 13) No person required by this Chapter to obtain a Land Disturbance Permit shall fail to obtain a satisfactory final inspection and City approval of the full site restoration in compliance with all requirements of this Chapter, prior to the expiration of the Land Disturbance Permit.

Sec. 46-265 Land Disturbance Permit Inspections

A Land Disturbance Permit acknowledges and conveys the City Engineer, or his/her designee, the right to enter upon property described in the Land Disturbance Permit, as necessary to enforce and carryout the provisions of this Chapter. All required erosion and sediment control measures shall be maintained in good order in compliance with the Erosion and Sediment Control Plan at all times.

1) Routine Inspection

It shall be the responsibility of the permit holder to provide routine inspections of the construction site and maintain effective erosion and sediment control measures. Routine inspections shall be performed once per week, more frequently if required on the plan, and within twenty-four (24) hours following each rainfall event of half an inch (1/2") or more within any twenty-four (24) period. A log shall be kept of these inspections by the Qualified Erosion Control Specialist as a part of the SWPPP. Any deficiencies shall be noted in a report of the inspection and include the action taken to correct the deficiency. All written reports shall be submitted by the Qualified Erosion Control Specialist to the City as required by and in compliance with the City of Leavenworth Code of Ordinances. The City shall not be designated as an inspector. Residential and commercial contractors shall submit inspection records every three (3) months. All Contractors on City projects shall submit copies of their inspection records with all pay applications.

2) Initial inspection

The permit holder shall notify the City Engineer when initial erosion and sediment control measures are installed in accordance with the plan. No Land disturbance activity shall begin prior to the written approval by the City Engineer, that all pre-construction erosion and sediment control measures are correctly installed per the approved Plan.

3) Final inspection

A Land Disturbance Permit shall not be closed until a final inspection and approval of the site stabilization is issued by the City. No final Certificate of Occupancy shall be issued until a site is stabilized, restored, and the Land Disturbance Permit requirements have been satisfied and the permit closed. A site shall be considered stabilized and restored when perennial vegetation, pavement, buildings or structures using permanent materials, cover 70% of the disturbed area defined by the Land Disturbance Permit and as required by the City Engineer. All portions of the site using perennial vegetation for ground stabilization shall be homogeneously covered with at least a seventy (70%) vegetation density. Restoration includes the removal of all non-permanent erosion and sediment control devices for the site. Final Certification of the restoration and stabilization of the site shall be submitted for approval to the City Engineer by the Qualified Erosion Control Specialist. The submittal for Final Certification shall include a copy of all inspection records identified in Section A above.

Sec. 46-266 Land Disturbances of Less Than One (1) Acre

- 1) Land Disturbances less than one (1) acre that are not covered by a Land Disturbance Permit and require a building permit or work in the right-of-way permit will require an Erosion and Sediment Control Plan to be submitted in compliance with the City of Leavenworth Code of Ordinances.
- 2) Franchised and/or Public Utilities shall obtain a General Land Disturbance Permit for land disturbances of less than one (1) acre in lieu of obtaining individual project Land Disturbance Permits. The General Land Disturbance Permit for franchised and public utilities will be renewed annually and shall include the effective erosion control standards and construction methods that are to be implemented on the utility's projects, conforming to the Leavenworth Code of Ordinances. The fee and performance surety for a General Land Disturbance Permit will be as shown in the latest City of Leavenworth Table of Fees.

Sec. 46-267 Fees

- 1) Prior to the issuance of a Land Disturbance Permit, each applicant shall pay to the City a fee as established by the Governing Body as set out in Appendix F. Fees paid for a Land Disturbance Permit, which is subsequently revoked by the City Engineer, are not refundable. A person operating in compliance with the regulations of this Chapter shall not be charged a permit fee when obtaining a Land Disturbance Permit for construction or re-construction of City owned and financed capital improvements projects.
- 2) Any person who permits, authorizes, or maintains a land disturbance activity without first obtaining a valid Land Disturbance Permit required by this Chapter, shall pay additional permit fees as set out in Appendix F.
- 3) The applicant shall establish and maintain throughout the permit period an escrow account, or a surety bond in the City's name, as sufficient surety for the City. The City Engineer may determine that a specific type of surety instrument be required of an applicant based on the project proposed and the past performance of the applicant. The amount of the required surety shall be as defined in Appendix F. The amount of the escrow account may be reduced with the approval, in writing, of the City Engineer.

Sec. 46-268 Enforcement of Code Provisions

Any person, that fails to provide and implement Erosion and Sediment Control Best Management Practices to the maximum extent practicable as required by this Chapter, shall be ordered by the City Engineer, to take remedial action on said land to prevent the occurrence or recurrence of a violation of this Chapter. Remedial action shall include, but not limited to, conformance to the requirements of this Chapter. When failed or absent erosion control has resulted in mud, silt, gravel, dust, or other debris entering into the public rights of way, drainage easements, alleys, or other property of the City, the remedial action required also shall include the restoration of the area disturbed to a neat and presentable condition and removal of any debris or other pollutants.

Whenever the City Engineer, finds a violation of this Chapter, he/she shall order the landowner upon which a land disturbance activity takes place, the Construction Site Operator, and/or the Permit Holder to take action within (48) forty-eight hours after such order to comply with the provisions of this Chapter. The order may direct the removal of any dirt, debris, or mud that has been deposited in the rights of way, drainage easements, alleys, or other properties owned by the City, within (4) four hours after service of such notice. Notice may be given in person, by posting at the site, by telephone call, e-mail, or by facsimile contacts as provided in the Land Disturbance Permit Application.

In addition to the enforcement provisions of this chapter, the City Engineer may issue a Stop Work Order if the he/she determines that work authorized by a Land Disturbance Permit is in violation of this Chapter or the Erosion and Sediment Control Plan, including required drainage, grade or elevation plans, or not in compliance with the provisions of the application, plans or specifications, or conditions upon which a permit was issued, including but not limited to the following:

- 1) Applicant fails to submit reports in accordance with this Chapter;
- 2) Inspection by the City Engineer reveals the site defined by the Land Disturbance Permit is not in substantial compliance with the Erosion and Sediment Control Plan, as determined by him/her;
- 3) Failure to comply with a written order from the City Engineer to bring the site into compliance with the Land Disturbance Permit, correct a violation of this Chapter, or restore a disturbed area within the time limits defined by him/her; or
- 4) Applicant fails to pay any fee.

In the event a Stop Work Order is issued by the City Engineer, he/she shall order and direct the landowner of the property, or the landowner's agent, or any party in possession of such property described in the Land Disturbance Permit Application, or the construction site operator performing the work, or any work authorized by the City permit in the development to immediately suspend work within the area defined in the Land Disturbance Permit.

Such Stop Work Order shall be in writing, shall state the conditions under which the work may be resumed, and may be served upon a person to whom it is directed either by personal delivery, or by posting the area defined by the Land Disturbance Permit and/or mailing a copy of the same to the address identified within the Land Disturbance Permit application or permit holder, landowner, and/or any party in possession of such property. In the event the City Engineer issues a written Stop Work Order, all persons shall cease all work on the development site, except work necessary to remedy the cause of the suspension.

It shall be unlawful for a Land Disturbance Permit applicant, construction site operator, party in possession of property subject to a Stop Work Order, or landowner subject to a Stop Work Order, to

allow, consent, or permit any person to perform work described within the LAND DISTURBANCE PERMIT or any other work requiring a City permit, upon property subject to a Stop Work Order.

Upon written notice by the City Engineer as required herein for a Stop Work Order, the City engineer may revoke the Land Disturbance Permit if the applicant fails or refuses to remedy the cause of the suspension set forth in the Stop Work Order.

In the event the Land Disturbance Permit is revoked by the City Engineer, no person shall permit or continue any work described in the Land Disturbance Permit without first obtaining a new Land Disturbance Permit and paying a new permit fee as required by this Chapter.

Sec. 46-269 Abatement of Nuisances and Hazards

In addition to the penalties provided by this Chapter, when the City Engineer determines there exists a condition or act prohibited by this Chapter, he/she may, in his or her sole discretion, take whatever action he or she deems necessary to immediately abate the nuisance or hazard to protect the safety of persons or property, and the City may be reimbursed from any surety required by this Chapter, and/or may assess, to the property where a violation has been identified by the City Engineer, all costs of the abatement, including administrative costs, materials, and personnel, to the person who commits, permits, maintains, directs, or authorizes the nuisance or hazard in violation of this Chapter.

The Governing Body hereby delegates to the City engineer, the duty of determining when a violation of the Chapter exists. This determination shall be made in written form by the City engineer, acting on behalf of the Governing Body, and the City Engineer may proceed to abate and assess the nuisance.

Sec. 46-270 Failure to Comply With Order

No person shall intentionally impede or obstruct the City Engineer or his or her lawful designee from the lawful performance of duties or activities related to the enforcement of this Chapter or abatement of violations, through the use of restraint, coercion, intimidation, by force and violence, or threat thereof. No person shall intentionally disregard an Order of the City Engineer or his or her lawful designee, to immediately cease and discontinue a condition or act prohibited by this Chapter, or to fail to take any action necessary to immediately abate and/or remedy the conditions prohibited by this Chapter and as required by the City Engineer.

Sec. 46-271 Penalties

Any person violating any of the provisions of the Chapter shall be guilty of a Class C offense. The imposition of a penalty shall not prohibit any action of the City Engineer to enforce compliance, prevent a violation, or remedy a violation, nor shall it prohibit the City Engineer from imposing liens or assessments necessary to remedy a violation of this Chapter. In addition to the imposition of a penalty, the Court may assess restitution and reimbursement of all costs of any abatement, including administrative, materials, and personnel, to the person who commits, permits, maintains, directs, or authorizes, a violation of this Chapter.

The City shall keep a record of the total cost of such abatement or removal incurred by the City, and shall bill such costs to the owner of the property where a violation of this Chapter takes place by certified mail, return receipt requested. If the assessment for such costs is unpaid after (30) thirty days from the date of billing, the City Clerk, at the time of certifying City taxes, shall certify such costs to the County Clerk, with instructions to extend the same on the tax roll of the County against the applicable lot or parcel of ground, and ask that it be collected by the County Treasurer and paid to the City as City taxes are collected and paid. Nothing in this section shall limit the City's right to pursue collection both by levying a special assessment and in any other manner provided for by law, but only until the full cost and any applicable interest has been paid in full.

The imposition of a penalty for any violation or noncompliance shall not excuse any violation, permit a violation to continue, or excuse any obligation to remedy any violation. The City shall have the authority to maintain civil suits or actions in any court of competent jurisdiction for the purpose of enforcing the provisions of this Chapter. In addition to any other remedies, the City Attorney may institute injunction, mandamus, or other appropriate action or proceeding to prevent violation of this Chapter. Each day that a violation occurs or is permitted to continue shall constitute a separate offense.

Sec. 46-272 Additional Persons Responsible for Compliance

In addition to the person who commits, permits, maintains, directs, or authorizes, a violation of this Chapter, additional persons responsible for compliance with this Chapter shall include, jointly and severally:

The owner or occupant of the property upon which a violation or an illicit connection or discharge occurs:

The person who submits or to whom a Building Permit or NPDES Permit is issued that relates to the property upon which a violation or an illicit connection or discharge occurs:

Any person who participates in a violation or an illicit discharge or illicit connection as prohibited by this Chapter.


Section 2. That all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Governing Body hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 4. That nothing in this ordinance hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 2 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 5. That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect from and after the date of its final passage and adoption.

Passed by the City of Leavenworth City Commission on this 20th day of December, 2016.


Larry Dedeke, Mayor

ATTEST:


Carla K. Williamson, CMC, City Clerk



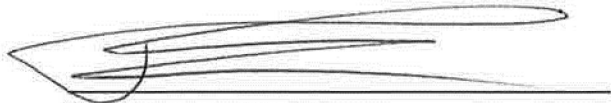
Summary Published in The Leavenworth Times
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Ordinance No. 8021 Summary

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Publish Leavenworth Times December 23 2016

Certified by:

A handwritten signature in black ink, appearing to read 'Tom Dawson', written over a horizontal line.

Tom Dawson, City Attorney

AFFP

Ordinance No. 8021 Summary On D

Affidavit of Publication

STATE OF KANSAS }
COUNTY OF } SS
LEAVENWORTH }

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Published in the Leavenworth Times, December 23, 2016.

Tammy Lawson, being duly sworn, says:

That she is Tammy Lawson of the Leavenworth Times, a daily newspaper of general circulation, printed and published in Leavenworth, Leavenworth County, Kansas; that the publication, a copy of which is attached hereto, was published in the said newspaper on the following dates:
December 23, 2016

That said newspaper was regularly issued and circulated on those dates.

SIGNED:

Tammy Lawson
Tammy Lawson

Subscribed to and sworn to me this 23 day of Dec, 16

Rebecca A. Mitchell
Rebecca A. Mitchell, , Leavenworth County, Kansas

My commission expires: June 07, 2019

00000105 00024723

Deputy City Clerk
City of Leavenworth - Legals
100 North 5th Street
Leavenworth, KS 66048

