

ORDINANCE 698

AN ORDINANCE REQUIRING STREETS AND SIDEWALKS BE KEPT CLEAN OF GRASS CLIPPINGS, LEAVES, AND OTHER DEBRIS

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

SECTION 1

That the following Article be added to Chapter XIII STREETS AND SIDEWALKS of the City Code:

Article 5. Grass Clippings, Leaves, and Other Debris

13-501. Raking, sweeping, or otherwise moving grass, leaves, paper, etc., into streets, gutters, or drainage ditches.

It is unlawful to rake, sweep or otherwise move grass, grass clippings, leaves, soil, plants, sand, gravel, rocks, dirt, filth, mud, papers, stone, refuse, rubbish, debris, junk, filth, or any other material into the streets, gutters, drains, or drainage ditches along the sides of any street or alley in the city.

13-502. Sidewalks to be kept clean by abutting property owners or occupants.

It is unlawful for the owner or occupant of any parcel to cause or allow grass, grass clippings, leaves, soil, plants, sand, gravel, rocks, dirt, filth, mud, papers, stone, refuse, rubbish, debris, junk, filth, or any other material to accumulate and/or grow over the abutting sidewalk.

13-503. Penalty

Violation of Sections 13-501 or 13-502 shall be deemed an infraction and, upon conviction, shall be punishable by a fine of \$75.00, plus court costs. Each day of non-compliance with the provisions of this article shall be deemed a separate violation.

13-504. Notice to Clean

Whenever any Person whose duty it is to keep clean the areas described in Sections 13-501 and/or 13-502 fails to do so, the Chief of Police shall serve or cause to be served upon such Person a notice requiring such Person to abate and remedy any violation(s) of Sections 13-501 and/or 13-502.

Such notice may be served by personal service, by mailing the notice certified mail, return receipt requested to the Person's last known address, or by conspicuously posting such notice at the Person's last known address.

The notice shall inform the Person that if the Person does not abate the violation(s) and remedy the effects of the violation(s) within fourteen (14) days of service or receipt of the notice, that the City may clean, abate, and/or otherwise remedy the violation(s) or hire a third-party to do so, and that the Person will be responsible for the costs of such cleaning, abatement, and remedying of the violation(s).

13-505. Assignment of Cost of Cleaning

If a Person fails to abate, clean, and remedy any violations of Section 13-501 and/or 13-502 within fourteen (14) days of service or receipt of the notice to do so, the City may, at its discretion, clean, abate, and/or otherwise remedy the violation(s) or hire a third-party to do so.

In addition to any other penalties for violations of this Article, the expense of any work, including appropriate overhead, that the City determines necessary to clean, abate, or remediate any violation of Section 13-501 or 13-502, shall be charged against the abutting parcel, and levied, certified, and collected as a special assessment tax.

SECTION 2

If any section, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 3

This Ordinance shall be included in the Code of the City of Haven, Kansas, and shall take effect and be in force from and after its passage, approval, and publication once in the official city newspaper.

PASSED AND APPROVED this 1st day of November 2021.

Mayor did not sign his approval of the Ordinance or return the same with his veto on or before the next regular council meeting of November 15, 2021. Therefore, the Ordinance shall take effect without the Mayor's signature on November 15, 2021.

Adam Wright, Mayor

ATTEST:



Leslie Atherton, City Clerk