

AN ORDINANCE AMENDING LEOTI CITY CODE CHAPTER 30, ARTICLE V, DIVISION 4, SECTION 30-408, HAZARDOUS DISCHARGES PROHIBITED TO MORE CLEARLY DEFINE PROHIBITED DISCHARGES;

WHEREAS, the City is aware of recent instances of citizens dumping pollutants onto the ground. Attempts to educate the public has not remedied the situation.

WHEREAS, after thoughtful consideration, the Leoti Governing Body deems it in the best interests of the citizens of Leoti to clarify in the city code what discharge and/or dumping is dangerous to the environment and thus, prohibited.

THEREFORE, BE IT ORDAINED, by the governing body of the City of Leoti, Kansas:

1. That Chapter 30, Article V, Division 4, Section 30-408 of the Code of Ordinances, City of Leoti, Kansas, shall be amended to read as follows:

**Sec. 30-408. – Hazardous Discharges Prohibited.**

- (A) *No person shall release or cause to be released nor shall any property owner permit such release onto the ground, including into the street, highway, gutter, alleyway, yard, driveway, etc., any discharge that is not composed entirely of stormwater and completely free from pollutants except as allowed in subsection (B).*
- (B) *Unless specifically identified as a source of pollutant by the City, KDHE or other agency charged with environmental regulation, the following discharges are deemed acceptable and not a violation of this section:*
  - a. *Water line flushing*
  - b. *Diverted stream flow*
  - c. *Uncontaminated groundwater*
  - d. *Discharge from potable water sources*
  - e. *Foundation drains or pumps, footing drains*
  - f. *Air conditioning condensate*
  - g. *Irrigation waters*
  - h. *Swimming pool discharge*
  - i. *Street wash waters*
  - j. *Discharge or flows from fire-fighting activities*
  - k. *Residential heat pump discharge*
  - l. *Other discharges not considered a significant source of pollutants and approved by the City, KDHE and/or other agency charged with environmental regulation.*

*Notwithstanding the provisions of this section, any discharge shall be prohibited if the discharge in question has been determined by the City, KDHE or other agency charged with environmental regulation to be a source of pollutants, written notice of such determination has been provided to the property owner, and the discharge has occurred more than ten days beyond such notice.*

- (C) No person shall release or allow to be released onto the ground of his/her property, the street, highway, gutter, alleyway, yard, driveway, etc., any of the following substances:
- a. Any new or used motor oil, antifreeze, petroleum product or waste
  - b. Any industrial waste
  - c. Any hazardous substance or hazardous waste including household hazardous waste
  - d. Any domestic sewage or septic wage, grease trap/interceptor waste, holding tank waste, or grit trap waste
  - e. Any garbage, rubbish, or other waste
  - f. Any new or used paints, including latex-based paints, oil-based paints, stains, varnish, and primers as well as cleaning solvents and other associated products
  - g. Any yard wastes
  - h. Wastewater containing soap, detergent, degreaser, solvent, or surfactant-based cleaner from a commercial or agricultural use.
  - i. Wastewater from commercial floor or carpet cleaning
  - j. Wastewater from the cleaning of pavement where there has been a spill or leak of petroleum products
  - k. Any effluent from the operation of a boiler
  - l. Any ready mixed concrete, mortar, ceramic, or asphalt-based material or discharge resulting from the cleaning of equipment containing or used in transporting such material
  - m. Any runoff, washdown water from any animal pen or containment area or any pet wastes generally
  - n. Any swimming pool containing harmful level of chlorine or other chemical
  - o. Discharge from water line disinfection that exceeds the current maximum residual disinfection levels set by the State
  - p. Any contaminated runoff from a vehicle wrecking or storage yard
  - q. Any substance that will clog the storm-water system or sewer
  - r. any pesticide, herbicide, fertilizer or other agricultural chemical whether or not used for residential purposes
  - s. sediment, silt, earth, soil, or other material to the extent that may clog the storm-water system or sewer

*This list is not inclusive of all prohibitions. State environmental law shall continue to be controlling.*

2. That Chapter 12, Article III, Division 1, Section 12-108 of the Code of Ordinances, City of Leoti, Kansas, shall be have a Number (11) added to read as follows:

*(11) Any dumping listed in Chapter 30, Article V, Division 4, Section 30-408(C).*

3. That Chapter 12, Article IV, Section 12-178 of the Code of Ordinances, City of Leoti, Kansas, shall be amended to read as follows:

*Sec. 12-178. – Strict Liability*

*Any person causing or responsible for a release or threatened release resulting in an emergency action shall be strictly liable to the city for the recoverable expenses resulting from the emergency action. Release shall include but not be limited to the actions contained in Chapter 30, Article V, Division 4, Section 30-408. There shall be a rebuttable presumption that any person owning or controlling property causing a release or threatened release is responsible for such release or threatened release.*

4. This Ordinance shall take effect and be in full force from and after its publication in the official City newspaper.

ADOPTED this 7<sup>th</sup> day of October, 2019, by the City Council, City of Leoti, Kansas.

Cheryl Green  
Cheryl Green, Mayor

ATTEST:

Cindy Morcillo  
City Clerk

