

**ORDINANCE NO. 16-867**

**AN ORDINANCE PROHIBITING LITTERING AND PROVIDING FOR PENALTIES IN THE CITY OF SOUTH HUTCHINSON, KANSAS.**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SOUTH HUTCHINSON, KANSAS:**

Section 1. LITTERING PROHIBITED.

- A. DEFINITIONS. As used in this Section, the term Litter shall mean any rubbish, refuse, waste material, garbage, trash or debris of any kind of description, including but not limited to improperly discarded paper, metal plastic or glass regardless of size or value.
- B. CRIMINAL LITTERING. No person shall intentionally or recklessly dump, throw, place, deposit or cause to be dumped, thrown, placed, deposited or left Litter into, upon or about:
  - 1. Any public street, highway, alley, road, right-of-way, park or other public place, or any lake, stream, watercourse or other body of water except by direction of a public officer or employee authorized by law to direct or permit such act; or
  - 2. Any private property without the consent of the owner or occupant of such property.
  - 3. Unsolicited forms of written communication otherwise protected by the First amendment shall be deemed as Litter upon written or oral notice from the private property owner or occupant that consent to receive such communication is withdrawn.
  - 4. A violation of this section shall be a unclassified violation punishable by:
    - a. Upon a first conviction, by a fine of not less than \$250.00 nor more than \$1,000.00,
    - b. Upon a second conviction, by a fine of not less than \$1,000.00 nor more than \$2,000.00,
    - c. Upon a third or subsequent conviction, by a fine of not less than \$2,000.00 nor more than \$4,000.00.
- C. LITTERING FROM MOTOR VEHICLE. No person shall throw, place or drop Litter or allow Litter to be thrown, placed or dropped from a motor vehicle onto or upon any highway, road or street. The driver of the vehicle may be cited for any such refuse, object or substance thrown, placed or dropped from the motor vehicle, unless any other person in the motor vehicle admits to or is identified as having committed the act. A violation of this

section is an infraction punishable by fine of not less than \$250.00 not to exceed \$500.00.

Section 2. All ordinances and parts of ordinances conflicting with the provisions of this ordinance are hereby expressly repealed.

Section 3. This Ordinance shall be in full force and effect from and after its passage and summary publication once in the official city newspaper.

**PASSED AND APPROVED THIS 18<sup>th</sup> DAY OF APRIL, 2016.**

ATTEST:

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A.E. Murray, Mayor

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Denise McCue, City Clerk