

Ordinance Amendment 2017-01
AN ORDINANCE AMENDING CHAPTER 47 REFUSE COLLECTION SECTION 47-3
PROHIBITION OF LITTERING, AND MAKING ADDITIONS FOR CITY COMPOST
SITE AND CIVIL PENALTIES

WHEREAS, City of Durant, Iowa, City Council has determined clarification is needed under the Chapter 47 Refuse Collection Section 47-3 (7) Prohibition of Litter; and

WHEREAS, City of Durant, Iowa City Council has determined the need for additional language for littering at the compost facility;

WHEREAS current subsection 47-3 (7) read: *Prohibition of Littering. No person shall throw, rake, deposit, drop or spill litter, waste material or foreign material upon the streets, sidewalks or other public rights-of-way or into drainage systems or waterways within the City.*

WHEREAS the amended portion and language addition shall read as follows and replace the current subsection: 47-3 (7): *Prohibition of Littering. No person shall throw, rake, deposit, drop or spill litter, waste material or foreign material upon the streets, sidewalks or other public rights-of-way or into drainage systems or waterways within the City. No person shall throw, rake, deposit, drop or spill litter, waste materials, or foreign materials upon the street, sidewalks, other public right of ways, city compost property, or any and all property owned by the City, including but not limited to into drainage systems or waterways within the City.*

8. *City Compost Site. The designated Durant City Compost Site will be governed by all signage at said facility as well as the following restrictions:*

City Compost Site is for City residents only.

- (a) *Disposal of leaves, yard brush, and grass clippings are the only allowed materials*
- (b) *Disposal of items other than grass clippings, yard brush or leaves at the City Compost Site may be cited for littering under this Code Section or any other applicable City Ordinance*
- (c) *Any non-resident of Durant depositing any materials at the City Compost Site may also be subject to citation for littering under this Code Section or any other applicable City Ordinance*

9. *Minimum Fine/Civil Penalty. The minimum criminal fine or civil penalty for a municipal infraction of any subsection of this City Ordinance is \$150.00 plus applicable court costs and surcharges. The maximum criminal fine or civil penalty for a violation of this chapter is governed by Chapter 3-General Penalties Section of the Durant City Code.*

SECTION 1: That the document, copies thereof, will be on file at City Hall of the City of Durant,

SECTION 2. REPEALER CLAUSE. Any ordinance, provision, or part thereof, which differs or is inconsistent with this ordinance, is hereby repealed, to the extent of said difference or inconsistency.

SECTION 3. SEVERABILITY. If any section, provision or part of this Ordinance shall be adjudged invalid or unconstitutional by a court of competent jurisdiction, such as adjudication shall not affect the validity of the ordinance as a whole, or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 4. EFFECTION DATE. This ordinance shall be in effect from and after is final passage, approval, posting and publication as required by Iowa Law.
PASSED and APPROVED this 27th day of March, 2017

Scott Spengler, Mayor

ATTEST:

Deana Cavin, City Operations Officer/Clerk
First Reading 03/13/2017
Second Reading Waived
Third Reading 03/27/2017