

Chapter 8.08 - ENVIRONMENTAL HEALTH

Sections:

Article I. - General Provisions

8.08.010 - Reserved.

Editor's note— Ord. No. 1980, § 3, adopted March 24, 2009, repealed § 8.08.010, which pertained to residential waste storage and derived from Ord. No. 1780, 2003.

8.08.020 - Reserved.

Editor's note— Ord. No. 1980, § 3, adopted March 24, 2009, repealed § 8.08.020, which pertained to residential waste collection and derived from Ord. No. 1780, 2003.

8.08.030 - Bulky waste and tree waste.

A. On property located within the R-1C Suburban Single-Family Residential District:

1. No bulky or tree waste may be stored outside of an enclosed building for longer than six months; and
2. The occupant of the premises is responsible for removal and collection of all bulky or tree waste within six months after it has been placed outside of an enclosed building. Any person may haul his or her own bulky or tree waste to a location which has been approved by the code enforcement officer; provided that such hauling is accomplished within six months after it has been placed outside of an enclosed building.

B. On property not located within the R-1C Suburban Single-Family Residential District:

1. No bulky or tree waste may be stored outside of an enclosed building for longer than seven days; and
2. The occupant of single-family or commercial premises, or the owner of a multifamily dwelling or mobile home park is responsible for removal and collection of all bulky or tree waste within five days after it has been placed outside of an enclosed building. Any person may haul his or her own bulky or tree waste to a location that has been approved by the code enforcement officer; provided that such hauling is accomplished within five days after it has been placed outside of an enclosed building.

(Ord. 1780 § 1 (part), 2003)

(Ord. No. 2138, § 5, 12-11-12)

8.08.040 - Residential composting.

Composting of yard waste on residential premises may be accomplished provided that the composting is of yard waste produced on the premises, and provided that such composting does not result in offensive odors, fly breeding, rodent activity or other nuisances.

(Ord. 1780 § 1 (part), 2003)

8.08.050 - Nonresidential composting.

Composting of yard waste on nonresidential premises may be accomplished provided that such composting is in conjunction with a duly licensed business which generates such yard waste and such composting does not result in offensive odors, fly breeding, rodent activity or other nuisances.

(Ord. 1780 § 1 (part), 2003)

8.08.060 - Reserved.

Editor's note— Ord. No. 1980, § 3, adopted March 24, 2009, repealed § 8.08.060, which pertained to commercial waste storage and collection and derived from Ord. No. 1780, 2003.

8.08.070 - Industrial waste storage and collection.

- A. Storage. The occupants(s) of each premises producing industrial waste shall provide and store all such waste thereon in suitable containers or facilities. Special handling may be required for hazardous, unsafe, or material requiring pretreatment. Such containers or facilities shall consist of individual covered containers (lids or covers maintained in place) of such material and design as approved by the code enforcement officer.
- B. Collection. The occupant of each premises producing industrial waste shall arrange for all such stored waste to be collected once each week by a solid waste collector licensed with the city or at more frequent intervals as necessary.

(Ord. 1780 § 1 (part), 2003)

8.08.080 - Demolition and construction waste storage and collection.

- A. Storage. Any person conducting a construction or demolition project shall arrange for the collection and removal of all demolition and construction waste produced on such premises or in relation to a demolition or construction project.
- B. Collection. All such demolition and construction waste shall be collected and removed from such premises by a solid waste collector. Except that any individual may haul his or her own bulky waste to a location which has been approved by the code enforcement officer provided such hauling is accomplished within seven days after it has been placed outside of an enclosed building.

(Ord. 1780 § 1 (part), 2003)

8.08.090 - Nuisances.

- A. It is unlawful for any person to maintain or to permit to exist any nuisance as herein described. The following conditions or materials are declared to be injurious to the health and well being of citizens of Derby and are declared to be nuisances together with those conditions not herein enumerated but coming under the definition of nuisance as described in Section 8.04.010.
 - 1. Waste water discharged or allowed to accumulate in such a manner that it would allow direct human contact with sewage as defined in Title 13 of this code, pollution of ground or surface water, breeding, harboring or attraction of flies and/or rodents, or the emission of offensive odors;
 - 2. Dead animals except those at slaughter houses and except those considered industrial refuse that are properly maintained for processing or disposal;

3. The discharge into the atmosphere of any gaseous or particular matter resulting from the combustion, reduction, processing, or manufacturing of materials in industrial or commercial operations which cause or may cause injury to the health of individuals, damage to business or property, annoyance to a majority of persons so subjected;
 4. Open basement structures, excavations, storm cellars, or other excavations that create hazards to any person, collect water conducive to producing mosquitoes except those excavations authorized by a current building permit and those excavations in use as part of occupied premises if maintained with adequate drainage and fencing consisting of material recognized for the purpose and having no opening which allow a four-inch sphere to pass through;
 5. Structures which have become so dilapidated and deteriorated as to be a potential accident hazard, rodent harborage, attractive nuisance to children, and/or are offensive to the senses;
 6. No person shall install, maintain and/or use any light or other source of illumination which produces glare or direct illumination across a property line so that it creates a nuisance or unreasonably interferes with the use or enjoyment of adjacent premises.
- B. This section shall not apply to street lights or lights installed, maintained and used in connection with the use and operation of any outdoor stadium, amphitheater, athletic field or park which is open to the public.

(Ord. 1780 § 1 (part), 2003)

8.08.100 - Sewage disposal and privies.

- A. Disposal Requirements. All human excrement shall be discharged into a plumbing system connected to a sanitary sewer system or septic tank system, as approved by the code enforcement officer and as otherwise required in Title 13 of this code.
- B. Privies Prohibited. Privies shall not be used for disposal of human excreta; provided, that portable toilets may be used during special events, and on construction sites located in unsewered areas, when approved by the code enforcement officer, and until such time as adequate plumbing facilities can be provided.

(Ord. 1780 § 1 (part), 2003)

8.08.110 - Abandoned or inoperable vehicles.

No person shall park, store, leave or permit the parking, storing or leaving of any inoperable and/or abandoned vehicle upon any premises within the city for a period in excess of seven days. The presence of an abandoned and/or inoperable vehicle, or parts thereof, on any premises is declared a public nuisance which may be abated in accordance with the provisions of this title. This section shall not apply to any vehicle enclosed within a building or to any vehicle located in connection with a business enterprise, lawfully licensed by the city and properly operated in an appropriate zoning district, pursuant to the zoning laws of the city.

(Ord. 1780 § 1 (part), 2003)

8.08.120 - Weeds or other vegetation nuisances.

- A. Extermination of Detrimental Vegetation. The owner of any premises upon which poison ivy, and/or other vegetation detrimental to health is found, shall treat the same with appropriate herbicides until such vegetation is fully exterminated.
- B. Growth Over Ten Inches Prohibited.

1. No owner or occupant of any premises within the city, or the agent of such owner, shall permit thereon, or upon any sidewalk abutting the same, the growth of any grass or weeds to a height of ten inches or more, or the growth of any noxious weeds, or other unhealthful growths.
2. No owner or occupant of any premises abutting any street or alley within the city shall permit thereon the growth of any grass or weeds to a height of ten inches or more, or the growth of any noxious weeds, or unhealthful growths, or allow filth, papers, refuse or rubbish to accumulate and remain on that portion of the sidewalk.
3. No owner or occupant of any premises abutting any unopened street or alley within the city shall permit thereon the growth of any grass or weeds to a height of ten inches or more, or the growth of any noxious weeds, or unhealthful growths, or allow filth, papers, refuse or rubbish to accumulate and remain on the sidewalk.
4. The following areas may have vegetative growth in excess of ten inches in height:
 - a. Parcels actively utilized for agriculture, but not including the area located between the edge of the crop and the roadway;
 - b. Golf courses regularly open and in use for play;
 - c. Riparian buffers;
 - d. Wildlife refuges; and
 - e. Land located within the R-1C Suburban Single-Family Residential District, when not adjacent to the principal structure on the property and not mowed and maintained as a residential lawn.

(Ord. 1903 § 2, 2007)

(Ord. No. 2138, § 6, 12-11-12)

8.08.140 - Trimming of vegetation.

The owner of each premises shall trim and keep trimmed any vegetation, other than trees, weeds, grasses or other unhealthful growths, no higher than thirty-three inches in the vision triangle and/or sidewalk.

(Ord. 1780 § 1 (part), 2003)

8.08.150 - Salvage material.

No person shall store salvage material on any premises, unless such material is stored on racks or in bins with at least eighteen inches of clearance between the bottom of the rack or bin and the ground and a width of forty-eight inches or less. No rack or bin shall be closer than forty-eight inches to a wall, fence or adjacent bin or rack and such shall not create a nuisance as described herein.

(Ord. 1780 § 1 (part), 2003)

8.08.160 - Storage of tires.

The owner or operator of any premises where more than five hundred tires are stored must provide at least one of the following methods of storage:

- A. Storage inside a building or other structure with enclosed walls and roof;
- B. Outdoors, in racks or cages which maintain at least fifty percent of the tires in a vertical position;

- C. Outdoors, in piles not exceeding eight feet or three tires in height (whichever is higher). Each such pile may not exceed three thousand seven hundred fifty square feet in area. Piles must be separated by a distance of fifty feet measured at their closest point. The owner or operator of the premises where the tires are stored must implement a mosquito control program approved by the code enforcement officer, which may include chemical control measures or covering. This control plan shall be submitted annually to the code enforcement officer not later than March 31st of each year. An exception shall be made in that no mosquito control program shall be required for piles entirely comprised of tires that have been shredded, chopped or otherwise treated to reduce their volume to less than twenty percent of the original volume before treatment.

(Ord. 1780 § 1 (part), 2003)

8.08.170 - Salvage yards.

All salvage yards shall be located on premises as provided for in the city zoning regulations. All rackable salvage materials shall be stored on racks or in bins with at least eighteen inches of clearance between the bottom of the rack or bin and the ground and a width of forty-eight inches to a wall, fence or adjacent bin or rack. Nonrackable materials shall be stored in a manner to prevent rodent harborage and breeding or as specified by the code enforcement officer. All ground surface except lawn areas shall be kept free of all grasses and weeds, using soil sterilants, herbicides and/or other effective methods. An effective, continuous rodent poisoning program, using anticoagulant rodenticides or other effective methods shall be maintained at all salvage yards.

(Ord. 1780 § 1 (part), 2003)

8.08.180 - Extermination of insects, rodents, and other vermin.

The occupant of every premises shall be responsible for control measures for any infestation of insects, rodents or other vermin therein or on the premises. Notwithstanding the foregoing, whenever infestation is caused mainly by improper housekeeping, it shall be a joint responsibility of the owner and occupants to effect such extermination.

(Ord. 1780 § 1 (part), 2003)

8.08.190 - Control of insects.

All premises in the city shall be maintained free of conditions that encourage or permit any unnecessary breeding of insects that are annoying or dangerous to residents of the city. Exterior windows and doors of all buildings used for human habitation, or for the storage, preparation or serving of food, shall be screened in a manner prescribed by the code enforcement officer. Whenever the code enforcement officer finds that it is impossible or impractical for owners or occupants to individually control populations of dangerous or annoying insects, he or she shall institute measures on a community-wide basis for a practical program for control including chemical and other suppressive means.

(Ord. 1780 § 1 (part), 2003)

8.08.200 - Reserved.

Editor's note— Ord. No. 1980, § 3, adopted March 24, 2009, repealed § 8.08.200, which pertained to the adoption of the Sedgwick County solid waste code and derived from Ord. No. 1780, 2003.

8.08.210 - Abatement of violations.

- A. Whenever any premises within the city is found to be in violation of any provision of this chapter, the code enforcement officer shall give written notice thereof to the owner, occupant or agent in charge of such premises. Notice may be by mail or personal service. Notice shall be sufficient if given once each calendar year. Such notice shall state the following:
1. That the property is in violation of this chapter and including a description of the violation;
 2. That the owner, occupant, or agent in charge of the property is ordered to abate such violation within five days of the date of mailing of such notice;
 3. That the owner, occupant or agent in charge of the property may request a hearing before the director of community development or his or her designee within five days after receipt of notice;
 4. That if the violation is not abated within five days, the city or its authorized agent may abate the violation and charge the cost thereof, including a reasonable administrative fee, to the owner, occupant or agent in charge of the property;
 5. That such costs and fees, if not timely paid, it will be assessed as a special assessment against the property upon which the violation is located;
 6. That no further notice is required to be given prior to abatement of violations of this chapter occurring during the balance of the current calendar year; and
 7. That the code enforcement officer and/or his or her designee should be contacted if there are any questions regarding the order.
- B. In the event the owner, occupant or agent in charge of the property fails or refuses to abate a violation of this chapter upon notice thereof pursuant to subsection A hereof, the director of community development or his or her designee may cause the violation to be abated and the cost thereof, together with such reasonable administrative fee as may be provided for by resolution of the city, to be charged against such owner, occupant or agent and, if such charges and fees are not timely paid, may certify the same to the city clerk to be levied as a special assessment against the property upon which the violation was located.

(Ord. 1 Chapter 8.20 - SWIMMING POOLS

Sections:

8.20.010 - Enclosure required.

Every person owning or controlling land upon which a swimming pool is situated shall completely enclose the same with a fence or wall at least sixty inches in height and having no openings which allow a four-inch sphere to pass through. All gates leading to such pools shall be self-latching with latches placed four feet above the underlying ground or otherwise made inaccessible from outside to small children. A fence or wall surrounding the entire yard in which a swimming pool is located is sufficient; provided, that such fence or wall complies with the requirements of this section.

(Ord. 1665 § 1 (part), 1999)

8.20.020 - Nuisance prohibited.

No swimming pool shall be operated or maintained so as to create a nuisance, hazard, eyesore or otherwise to result in a substantial adverse effect on neighboring properties or to be in any other way detrimental to public health, safety and welfare.

(Ord. 1665 § 1 (part), 1999)

8.20.030 - Draining and flushing requirements.

All draining or flushing of any water from a swimming pool shall be accomplished only in such a way that the discharge is carried from the pool by means of enclosed pipe or hose to the nearest paved street or storm sewer.

(Ord. 1665 § 1 (part), 1999)

903 § 4, 2007)

Chapter 8.50 - ENFORCEMENT

Sections:

8.50.010 - Authority.

The chief of police shall be authorized to enforce this chapter and to make such investigations and to issue notices, orders and directions as are necessary for enforcement of provisions of this chapter.

(Amended during Supp. No. 1, 11/03; Ord. 1665 § 1 (part), 1999)

8.50.020 - Notice of violation.

Whenever the chief of police determines that there has been a violation of any provision of this title, he or she shall give written notice of such alleged violation to the person or persons responsible therefore as provided in this section, unless otherwise provided for in this title. Such notices shall, unless otherwise is provided for in this title:

- A. Particularize the violations alleged to exist or to have been committed;
- B. Provide a reasonable time for the correction of the violations identified;
- C. Be addressed to and served upon the owner and/or occupant of the premises; provided that such notice shall be deemed to be properly served upon such owner, operator or occupant if a copy thereof is served personally or sent by certified mail to such person's last known address. If the notice cannot with the exercise of reasonable diligence be served personally or by mail, service of the notice may be made by posting in a conspicuous place in or about the premises affected by the notice. Such notice shall specify remedial actions required to remedy the violations identified.

(Amended during Supp. No. 1, 11/03; Ord. 1665 § 1 (part), 1999)

8.50.030 - Action upon noncompliance.

Upon the failure, neglect, or refusal of any owner, occupant or agent so notified to comply with these regulations within seven days after receipt of the written notice, or within seven days after the date of such notice, in the event the same is returned to the city postal service office because of its inability to make delivery thereof, provided the same was properly addressed to the last known address of such owner, occupant or agent, the city is authorized and empowered to abate such violation.

(Ord. 1665 § 1 (part), 1999)

8.50.040 - Charge included in tax bill.

When the city has effected any actions for noncompliance, the actual costs thereof, including reasonable administration fees, plus accrued interest as provided by law, from the date of the completion of the work, if not paid by such owner, occupant or agent prior thereto, shall be assessed against such property on the next regular tax bill forwarded to such owner by the city, and said charge shall be due and payable by said owner at the time of payment of such tax bill.

(Ord. 1665 § 1 (part), 1999)

8.50.050 - Hearings.

- A. Any person who is aggrieved by an enforcement action under any provision of this chapter may request and shall be granted a hearing before the city manager; provided that such aggrieved person shall file in the office of the city manager a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within ten days after service of the notice of violation. Upon receipt of such petition, the city manager shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing, the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn. The hearing shall be commenced not later than ten days after the day on which the petition was filed; provided, that upon application of the petitioner, the city manager may for cause shown postpone the date of the hearing for a reasonable time beyond such ten-day period.
- B. The proceedings at such hearing, including the findings and decision of the city manager, shall be summarized, reduced to writing and entered as a matter of public record in the office of the city manager. Such record shall also include a copy of every notice or order issued in connection with the matter. Appeals from the decision of the city manager may be made to the governing body of the city within five days after such decision is rendered. Whenever the city manager or their designee finds that an emergency exists which requires immediate action to protect the public health, they may, without notice or hearing, issue an order reciting the existence of such emergency and requiring that such action be taken as is deemed necessary to meet the emergency. Notwithstanding the other provisions of this chapter, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but upon petition to the city manager, shall be afforded a hearing as soon as possible. After such hearing, depending upon the findings as to whether the provisions of this chapter and of the rules and regulations adopted pursuant thereto have been complied with, the city manager shall continue such order in effect, or modify it or revoke it.

(Ord. 1665 § 1 (part), 1999)

8.50.060 - Orders.

After such hearing, the city manager may sustain, modify or withdraw the notice, depending upon his or her findings as to whether the provisions of this chapter and of the rules and regulations adopted pursuant thereto have been complied with. If the city manager sustains or modifies such notice, it becomes an order. Any notice served pursuant to this chapter becomes an order if a written petition for a hearing is not filed in the office of the city manager within ten days after such notice is served.

(Ord. 1665 § 1 (part), 1999)

8.50.070 - Penalty for violation.

Any person who violates any provision of this chapter, for which no other penalty is provided shall be guilty of a Class "C" misdemeanor. Each day that any violation of this chapter continues shall constitute a separate offense and is punishable under this chapter as a separate violation.

(Ord. 1665 § 1 (part), 1999)