

(Summary Publish in the Leavenworth Times on December 11, 2020)

**ORDINANCE NO. 8156**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF LEAVENWORTH, KANSAS; CHAPTER 18 ENVIRONMENT, ARTICLE III LAND DISTURBANCE PERMIT, SECTION 18-94 FEES, ESCROW ACCOUNT, SURETY BOND AND FINES. PROVIDING SUBSTITUTE PROVISIONS AND REPEALING THE SECTION AMENDED.**

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

**Section 1.** That the Code of Ordinance of the City of Leavenworth, Kansas, Chapter 18 Environment, Sec. 18-94 Fees, escrow account, surety bond and fines, is hereby deleted in its entirety and amended to read as follows:

Sec. 18-94. – Fees, escrow account, surety bond and fines.

(a) Prior to the issuance of a land disturbance permit, each applicant shall pay to the city a fee as established by the city commission as provided in the city fee schedule. Fees paid for a land disturbance permit, which is subsequently revoked by the city engineer, are not refundable. A person operating in compliance with the regulations of this article shall not be charged a permit fee when obtaining a land disturbance permit for construction or re-construction of city-owned and financed capital improvements projects.

(b) Any person who permits, authorizes, or maintains a land disturbance activity without first obtaining a valid land disturbance permit required by this article, shall pay additional permit fees as set out in the city fee schedule.

(c) The applicant shall establish and maintain throughout the permit period an escrow account, or a surety bond in the city's name, as sufficient surety for the city. The city engineer may determine that a specific type of surety instrument be required of an applicant based on the project proposed and the past performance of the applicant. The amount of the escrow account may be reduced with the approval, in writing, of the city engineer.

(1) The amount of the required surety per event shall be as follow:

Regulated land disturbance activity less than 1 acre:	No surety required
Regulated land disturbance activity 1-5 acres:	\$ 5,000
Regulated land disturbance activity more than 5 acres:	\$10,000
One (1) single family residence:	\$ 2,500
Two (2) – five (5) single family residences	\$ 5,000
More than five (5) single family residences	\$10,000
Utility companies/contractors working for a utility company with an annual land disturbance permit	\$ 5,000

(d) Failure to obtain the required land disturbance permit as required in this chapter shall be required to submit the following surety:

- |   |                |
|---|----------------|
| (1) First offense land disturbance activity less than 1 acre: | \$ 5,000       |
| Second offense and all other categories:                      | Surety doubles |

**Section 2. REPEAL.** Chapter 18 Environment, Sec. 18-94 Fees, escrow account, surety bond and fines, of the Code of Ordinances of the City of Leavenworth, Kansas, in existence as of and prior to the adoption of this ordinance, are hereby repealed.

**Section 3. EFFECTIVE DATE.** This Ordinance shall take effect and be in force from and after its passage, approval and publication in the official city newspaper.

**PASSED and APPROVED** by the Governing Body on this 8th day of December 2020.

/s/ Nancy D. Bauder  
Nancy D. Bauder, Mayor

{Seal}

ATTEST:

/s/ Carla K. Williamson  
Carla K. Williamson, CMC, City Clerk