

ORDINANCE NO. 130937

Amending Chapters 2, 34, 48, 56, 60, 62, 64 and 78, Code of Ordinances, to establish uniform provisions on interest, penalties, installment payments, default and liens for special assessments; and establishing an effective date.

WHEREAS, the Finance Department, which bills and collects special assessments for the City, is implementing RevKC, a new software system for that purpose; and

WHEREAS, the Code of Ordinances now has separate and varying provisions as well as redundant provisions on payment terms for special assessments for sidewalks, water mains, sewers, dangerous building demolitions, and nuisance abatements; and

WHEREAS, the Council believes that having uniform payment terms for all City special assessments would promote administrative efficiency in their collection as well as be more transparent and easier to understand for the property owner; and

WHEREAS, the Council desires to adopt uniform terms for payment of special assessments to coincide with the implementation of RevKC by the Finance Department; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 2, Article XI, Division 5, Code of Ordinances of the City of Kansas City, Missouri, entitled "Special Assessment Funds," is hereby repealed and in lieu thereof a new Division 5 is enacted to read as follows:

DIVISION 5. PAYMENT OF SPECIAL ASSESSMENTS

Secs. 2-1711—2-1720. Reserved.

Sec. 2-1721. Payment of special assessments and special tax bills; installment payments.

The following provisions shall apply to all special assessments and special tax bills for sidewalks, water mains, sewers and dangerous buildings authorized by this Code of Ordinances.

(a) *Sixty-day period to pay without interest.* All or any portion of the assessment may be paid without interest within sixty days from the date the notice of assessment was issued. If the assessment is not paid in full within sixty (60) days, the assessment shall bear interest starting sixty days after the date the notice of assessment was issued. The interest shall accrue at a rate per annum equal to the rate on the Ten-Year U.S. Treasury Note Constant Maturity Index as of May 1 in the fiscal year the notice of assessment was issued, or five (5) percent, whichever rate is greater.

(b) *Payment in installments; interest.* If the assessment is not paid in full during the sixty-day period as provided in subsection (a) of this section, the unpaid principal

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shall be payable with interest in fifteen annual installments. Interest shall continue until the assessment is paid in full.

(c) *Due date of installments.* The first annual installment shall be billed 180 days after the date the notice of assessment is issued and shall be due and payable within 30 days of billing. Each annual installment shall be billed on the same day and month as the first annual installment.

(d) *Finance Department to issue special assessments and installment bills.* The Department of Finance shall issue all notices of special assessment and installment bills described in this section, and shall be responsible for collection of all payments described in this section.

(e) *Default; penalty, acceleration.* If any installment is not paid when due, the installment shall be delinquent and the assessment shall be in default. Once the assessment is in default, all of the remaining unpaid installments shall immediately become due and collectible, and a penalty shall be assessed equal to one-half percent per month of the full principal balance for each month that the assessment remains unpaid, with a maximum penalty of twenty-five percent. The director of finance shall have discretion, for reasonable cause, to forego acceleration and to allow the property owner to cure the default.

(f) *Ownership split or subdivision of lands subject to special assessment.* Full payment of the total assessment, including principal, interest and penalty for each respective lot, tract, or parcel must be made prior to any ownership split or subdivision of said lot, tract, or parcel.

Sec. 2-1722. Payment of non-installment assessments and special tax bills.

The following provisions shall apply to all special assessments for nuisance abatements authorized by the Code of Ordinances.

(a) *Thirty-day period to pay.* The assessment may be paid without penalty within thirty days from the date the assessment was issued.

(b) *Penalty on non-installment assessment when not paid in full within thirty days.* If any special assessment is not paid in full before the expiration of thirty (30) days after the date of issuance of the assessment, the assessment shall be delinquent. If any assessment becomes delinquent, then the entire unpaid principal of the assessment will be subject to a one percent (1%) penalty per month until the assessment is paid in full. The penalty shall not exceed twenty-five percent.

(c) *Finance Department to issue special assessments.* The Department of Finance shall issue all notices of special assessment described in this section, and shall be responsible for collection of all payments described in this section.

(d) *Ownership split or subdivision of lands subject to special assessment.* Full payment of the total assessment, including principal and penalty, for each respective lot,

tract, or parcel must be made prior to any ownership split or subdivision of said lot, tract, or parcel.

Sec. 2-1723. Appropriation and apportionment of engineering cost and administrative cost.

(a) When any public improvement, the cost of which is to be apportioned and assessed against benefited properties, is authorized, an appropriation may be made to cover the cost of engineering and administrative services required as a part of the improvement. Such engineering and administrative services may be provided either by the city engineer or by consulting engineers, or by any combination of the city engineer's forces and any consulting engineer's forces. In the case of street improvements, when the work is performed only by the city engineer's forces, an engineering and administrative appropriation of 16 percent of the construction cost shall be made. When consulting engineers are employed to supplement the city engineer's staff for street improvements, appropriation equal to the actual cost of the engineering performed by the consulting engineer plus an amount equal to five percent of the construction cost for engineering and administration performed by the city engineer shall be made. In the case of sewer improvements, when the work is performed by the city engineer, by consulting engineer, or by any combination of the city engineer's forces and any consulting engineer's forces, an engineering and administrative appropriation of 25 percent of the construction cost shall be made.

(b) In the apportionment of the cost of an improvement for assessment purposes, there shall be added to the construction cost for projects the following: For engineering and administrative services on street improvements, when the work is performed only by the engineer's forces, there shall be added to the construction cost an amount equal to 16 percent of the construction cost; when street improvements require services of consulting engineers, there shall be added to the construction cost of the project an amount equal to the actual cost for services performed by consulting engineers plus five percent of the construction cost for services provided by the city engineer. For engineering services on sewer improvements, when the work is performed by the city engineer, by consulting engineer, or by any combination of the city engineer's forces and any consulting engineer's forces there shall be added to the construction cost an amount equal to 25 percent of the construction cost.

Sec. 2-1724. Lien of special assessments and special tax bills

Every special assessment and special tax bill issued by the city shall be a lien upon the land described therein until fully paid. The lien of all special assessments and special tax bills payable in installments shall not expire until one year after the date the last installment matures, unless sooner paid. When suit is brought to enforce the special assessment lien, the lien shall continue until the expiration of the litigation. Default in the payment of any installment, or acceleration after default, as provided in Section 2-1721(e), shall not shorten the duration of the lien or the period in which suit may be brought to enforce the lien.

Sec. 2-1725. Overpayments of special assessments.

If the property owner pays more than the amount due and owing on a special assessment, the excess amount shall be refunded, except if there are real property taxes or other special assessments due and owing on the property, in which event the city treasurer shall apply the overpayment first against property taxes due, starting with the oldest delinquent tax year within the period of limitations for collection, and then against other special assessments due on the property, starting with the oldest delinquent special assessment within the period of limitations for collection.

Secs. 2-1726—2-1750. Reserved.

Section 2. That Chapter 2, Article XIV, Division 1, Code of Ordinances of the City of Kansas City, Missouri, entitled "Financial Planning Policies," is hereby amended by repealing Section 2-1953, entitled "Passage of tax levy ordinances."

Section 3. That Chapter 34, Article IV, Code of Ordinances of the City of Kansas City, Missouri, entitled "Rat Control," is hereby amended by repealing Section 34-189 and enacting in lieu thereof a new Section 34-189 of like title and subject matter to read as follows:

Sec. 34-189. Special assessment for payment of costs of rat-stoppage, or eradication.

Upon causing the city to perform rat-stoppage or eradication of rats as specified in this article, the director of health or the director of neighborhood and housing services shall determine the cost of such work, including the reasonable costs of administering the provisions of this article, with respect to the property affected. Such administrative costs shall not exceed the sum of \$100.00. Upon determining that proper service was made on the owner, the director of health or the director of neighborhood and housing services shall certify to the director of finance a statement of such service and of such costs, with a description of the real property upon which such abatement was accomplished, as a special assessment upon such real property. The director of finance shall enter such costs as a special assessment against the real property, shall cause a copy of the notice of assessment to be sent to the owner of such property by regular United States mail, and shall retain the original in the office of the city treasurer. Each special assessment shall constitute a lien upon the real property described thereon and shall be payable as provided in Section 2-1722 of this Code of Ordinances. Such lien shall remain in effect for a period of two years from the date of certification to the director of finance, at which time it shall automatically terminate unless legal proceedings to enforce such lien have been instituted. The lien may be enforced by any method appropriate for the enforcement of special assessments generally.

Section 4. That Chapter 34, Article VII, Code of Ordinances of the City of Kansas City, Missouri, entitled "Weeds and Noxious Plants," is hereby amended by repealing Section 34-298 and enacting in lieu thereof a new Section 34-298 of like title and subject matter to read as follows:

Sec. 34-298. Special assessment for payment of costs of abatement.

Upon causing abatement of any nuisance as set out in this article, the director of neighborhood and housing services shall determine the cost of such abatement, including the reasonable costs of administering the provisions of this chapter, with respect to the property affected. Such administrative costs shall not exceed the sum of \$100.00. Upon determining that proper service was made on the owner, the director of neighborhood and housing services shall certify a statement of such service and of such costs, with a description of the real property upon which such abatement was accomplished, to the director of finance as a special assessment upon such real property. The director of finance shall enter such costs as a special assessment against the real property and shall cause a copy of the notice of assessment to be sent to the owner of such property by regular United States mail, with the original thereof to be retained in the office of the city treasurer. Each special assessment shall constitute a lien upon the real property described thereon and shall be payable as provided in Section 2-1722 of this Code of Ordinances. Such lien shall remain in effect for a period of two years from the date of certification to the director of finance, at which time it shall automatically terminate unless legal proceedings to enforce such lien have been instituted. The lien may be enforced by any method appropriate for the enforcement of special assessments generally.

Section 5. That Chapter 34, Article XIII, Code of Ordinances of the City of Kansas City, Missouri, entitled "Handling, Storage and Disposal of Hazardous and Toxic Substances," is hereby amended by repealing Section 34-515 and enacting in lieu thereof a new Section 34-515 of like title and subject matter to read as follows:

Sec. 34-515. Abatement of dangerous conditions.

(a) *Authorized.* The director, after making the determination required by section 34-512(a), may enter any site where such substances exist, for the purpose of abating such condition, with or without the consent of the owner or occupant thereof, without being deemed to have committed a trespass. This limited right of entry shall extend to any person hired or otherwise engaged by the director of health to abate such hazardous conditions.

(b) *Assessment of costs.* The director shall thereafter determine the actual costs incurred to effect that abatement, together with a reasonable administrative charge, with such administrative charge not to exceed \$500.00, which, after providing reasonable notice to the owner and occupant of the site, shall be assessed against the owner and occupant. If an owner or occupant so requests in writing received within ten days of the date of that notice, the director shall hold a public hearing to determine the reasonableness of that assessment.

(c) *Payment of assessment.* If such assessment is not paid in full within 30 days, then the director shall certify the charge for abatement to the director of finance as a special assessment represented by a special tax bill against the real property affected. The tax bill shall be payable as provided in Section 2-1721 of this Code of Ordinances.

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Section 6. That Chapter 48, Code of Ordinances of the City of Kansas City, Missouri, entitled "Nuisances," is hereby amended by repealing Sections 48-66 and 48-84 and enacting in lieu thereof new Sections 48-66 and 48-84 of like title and subject matter to read as follows:

Sec. 48-66. Special assessment of abatement costs.

(a) *Notice of Assessment; Certification of costs; Effect of Appeal.* If the city causes a nuisance to be abated, the costs of such abatement shall be determined, including the reasonable costs of administering the provisions of this chapter with respect to the property affected. Such administrative costs shall not exceed the sum of \$500.00. The city shall certify to the director of finance a statement of such costs and of service of notice on the owner, describing the real property upon which such abatement was accomplished. If the abatement was for a detention basin nuisance as enumerated in section 48-45 and the detention basin is owned by a homes association, the costs shall be proportioned among the properties in that homes association. If any appeal shall have been filed from the order from the director of neighborhood and housing services or director of health within the period allowed by law, such costs of abatement shall not be so certified to the director of finance unless and until final judgment shall have been rendered on such appeal confirming such order.

(b) *Issuance of special tax bill.* Upon receipt of such certification, the director of finance shall cause the certified cost to be included in a special tax bill or added to the annual real estate tax bill for the property, at the director's option. The director of finance shall cause a copy of the special tax bill to be sent to the owners of such property by regular U.S. mail, and shall appropriately file and retain the original in the office of the city treasurer. The certified cost shall be collected in the same manner and procedure for collecting real estate taxes. If the certified cost is not paid, and is considered delinquent as provided in Section 2-1722 of this Code of Ordinances, its collection shall be governed by the laws governing delinquent and back taxes.

(c) *Liability created; payment of bill; collection; lien.* The tax bill from the date of its issuance shall be deemed a personal debt against the person or persons who were the owners of record of the property at the time the city caused the nuisance thereon to be abated. If there was more than one owner of record of the property at the time the city caused the nuisance thereon to be abated, they shall be jointly and severally liable for the personal debt. The tax bill shall be paid as provided in Section 2-1722 of this Code. The city may initiate actions against such owner(s) to collect the personal debt if payment in full is not received before the bill becomes delinquent. The special tax bill from the date of its issuance shall also be a lien on the property until paid. Such lien may be enforced by any method appropriate for the enforcement of special assessments generally.

(d) *Abatement for towing of vehicle.* If the means of abatement is the towing of a vehicle, other than in conjunction with the abatement of a nuisance described in section 48-49, the costs of towing and storage shall be specially assessed and such special assessment shall constitute a lien upon the vehicle towed. Such special assessment shall be collected and such lien enforced, in the manner set out in article VI of chapter 70.

(e) *Costs in Municipal Court Action.* In any case where the costs of abatement shall have been assessed as additional costs in a municipal court action as provided in this chapter, and such cost judgment shall have been satisfied, the special assessment pertaining thereto shall be reduced or canceled accordingly, and the record in the office of the city treasurer shall be changed to reflect such reduction or cancellation.

Sec. 48-84. Special assessment to recover costs associated with enforcement.

(a) *Special assessment for administrative citation enforcement and re-inspections.* When the city takes measures to enforce this chapter through sections 48-4 and 48-82 the fines/fees associated with the administrative citation and re-inspections shall be determined, with respect to the property affected. The city shall certify a statement of the fine/fees and of service of notice on the owner, describing the real property upon which such enforcement measures was accomplished, to the director of finance. If the enforcement measure was for a detention basin nuisance as enumerated in section 48-45 and the detention basin is owned by a home association, the costs shall be proportioned among the properties in that home association. If any appeal shall have been filed from the order from the director of neighborhood and housing services or director of health within the period allowed by law, such costs of the enforcement measure shall not be certified to the director of finance unless and until final judgment shall have been rendered on such appeal confirming such order.

(b) *Issuance of special tax bill.* Upon receipt of such certification, the director of finance shall cause the certified cost to be included in a special tax bill or added to the annual real estate tax bill for the property, at the director's option. The director of finance shall cause a copy of the notice of assessment to be sent to the owners of such property by regular U.S. mail, and shall appropriately file and retain the original in the office of the city treasurer. The certified cost shall be collected in the same manner and procedure for collecting real estate taxes. The tax bill shall be paid as provided in Section 2-1722 of this Code of Ordinances. If the certified cost is not paid, and is considered delinquent pursuant to Section 2-1722 of this Code of Ordinances, its collection shall be governed by the laws governing delinquent and back taxes. The tax bill from the date of the notice of assessment shall be deemed a personal debt against the owner and shall also be a lien on the property until paid. The city may initiate actions to collect against the owner and to enforce the lien if payment in full is not received before the bill becomes delinquent. Such lien may be enforced by any method appropriate for the enforcement of special assessments generally.

(c) *Costs in Municipal Court Action.* In any case where the costs of enforcement measures shall have been assessed as additional costs in a municipal court action as provided in this chapter, and such cost judgment shall have been satisfied, the special assessment pertaining thereto shall be reduced or canceled accordingly, and the record in the office of the city treasurer shall be changed to reflect such reduction or cancellation.

Section 7. That Chapter 56, Code of Ordinances of the City of Kansas City, Missouri, entitled "Property Maintenance Code," is hereby amended by repealing Sections 56-4, 56-541 and 56-546 and enacting in lieu thereof new Sections 56-4, 56-541 and 56-546 of like title and subject matter to read as follows:

Sec. 56-4. Special assessment to recover costs associated with enforcement.

(a) *Fines and fees; certification of; effect of appeal.* When the city takes measures to enforce this chapter through sections 56-2 and 56-3 the fines/fees associated with the administrative citation and re-inspections shall be determined, with respect to the property affected. The city shall certify a statement of the fine/fees and of service of notice on the owner, describing the real property upon which such enforcement measures was accomplished, to the director of finance. If any appeal shall have been filed from the order from the director of neighborhood and housing services or director of health within the period allowed by law, such costs of the enforcement measure shall not be certified to the director of finance unless and until final judgment shall have been rendered on such appeal confirming such order.

(b) *Issuance of special tax bill.* Upon receipt of such certification, the director of finance shall cause the certified cost to be included in a special tax bill or added to the annual real estate tax bill for the property, at the director's option. The director of finance shall cause a copy of the notice of assessment to be sent to the owners of such property by regular U.S. mail, and the original thereof to be retained in the office of the city treasurer, appropriately filed. The certified cost shall be collected in the same manner and procedure for collecting real estate taxes. The tax bill shall be paid as provided in Section 2-1722 of this Code. If the certified cost is not paid, and is considered delinquent, its collection shall be governed by the laws governing delinquent and back taxes. The tax bill from the date of the notice of assessment shall be deemed a personal debt against the owner and shall also be a lien on the property until paid. The city may initiate actions to collect against the owner and to enforce the lien if payment in full is not received before the bill becomes delinquent. Such lien may be enforced by any method appropriate for the enforcement of special assessments generally.

(c) *Costs in Municipal Court Action.* In any case where the costs of enforcement measures shall have been assessed as additional costs in a municipal court action as provided in this chapter, and such cost judgment shall have been satisfied, the special assessment pertaining thereto shall be reduced or canceled accordingly, and the record in the office of the city treasurer shall be changed to reflect such reduction or cancellation.

Sec. 56-541. Recovery of costs.

(a) *Notice of Assessment and Certification of costs.* If the city causes a building or structure to be vacated, repaired, or demolished, the costs of such abatement shall be determined, including the reasonable costs of administering the provisions of this chapter with respect to the property affected. The costs incurred by the city in administering the provisions of this article and costs incurred in vacating, closing and securing, repairing or demolishing a dangerous building, shall be certified by the director of neighborhood and housing services to the director of finance as a special assessment represented by a special tax bill against the real property affected.

(b) *Effect of Mechanic's Lien on issuance of special tax bill.* No special tax bill shall be issued if the building or structure is demolished, secured or repaired by a

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contractor pursuant to an order issued by the city and such contractor files a mechanic's lien against the property where the dangerous building is located. The contractor may enforce this lien as provided in RSMo 429.010 to 429.360.

(c) *Use of federal funds.* No special tax bill shall be issued when federal funds are being used which are subject to a prohibition of recovery by a special assessment process. The proof of such exception shall be the burden of any person asserting it.

(d) *Liability created; payment of assessment; collection; lien.* The special tax bill from the date of its issuance shall be deemed a personal debt against the person or persons who were the owners of record of the property at the time the city caused the dangerous building thereon to be vacated, closed, secured, repaired or demolished. If there was more than one owner of record of the property at the time the city caused the dangerous building thereon to be vacated, closed, secured, repaired or demolished, they shall be jointly and severally liable for the personal debt. The tax bill shall be paid as provided in Section 2-1721 of this Code of Ordinances. The city may initiate actions against such owner(s) to collect the personal debt upon a default in payment. The special tax bill from the date of its issuance shall also be a lien on the property until paid. The lien may be enforced by any method appropriate for the enforcement of special assessments generally.

Sec. 56-546. Recovery of costs prior to demolition.

(a) *Solicitation of bids; certification of costs; issuance of bill.* In any case where a building or structure is found to be a dangerous building and ordered demolished, the director of neighborhood and housing services may solicit no less than two independent bids for such demolition work. The amount of the lowest bid, including offset for salvage value, if any, plus reasonable anticipated costs of collection, including attorney's fees, shall be certified to the director of finance, who shall cause a special tax bill to be issued against the property owner to be prepared and collected by the city.

(b) *Discharge of tax bill.* The director of finance shall discharge the special tax bill upon documentation by the property owner of the completion of the demolition work. Upon determination by the director of finance that a public benefit is secured prior to payment of the special tax bill, the director of finance may discharge the special tax bill upon the transfer of the property.

(c) *Refund; issuance of tax bill.* The payment of the special tax bill shall be held in an interest-bearing account. Upon full payment of the special tax bill, the director of neighborhood and housing services shall, within 120 days thereafter, cause the ordered work to be completed, and certify the actual cost thereof, including the cost of tax bill collection and attorney's fees, to the director of finance who shall, if the actual cost differs from the paid amount by greater than two percent of the paid amount, refund the excess payment, if any, to the payor. If the actual amount is greater than the amount paid, the director of finance shall cause a special tax bill or assessment for the difference against the property to be prepared and collected by the city. The tax bill for the difference shall be paid as provided in Section 2-1721 of this Code of Ordinances, and

from the date of the notice of assessment, it shall be deemed a personal debt against the property owner and shall also be a lien on the property until paid.

(d) *Repayment.* If the director of neighborhood and housing services shall not, within 120 days after full payment, cause the ordered work to be completed, then the full amount of the payment, plus interest, shall be repaid to the payor.

Section 8. That Chapter 60, Code of Ordinances of the City of Kansas City, Missouri, entitled "Sewers and Sewage Disposal" is hereby amended by repealing Section 60-49 and enacting in lieu thereof a new Section 60-49 of like title and subject matter to read as follows:

Sec. 60-49. Payment of assessments.

Special assessments issued under this article shall be paid as provided in Section 2-1721 of this Code of Ordinances.

Section 9. That Chapter 62, Code of Ordinances of the City of Kansas City, Missouri, entitled "Solid Waste" is hereby amended by repealing Section 62-261 and enacting in lieu thereof a new Section 62-261 of like title and subject matter to read as follows:

Sec. 62-261. Special assessment of abatement costs.

(a) *Costs to be assessed.* If the director of environmental management or the director of parks and recreation causes a nuisance to be abated, the costs of such abatement shall be determined, including the reasonable costs of administering the provisions of this article with respect to the property affected. Such administrative costs shall not exceed the sum of \$100.00. The director of environmental management or the director of parks and recreation shall send a bill for such costs to the owner, with payment due in 60 days. If any appeal shall have been filed from the order from the director of environmental management or the director of parks and recreation within the period allowed by law, such costs of abatement shall not be so certified to the director of finance unless and until final judgment shall have been rendered on such appeal confirming such order.

(b) *Certification of costs; issuance of tax bill.* The director of environmental management or the director of parks and recreation shall certify the balance of bills unpaid after 60 days to the director of finance. Upon receipt of such certification, the director of finance shall cause the certified cost to be included in a special tax bill or added to the annual real estate tax bill for the property, at the director's option. The director of finance shall cause a copy of the notice of assessment to be sent to the owners of such property by regular U.S. mail, and shall appropriately file retain the original in the office of the city treasurer. The certified cost shall be collected in the same manner and procedure for collecting real estate taxes. The tax bill shall be paid as provided in Section 2-1722 of this Code of Ordinances. If the certified cost is not paid, and is considered delinquent pursuant to Section 2-1722 of this Code of Ordinances, its collection shall be governed by the laws governing delinquent and back taxes. The tax

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bill from the date of the notice of assessment shall be deemed a personal debt against the owner and shall also be a lien on the property until paid.

(c) *Costs in Municipal Court action.* In any case where the costs of abatement shall have been assessed as additional costs in a municipal court action as provided in this article, and such cost judgment shall have been satisfied, the special assessment pertaining thereto shall be reduced or canceled accordingly, and the record in the office of the city treasurer shall be changed to reflect such reduction or cancellation.

Section 10. That Chapter 64, Code of Ordinances of the City of Kansas City, Missouri, entitled "Streets, Sidewalks and Public Places" is hereby amended by repealing Section 64-243 and enacting in lieu thereof a new Section 64-243 of like title and subject matter to read as follows:

Sec. 64-243. Duty of abutting owner to keep sidewalk, curbing and guttering in good repair; special assessments authorized.

(a) No owner of any house, building, lot or premises shall permit or allow the sidewalk, curbing, drive approach or guttering in front or alongside of such house, building, lot or premises to be or remain out of repair or suffer or allow the same to be or remain above or below the established grade.

(b) No owner of any house, building, lot or premises shall permit or allow any cellar door, grating or stairway located on a sidewalk in front or alongside of such house, building, lot or premises to be or remain out of repair or suffer or allow the same to be or remain above or below the established grade.

(c) It shall be the duty of the director of public works to see that the requirements of this section are fully complied with, by the owner of such house, building, lot or premises, or by any person who may hereafter do any grading, or perform any other public work upon any of the streets of the city where such sidewalk, curbing, drive approach, guttering, cellar door, grating or stairway may at the time be located. The word repair as used in this section shall be deemed to mean and embrace whatever is necessary for the preservation of such sidewalk, curbing, drive approach, guttering, cellar door, grating or stairway, and to render the sidewalk, curbing, drive approach, guttering, cellar door, grating or stairway safe and convenient for the public.

(d) When, in the opinion of the director of public works, any sidewalk (including any cellar door, grating or stairway existing in such sidewalk), curbing, drive approach or guttering on any part of any street or public highway is out of repair, the director may cause the same to be reconstructed or put in good substantial repair. The costs thereof may be assessed as provided herein, unless otherwise modified by ordinance approving a project whose costs are subject to special assessment:

- (1) The director of public works shall cause a notice to be sent by United States mail, directed to the apparent owner of the real estate in front of which the said reconstruction or repair is to be made, as said ownership or taxpayer is shown on the real estate records of the city, which notice shall

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require the reconstruction or repair to be made within 30 days of the notice unless an alternative time is designated by ordinance. The requirement of notice is directory and not mandatory.

- (2) After the expiration of the 30 days, or such alternative time designated by ordinance, the director of public works may cause the reconstruction or repair to be made through city forces or by contract if the owner has not complied with the notice or completed the repair or reconstruction to the city's established standards for sidewalks, curbing, drive approaches and guttering work. The work may be done as separate projects for each location or as a project combining several separate locations.
- (3) After the work is completed at a single location or at several locations combined in one project, the director of public works shall cause the cost to be determined, and for this purpose may base the same on unit costs for a project involving work in front of several parcels of land. The director of public works shall thereafter determine whether a portion or all of the final cost of said improvements is to be paid by public funds, local or otherwise. If so, the director of public works shall determine the balance of the costs, if any, of such repairs or replacement and this amount shall serve as the basis of any special assessment.
- (4) The balance of the costs, if any, subject to special assessment shall be assessed and charged according to the front-foot rule, which shall be held to mean that the required sum shall be assessed and charged against the several lots, tracts and parcels fronting or abutting upon the side of the street on which the work was done in proportion and ratably to the frontage or abutment thereon of such respective lots, tracts and parcels. In levying special assessments against corner lots, tracts and parcels, such shall be charged for the work done on both fronts and on the outside corners.
- (5) The director of public works shall certify to the director of finance the cost of the work done in front of and adjacent to each parcel of land fronting or abutting on the side of the street on which the work was done, giving a description of each parcel of land so charged with sufficient accuracy to identify the same, and the amount of the special assessment against the same.
- (6) The special assessments issued under this article shall be paid as provided in Section 2-1721 of this Code of Ordinances.
- (7) Special assessments provided for herein shall constitute liens upon the real estate and when delinquent shall be subject to collection in the same manner as provided for under state law, City Charter, and the Code of Ordinances.

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Section 11. That Chapter 78, Code of Ordinances of the City of Kansas City, Missouri, entitled "Water" is hereby amended by repealing Sections 78-250 and 78-253 and enacting in lieu thereof new Sections 78-250 and 78-253 of like title and subject matter to read as follows:

Sec. 78-250. Payment of assessments; interest.

Special assessments issued under this article shall be paid as provided in Section 2-1721 of this Code of Ordinances. Full payment of the total assessment, principal and interest, for each respective lot, tract, or parcel must be made prior to any ownership split or subdivision of said lot, tract, or parcel. Reapportionment of these assessments to smaller parcels is prohibited. All moneys received from this source shall be credited to the water fund.

Sec. 78-253. Contingent refund contracts when city funds not available.

(a) *Generally.* It is intended that water system improvements constructed under this article will be financed from any revenue bond fund of the water services department or from other funds of the water services department, if available. When sufficient funds are in the discretion of the director of the water services department not available to finance construction of improvements under this article, the council may authorize the director of the water services department to enter into a contingent refund contract with an individual, firm or corporation, whereby funds are advanced to the water services department to support construction of a specific project, and whereby refunds will be made from assessments collected, pursuant to this section.

(b) *Applicability of special assessment procedures.* Projects funded under this section shall originate and comply in all respects to the procedures set out in sections 78-241 to 78-252, inclusive.

(c) *Method of refund.* All funds, principal and interest, actually collected pursuant to this section shall be segregated into a special account, and refund payment shall be made from such account annually over the period of time stipulated in the contract. Such refund shall be limited to the amount of all assessments and interest actually collected during the year.

(d) *Contract provisions.* Such contracts shall provide that:


- (1) The individual, firm or corporation shall pay the whole cost of such proposed project, exclusive of the cost of mains over 12 inches in diameter.
- (2) The city shall collect the delinquent assessments pursuant to this section before permitting a connection to be made to the line, serving the property for which the payment is delinquent.

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- (3) Such assessments which are collected during the period of time specified in Section 2-1721(b) shall be paid over annually to such individual, firm or corporation as reimbursement for monies advanced for construction.

Section 12. Effective Date. The amendments in this ordinance shall apply to special assessments issued on or after May 5, 2014.

Approved as to form and legality:



Stephen Walsh
Assistant City Attorney



Authenticated as Passed



Sly James, Mayor



Marilyn Sanders, City Clerk
DEC 19 2013

Date Passed