

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 160608

Amending Chapter 48, Code of Ordinances by repealing Sections 48-25, 48-62, 48-63, 48-68 and 48-72, and enacting in lieu thereof new sections of like number and subject matter, that reduces the penalties for zoning violations.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 48, Code of Ordinances of the City of Kansas City, Missouri, is hereby amended by repealing Sections 48-25, 48-62, 48-63, 48-68 and 48-72, and enacting in lieu thereof new sections of like number and subject matter, to read as follows:

**Sec. 48-25. Litter, trash, refuse or rubbish on public or private property.**

The following waste materials upon any premises or any public right of way adjoining such premises are hereby declared to constitute a nuisance.

(a) All ashes, cinders, slops, filth, excrement, boards, sawdust, wood or metal shavings, rubber, old tires, discarded plastic containers or wrappers, stones, rocks, sand, oil, coal, gasoline, paint, dirt, dust, straw, soot, sticks, lumber scraps, boxes, barrels, kegs, crates, cans, bottles, cartons, paper, trash, leavings, rubbish, manure, brush, logs, broken ware, rags, iron or other metal, old wearing apparel, sweepings, refuse, debris, vehicle parts, broken concrete, slag, garbage, offal, putrid fish, meat entrails, decayed fruits or vegetables, wastewater, animal or vegetable products or matter, dead animals, broken glass, bones, tacks, nails, wire, grass, leaves, brush, weeds, foliage or shrub cuttings or clippings, or any other unwanted or discarded substance or thing, except when any of these items are:

- (1) Allowed and used in a licensed recycling or salvage facility holding a valid permit under the Code of Ordinances of Kansas City, Missouri; and
- (2) Stored in such a manner that they do not provide bedding or shelter for rats or a breeding area for insects.

(b) Grass, leaves, chipped brush, weeds, chipped foliage or shrub cuttings or clippings, unharvested vegetable waste grown on the premises in more than three organized composting bins, or in organized windrows, greater than 150 square feet in total area and more than 49 inches in height on residential premises less than one acre in size, or 150 square feet in total area and more than 49 inches in height per acre on residential premises greater than one acre in size. The height and area restrictions do not apply to composting bins or windrows on nonresidential premises. No composting bin or windrow shall be constructed or maintained in such a manner or condition as to emit noxious odor, provide bedding or shelter for rats or other pests, or be in violation of other provisions of the Code. On residential premises, composting bins and windrows shall only be located within the back yard. For purposes of this section, the back yard is

defined as the area bounded by the back line of the parcel boundary and rear wall of the dwelling extending to the side parcel boundaries.

**Sec. 48-62. Notification.**

(a) Whenever a nuisance enumerated in this Code is found upon property, an Order to Remove Nuisances shall be issued by the Director of Neighborhood and Community Services pursuant to section 48-63. The Order shall be issued to the owner of the property and/or any occupant of the property. The Order shall require the owner and/or occupant to remove of all nuisances identified in the Order, and keep the property free of the reoccurrence of the same nuisance in the future.

(b) Where a nuisance presents an immediate, specifically identified risk to the public health or safety, or presents a danger to the health or welfare of others, an Emergency Order requiring immediate removal of the nuisance shall be issued pursuant to section 48-68, instead of an Order to Remove Nuisances.

**Sec. 48-63. Order to Remove Nuisances.**

(a) Whenever the existence of a nuisance enumerated in this Code is found on property during an inspection, the Director may issue an Order to Remove Nuisances or act to immediately remove nuisances as provided in section 48-68.

The Order shall:

- (1) Be in writing.
- (2) Specifically describe each condition on the property declared to be a nuisance.
- (3) Identify what action will remedy each nuisance.
- (4) Describe the premises where the nuisance exists or has been committed.
- (5) Provide a reasonable time, not less than ten days, in which to abate each nuisance identified in the Order and ensure the property is kept free of the reoccurrence of the same nuisance in the future.
- (6) Advise the owner of the right to request a hearing before the nuisance is abated by the city with the costs of such abatement to be specially assessed and deemed a personal debt against the owner and constitute a lien against the property from which abated.
- (7) State that failure, neglect or refusal to abate such nuisance within the 10 days specified renders the owner and/or occupant prosecutable in

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municipal court, and, upon a finding of guilty, subject to penalties consistent with section 48-72 of this Code.

- (8) Be served upon the owner or occupant of the premises by personal service, or by first class mail to both the occupant of the property at the property address and the owner at the owner's last known address, if not the same. If the owner or occupant is a corporation, notice shall be served upon an officer, a person in charge of any local business office, or its registered agent or any other agent authorized by appointment or required by law to receive service of process.

(b) The Director may publish notices before and during the months of April through October to remind owners of vacant land and unoccupied property of their responsibility to mow the property at a frequency sufficient to prevent the growth of rank weeds as defined in 48-1.

### **Sec. 48-68. Emergencies.**

(a) Where a nuisance enumerated in this Code creates an immediate, specifically identified risk to the public health or safety the Director of Neighborhood and Community Services or the Director of Health will issue an Emergency Order for the property owner to take such action as is necessary to immediately correct or abate the emergency.

(b) The Emergency Order shall conform in all respects to the requirements of the non-emergency Order contained in section 48-63, except that the Emergency Order shall require the immediate removal of the nuisance.

(c) Upon the failure of the owner or occupant to immediately remove or abate such nuisance, the Director may cause the nuisance to be removed or abated, with the costs assessed against to the owner as provided in 48-66, Special Assessment of Abatement Costs.

### **Sec. 48-72. Penalty for violation of chapter.**

(a) Any violation of this Nuisance Code is punishable by a fine combined with court costs as follows:

- (1) For the first violation within the twelve month period preceding the violation date, no more than \$200.00;
- (2) For the second violation within the twelve month period preceding the violation date, no more than \$275.00;
- (3) For the third violation within the twelve month period preceding the violation date, no more than \$350.00;

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(4) For fourth and any subsequent violation within the twelve month period preceding the violation date, no more than \$450.00.

(b) For any violation of this Nuisance Code found to endanger the health or welfare of others, the court may impose a fine combined with court costs as set forth in subsection (a) of this section, and/or a jail sentence of not more than 180 days.

(c) Every day that a violation continues shall be considered a separate offense, for which the violator may be tried and convicted without necessity of further notice.

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Approved as to form and legality:



A. Katherine Spillers  
Assistant City Attorney



Authenticated as Passed

  
Sly James, Mayor

  
Marilyn Sanders, City Clerk

AUG 18 2016

Date Passed