

COMPARED VERSION
NEW ORDINANCE TO CODE BOOKS

ORDINANCE NO. 220276

Amending Chapter 50, Code of Ordinances, by repealing Section 50-107, Tenting without consent of landowner, and Section 50-161, Loitering, and enacting in lieu thereof new sections of like number and subject matter, which will limit to private property the prohibition on tenting without consent of landowner, and, for a loitering in traffic violation, require that a person willfully obstruct, impede, interfere with, hinder or delay the reasonable movement of vehicular or pedestrian traffic, and prevent a person from being guilty of loitering unless such person has been given a reasonable opportunity to comply with an order from law enforcement to move on or disperse, after receiving actual notice or where notice was directed to them and was reasonably likely to come to such person's attention.

WHEREAS, on November 4, 2021, the City Council passed Resolution No. 210993, directing the City Manager, in coordination with the City's Houseless Task Force, to develop standard operating procedures concerning encampments on public property in Kansas City, and to propose any appropriate, corresponding amendments to the City Code in order to effectuate such procedures; and

WHEREAS, in the course of the City Manager's and Houseless Task Force's work to develop such standard procedures concerning such encampments, City Code Sections 50-107 and 50-161 were identified for various revisions in order to effectuate such procedures, consistent with the recommendations of the City Manager and Houseless Task Force; and

WHEREAS, Sections 50-107 and 50-161 appear in the Chapter on Offenses and Miscellaneous Provisions within the Code of Ordinances; and

WHEREAS, to clarify that the prohibition on tenting without consent of landowner in Section 50-107 only apply to private property; and

WHEREAS, for Section 50-161, to clarify that, for a person to be guilty of loitering in traffic violation, they must willfully obstruct, impede, interfere with, hinder or delay the reasonable movement of vehicular or pedestrian traffic, and that a person shall not be guilty of loitering unless such person has been given a reasonable opportunity to comply with an order from law enforcement to move on or disperse, after receiving actual notice or where notice was directed to them and was reasonably likely to come to such person's attention; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 50, Code of Ordinances of the City of Kansas City, Missouri, is hereby amended by repealing Section 50-107, Tenting without consent of landowner, and Section 50-161, Loitering, and enacting in lieu thereof new sections of like number and subject matter, to read as follows:

Sec. 50-107. Tenting without consent of private landowner.

No person shall put or keep and maintain or occupy any tent, lean-to, tarpaulin or other structure for purposes of habitation or place of living or lodging, either temporarily or otherwise, upon any privately-owned grounds within the city. However, no person shall be in violation of this section if they are the owner of such grounds or have a lease or other consent from the owner thereof.

Sec. 50-161. Loitering.

It shall be unlawful for any person, either alone or in concert with another or others, to stand or otherwise position themselves in any public place in such manner so as to willfully obstruct, impede, interfere with, hinder

(a) or delay either:

- (1) the reasonable movement of vehicular or pedestrian traffic; or
- (2) the reasonably free and uninterrupted use of property or business lawfully conducted by anyone in or upon or facing or fronting on any such public place or building, if such act prevents the reasonably free and uninterrupted ingress, egress and regress, therein, thereon and thereto.

(b) When any person willfully commits either of the acts enumerated in subsection (a) of this section, a police officer or any law enforcement officer may order that person to stop committing any such act and to move on or disperse. Any person who fails or refuses to obey such an order shall be guilty of a violation of this section. However, no person shall be in violation of this section unless such person has been given a reasonable opportunity to comply with such order after they received actual notice or where notice was directed to them and was reasonably likely to come to such person's attention.

Approved as to form and legality:

Bret Kassen
Associate City Attorney