

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 220916

Amending Chapters 70, Code of Ordinances, entitled "Traffic and Vehicles" by repealing Sections 70-42, 70-137, 70-139, 70-523, 70-524, 70-526, 70-528, 70-529, 70-532, 70-533, 70-535, 70-538, 70-539, 70-541, 70-542, 70-568, 70-594 and enacting in lieu thereof new sections of like number and like subject matter; amending Chapter 2, Code of Ordinances, entitled "Administration" by repealing Sections 2-970.18 and 2-970.19 and enacting in lieu thereof new sections of like number and like subject matter; amending Chapter 70, Code of Ordinances, entitled "Traffic and Vehicles" by adding new Sections 70-82, 70-83, 70-84, 70-85, 70-86, 70-87, 70-88, and 70-89; and amending Chapter 50, Code of Ordinances, entitled "Offenses and Miscellaneous Provisions" by repealing Section 50-44 and enacting in lieu thereof a new section of like number and like subject matter all related to the administration and enforcement of street parking.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 70, Code of Ordinances of the City of Kansas City, Missouri, is hereby amended by repealing Sections 70-42, 70-137, 70-139, 70-523, 70-524, 70-526, 70-528, 70-529, 70-532, 70-533, 70-535, 70-538, 70-539, 70-541, 70-542, 70-568 and 70-594, and enacting in lieu thereof new sections of like number and subject matter, to read as follows:

**Sec. 70-42. Payment of administrative citation fines for parking tickets and non-moving city ordinance violations.**

(a) *Establishment and purview.* An administrative adjudication system, consistent with Section 479.011 of the Revised Statutes of Missouri, for adjudicating parking and other civil non-moving Code of Ordinances violations in Kansas City in Chapter 70 is hereby established. The administrative adjudication system shall be under the jurisdiction of the Parking and Transportation Commission. This administrative adjudication system shall apply to parking code violations, including but not necessarily limited to, violations encompassed in Code sections 70-137, 70-139, 70-269, 70-521, 70-523, 70-524, 70-526, 70-527, 70-528, 70-529, 70-532, 70-533, 70-535, 70-536, 70-538, 70-539, 70-541, 70-542, 70-563, 70-564, 70-565, 70-567, 70-568, 70-593, 70-594, 70-602 and 70-641 and any other codes designated for administrative adjudication by ordinance. The section shall not apply to violations of any Code of Ordinance section that prohibits the following: operating a motor vehicle while intoxicated or under the influence of intoxicants; operating a vehicle with a counterfeit, altered, suspended or revoked driver's license; causing injury to another person; causing property damage; or fleeing or attempting to elude a law enforcement officer. If there are any companion charges to an alleged violation of any Code of Ordinance section that prohibit operating a motor vehicle while intoxicated or under the influence of intoxicants, operating a vehicle with a counterfeit, altered, suspended or revoked driver's license, causing injury to another person, causing property damage, or fleeing or attempting to elude a law enforcement officer then all companion charges shall be adjudicated by the municipal court division having jurisdiction over the alleged ordinance violation that the administrative adjudication system does not have jurisdiction over.

(b) *Oversight.* The Parking and Transportation Commission shall adopt policies and procedures for governing the administrative adjudication system. The administrative adjudication

system shall provide for a fair, impartial, efficient and effective adjudication process for individuals who wish to contest a citation for a violation of a code within the jurisdiction of the administrative adjudication system. This process shall provide for a preliminary administrative review and, for those individuals dissatisfied with the results of the preliminary administrative review, an administrative hearing. Any person issued a citation for an ordinance violation within the purview of this section shall be advised on the citation of the right to request a preliminary administrative review. The alleged violator must either pay the scheduled civil fine or request an administrative review within twenty calendar days from the date of the administrative citation. The preliminary administrative review shall entail an informal administrative process through which an individual may submit a request for review and obtain information about the validity of a municipal code violation by mail, Internet or other means approved by the Parking and Transportation Commission. The alleged violation shall be notified of the outcome of the administrative review within ten days of submitting the request for preliminary administrative review.

(c) *Administrative Hearing.* An administrative hearing available for individuals dissatisfied with the results of the preliminary administrative review shall be part of the administrative adjudication system. An alleged violator may request an administrative hearing within ten days of the notification of the outcome of the administrative review being sent. The Parking and Transportation Commission shall designate a hearing officer who shall be charged with overseeing the administrative hearing. The hearing officer shall possess sufficient competence to administratively adjudicate the violations within the purview of this section, including, but not necessarily limited to, familiarity with the rules of procedure for administrative hearings, and a working knowledge of the subject area of the municipal code violations they will adjudicate. The Parking and Transportation Commission shall adopt policies and procedures for administrative hearings and filing and notification requirements for appeals to the municipal court. The policies and procedures adopted by the Parking and Transportation Commission shall ensure a fair and impartial review of contested Code violations and shall afford the parties due process of law. The administrative hearing shall conform to the requirements of Section 536.070 of the Missouri Revised Statutes. The hearing officer shall have the authority to hear testimony and review relevant evidence, preserve and authenticate hearing records and evidence, issue written findings of fact and decisions, and impose fines. The Parking and Transportation Commission may impose an administrative adjudication hearing filing fee not more than twenty-five dollars.

(d) *Disposition.* Upon completing review of the information submitted by the person contesting the citation at hearing, the hearing officer shall determine in writing whether the contestant is liable or not liable for the violation. If the contestant is found not liable for the violation, the contestant shall be refunded the filing fee (if any) and waive all violation fines accrued to date. If the contestant is found liable of the violation, the contestant shall remit any unpaid fines and costs and reactivate other sanctions in accord with the prescribed administrative adjudication policies and procedures, but it shall not impose incarceration or any fine in excess of the amount allowed by law. The person contesting the citation shall be notified of the hearing officer's decision within ten (10) business days of the conclusion of the administrative hearing. The decision by the hearing officer shall constitute a final determination for purposes of judicial review. Such determination is subject to review under RSMo Chapter 536. After expiration of the judicial review period under RSMO Chapter 536, unless stayed by a court of competent

jurisdiction, the administrative officer's decisions, findings, rules, and orders may be enforced in the same manner as a judgment entered by a court of competent jurisdiction.

(e) *Violations and fines.* Parking ticket violations and non-moving Code of Ordinances violations issued in Kansas City and authorized in this section shall be administrative citation fines. Any fine or costs, or part thereof, remaining unpaid thirty (30) days after the exhaustion of, or the failure to exhaust, the administrative adjudication process described herein, shall be a debt due and owing the city, and may be collected by the city by any appropriate legal means. A lien may be imposed on the real or personal property of any contestant found liable for a violation authorized by the section in the amount of any debt due the city under this section and enforced in the same manner as a judgment lien under a court of competent jurisdiction.

#### **Sec. 70-137. State vehicle license plates required; exceptions.**

(a) No person shall operate ~~or park~~ any motor vehicle or trailer upon any street or highway of this city unless such motor vehicle or trailer has properly displayed a valid license plate or temporary permit issued to the lawful owner of the vehicle by the department of revenue of the state, except that any person who is a nonresident of the state may operate ~~or park~~ any motor vehicle or trailer upon any street or highway of this city, provided the motor vehicle or trailer has been duly registered for the current year in the state, county or other place of which the owner is a resident, and provided that at all times such motor vehicle or trailer is being operated ~~or parked~~ upon the streets or highways of this city the valid license plate or temporary permit is properly displayed on such vehicle or trailer.

(b) Any person operating ~~or parking~~ a motor vehicle or trailer in violation of this section shall be punished by a fine of not less than \$25.00.

(c) No person shall operate ~~or park~~ any motor vehicle or trailer upon any street or highway of this city unless such motor vehicle or trailer has properly displayed a valid license plate or temporary permit issued to the lawful owner of the vehicle by the department of revenue of the state, except that any person who is a nonresident of the state may operate ~~or park~~ any motor vehicle or trailer upon any street or highway of this city, provided the motor vehicle or trailer has been duly registered for the current year in the state, county or other place of which the owner is a resident, and provided that at all times such motor vehicle or trailer is being operated ~~or parked~~ upon the streets or highways of this city the valid license plate or temporary permit is properly displayed on such vehicle or trailer.

(d) Any person operating ~~or parking~~ a motor vehicle or trailer in violation of this section shall be punished by a fine of not less than \$25.00.

#### **Sec. 70-139. Method of displaying license plates.**

(a) *When a vehicle is operated:*

- (1) The required license plate or temporary permit shall be fastened to a vehicle in such a manner as to be entirely unobscured and unobstructed, with all parts

thereof plainly visible and kept reasonably clean, and fastened so that the letters or numerals are right side up and the plates do not swing.

- (2) License plates shall be fastened to all motor vehicles except trucks, tractors, truck tractors or truck-tractors licensed in excess of 12,000 pounds on the front and rear of such vehicles not less than eight and not more than 48 inches above the ground.
- (3) The license plates on trailers, motorcycles, motor tricycles and motor scooters shall be displayed on the rear of such vehicles, with the letters and numbers thereon right side up.
- (4) The license plates on trucks, tractors, truck tractors or truck-tractors licensed in excess of 12,000 pounds shall be displayed on the front of such vehicles not less than eight and not more than 48 inches above the ground.

(b) When the vehicle is parked:

- (1) The required license plate or temporary permit shall be fastened to a vehicle in such a manner as to be entirely unobscured and unobstructed, with all parts thereof plainly visible and kept reasonably clean, and fastened so that the letters or numerals are right side up and the plates do not swing.
- (2) License plates shall be fastened to all motor vehicles except trucks, tractors, truck tractors or truck-tractors licensed in excess of 12,000 pounds on the front and rear of such vehicles not less than eight and not more than 48 inches above the ground.
- (3) The license plates on trailers, motorcycles, motor tricycles and motor scooters shall be displayed on the rear of such vehicles, with the letters and numbers thereon right side up.
- (4) The license plates on trucks, tractors, truck tractors or truck-tractors licensed in excess of 12,000 pounds shall be displayed on the front of such vehicles not less than eight and not more than 48 inches above the ground.

(c) Any person operating or parking a motor vehicle or trailer in violation of this section shall be punished by a fine of not less than \$25.00.

**Sec. 70-523. Stopping, standing or parking prohibited in specified places.**

(a) Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic control device, no person shall:

- (1) Stop, stand or park a vehicle:

- a. On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
  - b. With any part of the vehicle parked on or on the roadway side of a white stripe pavement marking where street parking is allowed along a streetcar line and where indicated by signs and markings.
  - c. On a sidewalk, park, bike lane, or other public property where no provision therefor has been made.
  - d. Within an intersection.
  - e. On a crosswalk.
  - f. Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings.
  - g. Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic.
  - h. Upon any bridge or other elevated structure upon a street or highway or within a highway tunnel.
  - i. On any railroad tracks.
  - j. On any controlled access street or highway.
  - k. In the area between roadways of a divided street or highway, including crossovers.
  - l. At any place where official traffic control devices prohibit stopping.
  - m. On the left or medial side of any divided roadway, Sundays excepted.
- (2) Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:
- a. In front of and four feet on either side of a public or private driveway.
  - b. Within five feet of a fire hydrant.
  - c. Within 20 feet of a crosswalk.
  - d. Within 30 feet upon the approach to any flashing signal, stop sign, yield sign or traffic control signal located at the side of a roadway.

- e. At any place where official traffic control devices prohibit standing.
  - f. Within four feet from the near edge of any streetcar rail to any part of the vehicle, except where such a vehicle is within a signed and white striped parking area.
- (3) Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading property or passengers:
- a. Within 50 feet of the nearest rail of a railroad crossing.
  - b. At any place where official traffic control devices prohibit parking.
  - c. Within four feet from the near edge of any streetcar rail to any part of the vehicle, except where such a vehicle is within a signed and white striped parking area.

(b) Any person violating any provision of this section shall be punished by a fine consistent with state law, but not less than \$15.00 and not more than \$500.00.

**Sec. 70-524. Manner of parking generally.**

(a) Two-way roadways. Except as otherwise provided in this chapter, every vehicle stopped or parked upon a two-way roadway shall be so stopped or parked with the right hand wheels parallel to and within 12 inches of the right hand curb or as close as practicable to the edge of the right hand shoulder. A vehicle bearing and properly displaying a valid license plate or placard issued pursuant to RSMo § 301.071 or 301.142, or a valid equivalent license plate or placard issued by the state, country or other place of which such vehicle's owner is a resident, may stop or park upon a two-way roadway in a residential parking area as defined in section 70-1 with the left hand wheels parallel to and within 12 inches of the left hand curb or as close as practicable to the edge of the left hand shoulder.

(b) One-way roadways. Except as otherwise provided in this chapter, every vehicle stopped or parked upon a one-way roadway shall be so stopped or parked in the direction of authorized traffic movement with the right hand wheels parallel to and within 12 inches of the right hand curb or as close as practicable to the edge of the right hand shoulder, or with the left hand wheels parallel to and within 12 inches of the left hand curb or as close as practicable to the edge of the left hand shoulder.

(c) Streetcar line roadways. Where parking is allowed along a streetcar service line, vehicles parked along the curb in a marked parking space shall not be allowed to cross or encroach any part of the vehicle over or onto the pavement surface marking that defines the parking space.

(d) Striped bike lanes. Where a striped bike lane is present between permitted parking and the right hand (or left hand) curb or shoulder, every vehicle stopped or parked shall be so stopped

or parked with the right hand (or left hand) wheels parallel to and within 12 inches of the edge of the striped parking line adjacent to the bike facility.

(e) Violation. Any person violating any provision of this section shall be punished by a fine consistent with state law, but not less than \$15.00 and not more than \$500.00

**Sec. 70-526. Obedience to angle parking signs or markings.**

(a) On those streets which have been signed or marked by the director for angle parking, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings.

(b) Any person violating any provision of this section shall be punished by a fine consistent with state law, but not less than \$15.00 and not more than \$500.00.

**Sec. 70-528. Parking not to obstruct traffic.**

(a) No person shall park any vehicle upon a street, other than an alley, in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for free movement of vehicular traffic.

(b) Any person violating any provision of this section shall be punished by a fine consistent with state law, but not less than \$15.00 and not more than \$500.00.

**Sec. 70-529. Parking in alleys.**

(a) No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for the free movement of vehicular traffic; and no person shall stop, stand or park a vehicle within an alley in such position as to block the driveway entrance to any abutting property.

(b) Any person violating any provision of this section shall be punished by a fine consistent with state law, but not less than \$15.00 and not more than \$500.00.

**Sec. 70-532. Obedience to signs limiting parking time.**

(a) Whenever authorized signs are erected limiting the length of time that vehicles may be parked during specified hours on certain streets, or portions thereof, or in city-owned or city-operated off-street parking facilities, no person shall park a vehicle for a period of time longer than specified on such signs.

(b) Whenever authorized signs are erected requiring the use of a vehicle's emergency flashers when parked on certain streets, or portions thereof, or in city-owned or city-operated off-street parking facilities, no person shall park a vehicle without the use of the vehicle's emergency flashers.

(c) Any person violating any provision of this section shall be punished by a fine consistent with state law, but not less than \$15.00 and not more than \$500.00.

**Sec. 70-533. Parking buses, trucks or trailers in residence district.**

(a) It shall be unlawful for the driver, owner or operator of any bus, truck, tractor, trailer, house trailer, motor home, tractor-trailer, pole trailer or truck-trailer combination to park, or cause to be parked, such vehicle for longer than two hours at any one time on any street in a residence district as defined in section 70-1; however, such vehicles may be parked in front of a place of business in such district during business hours of the business, but subject to all other ordinances regulating parking at such location. This section shall not apply to trucks, 20 feet in length or less, licensed for a gross vehicle weight of not more than 12,000 pounds and not containing any refuse or rubbish, nor shall it apply to any truck of legal size and weight, legally licensed to or being used by any contractor, service or repair person in the construction, repair, maintenance or service to a residence or other real property located within the block that the truck or trailer is legally parked, providing the vehicle is parked in the residence district only during daylight hours for new residential construction where an active building permit exists or only for the period that emergency repairs are being made for existing residences and providing there is compliance with all other ordinances.

(b) Any person violating any provision of this section shall be punished by a fine consistent with state law, but not less than \$15.00 and not more than \$500.00.

**Sec. 70-535. Use of parking spaces for physically disabled persons.**

(a) Whenever authorized signs are erected designating an area for parking for physically disabled persons, no person shall stop a vehicle within that marked area unless that vehicle bears and properly displays a valid distinguishing plate or card issued pursuant to RSMo 301.071 or 301.142, as amended, or, if the owner of the vehicle is a nonresident of the state, a valid duly registered equivalent license plate or card issued by the state, county or other place of which the owner is a resident.

(b) Any owner or operator of a vehicle parked in violation of this section shall be punished by a fine consistent with state law, but not less than \$15.00.

(c) It shall be a full and complete defense that an occupant of the vehicle otherwise illegally parked qualified at the time of parking for a distinguishing license plate or card as described subsection (a) of this section.

**Sec. 70-538. Marked fire lane parking.**

(a) No driver of a vehicle shall stop, park, cause to be placed or leave such vehicle in any marked fire lane except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or traffic control signal.



(b) Violation of this section shall be punishable by a fine consistent with state law, but not less than \$15.00. The offending vehicle may be towed, at the owner's expense, if such vehicle is not moved within a reasonable time or is a serious obstruction to the fire lane.

**Sec. 70-539. Motorized bike parking.**

(a) The director is hereby authorized to designate and establish parking spaces for the exclusive use of motorized bikes and shall place and maintain appropriate signs indicating the reservation.

(b) The director shall determine upon what streets motorized bike parking shall be permitted and shall mark or sign such streets.

(c) "Motorized Bike" means any motor vehicle on which the rider sits astride the frame and which is designed to travel on not more than three (3) wheels in contact with the ground.

(d) Whenever authorized signs are erected designating an area for Motorized bike parking, no person shall park, or cause to be parked, any vehicle, except a motorized bike, within the area so designated.

(e) Any person violating any provision of this section shall be punished by a fine consistent with state law, but not less than \$15 and not more than \$500.

**Sec. 70-541. Authorized emergency vehicle parking.**

(a) The director is hereby authorized to designate and establish parking spaces for the exclusive use of authorized emergency vehicles and shall place and maintain appropriate markings or signs indicating the reservation.

(b) The director shall determine which parking spaces shall be reserved for the exclusive use of authorized emergency vehicles and shall mark or sign such streets in a manner sufficient to identify the location of the reserved parking spaces.

(c) No person shall park, or cause to be parked, any vehicle, except an authorized emergency vehicle, within any parking space reserved for the exclusive use of authorized emergency vehicles.

(d) "Authorized emergency vehicle" shall be defined as provided in Section 70-1, Code of Ordinances, provided further that such vehicle shall be prominently designated as such by emblems, markings or license plate.

(e) Any person violating any provision of this section shall be punished by a fine consistent with state law, but not less than \$15.00 and not more than \$500.00.

**Sec. 70-542. Authorized city vehicle parking.**

(a) The director is hereby authorized to designate and establish parking spaces for the exclusive use of authorized city vehicles and shall place and maintain appropriate markings or signs indicating the reservation.

(b) The director shall determine which parking spaces shall be reserved for the exclusive use of authorized city vehicles and shall mark or sign such streets in a manner sufficient to identify the location of the reserved parking spaces.

(c) No person shall park, or cause to be parked, any vehicle, except an authorized city vehicle, within any parking space reserved for the exclusive use of authorized city vehicles.

(d) The director shall designate certain city-owned vehicles as "authorized city vehicles" and shall ensure that such vehicles are prominently designated as such by emblems, markings or license plate.

(e) Any person violating any provision of this section shall be punished by a fine consistent with state law, but not less than \$15.00 and not more than \$500.00.

**Sec. 70-568. Use of bus stands, streetcar stations, taxicab stands and horse-drawn carriage stands.**

(a) No person shall stop a vehicle other than a bus in a bus stand, or other than a streetcar in a streetcar station, or other than a taxicab in a taxicab stand, or other than a horse-drawn carriage in a stand for horse-drawn carriages used in sightseeing operations, when any such zone or stand has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus, streetcar, horse-drawn carriage or taxicab waiting to enter or about to enter such zone.

(b) Any person violating any provision of this section shall be punished by a fine consistent with state law, but not less than \$15.00 and not more than \$500.00.

**Sec. 70-594. Deposit of coins and time limits.**

(a) No person shall park a vehicle in any parking space upon a street or in a city-owned or city-operated off-street parking facility alongside of and next to which a parking meter has been installed during the restricted and regulated time applicable to the parking meter zone in which such meter is located unless a coin or coins of United States currency of appropriate denomination as provided in this division shall have been deposited therein, or shall have been previously deposited therein for an unexpired interval of time, and such meter has been placed in operation.

(b) No person shall permit a vehicle within his control to be parked in any such parking meter space during the restricted and regulated time applicable to the parking meter zone in

which such meter is located while the parking meter for such space indicates by signal that the lawful parking time in such space has expired. This subsection shall not apply to the act of parking or necessary time which is required to deposit immediately thereafter a coin or coins in such meter.

(c) No person shall park a vehicle in any such parking meter space for a consecutive period of time longer than that maximum limited period of time for which the parking is lawfully permitted in the parking meter zone in which such meter is located, irrespective of the number or amounts of the coins deposited in such meter.

(d) Any person violating any provision of this section shall be punished by a fine consistent with state law, but not less than \$15.00.

(e) The provisions of this section shall not relieve any person from the duty to observe other and more restrictive provisions of this chapter and the state vehicle code prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times.

Section 2. That Chapter 2, Code of Ordinances of the City of Kansas City, Missouri, is hereby amended by repealing Sections 2-970.18 and 2-970.19, and enacting in lieu thereof new sections of like number and subject matter, to read as follows:

**Sec. 2-970.18. Duties and powers.**

(a) *Policy recommendations.* The commission is charged with identifying, studying and making recommendations for addressing parking and transportation needs within the city. The commission shall make its recommendations to the director of public works and shall advise the council from time-to-time as requested. The commission may make its recommendation with regard to any parking and transportation issue including, but not limited to:

- (1) Pricing for on-street parking;
- (2) Time limits for on-street parking;
- (3) Methods for optimizing the use of existing parking inventory;
- (4) Coordination with public transit;
- (5) Encouraging the use of off-street parking after hours;
- (6) Parking stickers/decal/permit utilization;
- (7) Best practices for the issuance of off-street parking variances;
- (8) Utilization of multi-space pay stations;
- (9) Alternate on-street parking configurations;

- (10) Way-finding signage systems;
- (11) Implementation of Greater Downtown Area Plan recommendations regarding parking, transportation and walkability;
- (12) Providing feedback on enforcement policy and practices, including the recommendation to the City Council of a schedule of civil fines for parking violations;
- (13) Identifying public-private transportation and parking related projects that may be funded by leveraging available public and private funds with parking revenues generated within particular geographical regions or districts of the city and which are in excess of the revenue needed to meet the operating costs of the city's parking services division and service the debts on publicly-owned parking garages;
- (14) Investigating methods to address debt service associated with the city's parking structures; and
- (15) Addressing traffic flow and circulation through the downtown loop.

(b) *Administration and oversight of violation adjudication.* The commission is charged with administering and overseeing the city's administrative adjudication process for certain parking and non-moving ordinance violations in accordance with Section 70-42 of this Code..

**Sec. 2-970.19. Staff.**

The director of Public Works Department or the director's designee shall provide clerical and administrative services for the commission.

Section 3. That Chapter 70, Code of Ordinances of the City of Kansas City, Missouri, is hereby amended by adding new Sections 70-82, 70-83, 70-84, 70-85, and 70-86, to read as follows:

**Sec. 70.82. Authority.**

The director of public works is hereby authorized to direct and supervise a program of vehicle immobilization for the purpose of enforcing the on-street parking rules of the city. The program of vehicle immobilization shall provide for immobilizing any eligible vehicle parked on city property or right-of-way, by placement of an immobilization device in such a manner as to prevent the eligible vehicle's operation. If the eligible vehicle is subject to immediate towing under any other section of this code, the vehicle may be immediately towed or relocated, in lieu of immobilization. As part of the immobilization program, the director of public works may also establish a procedure for a self-release immobilization device, which may be removed by the registered owner, or his or her designee, in compliance with this division. Any police officer may also direct and supervise vehicle immobilization consistent with this Division.

**Sec. 70.83. Notice of impending immobilization.**

When a vehicle has been subject to three or more unresolved parking citations after the effective date of this division, the director of public works shall send to the registered owner of said vehicle a notice of impending immobilization. The notice shall be sent by regular U.S. mail to the address of the registered owner of that vehicle, according to the records of the department of motor vehicles of the state in which it is registered. The notice shall state the following:

- (a) Name and address of the registered owner;
- (b) State registration number of the vehicle to be placed on the immobilization list;
- (c) Case numbers or other identifying numbers of all unresolved parking citations for the vehicle to be placed on the immobilization list;
- (d) A statement that the failure of the registered owner, or his or her designee, to pay all fines related to the unresolved parking citations within 21 days from the date of the notice shall result in the subject vehicle being placed on the city's immobilization list;
- (e) A statement that the registered owner may challenge the validity of the notice of impending vehicle immobilization by making a written request, within 21 days of the date of the notice, to the parking and mobility division, for a live hearing before the parking and mobility division to submit evidence which would disprove eligibility for the immobilization list.

**Sec. 70.84. Immobilization.**

(a) If a registered owner receives a notice of impending immobilization and fails to pay all fines related to the unresolved parking citations within 21 days of the notice, then the vehicle subject to the unresolved parking citations shall be an eligible vehicle for immobilization and shall be included on the city's immobilization list.

(b) The city may immobilize an eligible vehicle on the city's immobilization list that is parked on city property or right-of-way.

(c) Upon immobilization of an eligible vehicle, a notice shall be affixed to the vehicle in a conspicuous space. The notice shall state the following:

- (1) State that the vehicle is immobilized because of unresolved parking citations, and that any attempt to move the vehicle or remove the immobilization device is unlawful and may result in damage.
- (2) State that the unauthorized removal of or damage to the immobilizing device is a violation of 70-85 of the Code of Ordinances.

- (3) Provide information specifying how release of the immobilizing device may be accomplished, including a phone number of the parking and mobility division or its designee.
- (4) State that if the immobilization fee and the fines related to the unresolved parking citations are not paid and the immobilizing device has not been released by the end of the next following business day, and there has been no appeal requested under this section, then the city may tow and impound the vehicle.
- (5) Provide information specifying how the registered owner may claim the vehicle, if towed and impounded.

(d) The city may tow and impound an immobilized vehicle, if the immobilization fees and fines related to the unresolved parking citations for that vehicle are not by the end of the next following business day after immobilization.

(e) To secure the release of an immobilization device, the registered owner of an immobilized vehicle shall, by the end of the next following business day after placement of the immobilization device, make full payment of all fines related to unresolved parking citations, plus an immobilization release fee of \$50.00. Such fines and fees shall be paid to the city treasurer in person, by telephone with a valid credit card, or online as may be provided by the director of public works or city treasurer. The director of public works shall facilitate the release of immobilization devices on non-business days and during non-business hours, if full payment of fines and fees are submitted and confirmed by telephone or online or written receipt.

#### **Sec. 70.85. Violations.**

It shall be unlawful for any person to remove, disable or damage any immobilization device affixed to a vehicle, or to relocate or tow any vehicle to which an immobilization device is affixed, without the approval of the director of public works.

#### **Sec. 70.86. Severability.**

The sections, paragraphs, sentences, clauses and phrases of this division are severable, and if any section, paragraph, sentence, clause or phrase of this division shall be declared invalid, unenforceable, or unconstitutional by a court of competent jurisdiction, such invalidity, unenforceability or unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clauses and phrases of this division.

Section 4. That Chapter 50, Code of Ordinances of the City of Kansas City, Missouri, is hereby amended by repealing Section 50-44, Obstructing or resisting public safety officer, employee or inspector, and enacting in lieu thereof one new subsection of like number and subject matter, to read as follows:

220916

**Sec. 50-44. Obstructing or resisting public safety officer, employee or inspector.**

(a) Any person who shall in any way or manner knowingly hinder, obstruct, molest, resist or otherwise interfere with any city public safety officer, city employee, city contractor, or city inspector, including, but not limited to, any firefighter or other fire suppression employee, fire prevention inspector, health inspector, building code inspector, zoning inspector, property maintenance or nuisances code inspector, illegal dumping inspector, regulated industries investigator or animal control officer, parking control officer, any employee or official of the metropolitan ambulance services trust or the ambulance contractor providing ambulance service for the metropolitan ambulance services trust, or any officer of the city police department or any member of any other law enforcement agency or police force, in the discharge of his/her official duties shall be guilty of an ordinance violation.

(b) A person who shall attempt to prevent any officer of the city police department or any other member of any other law enforcement agency or police force from arresting any person, or shall attempt to rescue any person in the custody of any officer of the city police department or any other member of any other law enforcement agency or police force, or from anyone called to assist the police or other law enforcement officer, shall be guilty of an ordinance violation.

Approved as to form and legality:

  
Dustin E. Johnson  
Associate City Attorney



Authenticated as Passed

  
Quinton Lucas, Mayor

  
Marilyn Sanders, City Clerk  
OCT 20 2022

Date Passed