

ORDINANCE NO.

Amending Chapter 48, Code of Ordinances, entitled “Nuisances,” by repealing Section 48-1, Definitions, and Section 48-30, Rank weeds and noxious plants; amending Chapter 56, Code of Ordinances, entitled “Property Maintenance Code,” by repealing Section 56-433, Noxious weeds and enacting new sections of like number and subject matter; amending Chapter 34, Code of Ordinances, entitled “Health and Sanitation,” by repealing Article VII, Weeds and noxious plants; amending Chapter 62, Code of Ordinances, entitled “Solid Waste,” by repealing Article VIII, Nuisances; and recognizing this ordinance as having an accelerated effective date.

WHEREAS, the City acknowledges that the climate crisis is here, and Kansas City is already experiencing climate change through hotter temperatures, drought, and flooding, and will likely see in the future more frequent and intense heat waves, more severe flooding, increased air pollutants and diseases, and more people displaced from their homes because of these disasters; and

WHEREAS, the City adopted an updated Climate Protection & Resiliency Plan in September 2022 to address the climate crisis with strategies focused on both mitigating and adapting to our changing climate; and

WHEREAS, the Climate Protection & Resiliency Plan contains a section focused on Natural Systems strategies that use nature to cool our city, prevent flood damage, and clean our air and water, including expanding the network of trees and natural areas, promoting regenerative, ecologically healthy soils and landscapes, promoting sustainable water supply and use, and using natural systems to manage stormwater runoff; and

WHEREAS, planting native plants supports the health of ecosystems, enhances biodiversity, and contributes to the sustainability and resilience of landscapes in the face of environmental challenges,

WHEREAS, amending the current Nuisance and Property Maintenance Codes will allow residents of the City to increasingly grow native plants throughout the City and contribute to the sustainability and climate resiliency of the City,

WHEREAS, Chapter 34, Article VII of the Code or Ordinances, Weeds and noxious plants, provides a separate, similar violation as the current Section 48-30 with enforcement procedures substantially mirroring those the Neighborhood Services Director already possesses via Chapters 48 and 56, and, thus, can be repealed to limit duplication and confusion in City’s Code

NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 48, Code of Ordinances,” is hereby amended by repealing Section 48-1, Definitions, and Section 48-30, Rank weeds and noxious plants, and enacting new sections of like number and subject matter to read as follows:

Sec. 48-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Boat means any device used or capable of being used for navigation on water.

Camper shell means but is not limited to any unit primarily designed as temporary living quarters for recreation, camping or travel use, or an enclosed space that is capable of being occupied and designed to be temporarily attached to the bed or frame of a truck or similar self-powered vehicle.

City means the City of Kansas City, Missouri.

Debris means detritus, dirt, mud, gravel, sand, silt, leaves, organic material, litter, rubble, scrap, loose material.

Detention basin means any facility designed for the purpose of temporarily holding water that is then released at a predetermined rate and controls the flow of stormwater downstream.

Director of finance means the director of finance or any authorized representative.

Director of health means the director of health or any authorized representative.

Director means the director of neighborhood services or any authorized representative.

Director of parks and recreation means the director of parks and recreation or any authorized representative.

Director of public works means the director of public works or any authorized representative.

Excessive growth of vegetation means any vegetation that is ten (10) inches or more in height, including, but not limited to, turf grasses or unattended growths of other plants. Excessive growth of vegetation shall not mean plants more than ten (10) inches in height that are part of a managed natural landscape as defined in this chapter.

Fence means a structure serving as an enclosure, barrier or boundary, usually made of posts, boards, wires, masonry or rails.

Garbage means the animal and vegetable waste resulting from the handling, preparation, cooking, serving and nonconsumption of food.

Invasive plant means any plant, excluding trees over three (3) inches in diameter and thirteen (13) feet in height, outside its native range whose presence causes or is likely to cause

harm to the economy, human health or the environment, including but not limited to harm to native plant communities. Invasive plants include but are not limited to any plant:

- (1) designated as invasive by the State of Missouri's Department of Conservation or Department of Agriculture;
- (2) designated as invasive by any other authority the State of Missouri's Department of Conservation or Department of Agriculture has referenced or acknowledged as an authority on Missouri invasive plants, such as the Missouri Prairie Foundation's Invasive Plant Council; or
- (3) designated as invasive on a list made publicly available by the director.

Managed natural landscape means any part of a premise, lot, tract, or parcel of land that consists of intentionally and continuously maintained vegetation allowed to grow to its natural height and form for the purpose(s) of benefiting the city's natural environment, improving stormwater retention, increasing water quality, reducing greenhouse gas emissions, using fewer potentially harmful or costly inputs, increasing biodiversity, and/or providing habitats for wildlife such as birds, bees, and butterflies. In addition, a managed natural landscape must meet the following requirements:

- (1) No turf grass ten (10) inches or more in height, noxious plants or invasive plants, all as defined in this chapter, shall be present;
- (2) The defined landscape area, if it includes any plants that are not trees, must maintain clearly defined boundaries through edging or containment;
- (3) No vegetation may encroach onto a neighboring property or right-of-way; and
- (4) At least one unobstructed safety corridor three (3) feet in width and seven and a half (7.5) feet in height must be present to allow emergency medical professionals to enter the property quickly and safely should the need arise. Additionally, no vegetation shall overhang the pedestrian sidewalk, excluding trees that allow a clearance of at least seven and a half (7.5) feet above the pedestrian sidewalk.

Native means evolving and naturally occurring in the region without human intervention.

Noxious plant means any plant designated as noxious pursuant to 2 CSR 70-45.005, Missouri Code of State Regulations, or by other rule or regulation promulgated by the State of Missouri's Department of Agriculture.

Occupant means any person who has a legal or equitable interest in a parcel of real property other than a fee interest, including a life tenant, tenant, lessee, tenant at will, tenant at sufferance or adverse possessor, as well as a person in possession or a person who has charge, care or control of the parcel of real property, as the agent or personal representative of the person holding legal title to a fee interest. Possession, charge, care or control may include living, sleeping, cooking or eating in the parcel of real property.

Owner means any person who, alone or jointly or severally with others:

- (1) Shall have legal title to any parcel of real property, building or structure, or part thereof, with or without accompanying actual possession thereof; or
- (2) Shall have charge, care or control of any parcel of real property, building or structure, or part thereof, as agent or personal representative of the person having legal title to the building or structure, or part thereof; or
- (3) Shall have equitable title to real property by inheritance and has not disclaimed the interest in the property; or
- (4) Shall have possession or right to possession under a contract for deed;

Parking space means an area on a lot satisfying all of the following requirements:

- (1) The area must be as wide and as long as the vehicle parked thereon, but shall not be less than seven and one-half feet wide and 15 feet in length if an automobile is parked thereon;
- (2) The area must be connected to a public street or alley by a driveway not less than seven and one-half feet wide; and
- (3) The parking space shall be surfaced in accordance with sections 88-420 and 56-112.

A parking space may be provided in the front yard if the parking space is at least 20 feet from the front property line or if it is authorized by a development plan or variance approved in accordance with the zoning ordinance.

Person means and includes any individual, or entity or other representative thereof.

Poisonous plant to the touch means any plant at any height or state of maturity that is poisonous to the touch, including, but not limited to, poison ivy, poison oak and poison sumac.

Premises means any public or private property, vacant or occupied lot, plot, parcel of land, street, sidewalk, alley, boulevard, highway, right-of-way, park, parkway, public square or viaduct, including the structures or buildings thereon.

Recreational vehicle means any unit primarily designed as a temporary living quarters for recreation, camping or travel use that either:

- (1) Contains its own motive power, as in the case of but not limited to motor homes, motor coaches, mini-motor homes or recreational vans; or

- (2) Is permanently mounted on a vehicle such as a truck camper or pickup camper.

Refuse means unwanted or discarded waste materials in a solid or semisolid state consisting of garbage or rubbish or a combination thereof.

Rubbish means solid wastes consisting of combustible and noncombustible waste materials from residential, commercial, industrial and institutional establishments, including yard wastes and items commonly referred to as trash.

Sewage disposal system means any arrangement of devices and structures used for receiving, transporting, treating and disposing of sewage, including private and community sewer lines.

Spillover Light means light produced by an exterior light on premises that spills over onto another property and exceeds 0.186 foot-candle at the property line of any other property zoned R-10, R-7.5 or R.6.

Trailer means but is not limited to any vehicle designed or utilized for the transportation of a boat, automobile, snowmobile, livestock, cargo or similar items, or as temporary living quarters for recreation, camping or travel use as in the case of a travel, tent, camp, pop-up or fifth wheel trailer and the like, which does not have motive power of its own, but is designed to be drawn by another vehicle.

Turf grass means any grass commonly used in regularly cut lawns or play areas, such as, but not limited to, bluegrass, fescue, and ryegrass blends, intended to be maintained at a height of no more than ten (10) inches.

Vehicle means any self-propelled device, or portion thereof, not operated exclusively upon tracks, and shall include, without limitation, automobiles, trucks, buses, motor homes, tractors and motorcycles.

Sec. 48-30. Excessive growth of vegetation, invasive and noxious plants and poisonous plants to the touch.

Excessive growth of vegetation, invasive plants, noxious plants and poisonous plants to the touch, all as defined by this chapter, allowed to stand at any season of the year upon any premise, lot, tract or parcel of land, or unpaved alley, or along any sidewalk, street or paved alley adjacent to such premise, lot, tract or parcel of land, or along any right-of-way area adjoining such premise, lot, tract or parcel of land are hereby declared to constitute a nuisance. This section shall not apply to either:

- (1) land zoned or used for agricultural use which is more than 150 feet distant from any occupied residential subdivision, lot, tract or parcel of land; or
- (2) any vegetation that falls within any portion of land that meets the definition of a managed natural landscape as defined by this chapter.

Section 2. That Chapter 56, Code of Ordinances, is hereby amended by repealing Section 56-433, Noxious weeds, and enacting a new section of like number and subject matter to read as follows:

Sec. 56-433. Excessive growth of vegetation, invasive and noxious plants and poisonous plants to the touch.

All exterior property areas shall be subject to the requirements of section 48-30, excessive growth of vegetation, invasive and noxious plants and poisonous plants to the touch.

Section 3. That Chapter 34, Code of Ordinances, Article VII, “Weeds and noxious plants,” is hereby amended by repealing all sections therein.

Section 4. That Chapter 62, Code of Ordinances, Article VIII, “Nuisances,” is hereby amended by repealing all sections therein.

Approved as to form:

Bret Kassen
Associate City Attorney