

COMPARED VERSION
NEW ORDINANCE TO CODE BOOKS

ORDINANCE NO. 190537

Amending Chapter 48, Nuisances, by repealing Section 48-1 and enacting a new section of like number and subject matter and adding a new Section 48-50 to add spillover light as a nuisance.

WHEREAS, the City intends to protect the public health and general welfare by controlling the adverse impacts of glare and light trespass that constitutes a public nuisance in residential neighborhoods; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 48, Nuisances, is hereby amended by repealing Section 48-1 and enacting a new section of like number and subject matter and adding a new Section 48-50, 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 which 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.

Detention basin means any facility designed for the purpose of temporarily holding water which 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 of neighborhood and community services means the director of neighborhood and community services or any authorized representative.

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

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

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.

Noxious plant means any plant capable of poisoning, including but not limited to poison ivy, at any height or state of maturity.

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 possession or right to possession under a contract for deed.
- (4) Shall have legal title of a vehicle.

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 52-35 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.

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Person means and includes any individual, firm, estate, corporation, association, partnership, cooperative or governmental agency.

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.

Private 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.

Rank weeds means thickets or any vegetation which may emit noxious odors or any vegetation which is ten inches or more in height, including but not limited to grasses and unattended growths of other plants, bushes and shrubbery. Rank weeds shall not mean trees in excess of six feet in height, cultivated or attended trees less than six feet in height, or cultivated or attended plants, bushes or shrubbery.

Recreational vehicle means any unit primarily designed as a temporary living quarters for recreation, camping or travel use which 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.

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 and R.6.

Thickets means dense growth of wild shrubbery, regardless of height, having stems or trunks less than four inches in diameter, and briar patches.

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.

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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. 48-50. Obtrusive light.

Spillover light and outdoor light emitting, generating or reflecting glare or light into adjacent residences and streets is hereby declared to constitute a nuisance.

Approved as to form and legality:

Martha Means
Assistant City Attorney