

COMPARED VERSION
COMMITTEE SUBSTITUTE TO ORIGINAL ORDINANCE

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 240458

~~..title~~

~~Sponsors: Councilmembers Crispin Rea and Melissa Patterson-Hazley~~

Amending Chapter 62, Code of Ordinances, Solid Waste, by repealing and replacing Section 62-89 for the ~~purposes~~purpose of improving illegal dumping enforcement and directing the City Manager to provide quarterly updates to the Finance, Governance, and Public Safety Committee on the implementation of this ordinance.

~~..body~~

WHEREAS, it is every resident's responsibility to dispose of trash, bulky items, construction materials, and recyclables in an acceptable and lawful manner; and

WHEREAS, illegal dumping of such items is unsightly and unhealthy, leads to unsanitary conditions, and negatively impacts the quality of life in affected neighborhoods; and

WHEREAS, illegal dumping continues to plague many of Kansas City's communities; and

WHEREAS, the illegal dumping of refuse on unimproved parcels, City parks, Land Bank property, and vacant lots in particular negatively impacts the quality of life in those affected communities and is a threat to the general health, safety, and welfare of the residents of Kansas City; and

WHEREAS, the City Council desires to improve illegal dumping enforcement to promote and protect the general health, safety, and welfare of the residents of Kansas City; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 62, Code of Ordinances of Kansas City, Missouri, is hereby amended by repealing Section 62-89, Illegal dumping, and enacting in lieu thereof a new section of like number and subject matter, to read as follows:

Sec. 62-89. Illegal dumping.

(a) *Prohibited.* No person shall dump or otherwise deposit or cause, permit, suffer or allow the dumping or depositing of any garbage, rubbish, yard waste, litter or any other offensive or disagreeable thing in any public place, public building or market, or on or along any sidewalk, street, alley, boulevard, highway, right-of-way, viaduct, tunnel, park or parkway, or upon any private property or in any refuse container located thereon without the consent of the owner of the property, nor shall any person dump or deposit or cause, permit, suffer or allow the dumping or depositing of garbage or household refuse in any city litter can or basket upon any street.

(b) *Evidence of violation.* Evidence showing any three or more items found in such garbage, rubbish, yard waste, litter or refuse to be identifiable or traceable to a specific individual shall constitute prima facie evidence that such garbage, rubbish, yard waste, litter or refuse was under the control of that individual and was so dumped or deposited where subsequently found with that individual's knowledge and consent.

(c) *Penalty for violation.* Any person violating any of the provisions of this section, upon conviction, shall be punished by a fine of not less than \$1.00 and not more than \$1,000.00, or by imprisonment in the municipal correctional institution for a period not to exceed six months, or be punished by both fine and imprisonment.

(d) *Penalty for violation upon unimproved parcel, City park, Land Bank property, or vacant lot.* Any person violating the prohibitions of subsection (a) above, where such violation occurs upon any unimproved parcel, City park, Land Bank property, or vacant lot, tract or parcel of land, or unpaved alley, or along the sidewalk, street or paved alley adjacent to such unimproved parcel, City park, Land Bank property, or vacant lot, tract or parcel of land, upon conviction, shall be punished by a fine of not less than \$500.00 and not more than \$1,000.00, or by imprisonment in the municipal correctional institution for a period not to exceed six months, or be punished by both fine and imprisonment.

1. For the purposes of this subsection (d), ~~an unimproved~~:

a. *Unimproved parcel* means any property upon which no residential, commercial, or other building has been built, ~~and~~;

b. *City park means all City-owned parkland; and*

~~a-c.~~ vacant lot, tract, or parcel of land means any property which is lacking habitual presence of human beings who have a legal right to be on the property or at which substantially all lawful business operations or residential occupancy has ceased.

2. *Penalty for subsequent violations.* Subsequent violations under this subsection (d), upon conviction, shall be punished by either a term of shock imprisonment in the municipal correctional institution for a period of forty-eight hours; or by a term of community service as determined by the municipal judge in proportion to the severity of the violation committed. Violations shall also be punished by a fine of not less than \$750.00 and not more than \$1,000.00, or by imprisonment in the municipal correctional institution for a period not to exceed six months, or be punished by both fine and imprisonment.

Section 2. That the City Manager is hereby directed to provide to the Finance, Governance, and Public Safety Committee quarterly reports over the next year regarding the effectiveness of this ordinance, including any recommendations to further improve its implementation.

| ..end

Approved as to form:

Andrew Bonkowski
Assistant City Attorney