



Agenda - Final

Transportation, Infrastructure and Operations Committee

Quinton Lucas, Chair
Teresa Loar, Vice Chair
Eric Bunch, Vice Chair
Katheryn Shields
Melissa Robinson
Kevin O'Neill

Wednesday, October 19, 2022

9:00 AM

26th Floor, Council Chamber

<https://us02web.zoom.us/j/84530222968>

PUBLIC OBSERVANCE OF MEETINGS

Members of the City Council may attend this meeting via videoconference.

Any closed session may be held via teleconference.

The public can observe this meeting at the links provided below.

Applicants and citizens wishing to participate have the option of attending each meeting or they may do so through the videoconference platform ZOOM, using this link:

<https://us02web.zoom.us/j/84530222968>

[220914](#)

Sponsor: Councilmember Andrea Bough

Amending Chapter 10 and Chapter 64, Code of Ordinances, by repealing Sections 10-130, Sidewalk café, parklet, street café, or parking lot alcohol license expansion, 10-161, Application fee, 10-212, Location, 10-214, Eligible neighbor notification, and 64-171, Street café permit, and enacting in lieu thereof new sections of like number and subject matter which enact that sidewalk café, parklet, street café, or parking lot permits are only issued by those departments accepting applications in order to eliminate additional bureaucracy to the application process and confusion to the applicant.

Attachments: [220914 Fact Sheet](#)

220916

Sponsor: Mayor Quinton Lucas

Amending Chapters 70, Code of Ordinances, entitled "Traffic and Vehicles" by repealing Sections 70-42, 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.

Attachments: [220916 No Fact Sheet](#)

HELD IN COMMITTEE

ADDITIONAL BUSINESS

1. There may be a general discussion regarding current Transportation, Infrastructure and Operations Committee issues.

2. Closed Session.

- Pursuant to Section 610.021 subsection 1 of the Revised Statutes of Missouri to discuss legal matters, litigation, or privileged communications with attorneys.
- Pursuant to Section 610.021 subsection 2 of the Revised Statutes of Missouri to discuss real estate;
- Pursuant to Section 610.021 subsections 3 and 13 of the Revised Statutes of Missouri to discuss personnel matters;
- Pursuant to Section 610.021 subsection 9 of the Revised Statutes of Missouri to discuss employee labor negotiations;
- Pursuant to Section 610.021 subsection 11 of the Revised Statutes of Missouri to discuss specifications for competitive bidding;
- Pursuant to Section 610.021 subsection 12 of the Revised Statutes of Missouri to discuss sealed bids or proposals; or
- Pursuant to Section 610.021 subsection 17 of the Revised Statutes of Missouri to discuss confidential or privileged communications with auditors.

3. Those who wish to comment on proposed ordinances can email written testimony to public.testimony@kcmo.org. Comments received will be distributed to the committee and added to the public record by the clerk.

The City provides several ways for residents to watch City Council meetings:

- Livestream on the city's website at www.kcmo.gov
- Livestream on the city's YouTube channel at <https://www.youtube.com/watch?v=3hOuBlg4fok>
- Watch Channel 2 on your cable system. The channel is available through Time Warner Cable (channel 2 or 98.2), AT&T U-verse (channel 99 then select Kansas City) and Google Fiber on Channel 142.
- To watch archived meetings, visit the City Clerk's website and look in the Video on Demand section: http://kansascity.granicus.com/ViewPublisher.php?view_id=2

The City Clerk's Office now has equipment for the hearing impaired for use with every meeting. To check out the equipment please see the secretary for each committee. Be prepared to leave your Driver's License or State issued Identification Card with the secretary and she will give you the equipment. Upon returning the equipment your license will be returned.

Adjournment



File #: 220914

ORDINANCE NO. 220914

Sponsor: Councilmember Andrea Bough

Amending Chapter 10 and Chapter 64, Code of Ordinances, by repealing Sections 10-130, Sidewalk café, parklet, street café, or parking lot alcohol license expansion, 10-161, Application fee, 10-212, Location, 10-214, Eligible neighbor notification, and 64-171, Street café permit, and enacting in lieu thereof new sections of like number and subject matter which enact that sidewalk café, parklet, street café, or parking lot permits are only issued by those departments accepting applications in order to eliminate additional bureaucracy to the application process and confusion to the applicant.

WHEREAS, since Regulated Industries Division no longer issues permits for sidewalk cafes and there is not a need for them to be a part of this application process; and

WHEREAS, requiring an applicant to submit an application for a sidewalk café, parklet, street café, or parking lot permits through either the Public Works Department or Parks Department as well as Regulated Industries Division is overbearing and unnecessary; and

WHEREAS, anyone that would like to sell alcoholic beverages in Kansas City, Missouri, is already required to go through the application process with Regulated Industries Division and meet all the requirements of Chapter 10 in order to get a license; and

WHEREAS, any person that would like to have a sidewalk café, parklet, street café, or parking lot alcohol license will be required to follow all of the rules and requirements of Chapter 10 that pertain to alcoholic beverages which include but are not limited to refusing the sale of alcoholic beverages to minors or intoxicated persons and to not allow individuals to leave any portion of the licensed premises with alcoholic beverages that are sold for immediate consumption; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 10 and Chapter 64, Code of Ordinances of Kansas City, Missouri, is hereby amended by repealing Sections 10-130, Sidewalk café, parklet, street café, or parking lot alcohol license expansion, 10-161, Application fee, 10-212, Location, 10-214, Eligible neighbor notification, and 64-171, Street café permit, and replacing them with new sections of like number and subject matter to read as follows:

Sec. 10-130. Sidewalk café, parklet, street café, or parking lot alcohol license expansion.

(a) Any sales-by-drink licensee may apply for an expansion of premises. An expansion of premises will not include adding or expanding a sidewalk café, parklet, street café, outdoor open space, or parking lot dining area that is located on public or park property, as further outlined in sections 64-170 and 64-171.

(b) Any person licensed under this chapter that has a sidewalk café permit, parklet permit, street café permit, or parking lot dining permit, shall not allow employees or agents thereof, or any other person, to remove any alcoholic beverage provided for consumption on the permitted premises unless stated otherwise in this chapter.

Sec. 10-161. Application fee.

An application fee of \$250.00 shall accompany each application for an original license issued under this chapter. An application fee of \$50.00 shall accompany each application for a Sunday license issued under this chapter. An application fee of \$150.00 shall accompany each application for a 3:00 a.m. closing permit issued under this chapter. An application fee of \$150.00 shall accompany each application for an expansion of premise issued under this chapter. The application fee is to cover the various costs incurred by the city in investigating and processing the applications. The application fee is not refundable.

Sec. 10-212. Location.

(a) No liquor license, change in license type, change in location, extended hours permit, or amended license to allow live entertainment shall be issued for any location where the license is likely to interfere with or be detrimental to the rights or interests of the neighboring community. With the exception of an addition or expansion of a sidewalk cafe, parklet, street cafe, or parking lot dining area, that is located on public or park property, no expansion of premises shall be allowed for any location where the license is likely to interfere with or be detrimental to the rights or interests of the neighboring community.

(b) For purposes of this section, it shall be presumed that a proposed license, change in license type, change in location, extended hours permit, amended license to allow live entertainment, or expansion of premises excluding the addition or expansion of a sidewalk cafe, parklet, street cafe, or parking lot dining area that is located on public or park property, is likely to interfere with or be detrimental to the rights or interests of the neighboring community if:

- (1) The applicable premises is or will be a sales-by-drink tavern or C.O.L license and is within 300 feet of a church or school, unless it is located within an exception area;
- (2) The applicable premises has or will have a sales-by-package license and is within 300 feet of a church or school, unless the proposed license is a grocery store or located within an exception area;

- (3) The applicable premises is or will be a sales-by-drink tavern or C.O.L. license and is within 300 feet of an area that is zoned residential unless it is located within an exception area;
- (4) The applicable premises has or will have a sales-by-package license and is within 300 feet of an area that is zoned residential, unless the proposed premises is a grocery store or it is located within an exception area;
- (5) The applicable premises is seeking an extended hours permit, pursuant to section 10-106 and is located within 1,500 feet of an area that is zoned residential;
- (6) The applicable premises has or will have a sales-by-drink license or C.O.L. license and is not located within an exception area and 50 percent or more of the eligible neighbors who filed a written response with the director opposed the granting of a license or permit at the premises; or
- (7) The applicable premises has or will have a sales-by-package license that is not located within an exception area and 50 percent or more of the eligible neighbors who filed a written response with the director opposed the granting of a license or permit at the premises.

(c) Distance shall be measured from the nearest point of the enclosing wall of the licensed premises or proposed license premises to the nearest enclosing wall of a church or school or to the nearest point of a parcel zoned residential.

(d) Any applicant seeking to rebut the presumption that their proposed license is likely to interfere with or be detrimental to the rights or interests of the neighboring community shall make a written request to the director describing why the applicant believes a waiver is appropriate. The director may permit waiver of one or more of the presumptions listed in subsection (b) if the director finds that the proposed license is not likely to interfere with or be detrimental to the rights and interests of the neighboring community. In considering a waiver the director may consider:

- (1) The physical characteristics of the proposed premises; relevant geography and character of both the premises and the surrounding neighborhood;
- (2) The proximity of the premises to other uses and use types and the effect of the exterior lighting, noise, traffic and parking associated with the operation of the premises, with its patrons or with other persons frequenting the premises on the surrounding area;
- (3) The type of activity or entertainment to be conducted at the establishment and the days and times during which such activity would take place;

- (4) Whether any applicable church or school within 300 feet of the proposed premises supports the requested waiver;
- (5) The history of past use at the proposed premises; and
- (6) The measures the applicant proposes to implement to maintain quiet and security in conjunction with the establishment.

(e) The director shall review any request to rebut a presumption in subsection (b), along with any additional information submitted by an eligible neighbor, city department, the Kansas City police department, and any other information that the director deems relevant. The director shall not make a decision until the eligible neighbor response period has ended as outlined by [section 10-214](#). The director shall issue the decision in writing to the applicant and all responding eligible neighbors and provide the reasons for their decision.

(f) The director may grant a conditional license to any applicant whose proposed license is in conflict with subsection (b) in order to avoid the proposed premises interfering with or being a detriment to the rights and interests of the neighboring community.

(g) If a license or permit is not renewed or ceases to fulfill all other requirements of this chapter and expires, then an application for a new license or permit for the previously licensed premises shall be required to fulfill all conditions of this chapter for an original license or permit.

(h) If a license or permit issued under this chapter has been revoked, then an eligible applicant may apply for a new license or permit for the premises where a license or permit has been revoked and shall be required to fulfill all conditions of this chapter for an original license or permit.

Sec. 10-214. Eligible neighbor notification.

(a) For purposes of this section, eligible neighbors shall include the owners of a minimum of 15 eligible property parcels as defined by geographic information systems maps based on the North American Datum 1983 Missouri West State Plane Coordinate System, maintained by the public works department of the city, wholly within or intersected by a radius of 250 feet from the proposed premises, as measured from the center of the door for the main entrance to the premises. For any premises that does not either intersect or include the boundaries of a minimum of 15 eligible property parcels within a radius of 250 feet, the radius will be increased by segments of 100 feet not to exceed 1,500 feet until the premises is intersected by or within the boundaries of a minimum of 15 eligible property parcels. The center of the door for the main entrance to the premises shall be determined by the entrance most used by the public frequenting the establishment. Regardless of how many parcels an individual may control or own, any individual real person may only submit one written response to the director and only one parcel owned or controlled by an individual shall be considered eligible for purposes of this section, For parcels that are condominiums, the director shall only be required to notify the homeowners association which may submit a written

response on behalf of the building and all its owners. In lieu of a written response from an eligible property owner under this section, the director shall accept a response in proper form from a tenant if the tenancy is for a term not less than one year.

(b) The neighbor notification requirement provided in this section shall apply to:

- (1) Any new premises;
- (2) The expansion of any licensed premises excluding the addition or expansion of a sidewalk cafe, parklet, street cafe, or parking lot dining area that is located on public or park property;
- (3) Notwithstanding any other section of this chapter, any previously licensed or permitted premise where the license or permit was revoked;
- (4) Any licensed premises, including but not limited to a bar-restaurant, tavern, hotel, bowling alley, grocery store or convenience store that changes the type of business that was originally approved by the director;
- (5) Any applicant or licensee intending to provide live entertainment, provide an additional type of live entertainment not identified on their last application or application for renewal, or to increase the frequency of live entertainment, as further outlined in sections 10-270 and 10-332 of this chapter;
- (6) Any change in ownership of a licensed premises unless not required in section 10-266 of this chapter; and
- (7) Any application for extended hours permit.

(c) An applicant shall furnish with the application two coordinates, expressed in feet, based on the North American Datum 1983 Missouri West State Plane Coordinate System, identifying the center of the door for the main entrance to the premises.

(d) The director shall mail written notification of the filing an application for a license under this section to all eligible neighbors as determined by subsection (a), along with a response form that the eligible neighbor can complete, within 14 business days of the applicant submitting their completed application. An eligible neighbor may submit the response form indicating whether they support or oppose the issuance of the license, along with their reason for supporting or opposing the license, within 30 days of the issuance of the notice by the director. Responses shall be in writing on a form provided by the director and shall contain a statement that the person signing is a bona fide eligible neighbor under the provisions of this section. An eligible neighbor may change or withdraw their response during the 30-day period by notifying the director in writing stating their desire to change or withdraw their response.

(e) The applicant must provide a notarized statement that no eligible neighbor or tenant of an eligible neighbor has received, either directly or indirectly, anything of value which may

include but is not limited to any gift, compensation, loan, favor, privilege, service, courtesy or otherwise, in exchange for their response or not filing a response.

(f) The director shall also mail written notification of the filing of an application for a license under this section to all neighborhood associations registered with the city in the same zip code as the proposed premises.

(g) The director shall not accept an application for a sales-by-drink, C.O.L. or sales-by-package licensed premise not within an exception area where 50 percent or more of the eligible neighbors who filed a written response with the director opposed the granting of a license two times within a 12-month period unless 12 months have passed from the date of the most recent denial by the director or withdrawal by an applicant of an application.

(h) Neighbor notification shall not be required or considered for a licensed premise that will only be used as a storage space where alcoholic beverages are stored, not sold or served, and the general public will not be permitted to enter at any time.

Sec. 64-171. Street café permit.

(a) *Definition.* A street café is defined as an outdoor dining facility located within areas used for on-street parking which is permitted by the city to be utilized by the immediately adjacent property owner or tenant for outdoor dining as an extension of the owner's or tenant's operations.

(b) *Street café permit established.* The director of public works is authorized to issue annual street café permits for the limited purpose of placing tables and chairs for customers in connection with the sale and consumption of food and beverages in or upon any on-street parking spaces. The director shall have the authority to establish reasonable regulations for the issuance, use, revocation, and denial of street café permits. Upon issuance of a street café permit, permittees shall perform all obligations, duties and responsibilities as set forth by the director, issuance of a street café permit is a privilege and not a right, and the director shall have the right to modify the scope, time and manner of the street café permit for any reason. In situations where building capacity is decreased due to a city proclamation of emergency, or if it is otherwise in the best interests of the city, the director is authorized to issue temporary street café permits and may waive any fees or other requirements otherwise necessary to receive a street café permit.

When the applicant for a street café permit requests a street café permit adjacent to a parkway or boulevard, the applicant must obtain approval from the board of parks and recreation commissioners. In such circumstances, any authority delegated within this section to the director of public works shall instead be delegated to the director of parks and recreation.

(c) *Permit conditions.* A street café permit may be issued only if all of the following conditions are met:

- (1) A street café permit may be issued to any individual, business or organization within on-street parking areas or other unutilized spaces within the public right-of-way immediately adjacent to property owned or leased by the individual, business or organization.
- (2) A street café permit may be issued adjacent to streets or roadways which have a posted speed limit not in excess of 30 miles per hour.
- (3) A street café permit can only be issued for areas in the city zoned for business and which allow a clear unobstructed passage not less than five feet in width within the street café following the placement of the tables and chairs in the street café.
- (4) A street café permit may only be issued for a business that has a nonalcohol city business license or a conventions and tourism food certificate for the sale and consumption of food and beverages on the premises provided that the permit may be issued only if such business is located immediately in front of the business and the permit shall not be issued for another business, if any, located in the same building.
- (5) A street café permit may not be located within parking spaces designated for the exclusive use of vehicles which display a distinguishing license plate or placard issued to physically disabled or handicapped persons.
- (6) The individual or business applying for a street café permit shall mail written notification of an application for a license under this section to either the registered property owner or tenant of a property wholly within or intersected by a radius of 250 feet from the property owner or business requesting the street café permit. The notification shall be in a form prescribed by the director, include a 30- day feedback period, and shall invite objections from recipients of the notification. Any objections must be submitted in writing to the director within 30 calendar days of the permit applicant's notification being sent out. The director shall take any such objections into account when determining whether to issue a street café permit. The individual or business must provide certified mail receipts of the notification via the city's permitting system prior to receiving a street café permit.

(d) *Application for street café permits.*

- (1) All applications for a street café permit shall be filed with the director of public works in a form approved by the director. Street café permits may not be transferred or assigned. All applications for a street café permit shall include the following:
 - a. An indemnity agreement in the form approved by the director binding the applicant to defend, indemnify, and hold harmless the city and any of

its agencies, officials, officers, or employees from and against all claims, damages, liability, losses, costs, and expenses, including reasonable attorneys' fees, arising out of or resulting from any acts or omissions in connection with the operations of the applicant caused in whole or in part by the applicant, its employees, agents, or subcontractors, customers or caused by others for whom the applicant is liable, regardless of whether caused in part by any act or omission of city, its agencies, officials, officers, or employees. The permittee shall specifically indemnify and hold harmless the city and any of its agencies, officials, officers, or employees from and against all claims, damages, liability, losses, costs, and expenses, including reasonable attorney's fees, arising out of or resulting from the city's snow removal operations.

- b. A certificate of insurance from a company approved by the director of finance evidencing that the applicant has a comprehensive general liability and property damage policy meeting the following conditions:
 - i. Liability insurance with either a combined single-limit policy of not less than \$2,000,000.00, or a split-limit policy of \$300,000.00/\$300,000.00 bodily injury and \$100,000.00 property damage.
 - ii. The city shall be added as an additional insured to such policy by separate endorsement.
 - iii. The policy shall contain a separate endorsement requiring the insurance company to notify the city in writing of any change in or cancellation of the policy at least ten days prior thereto.

The applicant's failure to obtain or maintain the required insurance in effect for the duration of the permit shall immediately render the permit void. Notwithstanding the foregoing, the applicant shall remain obligated to indemnify and hold harmless the city and any of its agencies, officials, officers, or employees to the full extent required by the indemnity agreement required by this section.

- c. A design of the street café which adheres to design guidelines provided by the director of public works which shall be available to any permittee seeking to establish a street café. The applicant shall include a layout, drawn to scale, which accurately depicts the dimensions of the existing area to be utilized as a street café and adjacent private property, the proposed location of the street café, size and number of tables, chairs, steps, planters, and umbrellas, location of doorways, trees, existing parking meters, sidewalk benches, trash receptacles, light poles, and any other sidewalk obstructions, either existing or proposed, within the

pedestrian area. This layout shall be submitted on eight and one-half-inch by eleven-inch paper, suitable for reproduction. Also, photographs, drawings, or manufacturer's brochures fully describing the appearance and dimensions of all proposed tables, chairs, weighted umbrellas, freestanding barriers or other objects to be used in the street café.

(e) *Conduct of street café permit holder.* Street café permittees shall comply with all of the following conditions;

- (1) Street cafés must at all times adhere to the city's parklet and street café design standards which shall be provided by the director upon request. If the city's design standards are amended, the director shall have discretion to decide whether an existing street café must be updated to conform with the new standards.
- (2) The permittee shall properly supervise and maintain the street café in a clean, orderly, and safe condition and in such a manner as to protect the public health and safety. The permittee shall prevent the accumulation, blowing, and scattering, of trash, garbage, or any other such debris caused by use of the street café and shall maintain its own trash containers upon the street café for disposal of any debris. All tables, chairs, umbrellas, and any other objects utilized in the street café shall be maintained with a clean and attractive appearance and shall be in good repair at all times. Street cafés may only be open during the times that the business operating the street café is open.
- (3) Street café permits shall be conspicuously displayed at all times at the business for the permit area and shall be available for inspection by the director of public works, other city employees, and the public.
- (4) The permittee shall designate with signage the hours during which the street café is to be operated. At all other times, the street café shall be made available for public use.
- (5) Permittee shall ensure the street café and its furnishings in no way interfere with pedestrian, bicycle, or automobile traffic within the sidewalk, street, or bicycle facilities including the parking of vehicles in adjacent parking spaces.
- (6) No smoking shall be allowed in the street café. Alcohol or liquor shall not be consumed within the street café without proper licensure. The hours of outdoor liquor sales shall be allowed as authorized in chapter 10 of the Code.
- (7) Permittee shall not erect, attach, or affix any permanent fixture upon the public right-of-way, even within the street café.

- (8) No furnishings or any parts of the street café shall be attached, chained, or in any manner affixed to any tree, post, signs, sidewalk, streetlight, fire hydrant, or other public fixture within or near the street café.
- (9) The permittee shall not be permitted to use or operate any public address system, or amplified music before 9:00 a.m. and after 10:00 p.m. At all times, the permittee shall operate the street café in a manner consistent with the indoor noise decibel restrictions of Section 46-4 of the Code of Ordinances unless the permittee obtains a permit which otherwise allows for higher decibel levels.
- (10) The permittee shall comply with all applicable laws, including the Americans with Disabilities Act
- (11) The permit area may not be used for the storage of any items other than seating, landscaping, signs, or lighting.
- (12) The street café and any furnishings shall only be placed in front of the business holding a street café permit and shall not extend to public right-of-way abutting and adjacent to other properties. Notwithstanding the foregoing, the street café and its furnishings may be placed in front of a property immediately abutting and immediately adjacent to the business holding the street café permit if the owner of record of the affected property consents in writing in a form approved by the director of public works; a property shall not be deemed to be immediately abutting and immediately adjacent if separated from the business holding the street café permit by a street or alley.

(f) *Renewal.* Street café permits shall be granted on an annual basis. All street café permits may be renewed upon request by the permittee and upon approval by the director 30 days prior to the expiration of the permit. The term for the renewal shall also be one year. Upon a request for renewal, the permittee shall demonstrate that they have adhered to the provisions of this section as well as the city's design standards. The director may inspect the street café at any time.

(g) *Fees.* The director shall have the authority to set fees to defray the various costs incurred by the city in establishing and regulating street cafés, including loss of value to the city in utilizing such spaces for on-street parking. Those fees shall include an application fee and an annual license fee. The fees shall be determined annually by the director, and shall be made available to any permittee seeking to establish a street café. The fees shall be based on the costs of administering street cat permits. In situations where building capacity is decreased due to a city proclamation of emergency, or if it is otherwise in the best interests of the city, the director is authorized to issue temporary street café permits and may waive any fees or other requirements otherwise necessary to receive a street café permit.

(h) *Revocation.* Any permit issued hereunder may be suspended or revoked for any reason that would justify a refusal to issue the permit originally or by reason of any failure by the permittee to comply with the provisions of this code, or any condition imposed by the

director upon the issuance of the permit. The street café permit may also be suspended if the location of the street café is necessary for city use, including for use by a utility with the right to access the city's right-of-way. Unless there is an emergency which threatens the health and safety of city residents and visitors or a need for access from a utility utilizing city right-of-way, the permittee is entitled to a minimum of one week's advance notice of the city's intent to temporarily suspend, or a minimum of 30 days' advance notice to revoke a street café permit. The cost of removing the street café will be borne solely by the permittee. No advance warning is required in the case of an emergency which threatens the health and safety of city residents and visitors or a need for access from a utility. Should the permittee fail to remove the street café, the director of public works may remove the street café and assess cost of the removal to the permittee.

(i) *Penalties.* A permittee operating a street café who violates or fails to comply with any of the provisions of this section shall be subject to a fine of triple the amount of the application fee for every day of noncompliance.

..end

Approved as to form and legality:

Chivonne Scott
Assistant City Attorney

LEGISLATIVE FACT SHEET		Legislation Number:	
		Approval Deadline:	
LEGISLATION IN BRIEF:			
<p>What is the reason for this legislation?</p>	<p>Fact Sheet Color Codes</p> <p>User Entered Field</p> <p>User Select From Menu</p> <p>For OMB Use</p>		
<p>Discussion (including relationship to other Council actions)</p>	<p>Sponsor(s)</p> <p>Programs, Departments, or Groups Affected</p> <p>Sub-Program in Budget (page #)</p>		
	<p>Applicants/ Proponents</p>	<p>City Department</p>	<p>Other</p>
<p>Citywide Business Plan Goal</p>	<p>Staff Recommendation</p>		
<p>Citywide Business Plan Objective</p>	<p>Board or Commission Recommendation</p>		
<p>Citywide Business Plan Strategy</p>	<p>Future Impacts</p>		
	<p>Cost of Legislation current Fiscal Year</p>		
	<p>Costs in Future Fiscal Years?</p>		
	<p>Annual Revenue Increase/Decrease</p>		
	<p>Applicable Dates:</p>		
	<p>Prepared by:</p>		
	<p>Date Prepared:</p>		
	<p>Reviewed by:</p>		
	<p>Date Reviewed</p>		
	<p>Reference Numbers</p>		



File #: 220916

ORDINANCE NO. 220916

Sponsor: Mayor Quinton Lucas

Amending Chapters 70, Code of Ordinances, entitled “Traffic and Vehicles” by repealing Sections 70-42, 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, 70-82, 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. 70-523. 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, 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.

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:

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, employee, contractor, or 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.

..end

Approved as to form and legality:

Dustin E. Johnson
Associate City Attorney

**No Fact Sheet
for
Ord.
220916**