

ORDINANCE NO. 081117

Amending Chapter 48, Code of Ordinances, by repealing Section 48-66, Special assessment of abatement costs, and enacting in lieu thereof a new section of like number and subject matter.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 48, Code of Ordinances of the City of Kansas City, Missouri, is hereby amended by repealing Section 48-66, Special assessment of abatement costs, and enacting in lieu thereof a new section of like number and subject matter, to read as follows:

Sec. 48-66. Special assessment of abatement costs.

(a) If the city causes a nuisance to be abated, the costs of such abatement shall be determined, including as a portion thereof the reasonable costs of administering the provisions of this chapter with respect to the property affected. Such administrative costs shall not exceed the sum of \$500.00. The city shall certify a statement of such costs and of service of notice on the owner, describing the real property upon which such abatement was accomplished, to the director of finance. If the abatement was for a detention basin nuisance as enumerated in section 48-45 and the detention basin is owned by a homes association, the costs shall be proportioned among the properties in that homes association. If any appeal shall have been filed from the order from the director of neighborhood and community services or director of health within the period allowed by law, such costs of abatement shall not be so certified to the director of finance unless and until final judgment shall have been rendered on such appeal confirming such order.

(b) Upon receipt of such certification, the director of finance shall cause the certified cost to be included in a special tax bill or added to the annual real estate tax bill for the property, at the director's option. The director of finance shall cause a copy of such statement to be sent to the owners of such property by regular U.S. mail, and the original thereof to be retained in the office of the city treasurer, appropriately filed. The certified cost shall be collected in the same manner and procedure for collecting real estate taxes. If the certified cost is not paid, the tax bill shall be considered delinquent, and its collection shall be governed by the laws governing delinquent and back taxes. The tax bill from the date of its issuance shall be deemed a personal debt against the owner and shall also be a lien on the property until paid. The tax bill shall be payable within 60 days after the date of issuance without interest, and thereafter with interest from the date of its issue until paid at the rate on ten-year United States treasury notes as established at the last auction before the particular assessment is certified to the director of finance. When payments are not current, the interest rate shall be two percent higher. The city may initiate actions to collect against the owner if payment in full is not received within sixty (60) days. Such lien may be enforced by any method appropriate for the enforcement of special assessments generally.

ORDINANCE NO. 081117

(c) If the means of abatement is the towing of a vehicle, other than in conjunction with the abatement of a nuisance described in section 48-49, the costs of towing and storage shall be specially assessed and such special assessment shall constitute a lien upon the vehicle towed. Such special assessment shall be collected and such lien enforced, in the manner set out in article VI of chapter 70.

(d) In any case where the costs of abatement shall have been assessed as additional costs in a municipal court action as provided in this chapter, and such cost judgment shall have been satisfied, the special assessment pertaining thereto shall be reduced or canceled accordingly, and the record in the office of the city treasurer shall be changed to reflect such reduction or cancellation.

Approved as to form and legality:

Jesse Sendejas
Assistant City Attorney