

ORDINANCE NO. 100309, AS FURTHER AMENDED

Amending Chapter 48, Nuisances, and Chapter 56, Property Maintenance Code, of the Code of Ordinances, by enacting new Sections 48-82 and 56-3 establishing re-inspection fees; authorizing and directing the City Clerk to notify the responsible election authorities of this election; calling an election submitting these new fees to the qualified electors of Kansas City for their approval or disapproval; and recognizing an emergency.

WHEREAS, the City has enacted ordinances for minimum standards regarding nuisances and property maintenance; and

WHEREAS, the responsibilities and duties of enforcing these ordinances require multiple inspections when an owner or occupant fails to correct a violation after being given notice; and

WHEREAS, the City believes it necessary that the City charge a reasonable fee to offset the costs of its services and activities in connection with these responsibilities and duties; and

WHEREAS, the City believes the costs to the City incurred by its services and activities in connection with these responsibilities and duties should be borne by the owners or occupants who fail to comply with legal notice to remove nuisances and/or correct property maintenance violations; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 48, Nuisances, of the Code of Ordinances of the City of Kansas City, Missouri, is hereby amended by enacting a new Section 48-82, to read as follows:

Sec. 48-82. Re-inspection Fee.

(a) At the end of the period of time allowed in the order to remove any nuisance and if upon inspection any nuisance has not been abated, the director of neighborhood and community services shall charge a \$75.00 re-inspection fee for each re-inspection until abatement of all nuisances.

(b) The city council shall have the authority to annually adjust the re-inspection fee by a percentage no greater than the percentage increase in the Consumer Price Index (all items/all urban consumers/Kansas City, Missouri-Kansas) published by the United States Department of Labor, Bureau of Labor Statistics, provided that the increase is reflective of the costs of the services being provided.

(c) No re-inspection fee shall be effective until approved by a simple majority of the City's electors.

ORDINANCE NO. 100309, AS FURTHER AMENDED

Section 2. That Chapter 56, Property Maintenance Code, of the Code of Ordinances of the City of Kansas City, Missouri, is hereby amended by enacting a new Section 56-3, to read as follows:

Sec. 56-3. Re-inspection Fee.

(a) At the end of the period of time allowed in the notice and order to correct any violation, and if upon inspection any violation has not been abated, the director of neighborhood and community services shall charge a \$75.00 re-inspection fee for each re-inspection until correction of all violations.

(b) The city council shall have the authority to annually adjust the re-inspection fee by a percentage no greater than the percentage increase in the Consumer Price Index (all items/all urban consumers/Kansas City, Missouri-Kansas) published by the United States Department of Labor, Bureau of Labor Statistics, provided that the increase is reflective of the costs of the services being provided.

(c) No re-inspection fee shall be effective until approved by a simple majority of the City's electors.

Section 3. Election Called. That an election is hereby called and shall be held in Kansas City, Missouri, on Tuesday, August 3, 2010, at which election there shall be submitted to the qualified electors of Kansas City, Missouri, a question hereinafter set out to authorize a re-inspection fee for all inspections conducted after the property owner or occupant has failed to correct violations of the nuisance or property maintenance code within the time frame provided in the written notice. The fee would offset the cost incurred by the city to inspect properties multiple times for the same violation. Each re-inspection shall result in a \$75.00 charge that may be adjusted annually by a percentage no greater than the increase in the Consumer Price Index (all items/all urban consumers/Kansas City, Missouri-Kansas) published by the United States Department of Labor, Bureau of Labor Statistics. Revenue generated from this fee shall be dedicated to supplementing current funding for enforcement of nuisance and property maintenance ordinances currently codified in Chapters 48 and 56 so funding shall not be reduced below the amounts in the Fiscal Year 2010 – 11 Budget, unless overall percentage reductions are imposed on all other General Fund supported City departments.

Section 4. Ballot Language. The ballot language shall be in substantially the following form:

QUESTION _____

SHALL THE FOLLOWING BE APPROVED?

For the purpose of reimbursing the City for expenses related to the enforcement of nuisance and property maintenance ordinances, shall the City of Kansas City, Missouri, be authorized to charge a \$75.00 re-inspection fee (for each re-inspection), that may be adjusted annually by the Consumer Price Index, to a violator who fails to correct the nuisance

ORDINANCE NO. 100309, AS FURTHER AMENDED

or property maintenance violations within the time frame provided in the written notice, to be used exclusively to provide funding that will supplement current funding for enforcement of nuisance and property maintenance ordinances so funding shall not be reduced below the amounts in the Fiscal Year 2010 – 11 Budget, unless overall percentage reductions are imposed on all other General Fund supported City departments?

_____Yes _____No

The voter who desires to vote in favor of this proposition shall place an X in the box opposite Yes. The voter who desires to vote against this proposition shall place an X in the box opposite No.

Section 5. Delivery of Ordinance by City Clerk to Election Authorities. That the City Clerk shall deliver certified copies of this ordinance and notice of election to the Board of Election Commissioners of Kansas City, Missouri, Board of Election Commissioners of Clay County, Board of Election Commissioners of Platte County, and the County Clerk of Cass County, which shall be the authority of the respective election authorities of the City to submit the question to the electors of Kansas City as herein provided and to give public notice thereof as provided by law.

Section 6. Election Notice. That the notice of election shall read as follows:

NOTICE OF ELECTION

CITY OF KANSAS CITY, MISSOURI

Notice is hereby given that the City of Kansas City has called an election to be held in the City on Tuesday, August 3, 2010, between the hours of 6:00 a.m. and 7:00 p.m. C.D.T., at which election all qualified voters residing within the City of Kansas City, Missouri, will be given the opportunity to vote.

The official ballot will be in substantially the following form:

QUESTION _____

SHALL THE FOLLOWING BE APPROVED?

For the purpose of reimbursing the City for expenses related to the enforcement of nuisance and property maintenance ordinances, shall the City of Kansas City, Missouri, be authorized to charge a \$75.00 re-inspection fee (for each re-inspection), that may be

ORDINANCE NO. 100309, AS FURTHER AMENDED

adjusted annually by the Consumer Price Index, to a violator who fails to correct the nuisance or property maintenance violations within the time frame provided in the written notice, to be used exclusively to provide funding that will supplement current funding for enforcement of nuisance and property maintenance ordinances so funding shall not be reduced below the amounts in the Fiscal Year 2010 – 11 Budget, unless overall percentage reductions are imposed on all other General Fund supported City departments?

_____Yes _____No

(Instructions to voters will be supplied by the election authorities)

A full and complete copy of Ordinance No. 100309, As Amended, submitting the above question to the electorate is on file in the office of the City Clerk of Kansas City, Missouri, where the same is open for inspection and copying.

The polling places for the election will be *[insert list of polling places in last publication only.]*

I hereby certify that the foregoing is the legal notice to be published pursuant to Section 115.127, RSMo.

Given under my hand and the official seal of the City of Kansas City, Missouri, this _____ day of _____, 2010.

(SEAL)

Vickie Thompson
City Clerk, City of Kansas City, Missouri

Before me, a notary public, personally appeared Vickie Thompson, to me known to be the City Clerk of the City of Kansas City, Missouri, and the person who acknowledged to me that she executed the same for the purposes therein stated.

(SEAL)

Notary Public

My Commission Expires:_____

ORDINANCE NO. 100309, AS FURTHER AMENDED

Section 7. Emergency recognized. That this ordinance is recognized as an emergency measure within the provisions of Section 503 of the City Charter in that it calls for an election, and shall take effect in accordance with that section.

Approved as to form and legality:

Kathy Adams
Assistant City Attorney