

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 200677

Amending Chapter 70, Code of Ordinances, by adding a new Section 70-42 to establish an administrative adjudication system for parking tickets and other non-moving-city ordinance violations; and establishing an effective date.

WHEREAS, the Code of Ordinances Chapter 70, establishes ordinances related to traffic and vehicles to be a violation of the Code; and

WHEREAS, Missouri law, RSMo Section 479.011(b) allows any home rule city with more than four hundred thousand inhabitants located in more than one county to establish, by order or ordinance, an administrative system for adjudicating parking and other civil non-moving municipal code violations; and

WHEREAS, Kansas City is a home rule city with more than four hundred thousand inhabitants located in more than one county; and

WHEREAS, the Council desires to establish an administrative tribunal operating under the supervision of the Parking and Transportation Commission to oversee the administration of parking tickets and other non-moving city ordinance violations; and

WHEREAS, the Council desires the administrative adjudication process be a fair and impartial review of contested municipal code violations, afford the parties due process of law, not impose incarceration or any fine above an amount allowed by law and allow for appeal; NOW, THEREFORE,

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 adding a new Section 70-42 to establish an administrative adjudication system for parking tickets and other non-moving city ordinance violations; and establishing an effective date, to read as follows:

Sec. 70-42. Payment of administrative citation fines for parking tickets and non-moving city ordinance violations.

(a) 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 section shall also 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

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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) An administrative tribunal shall be part of the administrative adjudication system, under the sole supervision of the Parking and Transportation Commission. The Parking and Transportation Commission shall designate the hearing officer for the administrative hearing. The administrative tribunal may hear testimony and review relevant evidence, preserve and authenticate hearing records and evidence, issue written findings of fact and decisions, and impose fines.

(c) The administrative tribunal shall adopt policies and procedures for administrative hearings and filing and notification requirements for appeals to the circuit court. The policies and procedures adopted by the administrative tribunal shall ensure a fair and impartial review of contested Code violations and shall afford the parties due process of law. The tribunal may impose an administrative adjudication hearing filing fee not more than twenty-five dollars.

(d) Parking ticket violations and non-moving Code of Ordinances violations issued in Kansas City and adjudicated by the administrative tribunal, shall be administrative citation fines.

(e) The administrative tribunal may not impose incarceration for any violation or any fine more than the amount allowed by law.

(f) Parking ticket violations and non-moving Code of Ordinances violations shall be paid through the administrative system established in this section for adjudicating parking and other civil non-moving Code of Ordinances violations.

(g) Any person issued a citation for violating a parking or civil non-moving Code of Ordinances section shall be advised on the citation of the right to request an administrative tribunal hearing. The alleged violator must either pay the scheduled civil fine or request a hearing before the Administrative Tribunal within forty calendar days from the date of the administrative citation.

(h) Any final decision or disposition of a Code of Ordinances violation by an administrative tribunal shall constitute a final determination for purposes of judicial review. Such determination is subject to review under RSMo Chapter 536 or, at the request of the defendant made within ten days, a trial de novo in the circuit court. After expiration of the judicial review period under RSMO Chapter 536, unless stayed by a court of competent jurisdiction, the administrative tribunal's decisions, findings, rules, and orders may be enforced in the same manner as a judgment entered by a court of competent jurisdiction.

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(i) Any administrative citation fine paid pursuant to subsection (g) of this section and any administrative hearing filing fee paid shall be refunded if it is determined, after a hearing, that the person charged in the administrative citation was not responsible for the violation or that there was no violation as charged in the administrative citation.

(j) If a civil fine is not paid within the time specified and no request for a hearing is timely received, the nonpayment of the civil fine will constitute a personal obligation of the violator and may be collected by the city by any appropriate legal means.

Section 2. That this ordinance shall become effective on October 15, 2020.

Section 3. That the City Attorney will report back no later than September 29, 2020, to the Special Committee for Legal Review on the progress being made in developing the administrative adjudication system.

Approved as to form and legality:



Alan Holtkamp
Assistant City Attorney



Authenticated as Passed



Quinton Lucas, Mayor



Marilyn Sanders, City Clerk

AUG 27 2020

Date Passed