

COMPARED VERSION
COMMITTEE SUBSTITUTE TO ORIGINAL ORDINANCE

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 260399

Directing the City Manager to develop and publish a plain-language vacant property maintenance guide consolidating existing standards applicable to owners of vacant buildings and structures under Chapters 26, 48, and 56 of the Code of Ordinances, to make such guide publicly available and provide it to registrants under Article VI of Chapter 56, and to develop and implement a city-wide vacant property registration outreach campaign; and appropriating funds from the Development Services Fund to carry out these purposes. Amending Chapter 56 of the Code of Ordinances by enacting a new Section 56-548 to create minimum standards for the securing and mothballing of vacant buildings to prevent deterioration, protect public safety, and reduce negative neighborhood impacts.

WHEREAS, vacant and unsecured buildings pose significant risks to public safety, invite unauthorized entry, and contribute to the deterioration of surrounding neighborhoods; and

WHEREAS, early intervention through proper mothballing and securing of vacant structures can prevent minor deterioration from escalating into dangerous-building conditions requiring costly remediation or demolition; and

~~WHEREAS, the Kansas City Historic Preservation Commission (HKC) and Resolution No. 250912 support mandatory, city-wide vacant building preservation-based mothballing standards as an upstream intervention to prevent dangerous building scenarios; and~~

WHEREAS, mothballing measures should function as temporary stabilization tools, not as substitutes for maintenance, rehabilitation, or good-faith sale, with clear standards to protect the structural integrity and character-defining features of affected buildings; and

WHEREAS, standardizing communications about the board-up process, including adherence to National Fire Protection Association (NFPA) standards for marking vacant structures, enhances the safety of emergency responders; and

WHEREAS, ~~a mechanism for cost recovery through the Code of Ordinances already establishes comprehensive standards governing the maintenance, securing, and upkeep of vacant buildings and structures, including requirements found in Chapters 26, 48, and 56 of this code; and~~

WHEREAS, public engagement surrounding recent vacant property liens, paired with a lien waiver process legislation has revealed that preserves pathways for rehabilitation and redevelopment, many property owners are unaware of their existing obligations under the code, not because those obligations are absent, but because they are dispersed across multiple chapters and not easily accessible to a general audience; and

WHEREAS, the most effective near-term intervention is not the creation of new code requirements, but rather clear and accessible communication of existing ones; and

WHEREAS, the City's expanded vacant property registration requirements enacted pursuant to Ordinance No. 260401 provide a natural point of contact at which property owners can be informed of their maintenance obligations; and

WHEREAS, a plain-language guide consolidating these existing standards, made available online and provided directly to registrants, will improve voluntary compliance, reduce the incidence of neglected vacant properties, and support the goals of the City's broader vacant property strategy; and

WHEREAS, a robust and coordinated outreach campaign is necessary to inform property owners city-wide of their registration obligations under the expanded requirements enacted by Ordinance No. 260401, ensure that those requirements are understood and followed, and reduce the number of unregistered vacant properties; and

WHEREAS, Missouri law provides neighborhood associations and residents with independent legal tools to address vacant and blighted properties, including the nuisance action remedy under RSMo § 82.1025 and the Missouri Abandoned Housing Act, RSMo §§ 447.620 to 447.640; and

WHEREAS, awareness of these remedies among Kansas City residents and neighborhood associations is limited, and including plain-language information about these tools in the vacant property maintenance guide developed pursuant to this ordinance will empower neighborhoods to take an active role in addressing vacant and blighted properties alongside the City's own enforcement efforts; and

WHEREAS, combining the education guide and the registration outreach campaign into a single coordinated effort will maximize the reach and effectiveness of both enforceable and equitable, reduce administrative duplication, and ensure that property owners receive consistent and comprehensive information about both their maintenance obligations and their registration requirements; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF KANSAS CITY:

Section 1. ~~That Chapter 56, Article V of the Code of Ordinances is hereby amended by adding a new Section 56-548 to read as follows:~~

~~Sec. 56-548. Mothballing and Securing of Vacant Buildings.~~

~~*Applicability.* This section shall apply to any building or structure that has been~~^{1. The City Manager is hereby directed to develop a plain-language vacant for a period of ninety (90) consecutive days or more. For purposes}property maintenance guide within 120 days of the effective date of this section, vacant is defined as 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. In determining whether a property is vacant, it is relevant to consider, among other factors, the percentage of the overall square footage of any building on the property or floor to the occupied space, the condition and value of any items in the property and the presence of rental or for sale signs on the property; provided that multi-family residential property containing five or more dwelling units shall be considered vacant when the majority of all of the dwelling units become unoccupied and a majority remain unoccupied. A property shall not be considered vacant which is being currently marketed by a licensed real estate professional hired by the former or current occupant of the property and to which water service has not been shut off. ordinance. Such guide shall:

(a) ~~Requirement to Mothball.~~ The owner of any building subject to this section shall ~~implement~~(a) Consolidate, in accessible and maintain mothballing measures sufficient to:

- ~~i. Prevent deterioration~~non-technical language, the existing obligations of owners of the structure;
- ~~ii. Maintain the integrity~~vacant buildings and structures under Chapters 26, 48, and 56 of the building envelope;
- ~~iii. Protect character defining architectural features, where applicable;~~
and
- ~~iv. Reduce adverse impacts on surrounding properties.~~

~~Minimum Mothballing Standards.~~ Mothballing shall include Code of Ordinances, including but not be limited to, ensuring such vacant building is in compliance with all applicable requirements in this Code, and specifically the following relating to:

- i. Securing All Openings. All windows, doors, and other openings shall be secured to prevent unauthorized entry. Securing shall include all openings; partial securing is prohibited. Materials shall be properly fitted, maintained, and installed in a professional manner. ~~Where the building is a historic structure, listed on either the U.S. Department of Interior's National Register of Historic Places or the Kansas City Register of Historic Places, securing methods shall, to the extent practicable, be reversible and shall not damage or obscure character defining features.~~
- ii. Building Envelope Protection. The building shall be maintained in a weather-tight condition, including:
 - i. A sound roof that is free of leaks or structural failure;
 - ii. Intact exterior walls and foundation without significant cracks, breaches, or deterioration; and
 - iii. Prompt repair or sealing of any openings or breaches that develop after the initial mothballing.

- iii. Water and Utility Management. All water lines shall be drained or otherwise secured to prevent leakage, pipe failure, or freezing. All utilities shall be properly disconnected or maintained in a safe condition.
- iv. National Fire Protection Association (NFPA) Marking for Emergency Responders. Vacant structures shall comply with the provisions of the adopted International Fire Code, Chapter 26 Code of Ordinances, regarding Hazard Identification Signs in conformance with NFPA 704 and applicable NFPA standards and regarding placards marking vacant buildings to protect the safety of emergency responders.
- v. Fencing and Site Security. Where necessary to protect public safety or prevent repeated unauthorized access, the director or the director's authorized representative may require installation of fencing or other appropriate barriers.
- vi. Exterior Maintenance. The building and surrounding property shall be maintained free of:

 - i. Accumulated debris or trash
 - ii. Excessive vegetation or overgrowth
 - iii. Graffiti or visible blighting conditions
- vii. Enhanced Measures for Problematic Buildings. The Director may require enhanced securing measures, including but not limited to reinforced boarding, additional barriers, or increased inspection frequency, for any property with a documented history of unauthorized entry, repeated code violations, or significant risk of harm to the public.
- ~~(b) — City Authority to Abate. If the owner fails to comply with the requirements of this section, the director or the director's authorized representative may cause the necessary work to be performed to bring the property into compliance. The City shall provide at least ten (10) days' written notice prior to performing such work, except where an imminent hazard to public safety requires immediate action.~~
- ~~(c) — Costs and Lien. All costs incurred by the City in performing work under this section shall constitute a lien against the property and shall be recoverable in the same manner as other nuisance abatement costs pursuant to chapter 48 or dangerous building costs under this chapter. The City shall provide the property owner with an itemized accounting of all costs incurred.~~
- ~~(d) — Lien Waiver or Reduction. All or any portion of a lien issued pursuant to this section may be waived according to the provisions of section 56-547 of this code.~~
- ~~(e) — Historic Structures. For buildings listed on or eligible for listing on either the U.S. Department of Interior's National register of Historic Places or Kansas City's~~

~~Register of Historic Places, all mothballing measures shall be implemented in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties and shall, to the extent practicable, preserve and protect character-defining features.~~

(b) Clearly describe the consequences of non-compliance, including:

- (1) The fine structure applicable to violations of Chapter 56, Article VI, including court penalties and administrative citation fines as provided in Sections 56-580 and 56-581 of this code, and the escalating nature of fines for repeat or continuing violations;
- (2) The semiannual fee structure applicable to chronically vacant nuisance properties, vacant commercial properties, and vacant unimproved properties as provided in Section 56-583 of this code, including the escalating fee schedule for properties that remain vacant across multiple semiannual periods;
- (3) The City's authority under Chapters 48 and 56 to abate nuisance conditions and perform necessary securing or maintenance work on non-compliant vacant properties, and to recover the costs of such abatement as a lien against the property; and
- (4) The availability of appeals, waivers, and financial hardship relief as provided under Article VI of Chapter 56, including the role of the Property Maintenance Appeals Board;

(c) Describe the tools available to neighborhood associations and residents to pursue independent action with respect to vacant and blighted properties, including:

- (1) The nuisance action remedy available under RSMo § 82.1025, which authorizes property owners within 1,200 feet of a nuisance property, and neighborhood organizations acting on their behalf, to bring a civil action in circuit court seeking injunctive relief against the property owner, provided that written notice of intent to file has been mailed to the property owner and the city at least 60 days prior to filing; and
- (2) The Missouri Abandoned Housing Act, RSMo §§ 447.620 to 447.640, which authorizes qualifying nonprofit organizations to petition the circuit court for temporary possession and, upon completion of rehabilitation, title to a vacant property that constitutes a nuisance or blight, where the property owner has failed or refused to repair the property; and
- (3) Local organizations and legal resources available to assist neighborhood associations in pursuing either remedy, including Legal Aid of Western Missouri and Neighborhood Legal Support of Kansas City.

(d) Be published on a publicly accessible page of the City's website; and

(e) Be provided to all owners registering or renewing registration of vacant property pursuant to Article VI of Chapter 56 of the Code of Ordinances.

Section 2. The City Manager is hereby further directed to develop and implement a city-wide vacant property registration outreach campaign, to be known as the Registration Sprint, within 120 days of the effective date of this ordinance. The Registration Sprint shall:

(a) Notify all known and suspected vacant property owners city-wide of their registration obligations under Article VI of Chapter 56 of the Code of Ordinances, with particular emphasis on the expanded requirements enacted by Ordinance No. 260401;

(b) Incorporate and distribute the plain-language vacant property maintenance guide developed pursuant to Section 1 of this ordinance as a core component of outreach materials;

(c) Utilize multiple outreach channels to maximize reach, which may include direct mail, digital communications, community meetings, and coordination with neighborhood organizations, community development corporations, and other stakeholders; and

(d) Include outreach materials available in multiple languages consistent with the City's language access obligations.

Section 3. That the City Manager is hereby directed to allocate funding for the Vacant Property Education Campaign in the amount of \$50,000 as part of the first quarter FY2026-27 budget analysis, subject to availability of funds in the Development Services Fund.

Approved as to form:

Bret Kassen
Associate City Attorney