

COMPARED VERSION
COMMITTEE SUBSTITUTE TO ORIGINAL ORDINANCE

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 240164

Calling for submission to the qualified voters of Kansas City at an election held on Tuesday, August 6, 2024, for their approval of a question which assesses a host fee up to ~~three~~five dollars (\$~~3~~5.00) per ton of waste on any solid waste transfer station, material recovery station, special waste station, or landfill located within the City; directing the City Clerk to notify the responsible election authorities of the election on or before May 28, 2024; amending Chapter 62 by adding a new Section 62-126 entitled “Host Fees,” which assesses a host fee up to ~~three~~five dollars (\$~~3~~5.00) per ton of waste on any solid waste transfer station, material recovery station, special waste station, or landfill located within the City; and recognizing this ordinance as having an accelerated effective date.

WHEREAS, three solid waste transfer stations, two material recovery stations, and one special waste station are located within the City’s municipal corporate limits; and

WHEREAS, the City wishes to charge host fees to these ~~transfer types of~~ stations and landfills; and

WHEREAS, charging a host fee would raise revenue that would fund solid waste and waste diversion programs; and

WHEREAS, to charge host fees of up to ~~three~~five dollars (\$~~3~~5.00) per ton of waste may require a public vote under the Constitution and laws of the state of Missouri; and

WHEREAS, the City wishes to provide notice of a ballot question and have the ballot question placed on the August 6, 2024, ballot; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. ELECTION CALLED. That an election is called and shall be held on Tuesday, August 6, 2024, for the purpose of submitting to the voters the question of whether to impose a host fee for any solid waste transfer ~~station or landfill~~stations, material recovery stations, special waste stations, and landfills within the City.

Section 2. BALLOT TITLE. The ballot title shall be:

QUESTION NO.

(Imposition of Host Fees on Solid Waste Transfer Stations and Landfills)

Shall the City of Kansas City assess a host fee on ~~the transfer station~~stations, material recovery stations, special waste stations, or landfill owners up to ~~three~~five dollars (\$~~3~~5.00) per ton of nonhazardous solid waste deposited at any transfer

station, material recovery station, special waste station, or landfill located within the City?

_____ Yes _____ No

Section 3. ELECTION NOTICE. That the notice of election shall read as follows:

NOTICE OF ELECTION
CITY OF KANSAS CITY, MISSOURI

Notice is hereby given to the qualified voters of the City of Kansas City, Missouri, that the City Council of the City has called a general municipal election to be held in the City on August 6, 2024, commencing at 6:00 A.M. and closing at 7:00 p.m., on the question contained in the following sample ballot:

OFFICIAL BALLOT
CITY OF KANSAS CITY

GENERAL MUNICIPAL ELECTION, AUGUST 6, 2024

QUESTION

(Imposition of Host Fees on Solid Waste Transfer Stations and Landfills)

Shall the City of Kansas City assess a host fee on ~~the transfer station or landfill owners~~ stations, material recovery stations, special waste stations, and landfills up to ~~three~~ five dollars (\$~~3~~5.00) per ton of nonhazardous solid waste deposited at any transfer station ~~or~~, material recover station, special waste station, and landfill located within the City?

_____ Yes _____ No

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

A full and complete copy of this Ordinance (as it may be amended) submitting the above question to the electorate is on file in the Office of the City Clerk of Kansas City, Missouri, and is open for inspection and copying.

The election will be held at the following polling places in the City of Kansas City, Missouri:
[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, as amended.

Given under my hand and the official seal of the City of Kansas City, Missouri, this _____ day of February, _____ 2024.

(SEAL)

Marilyn Sanders
City Clerk of Kansas City, Missouri

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

Notary Public

My commission expires: _____

Section 4. NOTICE TO ELECTION AUTHORITIES BY CITY CLERK. That following passage of this ordinance the City Clerk shall deliver certified copies of this ordinance and notice of election to the Clerk of Cass County, Board of Election Commissioners of Clay County, Board of Election Commissioners of Kansas City, and Board of Election Commissioners of Platte County, not later than May 28, 2024, which shall be the authority of each election authority of the City to submit the question to the electors of Kansas City and to give public notice as provided by law.

Section 5. AMENDMENT TO THE CODE OF THE CITY OF KANSAS CITY- ENACTMENT OF HOST FEES -QUESTION 1. If the majority of the voters favor the host fees presented in Question 1 on August 6, 2024, a new Section 62-126 is enacted to read as follows:

Sec. 62-126. Host Fees.

(a) A host fee of up to ~~three~~five dollars (\$~~3~~5.00) per ton of nonhazardous solid waste deposited at any transfer station, material recovery station, special waste station, or landfill located within the City shall be assessed on the owner of the transfer station, material recovery station, special waste station, or landfill-~~owners~~.

(b) The owner of the transfer station, material recovery station, special waste station, or landfill shall make quarterly reports and fee payments based upon the quantity of solid waste reported in the quarterly solid waste summary. This quarterly report is due on September 15, December 15, March 15 and June 15 of each calendar year and shall include a copy of the accounting of the fees, including the basis of those fees, and be in the form prescribed by the City. If the owner of any transfer station, material recovery station, special waste station, or landfill-~~owner~~ fails to pay the fee or file the quarterly report within the required time frame, it shall be fined seven hundred fifty dollars (\$750.00). ~~Each~~ for each day that the fee remains unpaid or the report remains unfiled after it is due ~~shall be a separate and continuing offense~~.

(c) The director is authorized to make and promulgate reasonable and necessary rules and regulations necessary to implement the foregoing host fee.

Section 6. ACCELERATED EFFECTIVE DATE. This ordinance, providing for the submission of imposition of host fees on solid waste transfer stations, material recovery stations, special waste stations, and landfills to the people of Kansas City, Missouri, is hereby recognized to be an ordinance with an accelerated effective date within the meaning of Section 503(a)(3)(A) of the Charter because it calls for an election and provides for the submission of a question to the people; and as such shall become effective immediately following approval by the Mayor, or five days after passage if no action is taken by the Mayor to approve or veto the ordinance.

Approved as to form:

Dustin Johnson
Associate City Attorney