COMPARED VERSION
NEW ORDINANCE TO CODE BOOKS

ORDINANCE NO. 250395

Amending Chapter 50, Code of Ordinances, by repealing Section 50-161, Loitering, and enacting in lieu thereof a new section of like number and subject matter titled, Obstructing reasonable movement of traffic.

WHEREAS, the City recognizes that the reasonable movement of both vehicular and pedestrian traffic is essential to public safety, and is committed to preserving the accessibility and safety of public streets, sidewalks, and thoroughfares for pedestrians, vehicles, and emergency services to promote public health, safety, and mobility; and

WHEREAS, it is the intent of the City to address behavior that obstructs, hinders, or delays the reasonable movement of vehicular or pedestrian traffic to prevent hazardous conditions, reduce accidents, and maintain public order and safety for all; and

WHEREAS, the City acknowledges the fundamental rights guaranteed under the First Amendment to the United States Constitution and affirms that this ordinance shall not be interpreted or enforced in a manner that unduly restricts lawful expression, peaceful assembly, or the dissemination of ideas in public forums; and

WHEREAS, it is in the interest of both public safety and individual liberty to ensure that public spaces remain safe and open for lawful public discourse; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 50, Code of Ordinances, is hereby amended by repealing Section 50-161, Loitering, and enacting in lieu thereof a new section of like number and subject matter, to read as follows:

Sec. 50-161. Obstructing reasonable movement of traffic.

(a) It shall be unlawful for any person, either alone or in concert with another or others, to stand or otherwise position themselves in any public place in such manner so as to obstruct, impede, interfere with, hinder or delay either:

(1) the reasonable movement of vehicular or pedestrian traffic; or

(2) the reasonably free use of property or business lawfully conducted by anyone in or upon or facing or fronting on any such public place or building, if such act prevents the reasonably free ingress, egress or regress therein, thereon or thereto.

(b) When any person commits either of the acts enumerated in subsection (a) of this section, a police officer or any law enforcement officer may order that person to stop committing any such act and to move on or disperse. Any person who fails or refuses to obey such an order shall be guilty of a violation of this section. However, no person shall be in violation of this section unless such person has been given a reasonable opportunity to comply with such order after they received actual notice or where notice was directed to them and was reasonably likely to come to such person's attention.

Approved as to form:

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Bret Kassen
Associate City Attorney