Legislation Details (With Text)

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Title:	Sponsor: Director of Public Works Department COMMITTEE SUBSTITUTE Amending Chapters 70, Code of Ordinances, entitled “Traffic and Vehicles” by repealing Sections 70-42, 70-83, 70-592, 70-593, 70-594, and 70-596, and enacting in lieu thereof new sections of like number and like subject matter all related to the administrations and enforcement of street parking; and amending Chapter 70 by enacting a new section 70-604 entitled “Event Parking”.				
Sponsors:	Director of Public Works Department				
Indexes:					
Code sections:					
Attachments:	1. Docket Memo, 2. PW TIO ordinance slides 06252024, 3. Ord. 240517 TIO 6.25.pdf, 4. Authenticated Ordinance 240517 CS				

Date	Ver.	Action By	Action	Result
6/27/2024	1	Council	Passed as Substituted	Pass
6/25/2024	1	Transportation, Infrastructure and Operations Committee	Adv and Do Pass as Cmte Sub	Pass
6/13/2024	1	Council	referred	

[COMMITTEE SUBSTITUTE FOR]ORDINANCE NO. 240517

Sponsor: Director of Public Works Department
COMMITTEE SUBSTITUTE

Amending Chapters 70, Code of Ordinances, entitled “Traffic and Vehicles” by repealing Sections 70-42, 70-83, 70-592, 70-593, 70-594, and 70-596, and enacting in lieu thereof new sections of like number and like subject matter all related to the administrations and enforcement of street parking; and amending Chapter 70 by enacting a new section 70-604 entitled “Event Parking”.

TO BE 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 repealing Sections 70-42, 70-83, 70-592, 70-593, 70-594, and 70-596, and enacting in lieu thereof new sections of like number and subject matter, to read as follows:

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

(a) *Establishment and purview.* 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 administrative adjudication system shall apply to parking code violations, including but not necessarily limited to, violations encompassed in Code sections 70-137(2), 70-139(b), 70-269, 70-521, 70-523, 70-524, 70-526, 70-527, 70-528, 70-529, 70-532, 70-533, 70-535, 70-536, 70-538, 70-539, 70-541, 70-542, 70-563, 70-564, 70-565, 70-567, 70-568, 70-593, 70-594, 70-602, 70-604, and 70-641 and any other codes designated for administrative adjudication by ordinance. The section shall 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 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) *Oversight.* The Parking and Transportation Commission shall adopt policies and procedures for governing the administrative adjudication system. The administrative adjudication system shall provide for a fair, impartial, efficient and effective adjudication process for individuals who wish to contest a citation for a violation of a code within the jurisdiction of the administrative adjudication system. This process shall provide for a preliminary administrative review and, for those individuals dissatisfied with the results of the preliminary administrative review, an administrative hearing. Any person issued a citation for an ordinance violation within the purview of this section shall be advised on the citation of the right to request a preliminary administrative review. The alleged violator must either pay the scheduled civil fine or request an administrative review within twenty calendar days from the date of the administrative citation. The preliminary administrative review shall entail an informal administrative process through which an individual may submit a request for review and obtain information about the validity of a municipal code violation by mail, Internet or other means approved by the Parking and Transportation Commission. The alleged violation shall be notified of the outcome of the administrative review within ten days of submitting the request for preliminary administrative review.

(c) *Administrative Hearing.* An administrative hearing available for individuals dissatisfied with the results of the preliminary administrative review shall be part of the administrative adjudication system. An alleged violator may request an administrative hearing within ten days of the notification of the outcome of the administrative review being sent. The Parking and Transportation Commission shall designate a hearing officer who shall be charged with overseeing the administrative hearing. The hearing officer shall possess sufficient competence to administratively adjudicate the violations within the purview of this section, including, but not necessarily limited to, familiarity with the rules of procedure for administrative hearings, and a working knowledge of the subject area of the municipal code violations they will adjudicate. The Parking and Transportation Commission shall adopt policies and procedures for administrative hearings. The policies and procedures adopted by the Parking and Transportation Commission shall ensure a fair and impartial review of contested Code violations and shall afford the parties due process of law. The administrative hearing shall conform to the requirements of Section 536.070 of the Missouri Revised Statutes. The hearing officer shall have the authority to hear testimony and review relevant evidence, preserve and authenticate hearing records and evidence, issue written findings of fact and decisions, and impose fines. The Parking and Transportation Commission may impose an administrative adjudication hearing filing fee not more than twenty-five dollars.

(d) *Disposition.* Upon completing review of the information submitted by the person contesting the

citation at hearing, the hearing officer shall determine in writing whether the contestant is liable or not liable for the violation. If the contestant is found not liable for the violation, the contestant shall be refunded the filing fee (if any) and waive all violation fines accrued to date. If the contestant is found liable of the violation, the contestant shall remit any unpaid fines and costs and reactivate other sanctions in accord with the prescribed administrative adjudication policies and procedures, but it shall not impose incarceration or any fine in excess of the amount allowed by law. The person contesting the citation shall be notified of the hearing officer's decision within ten (10) business days of the conclusion of the administrative hearing. The decision by the hearing officer shall constitute a final determination for purposes of judicial review. Such determination is subject to review under RSMo Chapter 536. After expiration of the judicial review period under RSMO Chapter 536, unless stayed by a court of competent jurisdiction, the administrative officer's decisions, findings, rules, and orders may be enforced in the same manner as a judgment entered by a court of competent jurisdiction.

(e) *Violations and fines.* Parking ticket violations and non-moving Code of Ordinances violations issued in Kansas City and authorized in this section shall be administrative citation fines. Any fine or costs, or part thereof, remaining unpaid thirty (30) days after the exhaustion of, or the failure to exhaust, the administrative adjudication process described herein, shall be a debt due and owing the city, and may be collected by the city by any appropriate legal means. A lien may be imposed on the real or personal property of any contestant found liable for a violation authorized by the section in the amount of any debt due the city under this section and enforced in the same manner as a judgment lien under a court of competent jurisdiction.

Sec. 70.83. Notice of impending immobilization.

When a vehicle has been subject to three or more unresolved parking citations after the effective date of this division, the director of public works shall provide to the registered owner of said vehicle a notice of impending immobilization. The notice may be provided either (1) by regular U.S. mail to the address of the registered owner of that vehicle according to the records of the department of motor vehicles of the state in which it is registered; or (2) affixed to the vehicle at the time of the third unresolved parking citation. The notice shall state the following:

(a) Name and address of the registered owner (if known);

(b) State registration number or license plate of the vehicle to be placed on the immobilization list;

(c)
A statement that the failure of the registered owner, or his or her designee, to pay all fines related to the unresolved parking citations within 21 days from the date of the notice (either by being mailed or being affixed to the vehicle) shall result in the subject vehicle being placed on the city's immobilization list;

(d) A statement that the registered owner may challenge the validity of the notice of impending vehicle immobilization by making a written request, within 21 days of the date of the notice, to the parking and mobility division, for a live hearing before the parking and mobility division to submit evidence which would disprove eligibility for the immobilization list.

Sec. 70-592. - Designation of paid parking space.

(a) The director shall install parking meters in the parking meter zones established as provided in this division immediately adjacent to each designated parking space. The meters shall be capable of being operated, either automatically or mechanically, upon payment of United States currency or an alternative payment method approved by

the director, for the full period of time for which parking is lawfully permitted in any such parking meter zone, according to rates as established from time to time.

(b) Each parking meter shall be so designed, constructed, installed and set that, upon the expiration of the time period registered by the appropriate method of payment, as provided in this division, it will indicate by an appropriate signal that the lawful parking meter period has expired, and during the period of time and prior to the expiration thereof will indicate the interval of time which remains of such period.

(c) Each parking meter shall bear thereon a legend indicating the days and hours when the requirement to make payment therein shall apply, the amount to be paid, and the limited period of time for which parking is lawfully permitted in the parking meter zone in which such meter is located.

Sec. 70-593. - Parking meter spaces.

(a) The director shall designate the parking space adjacent to each parking meter for which such meter is to be used by appropriate markings upon the curb or the pavement of the street or off-street parking facility. Parking meter spaces so designated shall be of appropriate length and width so as to be accessible from the traffic lanes of such street or aisles of such off-street parking facility.

(b) No person shall park a vehicle in any such designated parking meter space during the restricted or regulated time applicable to the parking meter zone in which such meter is located so that any part of such vehicle occupies more than one such space or protrudes beyond the markings designating such space, except that a vehicle which is of a size too large to be parked within a single designated parking meter zone shall be permitted to occupy two adjoining parking meter spaces when payment shall have been made in the parking meter for each space so occupied as is required in this division for the parking of other vehicles in such space.

Sec. 70-594. - Payment and time limits.

(a) No person shall park a vehicle in any parking space upon a street or in a city-owned or city-operated off-street parking facility alongside of and next to which a parking meter has been installed during the restricted and regulated time applicable to the parking meter zone in which such meter is located unless payment of the appropriate denomination, shall have been made for the parking meter for the space, or shall have been previously made for an unexpired interval of time, and such meter has been placed in operation.

(b) No person shall permit a vehicle within his control to be parked in any such parking meter space during the restricted and regulated time applicable to the parking meter zone in which such meter is located while the parking meter for such space indicates by signal that the lawful parking time in such space has expired. This subsection shall not apply to the act of parking or reasonable time which is required to make payment for such meter.

(c) No person shall park a vehicle in any such parking meter space for a consecutive period of time longer than that maximum limited period of time for which the parking is lawfully permitted in the parking meter zone in which such meter is located, irrespective of the payment amount deposited in such meter.

(d) Any person violating any provision of this section shall be punished by a fine of not less than $15.00.

(e) The provisions of this section shall not relieve any person from the duty to observe other and more

restrictive provisions of this chapter and the state vehicle code prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times.

Sec. 70-596. - Use of proceeds from parking meters.

(a) The payment required to be made as provided in this division, except so much thereof as is required for the purchase and maintenance of the parking meters, are hereby levied as regulation and inspection fees to cover the cost involved in the inspection, installation, operation and control and use of parking spaces and parking meters described in this division and involved in checking and regulating the parking of vehicles in the parking meter zones created by this division.

(b) It shall be the duty of the city treasurer, or his designee, to collect the currency or alternative payment from parking meters and place such money in the general fund or other special funds which may be established by ordinance.

Section 2. That Chapter 70, Code of Ordinances, is hereby amended by enacting a new Section 70-604, entitled "Event Parking," to read as follows:

Sec. 70-604. - Event Parking

(a) The director is hereby authorized to establish event parking zones within the corporate boundaries of the City in areas determined to be appropriate for event parking due to the occurrence of large-scale events. During such events, the director shall provide for a parking rate above the normal rate for that zone.

(b) The director shall maintain a rate schedule for event parking, which shall be reviewed and updated periodically as deemed necessary. Event parking rates may vary based on the time of day, day of the week, and location of the event. The director is authorized to implement a progressive rate structure to incentivize shorter parking durations and promote turnover of parking spaces during events.

(c) The director is authorized to promulgate regulations necessary for the effective implementation and enforcement of this section.

(d) No person shall park a vehicle in any such event parking zone during events for a consecutive period of time longer than that maximum limited period of time for which the parking is lawfully permitted.

(e) Any person violating any provision of this section shall be punished by a fine of not less than $50.50.

Approved as to form:

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Dustin E. Johnson
Associate City Attorney