

Legislation Text

File #: BILL NO. 17-156, **Version:** 3

AN ORDINANCE AMENDING CHAPTER 1 OF THE CODE OF ORDINANCES OF THE CITY OF LEE'S SUMMIT, GENERAL PROVISIONS ENACTING TWO NEW SECTIONS, SECTION 1-14, ENFORCEMENT; ATTORNEY'S FEES AND SECTION 1-15, VIOLATION; REMEDIES; UNAUTHORIZED HOLDOVER TO PROVIDE FOR THE RECOVERY OF ATTORNEYS' FEES AND COSTS IN ALL ENFORCEMENT ACTIONS BROUGHT BY THE CITY AND FURTHER PROVIDE FOR REMEDIES IN THE EVENT OF A HOLDOVER TENANT OR USER OF CITY FACILITIES. (F&BC 7-10-17).

Issue/Request:

To make a recommendation on the adoption AN ORDINANCE AMENDING CHAPTER 1 OF THE CODE OF ORDINANCES OF THE CITY OF LEE'S SUMMIT, GENERAL PROVISIONS ENACTING TWO NEW SECTIONS, SECTION 1-14, ENFORCMENT; ATTORNEY'S FEES AND SECTION 1-15, VIOLATION; REMEDIES; UNAUTHORIZED HOLDOVER TO PROVIDE FOR THE RECOVERY OF ATTORNEYS' FEES AND COSTS IN ALL ENFORCEMENT ACTIONS BROUGHT BY THE CITY AND FURTHER PROVIDE FOR REMEDIES IN THE EVENT OF A HOLDOVER TENANT OR USER OF CITY FACILITIES

Key Issues:

- Clarify that when the City enforces its Code that it is entitled to all its costs including attorneys' fees when permitted by law
- Set out City's rights when a person or entity holdover on City property or in facilities

Proposed City Council Motion:

FIRST MOTION: I move for second reading of AN ORDINANCE AMENDING CHAPTER 1 OF THE CODE OF ORDINANCES OF THE CITY OF LEE'S SUMMIT, GENERAL PROVISIONS ENACTING TWO NEW SECTIONS, SECTION 1-14, ENFORCMENT; ATTORNEY'S FEES AND SECTION 1-15, VIOLATION; REMEDIES; UNAUTHORIZED HOLDOVER TO PROVIDE FOR THE RECOVERY OF ATTORNEYS' FEES AND COSTS IN ALL ENFORCEMENT ACTIONS BROUGHT BY THE CITY AND FURTHER PROVIDE FOR REMEDIES IN THE EVENT OF A HOLDOVER TENANT OR USER OF CITY FACILITIES.

SECOND MOTION: I move for adoption of AN ORDINANCE AMENDING CHAPTER 1 OF THE CODE OF ORDINANCES OF THE CITY OF LEE'S SUMMIT, GENERAL PROVISIONS ENACTING TWO NEW SECTIONS, SECTION 1-14, ENFORCMENT; ATTORNEY'S FEES AND SECTION 1-15, VIOLATION; REMEDIES; UNAUTHORIZED HOLDOVER TO PROVIDE FOR THE RECOVERY OF ATTORNEYS' FEES AND COSTS IN ALL ENFORCEMENT ACTIONS BROUGHT BY THE CITY AND FURTHER PROVIDE FOR REMEDIES IN THE EVENT OF A HOLDOVER TENANT OR USER OF CITY FACILITIES.

Background:

The City has utilized outside Counsel on various enforcement actions. As a part of this representation outside

Counsel has called the Law Department's attention to some best practices other cities are using such as adopting Code provisions specifically setting out and clarifying rights of the City to recover attorneys' fees and costs upon successful completion of Code or collection enforcement actions and setting out in the Code the rights of the City when someone holds over past a license, franchise or lease in a City facility or on City property. Adopting the new Section 1-14 will put persons and entities on notice who do business with the City or violate Code sections that a Court may order them to pay the City's costs including attorney fees. Adopting Section 1-15 will place its provisions in all future franchises, licenses and leases for use of the City's facilities and properties and again places persons and entities on notice of the City's expectations.

Presenter: Nancy Yendes, Chief Counsel, Infrastructure and Planning

Recommendation: The Law Department recommends approval and adoption of the two new Code Sections

Committee Recommendation: A motion was made by Vice Chair Edson, seconded by Alternate DeMoro that this Ordinance be recommended for approval to the City Council - Regular Session, due back on 7/27/2017. The motion carried by unanimous vote.