

# COUNCIL ACTION FORM

Meeting Date: August 14, 2025

Staff Contact: Leslie Herring, City Administrator

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**Agenda Item:** Consider Ordinance No. 1049 authorizing the codification of ordinances and Ordinance No. 1050 adopting and enacting a new code for the City of Westwood, Kansas

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## Background/Description of Item

Recodification is the process by which all adopted ordinances (and modern, current State and Federal laws, where applicable) are integrated into a City's Codebook so that the Codebook reflects the current and comprehensive laws of the City.

- In January 2023, CivicPlus (which acquired MuniCode) embarked on a recodification of the Westwood Municipal Code. City staff provided access to all necessary City materials and CivicPlus went to work reviewing and preparing the Code for public, searchable online access.
- In February 2024, City staff received the Code sections for review and from there worked with CivicPlus staff, the City Attorney, and the Governing Body and Planning Commission to review and tweak the City Code to prepare it for final review and adoption.
- In July 2024, the Planning Commission reviewed and provided input and changes to the Zoning Ordinance (Chapter 16 of the City Code)
- In October 2024, the City role in review of the Code sections concluded and CivicPlus began finalizing the Code for consideration and adoption by the Governing Body.
- In June 2025, CivicPlus provided the final Code document and ordinance for adoption of the recodification. Once CivicPlus receives the Council-approved ordinance, they will activate the online searchable City Code on the City's website.

## Staff Comments/Recommendation

The intent of recodification is housekeeping, to ensure consistency and legality of the code provisions and to address any confusion or conflicting elements of the code.

The following is a summary of the notable edits to the Zoning Ordinance, advanced by City Council in March and April 2024 and by Planning Commission in July 2024 relating only to Chapter 16 re: zoning regulations:

### General

- Fees have been separated out from the City Code and included in a master fee schedule, adopted by the City Council and reviewed annually
- Code has been updated generally to reflect current organizational structure

### Chapter 1: Administration

- No notable changes

### Chapter 2: Animal Control and Regulation

- Discontinuation of pet licensing program; continuation of pet vaccination requirement

### Chapter 3: Beverages

- No notable changes

#### Chapter 4: Buildings and Construction

- Chapter to be updated at least every six years when new code sets are adopted. Chapter last revised in 2021 and 2022 with adoption of 2018 ICC code set; set to be updated again in Fall 2025 with adoption of 2024 ICC code set.

#### Chapter 5: Business Regulations

- Remove requirement that City-licensed massage therapists carry a City-issued ID card
- Reflect City's participation in County-administered tow rotation system

#### Chapter 6: Elections

- No notable changes

#### Chapter 7: Fire

- No notable changes

#### Chapter 8: Health & Welfare

- Except native grasses as approved on lists maintained by the county or the county's extension office from nuisance definition
- Allow compost systems, so long as maintained in the back yard
- Allow the City to remove trees on public or private property if it's deemed to be hazardous, not only if it meets the definition of dead or diseased
- Add requirement that refuse bins be placed in such a way as to avoid impeding pedestrian or vehicle traffic
- Add requirement that at least one off-street parking space per property is required for occupied dwellings
- Increase clearance of trees over streets from 12 to 14 feet (requirement remains 8 feet over sidewalks)

#### Chapter 9: Municipal Court

- Allow remote/virtual court appearances under certain conditions

#### Chapter 10: Police

- Change fee structure for repeated false alarms, requiring police personnel response

#### Chapter 11: Public Offenses

- No notable changes

#### Chapter 12: Public Property

- Remove process for allowing camping on public grounds

#### Chapter 13: Public Rights-of-Way

- No notable changes

#### Chapter 14: Traffic

- Whereas two-hour on-street parking is currently permitted overnight, prohibit on-street parking completely between midnight and 6 AM. This change will allow the Police Department to enforce the heretofore effective prohibition of overnight parking currently in place. (Notably, the City's restrictions on overnight parking have been in place since 1953.)

#### Chapter 15:

- No notable changes

#### Chapter 16: Zoning

- Cleaning up 4.3.12 to be consistent with RV parking regulations in 14-217, which also covers this topic

A clean version of the draft for adoption is included in this July 2025 meeting packet. To view the tracked changes from Spring 2024, which were used by CivicPlus to build the recodification in tonight's meeting packet, [click here for Chapters 1-7 and 9](#) and [click here for Chapters 8 and 10-16](#).

At its regular meeting on July 7, 2025, the Planning Commission reviewed Chapter 16 and directed staff to schedule a public hearing on August 4, 2025 to formally consider the edits and prepare this chapter – as well as all other chapters of the City Code – for adoption by City Ordinance by the Governing Body. On July 11<sup>th</sup>, the City Council reviewed the prepared recodified City Code and direct City staff to hold the public hearing on Chapter 16, which took place on August 4<sup>th</sup>. [Click here for the recodified Chapter 16, reviewed and advanced by the Planning Commission on July 7, 2025.](#)

Two individuals addressed the Planning Commission during the public hearing. Their comments are summarized below:

Ben Hobert, 2208 W. 49<sup>th</sup> St., Westwood Hills, KS – stated that since a complete and final redline of amendments to the City Code haven't been provided, that notice of the public hearing [on Chapter 16 – Zoning] should be deemed invalid. Hobert also cited concerns with the structure of Article 2 – Definitions and expressed an opinion that provisions regulating trailers (and recreational vehicles) are too restrictive in some ways but not tight enough in other ways.

Vicki Ross, 4925 Mission Rd – shared concerns with not having a final redline of amendments to the City Code, acknowledged what a big undertaking it is to recodify, and also expressed concern with the operability of provisions regulating trailers (and recreational vehicles).

No other comments were received and the public hearing was closed. City staff addressed some of the concerns cited during the public hearing and noted that CivicPlus (Municode) is a preeminent provider of recodification services and – although staff had requested final and full redlines – the contracted service provider only provides the recodification documents in the form that staff has posted in the meeting packets (linked above). City staff is not aware of any other clients of CivicPlus receiving legal challenges to recodification due to not providing a full and final redline for a public hearing in jurisdictions where a public hearing is required.

Regarding regulating parking of trailers and recreational vehicles, Ms. Ross provided input to the Planning Commission in July 2024 on this topic and, at that time, City staff conducted research into the regulations of neighboring jurisdictions to better prepare the Planning Commission to develop its recommendation for Westwood. [Ms. Ross' comments – as well as the work product of the Codes Administrator – are included in the minutes of July 1, 2024 Planning Commission meeting, linked here.](#) The Planning Commission took Ms. Ross' comments and concerns into consideration when developing the language of the text amendment to that provision.

City staff recommends adoption by ordinance of the recodified City Code.

### **Budget Impact**

None

### *Suggested Motions*

*I move to approve Ordinance No. 1049 authorizing the codification of ordinances of the City of Westwood, Kansas.*

*I move to approve Ordinance No. 1050 adopting and enacting a new code for the City of Westwood, Kansas.*