

Bill No. _____

Ordinance No. _____

ARTICLE II OF CHAPTER 28 IS REPEALED AND RE-ENACTED TO READ AS FOLLOWS:

WHEREAS, some residential care facilities that operate with the City of Warrensburg are licensed or certified by county, state, or federal government entities, and

WHEREAS, first responders working on behalf of the City, in the course of providing services, may become aware of situations creating concern that a residential care facility may not be meeting county, state, or federally mandated standards of care or may be putting individuals at risk for abuse or neglect,

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WARRENSBURG AS FOLLOWS:

Section One: Article II of Chapter 28 is hereby re-enacted to read as follows:

Article II, Mandated Reporting to Protect Residents of Residential Care Facilities

Sec. 28-20, Definitions.

For purposes of this Article, the following terms shall be defined as set forth below:

- 1) Abuse or Neglect. For purposes of this Ordinance only, the abuse, neglect, or failure to provide appropriate care, protection, or supervision for a resident of a Residential Care Facility.
- 2) Disability. With respect to a person, a physical or mental impairment that substantially limits one or more of the person's major life activities, a record of having such an impairment, or being regarded as having such an impairment.
- 3) Residential Care Facility. For purposes of this Ordinance only, a facility that is licensed or certified by a county, state, or federal government entity to provide residential care for persons with disabilities.

Sec. 28-21, Mandatory Reporting

a) Any police or fire first responder who, in the course of providing services to the public for the city, suspects that a resident of a Residential Care Facility has experienced, or is likely to experience, abuse or neglect by the Residential Care Facility shall immediately inform the chief of the department.

b) The chief of the department, when receiving a report hereunder, shall

determine if reasonable cause exists to suspect that a resident of a Residential Care Facility has experienced, or is likely to experience, abuse or neglect by the Residential Care Facility. If the chief makes such a determination, the chief shall provide the information received to a county, state, or federal agency having supervisory, licensing, or certification authority over the Residential Care Facility and, where appropriate, the person or entity with decision-making authority over the resident's care.

Section Two: It is intended that the provisions of Section One be incorporated into the Code of Ordinances of the City of Warrensburg.

Section Three: This Ordinance shall be in full force and effect from and after its passage.

Section Four. Nothing in this Ordinance is intended to supersede, modify, or replace any obligation, or the ability to take any action, under any county, state, or federal law.

Section Five. No private right of action shall accrue in any person related to reporting or failure to report under the provisions of this Ordinance.

Read two times and passed by title this _____ day of _____, 2021.

Scott Holmberg, Mayor

Attest:

Cindy Gabel, Clerk