

BILL NO. 21-197

AN ORDINANCE AMENDING CHAPTER 26, STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, OF THE CODE OF ORDINANCES OF THE CITY OF LEE'S SUMMIT, MISSOURI, REGARDING MANAGEMENT OF THE RIGHTS-OF-WAY WITH RESPECT TO ADMINISTRATIVE PROCESSES AND APPROVALS.

WHEREAS, the City of Lee's Summit ("City") owns rights-of-ways and is responsible for the management and care of this finite resource; and,

WHEREAS, the City is desirous of allowing use and consistent access of the rights-of-way to vehicular and pedestrian traffic and use by utility service companies under State and federal law; and,

WHEREAS, the City is desirous of allowing certain furnishings to be placed in the right of way within areas zoned as Central Business District; and,

WHEREAS, the City desires to authorize City Staff to administratively approve certain licenses; and,

WHEREAS, the City desires to adopt Code provisions that comply with the law while preserving its authority over the right-of-way through terms and conditions that protect use of the right-of-way for its original intended purpose and ensure that use by utility service providers is consistent, safe, appropriate, non-discriminatory and competitively neutral and protect the public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI, as follows:

SECTION 1. Chapter 26, Streets, Sidewalks and Other Public Places, of the Code of Ordinances of the City of Lee's Summit, Missouri, is hereby amended to read as set out in Exhibit A, attached and incorporated by reference as if fully set forth herein, to this Ordinance, wherein deletions and additions of language are shown.

SECTION 2. Nothing in this Ordinance shall be construed to affect any suit or proceeding now pending in any court or any rights acquired or liability incurred nor any cause or causes of action occurred or existing, under any language, act or ordinance repealed hereby. Nor shall any existing right or remedy of any character be lost, impaired, or affected by this ordinance.

SECTION 3. Should any section, sentence or clause of this Ordinance be declared invalid or unconstitutional, such declaration shall not affect the validity of the remaining sections, sentences, or clauses.

SECTION 4. After its passage and adoption, and approval by the Mayor, this Ordinance shall be in full force and effect on and after October 1, 2021.

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PASSED by the City Council of the City of Lee's Summit, Missouri, this _____ day of _____, 2021.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said City this _____ day of _____, 2021.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

Chief Counsel of Infrastructure and Recreation
Scott Ison