

BILL NO. 20-63

AN ORDINANCE AMENDING CHAPTER 26, STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, OF THE CITY CODE OF THE CITY OF LEE'S SUMMIT, MISSOURI, TO PROVIDE CONSISTENT MANAGEMENT OF THE RIGHTS-OF-WAY WITH RESPECT TO STANDARDS OF WORK, BONDING, AND PERMITTING.

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 desires to be able to inspect work in the rights-of-way to ensure work is in accordance with agreements, codes, statutes and regulations; 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, nondiscriminatory 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. Sections 26-101 Definitions of Division 1-Generally; 26-131 Permits, 26-133 Permit Fees, and 26-134 Permit Conditions, of Division 4-Permit; 26-155 Coordination of Division 5-Right-of-way Use and Facility Locations; 26-179 Temporary traffic control, excavation or work restoration, 26-180 Failure to restore, 26-181 Guarantee of Restoration, and 26-182 Restoration marker, of Division 7-Excavation Procedures; 26-212 Bonding of Division 10-Insurance, Bonding and Liability; of Article III, Right-of-Way Management, of Chapter 26, Streets, Sidewalks and Other Public Places, of the Code of Ordinances, are here by 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or liability incurred nor any cause or causes of action occurred or existing, under any language, act or ordinance repealed hereby.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. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 4. 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 5. This Ordinance shall be in full force and effect on April 1, 2020.

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PASSED by the City Council of the City of Lee's Summit, Missouri, this _____ day of _____, 2020.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said City this _____ day of _____, 2020.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

Chief Counsel of Infrastructure and Planning
Nancy K. Yendes