

BILL NO. 21-241

AN ORDINANCE AMENDING CHAPTER 26, STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, AND CHAPTER 29, TRAFFIC AND MOTOR VEHICLES, OF THE CODE OF ORDINANCES OF THE CITY OF LEE'S SUMMIT, MISSOURI, TO PROVIDE FOR VARIOUS DEVICES AND VEHICLES, CERTAIN USER REGULATIONS AND APPLICABLE SERVICE PROVIDER OPERATIONS WITHIN THE RIGHTS-OF-WAYS AND TO AMEND THE SCHEDULE OF FEES AND CHARGES FOR THE CITY OF LEE'S SUMMIT TO ESTABLISH ASSOCIATED FEES AND CHARGES FOR RIGHT OF WAY USE OR INFRASTRUCTURE USE RELATED THERETO.

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, new technologies, devices, vehicles, users and service providers seek access to and use of the City's rights-of-ways as part of the providers operations; and,

WHEREAS, Chapter 26 of the Code of Ordinances pertains to City Right-of-Way management and Chapter 29 of the Code of Ordinances pertains to traffic; and

WHEREAS, the proposed amendments to Chapter 26 and Chapter 29 establish new and revise existing traffic regulations and right-of-way uses (i) for individuals and service providers, (ii) for various transportation devices and vehicles, (iii) user requirements, and (iv) service operations that are currently prohibited in the Code of Ordinances; and,

WHEREAS, 2021 General Assembly of the State of Missouri adopted Senate Bill 176 ("SB 176") authorizing the operation of Personal Delivery Devices within City rights-of-way; and,

WHEREAS, Chapter 29 of the Code of Ordinances must be amended to comply with SB 176 for Personal Delivery Devices; and,

WHEREAS, the City desires to adopt Code provisions that comply with State law and allow desired uses 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 service providers is consistent, safe, appropriate, nondiscriminatory and competitively neutral and protect the public health, safety, and welfare; and,

WHEREAS, in 1998 the City of Lee's Summit ("City") adopted Ordinance No. 4634, which established a Schedule of Fees and Charges that consolidated all City fees and charges into a comprehensive list; and,

WHEREAS, since adoption of Ordinance No. 4634, the Schedule of Fees and Charges has been updated numerous times through the adoption of ordinances that amended the Schedule of Fees and Charges; and,

WHEREAS, the City can charge service providers for use of the right-of-way; using City infrastructure in the right-of-way; and reviewing applications to do the same; and,

WHEREAS, the City desires to amend its current Schedule of Fees and Charges to include the rates and fees it can reasonably charge for applications related to shared mobility operations and use of the right-of-way and City infrastructure by shared mobility providers.

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

SECTION 1. Chapter 29, Traffic and Motor Vehicles, Sections 29-1 through 29-702, of the Code of Ordinances, are here by amended as set forth in Exhibit A, attached and incorporated by reference to this Ordinance, wherein deletions and additions of language are shown.

SECTION 2. Chapter 26, Streets, Sidewalks and Other Public Places, of the Code of Ordinances, is hereby amended to add Article V, Shared Mobility Operation, as set forth in Exhibit B, attached and incorporated by reference to this Ordinance.

SECTION 3. The City Council hereby adopts the *City of Lee's Summit's Standard Terms and Conditions for Shared Mobility Operations*, attached as Exhibit C and incorporated by reference this Ordinance.

SECTION 4. The Schedule of Fees and Charges, attached hereto as Exhibit D and incorporated herein by reference, is approved and shall be effective January 1, 2022, at which date it shall supersede all prior versions of the Schedule of Fees and Charges.

SECTION 5. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 6. 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 7. This Ordinance shall be in full force and effect from and after the date of its passage and adoption, and approval by the Mayor.

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

ATTEST:

Mayor *William A. Baird*

City Clerk *Trisha Fowler Arcuri*

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

ATTEST:

Mayor *William A. Baird*

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*