

BILL NO. 18-19

AN ORDINANCE AMENDING ARTICLE III OF CHAPTER 26, STREETS, SIDEWALKS AND OTHER PLACES, OF THE CITY CODE OF THE CITY OF LEE'S SUMMIT, MISSOURI TO PROVIDE FOR CONSISTENT MANAGEMENT WHILE PRESERVING THE CITY'S AUTHORITY OVER THE USE OF ITS RIGHTS-OF-WAYS.

WHEREAS, the City of Lee's Summit 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, new technologies, users and service providers seek access and use of this finite resource in number and space not requested previously; and

WHEREAS, the City is desirous of adopting Code provisions which preserves its authority while permitting appropriate use of the rights-of-way for its original intended use and by utility service providers that is consistent, safe, appropriate, nondiscriminatory and competitively neutral.

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

SECTION 1. That Article III, Right-of-Way Management, of Chapter 26, Streets, Sidewalks and Other Public Places, is here by amended to read as set out on Exhibit "A" to this Ordinance, wherein deletions and additions of language are shown, and said Exhibit "A" is hereby incorporated by reference as if fully set forth herein.

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or liability incurred nor any cause or causes of action occurred or existing, under any language, act or ordinance repealed hereby.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. That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 4. That 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. That it is the intention of the City Council, and it is hereby ordained, that the provisions of this ordinance shall become and be made a part of the Code of Ordinances for the City of Lee's Summit, Missouri and shall be numbered as set out on Exhibit "A" or as the Codifier of the City's Code shall assign that are consistent with the intent of this Ordinance.

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SECTION 6. That 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 _____, 2018.

Mayor *Randall L. Rhoads*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said City this _____ day of _____, 2018.

Mayor *Randall L. Rhoads*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

Chief Counsel of Infrastructure and Planning
Nancy K. Yendes