

## Legislation Text

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**File #:** BILL NO. 16-204, **Version:** 1

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AN ORDINANCE AMENDING CHAPTER 1, GENERAL PROVISIONS, AND CHAPTER 29, TRAFFIC AND MOTOR VEHICLES, OF THE CODE OF ORDINANCES FOR THE CITY OF LEE'S SUMMIT, MISSOURI, BY REVISING SECTION 1-2, DEFINITIONS AND RULES OF CONSTRUCTION AND SECTION 29-1, DEFINITIONS, WITHIN EACH RESPECTIVE CHAPTER FOR THE TERM SIDEWALK. (PWC 9/19/16)

Issue/Request:

AN ORDINANCE AMENDING CHAPTER 1, GENERAL PROVISIONS, AND CHAPTER 29, TRAFFIC AND MOTOR VEHICLES, OF THE CODE OF ORDINANCES FOR THE CITY OF LEE'S SUMMIT, MISSOURI, BY REVISING SECTION 1-2, DEFINITIONS AND RULES OF CONSTRUCTION AND SECTION 29-1, DEFINITIONS, WITHIN EACH RESPECTIVE CHAPTER FOR THE TERM SIDEWALK.

Key Issues:

The Police Department and City Prosecutors Office desired clarity on the definition of the term Sidewalk for enforcement issues related to blocked pedestrian access routes/sidewalks by parked vehicles on driveways.

The proposed amendment clarifies the inclusion and limits of sidewalk within driveways.

Proposed City Council Motion:

FIRST MOTION: I move for a second reading of AN ORDINANCE AMENDING CHAPTER 1, GENERAL PROVISIONS, AND CHAPTER 29, TRAFFIC AND MOTOR VEHICLES, OF THE CODE OF ORDINANCES FOR THE CITY OF LEE'S SUMMIT, MISSOURI, BY REVISING SECTION 1-2, DEFINITIONS AND RULES OF CONSTRUCTION AND SECTION 29-1, DEFINITIONS, WITHIN EACH RESPECTIVE CHAPTER FOR THE TERM SIDEWALK.

SECOND MOTION: I move for adoption of AN ORDINANCE AMENDING CHAPTER 1, GENERAL PROVISIONS, AND CHAPTER 29, TRAFFIC AND MOTOR VEHICLES, OF THE CODE OF ORDINANCES FOR THE CITY OF LEE'S SUMMIT, MISSOURI, BY REVISING SECTION 1-2, DEFINITIONS AND RULES OF CONSTRUCTION AND SECTION 29-1, DEFINITIONS, WITHIN EACH RESPECTIVE CHAPTER FOR THE TERM SIDEWALK.

Background:

Parking ordinances prohibit parking on sidewalks. ADA considers the extension of sidewalk across a driveway a part of the pedestrian access route that shall remain unobstructed and ADA compliant.

The Police Department and City Prosecutors Office desired clarity on the definition of the term Sidewalk so that without question includes driveways for requests of enforcement related to blocked pedestrian access routes/sidewalks by parked vehicles on driveways.

The issue was advanced to the Livable Streets Advisory Board where a proposed amendment to the definition of Sidewalk in Section 1-2 and Section 29-1 of the Code of Ordinances was drafted and recommended by the board that clarifies the extent, use and intent of Sidewalk, particularly that portion across driveways.

The proposed amendment was reviewed and supported by staff from the Public Works Department, Police Department and City Prosecutors Office.

The proposed amendment clarifies the inclusion and limits of sidewalk within driveways. The language used to clarify the extent of sidewalk was derived from existing ordinance definitions of sidewalk and crosswalk. Only Section 1-2 and Section 29-1 are applicable to the amendment in the Code of Ordinances.

Existing Definition of Sidewalk (Section 1-2): *Sidewalk. The word "sidewalk" shall mean that portion of the street between the curb line and the adjacent property line which is intended for the use of pedestrians.*

Existing Definition of Sidewalk (Section 29-1): *Sidewalk shall mean that portion of a street between the curb lines or the lateral lines of a roadway and the adjacent property lines, intended for the use of pedestrians.*

Existing Definition of Crosswalk (Section 29-1): *Crosswalk shall mean: A. That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway; or B. Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.*

Proposed Definition of Sidewalk (with slight variation between Section 1-2 and Section 29-1): *Sidewalk or Shared Use Path shall mean that portion of a street between the curb lines or the lateral lines of a roadway and the adjacent property lines, intended for the use of pedestrians, with or without mobility aids, bicyclists and other non-motorized transportation modes if such use is not otherwise prohibited by ordinance, including that part of a private road or driveway within the connections of the lateral lines of the sidewalks or shared use path on opposite sides of the private road or driveway measured from the curbs or, in the absence of curbs, from the edges of the traversable private road or driveway.*

If and when enforcement of parking violations associated with this ordinance is requested, the Police Department has committed to a process of graduated enforcement that begins with education and warning prior to citation.

#### Impact/Analysis:

The existing ordinance prohibits parking on driveways in obstruction of sidewalks/pedestrian access routes. The proposed ordinance clarifies the definition of sidewalk for continued effect and better understanding of the existing ordinance in reference. This ordinance has no change regarding the prohibition of parking on driveways in obstruction of the pedestrian route/sidewalk.

Presenter: Michael Park, City Traffic Engineer

Recommendation: Staff recommends approval of AN ORDINANCE AMENDING CHAPTER 1, GENERAL PROVISIONS, AND CHAPTER 29, TRAFFIC AND MOTOR VEHICLES, OF THE CODE OF ORDINANCES FOR THE CITY OF LEE'S SUMMIT, MISSOURI, BY REVISING SECTION 1-2, DEFINITIONS AND RULES

OF CONSTRUCTION AND SECTION 29-1, DEFINITIONS, WITHIN EACH RESPECTIVE CHAPTER FOR THE TERM SIDEWALK.

Committee Recommendation: The Public Works Committee voted 3-0 (Chaiman Mosby "Absent") to recommend to City Council approval of AN ORDINANCE AMENDING CHAPTER 1, GENERAL PROVISIONS, AND CHAPTER 29, TRAFFIC AND MOTOR VEHICLES, OF THE CODE OF ORDINANCES FOR THE CITY OF LEE'S SUMMIT, MISSOURI, BY REVISING SECTION 1-2, DEFINITIONS AND RULES OF CONSTRUCTION AND SECTION 29-1, DEFINITIONS, WITHIN EACH RESPECTIVE CHAPTER FOR THE TERM SIDEWALK.