



## Board of Alderman Request for Action

**MEETING DATE:** 12/7/2021

**DEPARTMENT:** Public Works

**AGENDA ITEM:** Bill No. 2924-21, Amending Section 520.130, Right of Way Maintenance – 2nd Reading

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**REQUESTED BOARD ACTION:**

A motion to approve Bill No. 2924-21, second reading by title only.

**SUMMARY:**

To be more efficient with City resources, staff reviewed Section 520.130 of the City Code. Currently, the code reads "Maintenance of Sidewalk Area By Abutting Owner Or Occupant." The way the ordinance currently reads, property owners or occupants are responsible for mowing and removing weeds only if there is a sidewalk present. This requires Street Division staff to maintain the properties that do not have sidewalks abutting the property.

Staff reviewed other municipal codes to determine the language of the ordinance. Staff recommends repealing and replacing Section 520.130 to read, "Maintenance Of Right-Of-Way By Abutting Owner Or Occupant." This revision would require the property owner or occupant responsible for maintaining the vegetation, not to exceed seven (7) inches in height, from the edge of pavement to the property line within the City. This revision does not alter the maintenance of the sidewalk area. We recommend this revision to take place during the Winter season to allow for staff to promote educational materials on this change in the City Code.

**PREVIOUS ACTION:**

Ordinance No. 2897-14, the Board of Aldermen adopted the Right of Way Management Ordinance on July 1, 2014.

**POLICY OBJECTIVE:**

Amend the Right of Way Management Ordinance

**FINANCIAL CONSIDERATIONS:**

N/A

**ATTACHMENTS:**

- |  |                                   |
|--|-----------------------------------|
| <input checked="" type="checkbox"/> Ordinance    | <input type="checkbox"/> Contract |
| <input type="checkbox"/> Resolution              | <input type="checkbox"/> Plans    |
| <input checked="" type="checkbox"/> Staff Report | <input type="checkbox"/> Minutes  |
| <input type="checkbox"/> Other:                  |                                   |

**ORDINANCE REPEALING AND REPLACING SECTION 520.130 MAINTENANCE OF SIDEWALK AREA BY ABUTTING OWNER AND OCCUPANT AND ENACTING IN ITS PLACE A NEW ORDINANCE SECTION 520.130 MAINTENANCE OF RIGHT-OF-WAY BY ABUTTING OWNER OR OCCUPANT**

**WHEREAS** Section 520.130 Maintenance Of Sidewalk Area By Abutting Owner Or Occupant currently reads as follows:

Section 520.130 Maintenance Of Sidewalk Area By Abutting Owner Or Occupant

A. It shall be the duty of all persons owning or occupying any real property fronting upon any street or public place to:

1. Not allow the sidewalk to be or remain above or below the established grade of the sidewalk and keep the sidewalk in front of or alongside of the property in good order and free from obstructions and vegetation.
2. Not allow grass, weeds or other vegetation in excess of seven (7) inches to grow in the right-of-way from the street curb to the property line on lots or premises where sidewalks are constructed on such property.
3. Remove from any such sidewalk all ice, snow, earth, weeds or other obstructions or substance that in any way obstructs or renders the sidewalk, curb and gutter dangerous, inconvenient or annoying to the traveling public.

**WHEREAS** the City of Smithville wishes to clarify the maintenance of the right-of-way.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF SMITHVILLE, MISSOURI AS FOLLOWS:**

Effective immediately Smithville City Ordinance Section 520.130 Maintenance Of Sidewalk Area By Abutting Owner Or Occupant, and a new Section 520.130 Maintenance Of Right-Of-Way By Abutting Owner Or Occupant is adopted which shall read as follow:

Section 520.130 Maintenance Of Right-Of-Way By Abutting Owner Or Occupant

A. It shall be the duty of all persons owning or occupying any real property fronting upon any street or public place to:

1. Not allow grass, weeds or other vegetation in excess of seven (7) inches to grow in the right-of-way from the street curb and/or edge of pavement where no edge is present to the property line within the City or any area between the property lines of the lot or parcel, and the curb line or edge of any adjacent street, and the centerline of any adjacent alley,

including, but not specifically limited to, sidewalks, streets, alleys, easements, rights-of-way and all other areas.

2. Maintain sidewalk area by the abutting owner or occupant which includes, but is not limited to:

a. Not allow the sidewalk to be or remain above or below the established grade of the sidewalk and keep the sidewalk in front of or alongside of the property in good order and free from obstructions and vegetation.

b. Remove from any such sidewalk all ice, snow, earth, weeds or other obstructions or substance that in any way obstructs or renders the sidewalk, curb and gutter dangerous, inconvenient or annoying to the traveling public

**INTRODUCED, READ, PASSED AND ADOPTED BY THE BOARD OF ALDERMEN  
OF THE CITY OF SMITHVILLE THIS 7<sup>th</sup> DAY OF DECEMBER 2021.**

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Damien Boley, Mayor


ATTEST:

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Linda Drummond, City Clerk

1<sup>st</sup> reading 11/16/2021

2<sup>nd</sup> reading 12/07/2021

	<div>STAFF</div> <div>REPORT</div>
<b>Date:</b>	November 16, 2021
<b>Prepared By:</b>	Gina Pate, Management Analyst
<b>Subject:</b>	Revision of Section 520.130

In review of possible changes to this Ordinance, staff reviewed existing Ordinances in other communities. The results are outlined in this memo.

#### Gladstone, MO

Sec. 2.110.030. - Removal of weeds from the public rights-of-way along improved streets.

Property owners adjacent to public rights-of-way along improved streets shall remove or cause to be removed weeds or grasses from the public rights-of-way in accordance with the requirements of this article. Any property owner along a public right-of-way that contains a drainageway having such width, depth or slope to create a defined channel and which cannot be mowed or maintained by a normal residential mower or weed removal tool shall not be subject to this requirement. Property owners shall be responsible for the maintenance of the public rights-of-way including but not limited to mowing, seeding, sodding and plantings. All such maintenance shall be maintained in a neat and professional manner.

#### Columbia, MO

#### LANDSCAPE PLANTING IN PUBLIC RIGHT-OF-WAY

Sec. 24-95. - Maintenance duties and obligations.

(a)The property owner shall maintain landscape material planted on public street right-of-way in such a manner as not to obstruct or interfere with the public use of streets and sidewalks.(b)Maintaining landscape material shall include removal of dead plant material and trimming trees and bushes to provide horizontal and vertical clearances specified by city standards.(c)The director of public works may remove landscape material on public street right-of-way that is not properly maintained.

#### LANDSCAPE MANAGEMENT

Sec. 11-252. - Landscape management requirements.

(a)The following requirements related to landscape management on residential and/or commercial properties apply to lawns, yards, gardens, community gardens, urban agricultural crops, agricultural crops, vegetable gardens, native and ornamental landscapes and shall be met to prevent a property from becoming a public nuisance:(1)All turf grass and turf weeds must be mowed and trimmed to prevent these plants from attaining a height of more than twelve (12) inches.(2)All properties must be maintained to prevent or mitigate against vermin harborage.(3)All properties must be maintained to control nuisance plants or noxious weeds.(4)All properties must be maintained to prevent the growth of vegetation that causes a safety hazard by obstructing the line of sight of a motor vehicle driver, bicyclist or pedestrian at a street intersection.(5)All properties must be maintained to prevent the growth of vegetation which could interfere with the passage of a motor vehicle, bicycle or pedestrian on any public right-of-way.(6)All properties must be maintained to prevent or mitigate the growth of vegetation from exceeding property boundaries.

Platte City, MO

Section 215.040 Nuisances Enumerated.

E. Weeds. No person shall permit weeds or grass to attain the height of twelve (12) inches or more or permit the accumulation of dead brush, branches or other plants. The word "weeds", as used herein, shall include all vegetable growths except cultivated plants, trees and shrubs.

Excelsior Springs, MO

12. Any weeds or excessive growth of vegetation, in excess of eight (8) inches in height, on any lot or parcel of land within the City or any area between the property lines of the lot or parcel, and the curb line or edge of any adjacent street, and the centerline of any adjacent alley, including, but not specifically limited to, sidewalks, streets, alleys, easements, rights-of-way and all other areas, public or private.

Liberty, MO

Sec. 21-6. - Weeds, in general.

It shall be unlawful for any owner or occupant, as defined in section 21-1 hereof, of real property, to allow the excessive growth of any weed, grass or uncultivated vegetation on any lot or parcel of land within the city, including any areas between the property lines of said lot or parcel and the centerline of any adjacent street or alley including sidewalks, streets, alleys, easements and rights-of-way, to a height in excess of six (6) inches in a developed area and twelve (12) inches in an undeveloped area.