

**AN ORDINANCE CREATING PARKVILLE MUNICIPAL CODE SECTION 515.640 ADDRESSING MAINTENANCE OF PARKWAYS WITHIN PUBLIC RIGHTS-OF-WAY**

WHEREAS, the City of Parkville adopted the Parkville Property Maintenance Code (PPMC) by Ordinance No. 2464 on January 20, 2009; and

WHEREAS, the City of Parkville adopted revisions to the PPMC by Ordinance No. 2794 on January 6, 2015, by Ordinance No. 2837 on February 2, 2016, by Ordinance No. 2907 on August 1, 2017, by Ordinance No. 3168 on February 7, 2023, and by Ordinance No. 3194 on July 18, 2023; and

WHEREAS, per Missouri law, ownership of the underlying fee (i.e., land) subject to a city's right-of-way interest extends to the centerline of right-of-way; and

WHEREAS, the PPMC contains provisions for the maintenance & upkeep of the exterior portions of private property, including the maintenance of parkways, which extend into public rights-of-way and are defined as the area between a property line and the street curb or the edge of pavement, sometimes called boulevards, tree-shelves or snow-shelves; and

WHEREAS, the PPMC contains provisions for the maintenance & upkeep of the exterior portions of private property and parkways regarding vegetative overgrowth, vegetative clippings, walkable surfaces, obstructions and retaining walls; and

WHEREAS, the Board of Aldermen has recently received numerous inquiries and questions from residents regarding who — City of Parkville or private property owners — is responsible for the maintenance & upkeep of grass, leaves, vegetation and retaining walls within parkways; and

WHEREAS, the Board of Aldermen held two informational work sessions — on September 19, 2023 and October 3, 2023 — to better understand current municipal code regulations and responsibilities within public rights-of-way, and directed City staff to provide clarity for these responsibilities within the municipal code via a text amendment; and

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PARKVILLE, MISSOURI AS FOLLOWS:

Section 1. Parkville Municipal Code Chapter 515, Section 515.640 is hereby created to read as follows:

**DIVISION 13. – RIGHT-OF-WAY RESPONSIBILITIES OF ADJOINING PROPERTY OWNERS**

**Section 515.640 Maintenance of parkways within right-of-way—Generally**

- A. Property owners shall be responsible for maintaining the parkway adjacent to or abutting their property lines in accordance with the adopted *Parkville Property Maintenance Code*. This includes, but is not limited to:
  - 1. *Vegetative Overgrowth*. Maintaining parkways free from grass, weeds, leaves or vegetative overgrowth in excess of 12 inches.

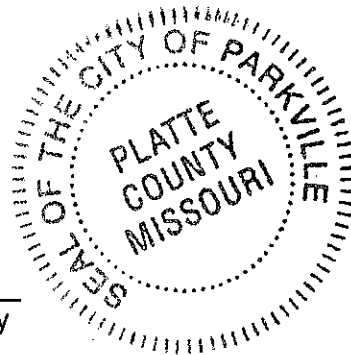
2. *Vegetative Clippings.* Not displacing grass or weed clippings, leaves, limbs, or other similar vegetation onto a street.
3. *Walkable Surfaces.* Maintaining sidewalks and other walking surfaces clear of snow, ice, dirt, mud or other substances that may render such surface dangerous.
4. *Obstructions.* Maintaining parkways, sidewalks and other walking surfaces clear of downed tree branches, limbs or other obstacles that may obstruct the area.
5. *Retaining Walls.* Maintaining retaining walls in a safe and structurally-sound manner. This excludes any retaining wall constructed and maintained by the City.

Section 2. This ordinance shall be in effect immediately upon its passage and approval.

PASSED and APPROVED this 5<sup>th</sup> day of December 2023.

ATTESTED:

Melissa McChesley  
City Clerk Melissa McChesley



Dean Katerndahl  
Mayor Dean Katerndahl