

Council Bill No. 2024-36

Ordinance No. 3698

AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI AMENDING CHAPTER 515—STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, UNDER TITLE V—BUILDING AND CONSTRUCTION; AND CHAPTER 405—ZONING REGULATIONS, UNDER TITLE IV—LAND USE, OF THE HARRISONVILLE MUNICIPAL CODE AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Harrisonville desires to amend various sections municipal code regulations within Chapter 515—Streets, Sidewalks and Other Public Places, under Title V—Building and Construction; and Chapter 405—Zoning Regulations, under Titles IV – Land Use; and

WHEREAS, after due public notice in the manner prescribed by law, the Planning & Zoning Commission held a public hearing on June 20, 2024, to review and make a recommendation. After said public hearing, the Planning & Zoning Commission voted 7-0 to recommend approval to the Board of Aldermen; and

WHEREAS, after due public notice in the manner prescribed by law, the Board of Aldermen held a public hearing on July 1, 2024, and rendered a decision to approve as the Board believes that it is in the best interest for the citizens of Harrisonville.

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

Section 1: Section 515.030 is hereby repealed in its entirety and replaced with the following:
“Section 515.030. Obstructions, Encroachments generally.

- A. Unless otherwise permitted by law, it shall be unlawful for any person to:
1. Place, create or maintain any obstruction in or over any part of the City’s right-of-way, including, but not limited to a street, alley or sidewalk, whether improved or unimproved, except by written approval of the Director of Public Works; or
 2. Place, create or maintain any object, obstruction, or thing on private property that creates a threat to public health, safety or welfare in any part of the City's right-of-way, whether improved or unimproved, except by written approval of the Director of Public Works; or
 3. Plow or push snow from private property onto any public road or street within the City of Harrisonville, except those persons acting within the scope of their employment for the City or those persons having written approval from the Director of Public Works. This subsection shall be construed to apply to the commercial plowing or pushing of snow from private property onto public streets and roads. Individual citizens plowing their residences are not in violation of this provision.
 4. Push, throw, blow, deposit or dump any dirt, gravel, rubbish, leaves or other debris including, but not limited to, lumber, paper, trash, concrete or metal in any street, right-of-way, gutter, storm sewer, waterway or drainage way. Erosion of soil which flows onto any street, right-of-way, gutter, storm sewer, waterway or drainage way from property before or during construction shall be considered as depositing dirt, gravel or other construction debris.

5. The Director of Public Works may recommend to the Board of Alderman, the approval of a proposed temporary or permanent encroachment from a property owner through execution of an encroachment agreement.
- B. Removal of obstructions by City:
1. When any obstruction exists in the City's right-of-way in violation of this section, the City may remove and dispose of such obstruction, provided the City has given ten (10) days' written notice of its intention to remove and dispose of the obstruction. Notice as required in this subsection shall be sufficient if mailed or delivered to the person owning or responsible for the obstruction or by affixing written notice to the obstruction itself.
 2. Any obstruction within the right-of-way which the Director of Public Works deems to create immediate threat to the public health, safety or welfare may be immediately removed and disposed of by the City, without the need to give any notice to the person owning or responsible for the obstruction.
 3. The property owner may file a written appeal to the removal of the obstruction, object or thing with the Director of Public Works. Upon receipt of such an appeal, the Director of Public Works shall determine if the obstruction, object or thing at issue violates any provisions of this Code section.
- C. Any person who violates this Section shall be liable to the City for all actual costs and damages resulting from the obstruction, in accordance with Section 515.060.”

Section 2: Section 515.040 is hereby repealed in its entirety.

Section 3: Section 405.280.B is hereby amended by adding “, except as allowed by written approval of the Director of Public Works and with an approved and execute encroachment agreement as specified in Section 515.030 of the City’s Municipal Code” to the end of the sentence.

Section 4: Section 405.280.C is hereby amended to read as follows: “All products shall be sold and all services rendered inside a building, except that banks and saving-and-loan establishments may have drive-in or walk-up service. A properly zoned and licensed food or beverage service establishment may obtain an encroachment agreement as specified in Section 515.030 of the City’s Municipal Code to temporarily utilize public sidewalks immediately adjacent to its establishment for outdoor dining purposes.”

Section 5: Section 405.300.B is hereby amended to read as follows: “Other merchandise which may be appropriately displayed or stored outside a building shall be kept off the public sidewalks and streets, except as allowed by written approval of the Director of Public Works and with an approved and executed encroachment agreement as specified in Section 515.030 of the City’s Municipal Code. Said display or storage shall not reduce the capacity of a parking lot below that required by this Chapter and shall not occupy an area greater than twenty percent (20%) of the ground floor area of the building.”

Section 6: That this Ordinance shall be in effect immediately upon its passage and approval.

READ FOR THE FIRST TIME BY TITLE ONLY ON THE 1ST OF JULY 2024 AND WAS READ FOR A SECOND TIME BY TITLE ONLY ON THE 15TH DAY OF JULY 2024 AND PASSED BY THE BOARD OF ALDERMEN THIS 15TH DAY OF JULY 2024.

VOTE TAKEN AS FOLLOWS:

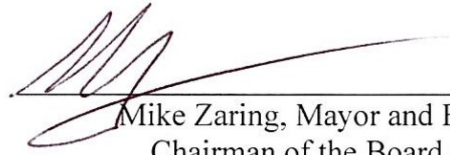
AYES: Chaney, Davidson, Doerhoff, Franklin, Mills, Milner, Pfautsch, Turner

NAYS:

AWAY:

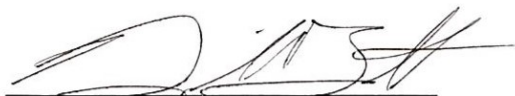
ABSENT:

ABSTAIN:



Mike Zaring, Mayor and Ex-Officio
Chairman of the Board of Aldermen

ATTEST:



Daniel Barnett, City Clerk
WITNESS my hand and seal this 15TH day of July 2024