Bill # 2026-2

AN ORDINANCE ESTABLISHING MAINTENANCE RESPONSIBILITIES FOR ADJACENT PROPERTY OWNERS AND OCCUPANTS WITHIN PUBLIC RIGHTS-OF-WAY

WHEREAS, the Board of Trustees of the Village of Coney Island, Missouri finds that the maintenance of public rights-of-way, including sidewalks and areas between the curb (or edge of pavement) and adjacent private property, materially affects the peace, comfort, safety, health, and general welfare of the Village and its inhabitants; and

WHEREAS, pursuant to RSMo §§ 80.090 and 80.180, the Village further finds that requiring adjacent property owners and occupants to perform specified maintenance activities within and along the public right-of-way is a reasonable exercise of municipal police power directed to public safety and welfare.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF CONEY ISLAND, MISSOURI, AS FOLLOWS:

Section 1. Definitions

For purposes of this Ordinance, the following terms shall have the meanings set forth below:

A. **Adjacent property** means any lot, tract, or parcel of real property that abuts, borders, or is contiguous to a public right-of-way.
B. **Adjacent owner** means the record owner(s) of adjacent property.
C. Occupant means any person or entity in actual possession or control of adjacent property, including a tenant, lessee, or other lawful possessor.
D. **Public right-of-way** or **right-of-way** means any public street, avenue, boulevard, lane, alley, sidewalk, parkway, or other public way, including the area between the property line and the curb or edge of pavement, and any sidewalk area, as applicable.
E. **Maintenance** means keeping the right-of-way in a condition that is reasonably safe and passable for ordinary public travel and use, including removal of specified accumulations and correction of specified obstructions and hazards as set forth in this Ordinance.
F. **Obstruction** means any condition that unreasonably interferes with ordinary pedestrian or vehicular passage or creates a hazard, including (without limitation) debris, refuse, overgrown vegetation encroaching into the traveled way, and accumulations of snow or ice.

Section 2. Adjacent Owner/Occupant Maintenance Responsibilities

A. *General duty.* The adjacent owner and occupant (jointly and severally) shall be responsible for performing the maintenance duties set forth in this Ordinance for the portion of the public right-of-way adjacent to their property.

B. *Sidewalk and pedestrian area maintenance*. The adjacent owner and occupant shall keep adjacent sidewalks and pedestrian areas within the right-of-way reasonably clear of obstructions and hazards, including debris, refuse, and other materials that impede safe passage.

C. *Snow and ice*. The adjacent owner and occupant shall remove, or cause to be removed, accumulations of snow and ice from adjacent sidewalks and pedestrian areas within the right-of-way within a reasonable time after the accumulation occurs, so as to maintain reasonably safe passage.

D. *Vegetation and encroachments*. The adjacent owner and occupant shall trim or remove vegetation and other encroachments originating from adjacent property that extend into or over the right-of-way so as to obstruct or endanger ordinary travel.

E. *Drainage and debris*. The adjacent owner and occupant shall not place, deposit, or permit debris, refuse, or other materials to accumulate within the right-of-way adjacent to the property in a manner that creates an obstruction or hazard.

Section 3. Penalties; Prosecution

A. *Ordinance violation*. Any person who violates this Ordinance shall be subject to such penalties as may be provided by the Village's general penalty provisions, in the Village's nuisance ordinance, or as otherwise provided by law

B. *Emergency abatement.* If the Village determines that a condition presents an immediate hazard to public safety requiring prompt action, the Village may undertake immediate abatement reasonably necessary to address the hazard.

Section 4. Severability; Conflicts; Effective Date

A. *Severability*. If any provision of this Ordinance is held invalid, such invalidity shall not affect the remaining provisions, which shall remain in full force and effect.

B. *Conflicts*. This Ordinance shall be construed to be consistent with the general laws and legislative policy of the State of Missouri applicable to municipal ordinances.

C. *Effective date*. This Ordinance shall take effect and be in force from and after its passage and approval as provided by law.

To become Ordinance #24:2026 Establishing maintenance responsibilities for adjacent property owners and occupants within Public Rights-of-Way.

Read a first and second time and passed by the Board of Trustees of the Village of Coney Island, Missouri this 13 day of 2026. July

Chairperson: _____

Attest: _____ Village Clerk date: 07-13-2026