

**COUNCIL BILL 2024-0302**

**ORDINANCE 2024-0302**

**AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF LAKE ANNETTE, MISSOURI AMENDING THE CODE OF ORDINANCES OF THE CITY OF LAKE ANNETTE BY THE ADDITION OF SECTION 500.050 DITCHES AND CROSSINGS**

**WHEREAS**, the Board of Alderman has determined the need for regulations regarding ditches and crossings; and

**WHEREAS**, it is the desire of the City of Lake Annette to create Section 500.050: Ditches and Crossings.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Aldermen of the City of Lake Annette, Missouri, as follows:

**Section 1:** That *Section 500.050. Ditches and Crossings* be added to the Code of Ordinances of the City of Lake Annette, Missouri as follows:

**Section 500.050. Ditches and crossings how made – obstructions or damage prohibited, exception – violation, remedy.**

1. All driveways or crossings over ditches connecting highways with the private property shall be made under the supervision of the road overseer or commissioners of the road districts.
2. No person or persons shall willfully and knowingly obstruct or damage any public road by obstructing the side or cross drainage or ditches thereof, or by turning water upon such road or right-of-way, or by throwing or depositing brush, trees, stumps, logs, or any refuse or debris whatsoever, in said road, or on the sides or in the ditches thereof, or by fencing across or upon the right-of-way of the same, or by planting any hedge or erecting any advertising sign within the lines established for such road, or by changing the location thereof, or shall obstruct or damage said road, highway, or drains in any other manner whatsoever.
3. Road damage or obstruction shall not constitute violations under this section when farming or ranching lands have been improved either using soil and water conservation practices implemented in conformance with the Missouri soil and water conservation program or natural resources conservation service technical standards or using precision level grading practices.

4. The road overseer of any district, or county highway engineer, who finds any road damaged or obstructed as above specified, may notify the landowner violating the provisions of this section, in writing, using any mail service with delivery tracking, to remove such obstruction, to repair such damage in a manner approved by the road overseer or county highway engineer making the request, or to pay the reasonable cost of such removal or repair. If the landowner fails to remove any obstruction, make any repairs, or remit any payment of costs as requested within thirty days of the tracked delivery date, the road overseer or county highway engineer may petition the associate circuit court of the county in which the land is located to authorize the overseer or engineer or an agent or employee thereof, to enter the landowner's land to remove the obstruction or to repair the damage, in order to restore the roadway or drainage ditch to a condition substantially the same as the adjacent roadways and drainage ditches. Such entry on the landowner's lands shall be limited to the extent necessary to repair the roadway or drainage ditch and shall constitute no cause of action for trespass. Such authorization and entry shall not be granted until the opportunity for a hearing has been completed and the petition has been granted. The petition shall include an estimate of the costs.

5. If the court enters a judgment granting the petition and authorizing the actions requested therein, the judgment shall include an award for the reasonable cost of removal or repair, court costs, and reasonable attorney's fees, and shall become a lien on such lands, and shall be collected as state and county taxes are collected by law. If the court denies the petition, the county shall be responsible for the landowner's court costs and reasonable attorney's fees.

**Section 2:** That a copy of this ordinance shall be kept on file in the office of the City Clerk.

**Section 3:** That all ordinances in conflict herewith are hereby repealed.

**Section 4:** That this Ordinance shall be in full force and effect immediately upon its execution by the Board of Aldermen of the City of Lake Annette, Missouri.

Read the first time by title only and approved by the Board of Aldermen of the City of Lake Annette, Missouri, the 19<sup>th</sup> day of March 2024.

Read the second time by title only and approved by the Board of Aldermen of the City of Lake Annette, Missouri, the 19<sup>th</sup> day of March 2024.

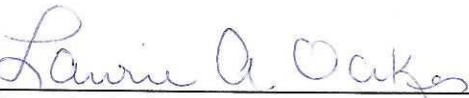
**BE IT REMEMBERED THE PRECEDING ORDINANCE WAS ADOPTED ON  
ITS SECOND READING THIS 19<sup>th</sup> DAY OF MARCH 2024 BY THE  
FOLLOWING ROLL CALL VOTE:**

<b>Alderman Thomas</b>	<b>Aye</b>	<b>Alderman Lampkin</b>	<b>Aye</b>
<b>Alderman Burns</b>	<b>Aye</b>	<b>Alderman Ford</b>	<b>Aye</b>

**APPROVED:**

  
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**Angela Hansen, Mayor**

**ATTEST:**

  
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**Laurie A. Oakes, MRCC-C, City Clerk**

Witness my hand and seal this 19<sup>th</sup> day of March 2024