

DRAFT

**2010-
ORDINANCE
OF THE CITY COUNCIL OF THE CITY OF PARK RIDGE
AMENDING ARTICLE 9 OF THE PARK RIDGE MUNICIPAL CODE**

SECTION 1: BE IT ORDAINED, by the City Council of the City of Park Ridge that Article 9, entitled, "Public Ways," of the Municipal Code of the City of Park Ridge is amended to add a new Chapter 7 entitled, "Parkway Maintenance Responsibilities of Abutting Property Owner," which shall read in its entirety as follows:

9-7-1 PARKWAY MAINTENANCE RESPONSIBILITIES OF ABUTTING PROPERTY OWNERS.

Any property owner or tenant currently using the City parkway or whose property may in the future benefit from the use of a portion of a City parkway for access to that property shall maintain all parkway that is adjacent to that property. This maintenance obligation shall confer no rights on the property owner or tenant except that any third party shall be liable either in law, equity or as a trespass violation to the owner or tenant and the City for any unpermitted use of such adjacent parkway. Nothing in this section shall be construed to compromise, in any manner, the absolute right of the City to use any City parkway as it deems advisable with or without notice to the adjacent property owner or tenant.

A. All driveways within public rights of way shall be kept in good repair by the owners or occupants of the abutting property. Any repair work, whether done by the City or by the abutting owner, shall be under the supervision of the Director of Public Works or his/her designee.

B. The owner of private property abutting a public street shall be responsible for maintaining the frontage parkway free of growing weeds and other obnoxious and unsightly vegetation which detracts from the beauty and cleanliness of the immediate neighborhood. When such parkway has been improved to a lawn status, the property owner shall periodically mow and keep same free of rubbish and debris of all kind consistent with City standards, and shall remove any obstacle or obstruction to the flow of water on the parkway.

C. The owner of private property which abuts upon a paved public sidewalk shall be responsible for keeping same clear of all debris and obstructions. This Paragraph C does not require the removal of snow.

D. In the event the owners of private property are not also the occupants, the responsibilities set forth in this section shall apply with equal force and effect to the tenants or those in actual possession or control of the private property.

E. This section is enacted solely for the purpose of promoting the preservation of proper drainage over and the attractive appearance of public rights of way in the City, including parkways and public sidewalks. This section creates no duty on the part of any property owner in the City running to any party other than the City, and this section does not create any right of action for the benefit of any private party against any property owner in the City or against the City based on the failure of a property owner in the City to fulfill any obligation to the City imposed by this section.

F. In the event that City utility or street operations cause damage to a public right of way, the City shall repair the right of way according to City standards. The City reserves the right to

remove sprinkler systems and other obstructions from the right of way if deemed an obstruction by the City. In the event that damage is caused by City utility or street operations to any unusual driveway materials, such as stamped or colored concrete or asphalt or specialty material pavers, located within the public right of way, the driveway shall be repaired at the driveway owner's expense with the understanding that the City may reimburse the owner for the normal cost of asphalt or concrete as determined by the City. In the event that damage is caused by City utility or street operations to a property owner's improvements, such as sprinkler systems, fencing, electric fencing, landscaping, boulders, or other material, which are located within the public right of way, the property owner is responsible for the repair or replacement of such improvements at its expense.

SECTION 2: BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

SECTION 3: BE IT FURTHER ORDAINED that the City Clerk is hereby authorized and directed to publish said Ordinance in pamphlet form according to law.

Adopted by the City Council of the City of Park Ridge, Illinois this day of A.D. 20__.

VOTE: AYES:

 NAYS:

 ABSENT:

Approved by me this day of , A.D. 20__

Mayor

Attest:

City Clerk