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CHAPTER V – STREETS AND SIDEWALKS

ARTICLE I – PUBLIC PROPERTY REGULATIONS

SECTION 5-101: MAINTENANCE AND CONTROL

The Village Board shall have the care, supervision and control of all public highways, bridges, streets, alleys, public squares and commons within the Village, and shall cause the same to be kept open, in good repair and free from nuisances.

SECTION 5-102: OBSTRUCTIONS

Trees and shrubs growing upon or near the lot line or upon public ground and interfering with the use or construction of any public improvements shall be deemed an obstruction under this article. The roots of said trees and shrubs may be removed by the street commissioner at the expense of the owner of the property upon which the trees and shrubs are located, should the owner fail or neglect to do so after notice. It shall be unlawful for any person, persons, firm or corporation to obstruct or encumber any of the streets, alleys or sidewalks by fences, gates, buildings, structures or otherwise.

SECTION 5-103: PERMITTED OBSTRUCTIONS

Persons engaged in the erection, construction, reconstruction, wrecking or repairing of any building, or the construction or repair of a sidewalk along any street, may occupy the public street space with such building material and equipment as long as is necessary if such person shall make written application to do so; provided, no permit shall be granted for the occupancy of the sidewalk space or more than one-third of the roadway of the public space adjacent to the real estate on which said building is to be constructed, erected, reconstructed, wrecked or repaired; and provided further, a suitable passageway for pedestrians shall be maintained within the public space included in the permit, which shall be protected and lighted in the manner required by the Village Board.

SECTION 5-104: SIGNS AND CANOPIES

No person, firm or corporation shall erect or maintain any sign, signboard, poster or rigid canopy over any street, sidewalk, alley or on other public property without having first obtained a permit therefor. Permits for signs, canopies, posters and signboards shall be issued by the village clerk, subject to the approval of the street commissioner upon the payment of a fee set by resolution of the Village Board. All signs and canopies extending over any public sidewalk, street, alley or other public place must be securely fastened and constructed so that there will be no danger of the same being dislodged by ordinary winds or falling from other causes. No sign or canopy shall be erected or maintained which extends over any public sidewalk, street, alley or other public place in such a location as to obstruct the view of any traffic light, sign or signal. Upon the written order of the Village Board, any person owning or occupying the premises where such a sign, canopy, poster or signboard is located shall cause the same to be removed within

the time limit specified on such notice.

ARTICLE II – STREETS

SECTION 5-201: NAMES AND NUMBERS

1. The Village Board may at any time, by ordinance, rename any street or provide a name for a new street. Buildings used for residence or business purposes located along such streets shall retain their previously assigned numbers, and the street commissioner shall give notice to the owner, owners, occupant, or occupants of any buildings located along such named or renamed streets.

2. It shall be the duty of the street commissioner, upon the erection of any new building or buildings, to assign the proper numbers to said building or buildings and to give notice to the owner, owners, occupant, or occupants that such new buildings have had numbers assigned to them.

SECTION 5-202: CROSSINGS

The Village Board may order and cause street, avenue and alley crossings to be constructed under the supervision of the street commissioner, and the same shall be constructed of such materials as the Village Board shall deem necessary. When a petition for the construction of any such crossing is filed by an interested resident in the office of the village clerk, he/she shall refer such application to the street commissioner, who shall investigate and recommend to the Village Board allowance or rejection as final action by the Village Board on such application.

SECTION 5-203: EXCAVATION

It shall be unlawful for any person to make an excavation in any street for any purpose whatsoever unless a written permit is issued by the Village Board authorizing such excavation.

SECTION 5-204: CUTTING OF PAVEMENT

1. It is hereby determined to be unlawful for any person to cut into any paving, curb or sidewalk for the purpose of constructing a driveway or any other purpose whatsoever without first having obtained a written permit from the village clerk therefor. Before any person shall obtain a permit, he/she shall inform the village clerk of the place where such cutting is to be done. Before any permit is issued by the village clerk, the applicant for such permit shall deposit with the village treasurer a sum set by resolution of the Village Board for all paving, curbs or sidewalks to be cut. Such sum shall be set on a per square foot cost of construction basis. The deposit shall be retained by the Village for the purpose of replacing the paving, curbs or sidewalks in the event the work is done by the Village. In the event the Village elects to require the applicant to replace the paving, curbs or sidewalks, the deposit shall be retained by the Village until the work is completed to the satisfaction of the street commissioner or of the committee of the Village Board on streets and alleys. In addition to making the deposit set forth above, the applicant shall, before any permit is issued, execute a bond to the Village with a good and sufficient surety or sureties to be approved by the Village Board in a sum set by resolution of said board, to guarantee faithful performance of the work.

2. It shall be the street commissioner's duty to inspect the place of entry into the paving, sidewalk or curb before the same is cut. When cutting into any paving, it shall be the duty of the applicant to do so under such rules and regulations as may be prescribed by the Village Board or the village engineer. When the applicant is ready to close the opening made, he/she shall inform the street commissioner, who shall supervise and inspect the materials used and the work done in closing the opening. It shall be discretionary with the Village Board to order the street commissioner, under the supervision and inspection of the village engineer or the committee of the Village Board on streets and alleys, to do the work of cutting and closing the paving and charge the costs thereof to the applicant. The Village Board may consent to the work of cutting and closing the paving to be done by the party holding the permit.

SECTION 5-205: OBSTRUCTING STREETS AND SIDEWALKS

It shall be unlawful for any person or other legal entity to cause any obstruction of any public street, sidewalk or other public way unless such obstruction has been sanctioned by the Village Board.

SECTION 5-206: FIRE ON SIDEWALK OR PAVEMENT; SCATTERING COMBUSTIBLE MATERIAL THEREON; PROHIBITED

It shall be unlawful for any person to burn any material on any concrete or asphalt pavement, or to scatter any combustible material of any kind on the streets, alleys or public ground in this village.

SECTION 5-207: DRIVING STAKES

It shall be unlawful for any person to drive any peg or stake of any kind into the pavement in any street or alley without first procuring the written consent of the Village Board.

SECTION 5-208: MIXING CONCRETE

It shall be unlawful for any person to mix any concrete or plastering material directly on the street pavement for any reason whatsoever and to use said pavement as a mixing board for said material.

SECTION 5-209: HARMFUL LIQUIDS

It shall be unlawful for any person to place or permit to leak onto any street or in any gutter, waste gasoline, kerosene or high lubricating oils, which damage or act as a solvent upon said streets.

SECTION 5-210: EAVE AND GUTTER SPOUTS

It is hereby declared unlawful for any person to erect or maintain any dwelling house or business building within the limits of the Village where the said dwelling or building abuts on any sidewalk or street, without providing proper guttering and eave spouts to receive the waste waters that collect on the said sidewalks and streets. All eave spouts erected on any dwelling house or business building shall be constructed to drain into the alleys, or shall be buried beneath the sidewalks and drain into the streets where it is

found to be impossible to drain said eave spouts into the alley.

SECTION 5-211: HEAVY EQUIPMENT

It shall hereafter be unlawful for any person or persons to move or operate heavy equipment across any curb, gutter, bridge, culvert, sidewalk, crosswalk or crossing on any unpaved street without first having protected such curb, gutter, bridge, culvert, sidewalk, crosswalk or crossing with heavy plank sufficient in strength to warrant against the breakage or damage of the same. Hereafter, it shall be unlawful to drive, move, operate or convey over or across any paved street a vehicle, machine or implement with sharp discs or sharp wheels that bear upon said pavement; with wheels having cutting edges; with wheels having lugs, protruding parts or bolts thereon that extend beyond a plain tire so as to cut, mark, mar, indent or otherwise injure or damage any pavement, gutter or curb; provided, where heavy vehicles, structures, and machines move along paved or unpaved streets, the Village Board is hereby authorized and empowered to choose the route over which the moving of such vehicles, structures or machines will be permitted and allowed; and provided, school buses and emergency vehicles shall be permitted to use metal or metal-type studs the year around; it shall be permissible to use farm machinery with tires having protuberances which will not injure the streets; and it shall be permissible to use tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice, or other conditions tending to cause a vehicle to slide or skid.

SECTION 5-212: WIDENING OR OPENING

The Village Board shall have the power to open or widen any street, alley or lane within the limits of the Village and to create, open and improve any new street, alley or lane; provided, all damages sustained shall be ascertained in such manner as shall be provided by ordinance.

SECTION 5-213: UTILITY LINES, WIRES, ETC.

1. Poles, wires, gas mains, pipe lines and other appurtenances of public service companies shall be located or erected over, upon or under the streets, alleys and common grounds after a proper application shall have been made to the village clerk in writing, and permission in writing shall have been given by the Village Board. Public service companies heretofore or hereafter granted right of way for the erection and maintenance of poles, conduits, gas mains, pipe lines and wires for the purpose of transacting their business upon, under or over the streets, alleys and public grounds shall at all times, when requested by the Village Board, erect, locate or relocate their poles, wires, gas mains, pipe lines and other appurtenances to such places and in such manner as shall be designated by the Village Board.

2. Such poles, wires, gas mains, pipe lines and other appurtenances shall be removed or relocated by said companies at their own expense when requested to do so by the Village Board. Whenever it becomes necessary for the Village Board to request such relocation for the public safety and convenience, the Village Board shall order said relocation by resolution and the village clerk shall notify any company or companies affected. Said companies shall, within 24 hours after receiving notice, at their own expense, cause the poles, wires, gas mains, pipe lines or other appurtenances to be removed. The Village Board shall designate another location, as close as possible, where said poles, wires, gas mains, pipe lines or other appurtenances may be reset or placed.

All poles, wires, gas mains, pipe lines or other appurtenances, shall be reset, placed or erected in such manner that they will not interfere with the water system, sewer system, or poles, wires, and mains of any public utility located on the same street or alley, or with travel, buildings constructed, or hereafter to be constructed. Whenever possible, all poles, wires, gas mains, pipe lines or appurtenances shall be confined to the alleys of the Village.

SECTION 5-214: DRIVEWAY APPROACHES

The street superintendent may require the owner of property served by a driveway approach constructed or maintained upon the street right-of-way to repair or replace any such driveway approach which is cracked, broken or otherwise deteriorated to the extent that it is causing or is likely to cause damage to or interfere with any street structure including pavement or sidewalks. The village clerk shall give the property owner notice by registered letter or certified mail, directed to the last-known address of such owner or the agent of such owner, directing the repair or replacement of such driveway approach. If within 30 days of mailing such notice the property owner fails or neglects to cause such repairs and replacements to be made, the street superintendent may cause such work to be done and assess the cost upon the property served by such approach.

SECTION 5-215: VACATIONS; TO BE FILED WITH COUNTY REGISTER OF DEEDS

All ordinances vacating a public street or alley within the corporate limits of the Village shall be filed within 30 days with the county register of deeds. (Adopted 4/9/03, Ord. No. 2002-3)

ARTICLE III – SIDEWALKS

SECTION 5-301: DUTY TO REPAIR; LIABILITY

Every owner of any lot or piece of land within the limits of this village shall at all times keep and maintain the sidewalks along and contiguous to said lots or pieces of land in good and proper repair and in a condition reasonably safe for all travelers thereon. In case the owner or owners of any lot or land abutting on any street or avenue or part thereof shall fail to repair any sidewalk in front of his/her/their lots or land within the time and in the manner as directed and required by this article after having received due notice to do so, they shall be liable for all damages and injury occasioned by reason of the defective or dangerous condition of any sidewalk, and the chairman and Board of Trustees shall have power to cause such sidewalks to be repaired and assess the costs thereof against such property.

SECTION 5-302: NEW SIDEWALK; NOTICE

Whenever the Village Board shall deem it necessary that a new sidewalk should be constructed in front of any lot or piece of ground in the Village in a place where there is no sidewalk, they shall so order and the street commissioner shall thereupon notify the owner of such lot or piece of ground, or his/her agent, if a resident of the Village, of the work or improvement to be done, and such owner or person so notified shall be allowed 30 days from the date of said notice in which to construct the same.

SECTION 5-303: REPAIRING SIDEWALK; NOTICE

Whenever the street commissioner shall deem it necessary that any sidewalk shall be repaired or it shall be required by the Village Board, committee on streets and walks or the street commissioner, he/she/they shall notify the owner of the lot or piece of land along and contiguous to which such sidewalk is situated to repair the same within 24 hours from and after the giving of such notice. Oral notice to the owner shall be deemed sufficient. If the owner is not found by the street commissioner, then a written notice left in the house situated on such lot or piece of ground, or posted upon said premises, shall be sufficient, and the 24 hours shall begin to run from the leaving or posting of such notice, as the case may be.

SECTION 5-304: RECONSTRUCTING SIDEWALK; NOTICE

Whenever the Board shall deem it necessary that an old sidewalk shall be replaced or reconstructed, it shall order the same to be done and the street commissioner shall give notice in the manner and form provided in Section 5-303 of this article, to replace or reconstruct the same within 30 days from and after such notice.

SECTION 5-305: FAILURE TO CONSTRUCT, RECONSTRUCT OR REPAIR

If any such owner, after notice has been given as provided in this article, shall neglect or refuse or shall have failed to construct, repair, replace or reconstruct any sidewalk within the time limit in the notice given in such case, and whose duty it is made by this article to construct, repair or rebuild such walks, the street commissioner or other officer empowered herein to act shall proceed at once without further notice to such owner or person to have such sidewalks constructed, repaired, rebuilt or reconstructed, as the case may be, and the expense of such work shall be assessed to such lot or piece of land and collected as provided by law.

SECTION 5-306: MATERIALS; EXTENT OF REPAIRS PERMISSIBLE; WIDTH

All sidewalks on either side of the streets and avenues of this village in front of or along any lots or land abutting upon the same which shall be hereinafter constructed, reconstructed or replaced shall be of concrete. No person shall construct, reconstruct or replace sidewalk of any other material; provided, however, the Board of Trustees may by resolution permit other material to be used on certain streets. No person shall repair any sidewalk constructed of material except as hereinbefore prescribed, when such repair shall require any new stringer or shall exceed in the aggregate one-third of the total amount of running feet in the sidewalks as repaired; and when any sidewalk within this village shall require repairs to be made thereon, which said sidewalk is constructed of wooden board or planks and stringers, the person or persons repairing the same shall not place any new stringers therein nor lay or replace boards or planks in such sidewalks, which boards or planks shall exceed in the aggregate one-third of the total number of running feet in such sidewalks. Such sidewalks shall not, in any event, be repaired unless such repairs shall first be consented to and authorized in writing by the committee on streets and sidewalks or street commissioner of said village, and the said committee shall cause a copy of such written authority to be filed with the village clerk. All sidewalks in front of or along any lots or parcels of land within the fire limits, where curbing is set or about to be set, shall be constructed not less than the width of the curb. All other sidewalks in the Village shall be not less than four feet in width.

SECTION 5-307: MANNER OF CONSTRUCTION

All sidewalks shall be laid upon a four-inch bed or foundation of well-compacted gravel or coal cinders, having a covering of at least one inch of sand and having an inclination toward the gutter. Where bricks are used in the construction of any sidewalks outside of the business portion of the village, the bed or foundation shall have a convexity of one-half of one inch in the center; and brick used in the construction of any sidewalks shall be what are known as hard paving brick and shall be laid diagonally across the walk. The whole work of grading and laying down of said sidewalks, whether done by the Village or the owner of the respective lots or parcels of land abutting upon the same, will be under the supervision of the committee on streets and sidewalks, overseer of streets or street commissioner and subject to their approval.

SECTION 5-308: FAILURE TO REBUILD

In case the owner of property in front of which any unlawful sidewalk is constructed refuses or neglects to rebuild or relocate the same within five days after notice to do so, then the Board may order the same rebuilt or relocated and assess the costs thereof upon the abutting property upon the same notice and in the same manner provided by law for the construction of and assessment for new sidewalks.

SECTION 5-309: DUTY TO REMOVE SNOW, SLEET AND ICE; PENALTY

It shall be the duty of the occupant of each lot or parcel of land in said village to remove all snow, sleet and ice from the sidewalks adjacent thereto within 24 hours after the same has accumulated thereon; and if snow, sleet or ice shall remain on any sidewalk for more than 24 hours, it shall be the duty of the street commissioner to remove the same, and the expense of such removal shall be charged to and collected from the occupant or owner of such property. Any such occupant or owner who fails to remove the snow, sleet or ice accumulated on the adjacent sidewalks within the time aforesaid, upon conviction shall be fined not more than \$100.00 and shall pay the costs of prosecution and the cost of the removal of such snow, sleet or ice.

SECTION 5-310: DUTY TO REMOVE BRANCHES AND SHRUBBERY; PENALTY

It shall be the duty of the occupant of each lot or parcel of ground in said village to keep the sidewalks adjacent thereto free from overhanging branches and free from limbs to a height of seven feet, and to keep such sidewalks free from encroaching hedges or shrubbery; and no tree, shrubbery or hedge shall be permitted closer than 18 inches to the sidewalk. It shall be the duty of the occupant of each lot or parcel of ground abutting on any intersection to trim and or remove any shrubbery or other obstacle which obstructs the view for a distance of ten feet from such intersection. Any such occupant or owner who fails to remove the overhanging branches and limbs or other encroachments within three days after receiving written notice to do so, upon conviction shall be fined not more than \$10.00 and shall pay the costs of prosecution and the costs of the removal of such encroachments.

ARTICLE IV – CONSTRUCTION OF PRIVATE DRIVES

SECTION 5-401: APPLICATION

Before any person, firm or corporation constructs a private drive onto any public street or alley, an application shall first be made to the Village Board for a permit for such construction. Such application shall be accompanied by a fee of \$25.00 and shall be acted upon by the Village Board at a special hearing called specifically for consideration of such application.

SECTION 5-402: PRIVATE DRIVE SPECIFICATIONS

Private drives shall not exceed 24 feet in width and shall not be constructed within ten feet of adjacent lot lines unless such adjacent lots are owned by the applicant.

SECTION 5-403: APPLICATION REQUIREMENTS

All driveway applications shall contain the following information:

1. The addition, block and lot which the driveway is to serve;
2. The location of the proposed driveway with reference to adjacent lot lines;
3. The width of the driveway and type of street surface to which the driveway will connect.

SECTION 5-404: APPROVAL OF BOARD

In the event that the Village Board determines that such application is in due and proper form and that the same complies with this article, it shall approve construction of such requested driveway and note such approval in its official minutes.

ARTICLE V – PENAL PROVISIONS

SECTION 5-501: VIOLATION; PENALTY

Any and all persons violating any of the provisions of the several articles of this chapter, for which penalty is not therein provided, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not exceeding that permitted by Nebraska law for violation of a municipal ordinance.