

ORDINANCE NO. 2018-10

AN ORDINANCE TO AMEND WAYNE MUNICIPAL CODE TITLE IX GENERAL REGULATIONS, CHAPTER 91 STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, SECTION 91.030 CONSTRUCTION BY OWNER; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

BE IT ORDAINED by the Mayor and Council of the City of Wayne, Nebraska.

Section 1. That Title IX, Chapter 91, Section 91.030 of the Municipal Code of Wayne, is hereby amended as follows:

§ 91.030 CONSTRUCTION BY OWNER.

(A) Any person desiring to construct or cause to be constructed any sidewalk shall do so only as provided in this section. It shall be unlawful for any person to construct any sidewalk without first having obtained a **Right-of-Way** permit **from the Street Superintendent. City employees performing their duties as public employees and contractors hired by the City shall be exempt from obtaining a Right-of-Way permit for City projects.**

(B) The owner **or contractor** shall make application in writing for a **Right-of-Way** permit and file such application in the office of the City Clerk. The permit shall give a description of the lot or piece of land along which the sidewalk is to be constructed. ~~Before any permit is issued by the Street Superintendent, the applicant shall deposit with the City Clerk a cash deposit in an amount set by the Council and on file in the office of the City Clerk. The deposit shall be retained by the City Clerk until construction is completed to the satisfaction of the Street Superintendent.~~ The **City Administrator or his or her agent Street Superintendent** shall issue the desired permit unless good cause shall appear why the permit should be denied. If it is desired to construct the sidewalk at any other place than the regularly prescribed location, grade or elevation, the ~~City Administrator or his or her agent~~ **Street Superintendent** shall submit the application to the Council, who shall determine whether the permit should be granted or denied. It shall be unlawful for any person to construct or cause to be constructed the sidewalk at any other location, grade or elevation than so designated by the city. All sidewalks shall be built and constructed on the established grade or elevation and, if there is no established grade, then on the grade or elevation indicated by the ~~City Administrator or his or her agent~~ **Street Superintendent.**

(2002 Code, § 70-48) Penalty, see § 91.999

**Statutory reference:**

*Construction and repair of sidewalks in municipalities, see Neb. RS 16-661 through 16-665*

Section 2. The original Section and any other sections in conflict with this ordinance are hereby repealed.

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting, as required by law.

PASSED AND APPROVED this 15<sup>th</sup> day of May, 2018.

THE CITY OF WAYNE, NEBRASKA

By \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk