

ORDINANCE NO. 2018-13

AN ORDINANCE TO AMEND WAYNE MUNICIPAL CODE TITLE IX GENERAL REGULATIONS, CHAPTER 91 STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, SECTION 91.078 DIGGING IN STREET; 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 91.078 of the Municipal Code of Wayne, is hereby amended as follows:

§ 91.078 DIGGING IN STREET.

- (A) It shall be unlawful for any person to dig up, excavate or remove any dirt in any street, alley or other public right-of-way within the city or in any part of such street, alley or public right-of-way or in any manner to obstruct or injure any such street, alley or public right-of-way without first having obtained a **Right-of-Way** permit. It shall further be unlawful for any officer or employee of the city, or for any other person, either to give away or to receive any dirt given away for any street, alley or right-of-way within the city; and it shall be unlawful for any officer or employee of the city, or for any other person, to sell or purchase any dirt from any street, alley or public right-of-way within the city, except by direction and authorization of the Council. **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. If the work involves an emergency repair of an underground utility, the work shall proceed until the repair is completed. At that time, work shall cease until a Right-of-Way permit is obtained and the previous work is approved by the City.**
- (B) **Anyone installing, in conformance with City Ordinances, mailboxes, lawn sprinkler systems, plants, and landscaping materials shall be exempt from obtaining a Right-of-Way permit. If landscaping activities include the removal or addition of more than one foot of dirt or other material, the work shall require a Right-of-Way permit and require approval of the City Council.**

~~(B) It shall be deemed a violation of this subchapter if more pavement or curbing shall be torn out or more excavation is made than the amount stated in the permit for such work.~~
(2002 Code, § 70-146) Penalty, see § 91.999

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 The original Section and any other sections in conflict with this ordinance are hereby repealed.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 15th day of May, 2018.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk