

ORDINANCE NO. 2018-12

AN ORDINANCE TO AMEND WAYNE MUNICIPAL CODE TITLE IX GENERAL REGULATIONS, CHAPTER 91 STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, SECTION 91.076 PERMIT REQUIRED; 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 91.076 of the Municipal Code of Wayne, is hereby amended as follows:

**§ 91.076 PERMIT REQUIRED.**

(A) Should it become necessary for any purpose to excavate in any right-of-way, street or alley; to cut through or into any street pavement; or to break, cut or remove any curbing or gutter on any public street or alley in the city for whatever purpose, the person by whom such excavation, cutting or breaking is desired shall secure a **Right-of-Way** permit for such work from the Street Superintendent. **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 the Right-of-Way permit is obtained and the previous work is approved by the City. 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 Street Superintendent shall require that applicants for such permits shall furnish the following information:

- (1) Name of street or avenue on which work is to be commenced;
- (2) The street address of the property for which such work is required;
- ~~(3) The name of the owner of such property;~~
- (4) The purpose for which such work is required;
- (5) A statement of the ~~size or area of pavement to be torn out or the linear feet of curb or gutter to be torn out, the dimensions to be given in feet as nearly correctly as is possible to estimate the size or area~~ **area to be impacted**; and
- ~~(6) The names and addresses of any agents, employees or contractors of the applicant.~~

(C) **Before any permit is issued by the Street Superintendent, the applicant shall submit a surety bond or a cash deposit, along with a certificate of insurance naming the City as an additional insured to 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. When such permit is issued by the Street Superintendent to the applicant, the applicant shall, in no event, permit the permit to be used by any person for the purpose of having the work, repair, replacement or improvement made unless such person to whom such permit is given shall previously have filed with the City Clerk an approved surety bond or \$500 deposit as required in § 91.080 of this chapter.**

(2002 Code, § 70-144) 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 15<sup>th</sup> day of May, 2018.

THE CITY OF WAYNE, NEBRASKA

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

ATTEST:

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