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CHAPTER 6 – PUBLIC WAYS AND PROPERTY

Article 1 – Municipal Property

SECTION 6-101: 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. (Neb. Rev. Stat. §17-567)

SECTION 6-102: DUTY TO KEEP IN GOOD CONDITION; LIABILITY

The owner of any lot or pieces of land within the corporate limits of the Village shall at all times keep and maintain the sidewalks and public property along and contiguous to said lot or pieces of land, as the case may be, in good and proper repair and in a condition reasonably safe for all travelers thereon. In case the owner of any lot or land abutting on any street or avenue or part thereof shall fail to construct, maintain, or repair any sidewalk or property in front of his/her lot or land within the time and in the manner as may be directed and required by this chapter, after having received due notice to do so, he/she shall be liable for all damages or injury occasioned by reason of the defective or dangerous condition of any sidewalk or public property and the Village Board shall have the power to cause such sidewalks or property to be constructed, repaired or maintained and assess the costs thereof against such property.

SECTION 6-103: OBSTRUCTIONS

The Village shall have the power to remove all obstructions from the sidewalks, gutters, and streets at the expense of the person putting them there and to regulate the planting and protection of shade trees in the streets and all structures projecting upon, over, adjoining, through and under the sidewalks of the Village. (Neb. Rev. Stat. §17-555, 17-567; 39-301 and 39-303)

SECTION 6-104: CONSTRUCTION MATERIALS; PERMIT

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 permission 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 work is being done. A suitable passageway for pedestrians, protected and lighted in the manner required by the Village Board, shall be maintained within the public space included in the permit.

SECTION 6-105: EXCAVATIONS; APPLICATION

A. Any person desiring to excavate or construct a trench through the public ways or property, including the sidewalk space and alleys, shall first make application to the street commissioner on a form supplied by the village clerk. Any such application shall be made at least three days prior to the proposed work, except in the case of an emergency, when the three-day requirement shall be waived.

B. Upon the approval in writing of the street commissioner, the work may commence subject to the directives as to inspection and specifications set forth by the commissioner and the provisions of this article. Any person excavating in the streets, alleys, will be required to restore the streets, sidewalks and pavement and fill all excavations made by him/her and remove all excess earth so as to leave the said streets, sidewalks or pavements in as good a condition as he/she found them and keep the same free from defects on account of such excavations for a period of six months thereafter. In filling such excavations, earth shall be tamped and settled with water in layers of not more than 9 inches at a time.

C. Trenches shall be excavated so as to impede public travel as little as possible. The crossings or gutters and all other ways shall be left in such condition as to allow water to run off easily during storms. Planks shall always be provided where sidewalks or crossings are opened so as to facilitate easy crossing over trenches. Sufficient barricades against accidents shall be placed around all excavations at all times and lights shall be kept around all unfinished work at night.

D. Work must not be unnecessarily delayed and the number of workers shall be increased to hasten the work when directed by the street commissioner.

E. Trenches of a depth of 6 feet or more made in treacherous soil or near large buildings shall be properly braced and the person doing the excavating shall be liable for any and all damages arising by reason of neglect in this respect.

F. All paving material shall be renewed or replaced in as perfect condition as before excavating and, in the event of settling within six months after being refilled, the street commissioner shall have the right and duty to demand and require the party who made such excavation to restore the same. All surplus earth or material shall be delivered to such place as the street commissioner may direct.

G. If an excavation shall be left open or unfinished for the space of 48 hours or if the work shall be improperly done, the street commissioner shall finish or correct the work and the expenses incurred shall be charged to the contractor, in the event a contractor was employed, or the applicant for the permit if a contractor was not employed. Said amount may be collected by civil action or by such other means, including assessment against the property, as the chairman and Village Board may direct.

SECTION 6-106: BARRICADES, FENCES, RAILINGS, MARKERS

No person shall remove, destroy or tear down any barricade, fence, railing or other device erected or constructed for the purpose of protecting paving or any other work while in the course of construction or after it has been constructed on any of the streets, alleys or public grounds. No person shall drive over or upon or go upon any paving or other public works in any of the streets, alleys or public grounds while the same is protected by any barrier, fence or railing, or until such barrier, fence or railing has been removed by the contractors having such work or by the duly authorized officials of the Village. It is hereby declared to be unlawful for any person to mar, deface, destroy, remove or carry away any street sign or highway marker erected either by authority of the Village or by the State within the corporate limits of the Village.

SECTION 6-107: DAMAGE

It shall be unlawful for any person to willfully, maliciously, or carelessly injure, change, deface, or destroy any street, sidewalk, building, ditch, drain, or grade within the corporate limits. No person shall cause or permit any offensive or corrosive material to be discharged or thrown out upon any street, sidewalk, alley, or public ground.

SECTION 6-108: SIGNS AND ADVERTISING

No person shall paint, write, mark, paste, hang, tack or fasten upon any sidewalk, crossing, retaining wall, pavement, electric light pole, ornamental electric light pole, trash container, or other public property any sign, drawing, writing, printing, mark or advertisement of any kind or nature whatsoever.

SECTION 6-109: PROJECTING STRUCTURES

No person shall place, erect, construct or maintain any sign, sign post, telegraph or other post or poles, racks, advertisements, or any other device upon or across any sidewalk, street or alley so as to project across or upon any such sidewalk, street, or alley. No such structure shall be permitted in any event if the same shall extend closer than 3 feet of any street space or if the same shall have fallen in disrepair or shall have been constructed or erected in such a way as to be hazardous to the public. No person shall place, construct, erect, or maintain any awning, awning support or similar structure over any sidewalk at a distance of less than 8 feet above such sidewalk, with posts or other supports extending to the sidewalk or in such manner as to prevent, hinder or interfere with the free use of such sidewalk by the public. (Neb. Rev. Stat. §17-207)

SECTION 6-110: REAL PROPERTY; ACQUISITION; AUTHORIZATION

When acquiring an interest in real property by purchase or eminent domain, the Village shall do so only after the Village Board has authorized the acquisition by action taken in a public meeting after notice and public hearing. (Neb. Rev. Stat. §18-1755)

SECTION 6-111: REAL PROPERTY; ACQUISITION; APPRAISAL

The Village shall not purchase, lease-purchase or acquire for consideration real property having an estimated value of \$100,000.00 or more unless an appraisal of such property has been performed by a certified real estate appraiser. (Neb. Rev. Stat. §13-403)

SECTION 6-112: REAL PROPERTY; ACQUISITION; CONSTRUCTION; ELECTIONS, WHEN REQUIRED

A. The Village is authorized and empowered to (1) purchase, (2) accept by gift or devise, (3) purchase real estate upon which to erect, and (4) erect a building or buildings for an auditorium, fire station, village building or community house and maintain, manage and operate the same for the benefit of the inhabitants of the Village.

B. Except as provided below, before any such purchase can be made or any building erected, the question shall be submitted to the electors of the Village at a general election or at an election duly called for that purpose or as set forth in Neb. Rev. Stat. §17-954 and be adopted by a majority of the electors voting on such question.

C. If the funds to be used to finance the purchase or construction of a building pursuant to this section are available other than through a bond issue, then either:

1. Notice of the proposed purchase or construction shall be published in a newspaper of general circulation in the Village and no election shall be required to approve the purchase or construction unless within 30 days after the publication of the notice, a remonstrance against the purchase or construction is signed by registered voters of the Village equal in number to 15% of the registered voters of the Village voting at the last regular election held therein and is filed with the Village Board. If the date for filing the remonstrance falls upon a Saturday, Sunday or legal holiday, the signatures shall be considered timely if filed or postmarked on or before the next business day. If a remonstrance with the necessary number of qualified signatures is timely filed, the question shall be submitted to the voters of the Village at a general election or a special election duly called for that purpose. If the purchase or construction is not approved, the property involved shall not then, nor within one year following the election, be purchased or constructed; or
2. The Village Board may proceed without providing the notice and right of remonstrance required in subsection (1) above if the property can be purchased below the fair market value as determined by an appraisal, there is a willing seller, and the purchase price is less than \$25,000.00. The purchase shall be approved by the Village Board after notice and public hearing as provided in Neb. Rev. Stat. §18-1755.

(Neb. Rev. Stat. §17-953, 17-953.01)

SECTION 6-113: REAL PROPERTY; SALE AND CONVEYANCE

A. Except as provided in this section, the power of the Village to convey any real property owned by it, including land used for park purposes and public squares, except real property used in the operation of public utilities, shall be exercised by resolution, directing the sale at public auction or by sealed bid of such real property and the manner and terms thereof, except that such real property shall not be sold at public auction or by sealed bid when (1) such property is being sold in compliance with the requirements of federal or state grants or programs, (2) such property is being conveyed to another public agency, or (3) such property consists of streets and alleys.

B. The Village Board may establish a minimum price for such real property at which bidding shall begin or shall serve as a minimum for a sealed bid.

C. After the passage of the resolution directing the sale, notice of all proposed sales of real property described above and the terms thereof shall be published once each week for three consecutive weeks in a legal newspaper published in or of general circulation in the Village. However, if a remonstrance against such sale, signed by legal electors thereof equal in number to 30% of the electors of the Village voting at the last regular election held therein be filed with the Village Board within 30 days after the third publication of the notice, such property shall not then nor within one year thereafter be sold; and real estate now owned or hereafter owned by the Village may be conveyed without consideration to the State of Nebraska or to the Nebraska Armory Board for state armory sites or, if acquired for state armory sites, such property shall be conveyed strictly in accordance with the conditions of Neb. Rev. Stat. §18-1001 to §18-1006.

D. Following passage of the resolution directing a sale, publication of the notice of the proposed sale and passage of the 30-day right of remonstrance period, the property shall then be sold. Such sale shall be confirmed by passage of an ordinance stating the name of the purchaser and terms of the sale. The village clerk shall, upon passage of such ordinance, certify the name of the purchaser to the register of deeds of the county in which the property is located. (Neb. Rev. Stat. Sec. 17-503)

E. Subsections (A) through (D) above shall not apply to the sale of real property if the authorizing resolution directs the sale of real property having a total fair market value of less than \$5,000.00. Following passage of the resolution directing the sale of the property, notice of the sale shall be posted in three prominent places within the Village for a period of not less than seven days prior to the sale of the property. The notice shall give a general description of the property offered for sale and state the terms and conditions of sale. Confirmation of the sale by passage of an ordinance may be required. (Neb. Rev. Stat. §17-503.01)

SECTION 6-114: PERSONAL PROPERTY; SALE

In order to sell personal property owned by the Village, the Village Board shall adopt a resolution directing the sale and the manner and terms of the sale. Following passage of the resolution directing the sale of the property, notice of the sale shall be posted in three prominent places within the Village for a period of not less than seven days prior to the sale of the property. If the fair market value of the property is greater than \$5,000.00, notice of the sale shall also be published once in a legal newspaper in or of general circulation in such village at least seven days prior to the sale of the property. The notice shall give a general description of the property offered for sale and state the terms and conditions of sale. When such personal property is being sold in compliance with the requirements of federal or state grants or programs or conveyed to another public agency, the notice procedure set forth above may be dispensed with. (Neb. Rev. Stat. §17-503.02)

Article 2 – Streets

SECTION 6-201: GENERALLY

The Village Board may by resolution order the grading, draining, or ditching of streets within the corporate limits whenever deemed necessary and tax the cost thereof to the Street Fund. The board, whenever a majority may deem it necessary, may open, widen or otherwise improve or vacate any street, avenue, alley or lane, or otherwise create, open and improve any new street, avenue, alley or lane within the corporate limits in accordance with procedure established by law.

SECTION 6-202: NUMBERS

It shall be the duty of the street commissioner to assign numbers to houses or other new structures within the corporate limits according to the general scheme approved by the Village Board and recorded on a plat at the office of the clerk. The board shall make such suitable arrangements in reference to additions to the Village as will make the numbers conform with those of the Village.

SECTION 6-203: 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 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 board on such application.

SECTION 6-204: EAVE AND GUTTER SPOUTS

It is hereby declared unlawful for any person to erect or maintain any dwelling 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 sidewalk or street. Any eave spout erected on any dwelling or business building shall be constructed to drain into the alley or, where it is found to be impossible to drain into an alley, shall be buried beneath the sidewalk and drain into the street.

SECTION 6-205: DRIVEWAY APPROACHES

A. The street commissioner 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.

B. The village clerk shall give the property owner notice by registered mail or certified mail directed to the last known address of the owner or his/her agent, directing the repair or replacement of the driveway approach. If the property owner fails or neglects to cause the repairs or replacements to be made within 30 days of mailing the notice, the street commissioner may cause the work to be done and assess the cost upon the property served by the approach.

SECTION 6-206: CURB CUTS; APPLICATION

Any person desiring to make a new curb cut after the curb has been installed on any street shall make application therefor on a form supplied by the clerk. In addition to the information required on said application, the applicant shall supply a sketch or plan with sufficient detail to fully advise the Village Board of the intended work. The application and plans shall be submitted to the board for its consideration and determination. Approval or denial of any such application shall be in writing. The board shall, at its option, contract to complete the curb cut and shall assess and collect in advance the sum necessary to complete the work and contract for its completion. The street commissioner shall supervise and inspect the work done and shall have the authority to stop the work in the event that it is not being done according to the approved plans and order such changes as may be necessary to bring the same into compliance.

SECTION 6-207: HEAVY EQUIPMENT

It shall be unlawful for any person to move or operate any heavy equipment across any paving, curb, gutter, bridge, culvert, sidewalk, crosswalk or crossing in any street within the corporate limits of the Village without first having protected the same with heavy plank sufficient in strength to warrant against breakage or damage; provided, the village police are hereby authorized and empowered to choose the route over which the moving of such vehicles or structures will be permitted or allowed.

SECTION 6-208: TIRES

Every solid rubber tire on a vehicle moved on any street within the Village shall have rubber on its entire traction surface at least one inch thick above the edge of the flange of the entire periphery. No tire on a vehicle shall have on its periphery any clock, stud, flange, cleat or spike or any other protuberance of any material other than rubber which projects beyond the tread of the traction surface of the tire, except that:

A. This prohibition shall not apply to pneumatic tires with metal or metal-type studs not exceeding five-sixteenths of an inch in diameter inclusive of the stud-casing with an average protrusion beyond the tread surface of not more than seven sixty-fourths of an inch between October 1 and April 15; provided, that school buses, mail carrier vehicles and emergency vehicles shall be permitted to use metal or metal-type studs between April 15 and October 1;

B. It shall be permissible to use farm machinery with tires having protuberances which will not injure the highway; and

C. It shall be permissible to use tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice or other condition tending to cause a vehicle to slide or skid.

(Neb. Rev. Stat. §60-6,250)

SECTION 6-209: UTILITY POLES, WIRES, MAINS

A. Poles, wires, gas mains, pipelines 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 written application shall have been made to the village clerk and permission in writing shall have been given by the Village Board. When requested by the 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 erect, locate or relocate their appurtenances to such places and in such manner as shall be designated by said board.

B. Such 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 board to request such relocation for public safety and convenience, it 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 said appurtenances to be removed or relocated. The Village Board shall designate another location where said appurtenances may be reset or placed. All appurtenances shall be reset, placed or erected in such manner that they will not interfere with the water system, sewer system or poles, wires or mains of any public utility located on the same street or alley or with travel or buildings constructed or hereafter to be constructed. Whenever possible, all said appurtenances shall be confined to the alleys of the Village.

SECTION 6-210: PETITION FOR IMPROVEMENTS

Whenever a petition signed by the owners of record title representing more than 60% of the front footage of the property directly abutting upon the street, streets, alley, alleys, public way, or the public grounds proposed to be improved, shall be presented and filed with the village clerk, petitioning therefor, the Village Board shall by ordinance create a paving, graveling, or other improvement district or districts and shall cause such work to be done or such improvement to be made and shall contract therefor, levying assessments on the lots and parcels of land abutting on or adjacent to such street, streets, alley, or alleys, especially benefited thereby in such district in proportion to such benefits, to pay the cost of such improvement. The Village Board shall have the discretion to deny the formation of the proposed district when the area

has not previously been improved with a water system, sewer system, and grading of streets. If the board should deny a requested improvement district formation, it shall state the grounds for such denial in a written letter to interested parties. (Neb. Rev. Stat. §17-510)

SECTION 6-211: VACATING STREETS OR ALLEYS; PROCEDURE; DAMAGES

A. "Special damages" shall mean only those losses or damages or injuries which a property owner suffers that are peculiar or special or unique to his/her property and which result from the Village Board's vacation of a street, avenue, alley, lane, or similar public way. "Special damages" shall not mean those losses or damages or injuries that a property owner suffers that are in common with the rest of the Village or public at large, even though those losses or damages or injuries suffered by the property owner are greater in degree than the rest of the Village or public at large.

B. Whenever the Village Board decides that it would be in the best interests of the Village to vacate a street, avenue, alley, lane, or similar public way, the board shall comply with the following procedure:

1. *Notice.* Notice shall be given to all abutting property owners either by first class mail to their last known address or, if there is no known address, then by publishing the notice in a newspaper that is of general circulation in the Village. The content of the notice shall advise the abutting property owners that the Village Board will consider vacating such street, avenue, alley, lane, or similar public way at its next regular meeting or, if a special meeting is scheduled for such discussion, then the date, time, and place of such meeting.
2. *Consent; waiver.* The Village Board may have all the abutting property owners sign a form stating that they consent to the action being taken by the board and waive their right of access. The signing of such form shall have no effect on claims for special damages by the abutting property owners but shall create the presumption that the board's action was proper. If the abutting property owners do not sign the consent/waiver form, the Village Board may still proceed with vacating the street, avenue, alley, lane, or similar public way under the authority granted by Neb. Rev. Stat. §17-558 and 17-559.
3. *Ordinance.* The Village Board shall pass an ordinance that includes essentially the following provisions: (a) a declaration that the action is expedient for the public good or in the best interests of the Village; (b) a statement that the Village will have an easement for maintaining all utilities; and (c) a method or procedure for ascertaining special damages to abutting property owners.

C. The mayor shall appoint three or five or seven disinterested residents of the

Village to a special commission to ascertain the amount of special damages that the abutting property owners are entitled to receive and which resulted from the Village Board's vacation of the street, avenue, alley, lane, or similar public way. The appointees of the special commission shall be approved by the board. Only special damages shall be awarded to the abutting property owners.

D. In determining the amount of compensation to award the abutting property owners as special damages, the commission shall use the following rule:

An abutting property owner is entitled to recover as compensation the difference between the value of the property immediately before and immediately after the vacating of such street, avenue, alley, lane, or similar public way. If no difference in value exists, the abutting property owner is entitled to no compensation.

E. The clerk shall file a copy of the ordinance with the county registrar of deeds to ensure that abutting property owners can gain title to their share of the vacated street, avenue, alley, lane, or similar public way, and so that such land will be drawn to the attention of the county assessor.

(Neb. Rev. Stat. §17-558, 17-559)

SECTION 6-212: VACATING STREETS OR ALLEYS; RESERVATION OF TITLE

A. Upon the vacation of any street or alley or any part thereof by the Village, the title of such property shall vest in the owner of the abutting property and become part of such property, one-half on each side thereof, except that the Village may reserve title to such property in the ordinance vacating such street or alley. If title is retained by the Village, such property may be sold, conveyed, exchanged or leased upon such terms and conditions as shall be deemed in the best interest of the Village.

B. In the event the Village does not elect to reserve title in the vacated portion of such street or alley, the title to said property nonetheless shall be subject to the following:

1. There is reserved to the Village the right to maintain, operate, repair, and renew public utilities existing at the time title to the property is vacated there; and
2. There is reserved to the Village, any public utilities, and any cable television systems the right to maintain, repair, renew, and operate water mains, gas mains, pole lines, conduits, electrical transmission lines, sound and signal transmission lines, and other similar services and equipment and appurtenances, including lateral connections or branch lines, above, on, or below the surface of the ground that are existing as valid easements at the time title to the property is vacated for the purposes of serving the general public or the abutting properties and to en-

ter upon the premises to accomplish such purposes at any and all reasonable times.

(Neb. Rev. Stat. §17-558)

Article 3 – Sidewalks

SECTION 6-301: GENERAL AUTHORITY

The Village shall have the power to prevent and remove all encroachments, including snow, ice, and other similar obstructions upon all sidewalks and other village property. (Neb. Rev. Stat. §17-557 and 17-558)

SECTION 6-302: REMOVAL OF SNOW AND ICE

It shall be unlawful for the owner or occupant of any lot or the owner of any vacant lot within the corporate limits to allow snow, sleet, or ice to accumulate on any sidewalk contiguous thereto; provided, however, in the event of a storm or the falling of snow, the said sidewalks shall be cleaned within five hours after the cessation of the same. In the event that the storm or falling snow shall have occurred during the night or early morning hours, said sidewalks shall be cleaned before 9:00 A.M. Said owner or occupant shall clean the same within four hours after being notified, in writing, to do so by the village police and in the event of noncompliance, every 24-hour period of delay thereafter shall constitute a separate offense.

SECTION 6-303: REMOVAL OF ENCROACHMENTS

In addition to any other remedy provided for, in the event that the abutting property owner to a sidewalk refuses or neglects, after five days' notice by publication or, in place thereof, personal service of such notice, to remove all encroachments from sidewalks, including snow and ice, the Village may cause such encroachments to be removed and the cost of removal paid out of the Street Fund. The Board of Trustees shall assess the cost of the notice and removal of the encroachment against such abutting property. Such special assessment shall be known as a special sidewalk assessment and together with the cost of notice shall be levied and collected as special taxes in addition to the general revenue taxes, subject to the same penalties, and shall draw interest from the date of the assessment. Upon payment of the assessment, the same shall be credited to the Street Fund. (Neb. Rev. Stat. §17-557 and 17-557.01)

SECTION 6-304: CONSTRUCTION BY OWNER; APPLICATION, PERMIT

No person shall commence the construction of any sidewalk without making application in writing to the street commissioner, who shall issue a written permit. Applications shall be made on a form to be supplied by the clerk. Any proposed sidewalk construction application shall be accompanied by a sketch or plan with sufficient detail to apprise the street commissioner of the specifications of the proposed construction. In the event that the street commissioner is satisfied that the plans conform with this article, he/she shall approve of the same within three days of receiving the application. In the event that the planned construction deviates from the provisions of this article, the plans shall be submitted to the board for approval or denial. Approval by the street commissioner or board shall always be in writing. All persons hereafter de-

siring to erect sidewalks shall, at their own expense, establish the grade of such sidewalk and indicate the same by stakes. The whole work of constructing such sidewalk or curb shall be under the supervision of the street commissioner. In the event any person constructs or attempts to construct a sidewalk or curb not in accordance with this article or with these specifications, the street commissioner shall have the authority to order such work stopped and to order that the work already done shall be changed to conform to legal requirements.

SECTION 6-305: FAILURE TO CONSTRUCT OR REPAIR

In the event that the owner or owners of any lot, lots or land abutting on any street or avenue or part thereof shall fail to construct, reconstruct, or repair any sidewalk according to the provisions of this article, the Village Board may complete the work and assess the property as herein provided. When three members of the Board of Trustees shall deem it necessary that a sidewalk be constructed, widened, replaced or reconstructed, it shall order the same to be done by resolution and the street commissioner or other agent of the Village shall give notice to the property owner in the manner hereinafter provided to do said work within 30 days from and after such notice; and in the event of failure to do so, the Village may complete the work; provided, however, that if three-fifths of the resident owners of property subject to the assessments of such sidewalk improvements shall petition the Board of Trustees to make the same, said board shall have no discretion in the matter but shall order said improvements to be made without delay. In the event that the Village does the work, special assessments shall be levied and collected as provided by law.

SECTION 6-306: NOTICE OF CONSTRUCTION BY VILLAGE

The Village Board shall notify the property owner of its decision to complete the construction, repair, or other sidewalk work by delivering a copy of the resolution to the owner or, if the owner cannot be found within the county, then by posting a copy of the resolution to the structure on the property or to some other conspicuous place and the time for completing the work shall begin from and after the serving of notice aforesaid. The affidavit of the agent of the Village who served the notice shall be prima facie evidence of service.

SECTION 6-307: UNIFORMITY

All sidewalks in front of or along any lot or lots or parcels of land, if abutting streets in the residential district of the Village, shall be constructed 4 feet in width with the inner edges thereof such distance from the lot line as the street commissioner shall in each case fix. All residential sidewalks, except as may otherwise be provided by the Village Board, shall be set back from the curb to the same distance as other sidewalks on the same block. All sidewalks in front of or along any lot or lots or parcels of land in the village limits shall be constructed with the inner edges thereof plumb with the lot line and not less than 12 feet in width. In fixing the width of sidewalks and their distance from the lot line, the street commissioner shall take into consideration the

matter of uniformity with respect to existing sidewalks in adjoining and adjacent blocks. Sidewalks shall be constructed of concrete or of such other material as the board may approve. Unless otherwise provided, sidewalks shall have a depth of not less than 4 inches. All sidewalks shall conform to such grade as may be directed by the street commissioner or other agent of the Board of Trustees designated for that purpose, with relation to the particular points between which said sidewalk is to be built. The street commissioner shall establish grades where the same have not yet been run. Sidewalks shall be built on a grade or as level with the surface of the ground as possible.

Article 4 – Penal Provision

SECTION 6-401: VIOLATION; PENALTY

Any person, firm, association or corporation violating any of the provisions of the chapter herein for which no other penalty is imposed shall, upon conviction, be deemed guilty of a misdemeanor and fined in an amount of not more than \$500.00. Each day's maintenance of a misdemeanor shall constitute a separate offense.