

Chapter 8

PUBLIC WAYS AND PROPERTY

Article 4. Curb and Gutter

§8-401 CURB AND GUTTER; CUTTING CURB. It shall 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 Governing Body therefor. Before any person shall obtain a permit, he shall inform the Municipal Clerk of the place where such cutting is to be done, and it shall be the Utilities Superintendent'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 party to cut the paving under such rules and regulations as may be prescribed by the Governing Body or the Municipal Engineer. When the applicant is ready to close the opening made, he shall inform the chief street official, who shall supervise and inspect the materials used and the work done in the closing the opening. It shall be discretionary with the Governing Body to order the Utilities Superintendent, under the supervision and inspection of the Municipal Engineer or the committee of the Governing Body on the streets and alleys, to do the work of cutting and closing the paving and charge the costs thereof to the party who obtained such permit. The Governing Body may consent to the work of cutting and closing the paving to be done by the party holding such permit. Before any permit is issued by the Governing Body, the applicant for such permit shall deposit with the Municipal Treasurer a sum set by resolution of the Governing Body for all paving, curb, or sidewalk to be cut. Such sum shall be set on a per square foot cost of construction basis. The deposit shall be retained by the Municipality for the purpose of replacing the paving, curb, or sidewalk, in the event the work is done by the Municipality. In the event the Municipality elects to require the applicant to replace the paving, curb, or sidewalk, the deposit shall be retained by the Municipality until the work is completed to the satisfaction of the Utilities Superintendent. *(Ref. 17-567 RS Neb.)*

§8-402 CURB AND GUTTER; STREET IMPROVEMENT DISTRICTS.

(1) The Board of Trustees of the Village may, from time to time, authorize and direct the improvements of certain streets within the Municipality, said street improvements consisting of the construction of curb, gutter and appurtenances on either or both sides of streets, avenues, and/or other public thoroughfares within the Municipality.

(2) To the extent in the manner provided by law, upon a determination by the Board of Trustees that either or both sides of certain streets, avenues and/or other public thoroughfares should receive curb, gutter and/or other appurtenances, the Board of Trustees shall create street improvement districts for such purposes. The cost of the initial construction of curb, gutter, and appurtenances to either or both sides of streets, avenues, or other public thoroughfares within the Municipality, except intersections shall be assessed against the property within the street improvement districts specially benefited thereby in proportion to the benefits. *(Ord. No. 417, 7/9/98)*