

ORDINANCE NO. 733

AN ORDINANCE AMENDING CHAPTER 2 OF THE MUNICIPAL CODE OF THE VILLAGE OF WATERLOO, NEBRASKA BY AMENDING SECTION 2-410 PERTAINING TO TREES; DISTANCES AND CLEARANCES FOR PLANTING AND SECTION 2-411 PERTAINING TREES IN SIDEWALK SPACE; PERMIT REQUIRED; UNLAWFUL TREES, NUISANCE WITHIN THE CORPORATE LIMITS OF WATERLOO, NEBRASKA; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE REPEAL OF ALL ORDINANCE IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECT DATE OF THIS ORDINANCE.

BE IT ORDAINED BY THE CHAIRPERSON AND BOARD OF TRUSTEES OF THE VILLAGE OF WATERLOO, DOUGLAS COUNTY, NEBRASKA, AS FOLLOWS:

THAT CHAPTER 2, ARTICLE 4 OF THE MUNICIPAL CODE OF THE VILLAGE OF WATERLOO IS HEREBY AMENDED TO READ AS FOLLOWS:

1. Chapter 2 of the Municipal Code of the Village of Waterloo is amended by amending Section 2-410 Trees; distances and clearances for planting and providing that Section 2-410 shall read as follows:

SECTION 2-410: TREES; ~~DISTANCES AND CLEARANCES FOR PLANTING~~

A. Street trees may not be planted ~~no closer than 30 feet except in special plantings approved by the Tree Board.~~

~~B. Street trees may be planted in the tree lawn where there is more than six feet between the edge of the sidewalk and the curb of the street. Street trees shall be planted no closer than three feet from a sidewalk or a street.~~

~~C. No street tree shall be planted closer than 35 feet away from any street corner measured from the point of the nearest intersection of curbs or curb lines. No street tree shall be planted no closer than ten feet from any fireplug. Special permission must be obtained from the Tree Board when planting street trees within ten feet of any point on a line on the ground immediately below any overhead utility wire or within five lateral feet of any underground water line, sewer line, transmission line, or other utility.~~

2. Chapter 2 of the Municipal Code of the Village of Waterloo is amended by amending Section 2-411 Trees in sidewalk space; permit required; unlawful trees, nuisance and providing that Section 2-411 shall read as follows:

SECTION 2-411: TREES IN SIDEWALK SPACE; ~~PERMIT REQUIRED~~; UNLAWFUL TREES, NUISANCE

Amend Street tree regulations

A. No person shall plant, or allow to grow, any tree within the sidewalk space ~~without first making a written or verbal application to and receiving a written permit from the Village Board, which shall be based upon the recommendation of the Park and Tree Board. No fee shall be charged for said permit.~~ Nothing in this section shall be construed to apply to any existing trees now growing within the sidewalk space.

B. Any tree planted within the sidewalk space after the adoption date of this section shall be deemed to be unlawfully planted and growing and shall, at the discretion of the Village Board, be deemed to be a nuisance. When any such tree is declared to be a nuisance, the Village Board shall order, with proper notice, the tree removed at the expense of the owner of the property adjacent to the sidewalk space upon which the tree has been unlawfully planted.


C. If the property owner fails or neglects to remove, or cause to be removed, the said tree, the Village Board shall order the same removed and assess the expense of such removal against the property adjacent to the sidewalk space wherein the tree is planted and growing. In the event the property owner is a nonresident of the county in which the property lies, the Village shall, before levying any special assessment against that property, send a copy of any notice required by law to be published by means of certified mail, return receipt requested to the last known address of the nonresident property owner. The last known address shall be that address listed on the current tax rolls at the time such required notice was first published.

D. "Sidewalk space," as used herein, shall mean that portion of a street between curb lines and adjacent property lines.
(Neb. Rev. Stat. §17-557.01, 18-1720)

3. Sections 2-410 and 2-411 of the Municipal Code of Waterloo as heretofore existing is hereby repealed.
4. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.
5. This Ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.


APPROVED, PASSED AND ADOPTED this 15 day of March, 2014.

ATTEST:


Melissa Johnson, Village Clerk



Village of Waterloo


Stanley E. Benke, Jr., Chairperson