

**ORDINANCE NO. 734**

**AN ORDINANCE AMENDING CHAPTER 6 OF THE MUNICIPAL CODE OF THE VILLAGE OF WATERLOO, NEBRASKA BY AMENDING SECTION 6-106 PERTAINING TO CURB CUTTING; PERMIT, DEPOSIT 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:**

1. Chapter 6 of the Municipal Code of the Village of Waterloo is amended by amending Section 6-106: Curb cutting; permit, deposit and providing that Section 6-106 shall read as follows:

**SECTION 6-106: CUTTING CURB; PERMIT, DEPOSIT**

A. 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 Village Board therefor. Before any person shall obtain a permit, he shall inform the Village Clerk of the place where such cutting is to be done and it shall be the chief street official's or designated personnel's duty to inspect the place of entry into the paving, sidewalk, or curb, before the same is cut.

B. Before any permit is issued by the Village Board, the applicant for such permit shall deposit with the Village Treasurer a sum set by resolution of the Village Board 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 for one calendar year by the Village and will be returned after inspection by the chief street official or designated personnel ~~for the purpose of replacing the paving, curb, or sidewalk, in the event the work is done by the Village. In the event the Village elects to require the applicant to replace the paving, curb, or sidewalk, the deposit shall be retained by the Village until the work is completed to the satisfaction of the chief street official or of the committee of the Village Board on streets and alleys.~~ In addition to making the deposit above set forth, the applicant shall, before any permit is issued, execute a bond to the Village with a good and sufficient surety or sureties to be approved by the Village Board in a sum set by resolution of the Village Board.

C. 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 Village Board or the Village Engineer. When the applicant is ready to close the opening made, he shall inform the Street Superintendent or designated personnel, who shall supervise and inspect the materials used and the work done to close the opening. It shall be discretionary with the Village Board to order

Amend street cutting regulations

the chief street official, under the supervision and inspection of the Village Engineer or the committee of the Board 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 Village Board may allow the work of cutting and closing the paving to be done by the party holding such permit.

(Neb. Rev. Stat. §17-567)

2. Section 6-106 of the Municipal Code of Waterloo as heretofore existing is hereby repealed.
3. 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.
4. 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 25 day of March, 2014.

ATTEST:



Village of Waterloo

Melissa Johnson  
Melissa Johnson, Village Clerk

(seal)

Stanley E. Benke, Jr.  
Stanley E. Benke, Jr., Chairperson