

## CHAPTER 8

### PUBLIC WAYS AND PROPERTY

#### ARTICLE 2. SIDEWALKS

**8-201 SIDEWALKS; OVERHANGING BRANCHES.** The owner or occupant of any lot, piece or parcel of ground abutting or adjacent to any sidewalk or street over which there extends the branches of trees shall at all times keep the branches or limbs thereof trimmed to the height of at least eight (8) feet above the surface of said walk and at least twelve (12) feet above the surface of the street. Whenever the limbs or branches of any tree or trees extend over sidewalks or streets contrary to the provisions herein so as to interfere with the lighting of the street from street lights or with the convenience of the public using said sidewalk or street, the Governing Body at any regular or special meeting may pass a resolution ordering the owner or occupant to cut or remove said obstructions within five (5) days after having received a copy thereof from the Utilities Superintendent stating that the Municipality will remove said branches and charge the costs thereof to the owner or occupant as a special assessment for improvements as herein provided if said resolution is not complied with. In the event the property owner is a nonresident of the county in which the property lies, the Municipality shall, before levying any special assessments against the 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. (Ref. 17-557.01 RS Neb.)

**8-202 SIDEWALKS; KEPT CLEAN.** It shall be unlawful for the occupant of any lot or lots or the owner of any vacant lot or lots within the corporate limits to allow snow, sleet, mud, ice or other substance to accumulate on the sidewalks or to permit any snow, sleet, ice, mud or other substances to remain upon said sidewalk. In the event that the owner or owners of any lot, lots or lands abutting on any street, avenue or part thereof shall fail to remove any snow, sleet, mud, ice or other substance in front of his, her or their lot, lots or lands, within the time and in the manner as directed and required herein after having received due notice to do so, they shall be liable for all damages or injury occasioned by reason of accumulation of snow, sleet, mud, ice or other substance and the Governing Body shall have power to cause any such sidewalks to be cleared and assess the costs thereof against such property. In the event the property owner is a nonresident of the county in which the property lies, the Municipality 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. (Ref. 17-557.01 RS Neb.)

**8-203 SIDEWALKS; SNOW REMOVAL; PLACEMENT OF SNOW.** Residents of the Municipality removing snow from their own property shall be required to place said snow in such a manner as not to block the roadway or sidewalks or to impair to any extent the visibility of pedestrian or vehicular traffic. In no event shall any resident deposit snow in road ditches in such a manner as to block any culvert to the extent that drainage water through said culvert is diverted or

impeded. The depositing of snow within five (5) feet of the opening of a culvert shall be considered a violation of this Section without further proof that said culvert has been blocked to an extent whereby water is diverted or impeded.

**8-204 SIDEWALKS; MAINTENANCE.** Every owner of any lot, lots or piece of land within the corporate limits shall at all times keep and maintain the sidewalk along and contiguous to said lot, lots or pieces of land, as they may be, in good and proper repair and in a condition reasonably safe for travel for all travelers thereon. In the event that the owner or owners of any lot, lots or lands abutting on any street, avenue or part thereof shall fail to construct or repair any sidewalk in front of his, her or their lot, lots or lands, within the time and in the manner as directed and required herein after having received due notice to do so, they shall be liable for all damages or injury occasioned by reason of the defective or dangerous condition of any sidewalk and the Governing Body shall have power to cause any such sidewalks to be constructed or repaired and assess the costs thereof against such property. In the event the property owner is a nonresident of the county in which the property lies, the Municipality 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. (Ref. 17-557.01 RS Neb.)

**8-205 SIDEWALKS; REPAIR.** The Utilities Superintendent may require sidewalks of the Municipality to be repaired. Notice to the owners of property upon which such sidewalks in disrepair are located shall require within forty-eight (48) hours from issuance of notice said owners to make arrangements to have the sidewalk repaired. Said repairs shall be completed within twenty-one (21) days after issuance of said notice. No special assessment shall be levied against the property unless said owner shall neglect or refuse to repair within the time prescribed and in the event that such owner fails to repair, the Municipality shall cause the repairs to be made and assess the property owner the expense of such repairs. In the event the property owner is a nonresident of the county in which the property lies, the Municipality 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. (Ref. 17-522 RS Neb.)

**8-206 SIDEWALKS; CONSTRUCTION BY OWNER.** Any person desiring to construct or cause to be constructed, any sidewalk shall do so only as herein provided. It shall be unlawful for any person to construct any sidewalk without first having obtained a permit.

Said owner shall make application in writing for a permit and file such application in the office of the Municipal Clerk. The permit shall give a description of the lot or piece of land along which the sidewalk is to be constructed. The Utilities Superintendent shall issue the desired permit unless good cause shall appear why said permit should be denied; provided, if it is desired to construct the sidewalk at any other than the regularly prescribed location, grade or elevation, the Utilities Superintendent shall submit the application to the Governing Body who shall determine whether the permit should be granted or denied. It shall be unlawful for any person to construct or cause to

be constructed said sidewalk at any other location, grade or elevation than so designated by the Municipality. All sidewalks shall be built and constructed on the established grade or elevation and, if there is not established grade, then on the grade or elevation indicated by the Utilities Superintendent.