



CITY OF NEBRASKA CITY

1409 Central Avenue

Nebraska City, NE 68410-2223

Phone: 402-873-5515 Fax: 402-873-5685

SIDEWALK OBSTRUCTION EXEMPTION FOR CENTRAL BUSINESS DISTRICT

(Nebraska City Municipal Code Section 33-72)

Date: _____

Business Name: _____

Business Address: _____

Business Owner: _____ Phone: _____

Owner's Address: _____

Description of items to be placed on the sidewalk area:

See attached Section 33-68 for list of allowable exceptions.

Please provide the following items when applying for this permit:

1. Fee of one hundred dollars (\$100.00).
2. A certificate of insurance showing the applicant has acquired public liability, and property damage insurance coverage for the diagramed sidewalk area and the proposed obstruction, which insurance may not be cancelled without providing thirty (30) days written notice to the City.

Please note that signing this form means that you agree to indemnify the City of Nebraska City, its elected officials, and employees for any claims for damage to property or injury to persons which may occur in connection with any activity carried on under this permit.

Signature of Business Owner

Review by City Clerk-Treasurer:

Signature: _____

_____ Approved _____ Denied

Date Approved or Denied: _____

Sec. 33-68 – Exemption from sidewalk obstruction permit.

- (a) The commercial property owners in the C-2, Central Business District, may be granted an exemption to the permit required by Section 33-64. Such applicant shall submit an application to request exemption from holding a sidewalk obstruction permit.
- (b) An applicant may request an exemption from the sidewalk obstruction permit for the following types of obstructions:
 - (1) flower pots or other planter boxes;
 - (2) benches;
 - (3) removable signs;
 - (4) other obstructions of a similar nature that have been expressly manufactured for outside use;
- (c) The application to be submitted shall be provided by the City Clerk-Treasurer. An applicant requesting an exemption is required to complete the application and provide:
 - (1) a certificate of insurance showing the applicant has acquired liability and property damage insurance coverage for the diagramed sidewalk area and the proposed obstruction;
 - (2) the applicant's agreement to indemnify the City of Nebraska City, its elected officials, and employees, for any claims for damages to property, or injury to persons, which may occur in connection with placement of the obstruction; and
 - (3) payment of a fee of \$100.00.
- (d) Exemptions granted pursuant to this section shall be perpetual in nature, without a need to renew on an annual basis. Exempted obstructions shall conform to the following restrictions:
 - (1) The area in front of the property, specifically the exempted obstruction, shall be cleaned daily, including the removal of trash and other debris.
 - (2) At least a five-foot wide passageway, clear and unobstructed, for pedestrians to pass on the sidewalk at all times.
 - (3) Benches must be a minimum length of four feet and must be constructed of solid materials;
 - (4) Plants and plant material in planter boxes shall be maintained during the growing season and dead plant materials shall be removed at the end of the season.
 - (5) Each face of a removable sign shall not exceed ten square feet. Further, one removable sign shall be allowed for each twenty-four linear feet of building frontage; and no sign shall be permanently affixed to the sidewalk. No offensive or abusive language shall be displayed on the signs in the designated area.

Sec. 33-69 – Denial, revocation, or suspension of an exemption from a sidewalk obstruction permit.

- (a) The City may deny, revoke, or suspend an exemption upon finding that the provisions of section 33-68 have not been met for issuance of the permit exemption. Such action shall be immediately effective.
- (b) Upon such denial, revocation, or suspension the City shall give written notice of such action to the applicant or permittee.
 - (1) Such written notice shall include a statement of the action which has been taken and the reason therefore; and also advise the applicant or permittee of their right to make a written request for a hearing before the City Council on the action.
- (c) A request for hearing shall be submitted to the City Clerk-Treasurer within ten calendar days of the service of written notice of the denial, revocation, or suspension and upon hearing the matter, the City Council shall render a final decision concerning the permit.