



CITY OF NEBRASKA CITY

1409 Central Avenue

Nebraska City, NE 68410-2223

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

SIDEWALK OBSTRUCTION PERMIT

(Nebraska City Municipal Code Chapter 33, Article IV)

Date: _____

Permit No: _____

Valid until December 31, _____

Business Name: _____

Business Address: _____

Business Owner: _____ Phone: _____

Owner's Address: _____

Description of items to be placed on the sidewalk area:

Please provide the following items when applying for this permit:

1. Permit fee of one hundred dollars (\$100.00).
2. A diagram on an attached page showing the area to be used including the dimensions thereof.
3. Written consent of all abutting property owners on the attached form. Must include the name, address, and signature for each abutting property owner.
4. 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: _____

Review by the City Building Inspector and Zoning Administrator:

Signature: _____

CONSENT FROM ABUTTING PROPERTY OWNERS

The owner(s) of _____

would like your consent to allow the identified sidewalk obstruction on their property. Description of items to be placed on the sidewalk area:

Address: _____

Name: _____

Signature: _____

Date: _____

Address: _____

Name: _____

Signature: _____

Date: _____

Address: _____

Name: _____

Signature: _____

Date: _____

Address: _____

Name: _____

Signature: _____

Date: _____

Address: _____

Name: _____

Signature: _____

Date: _____

City Code of Nebraska City – Chapter 33, Article IV - Obstructions

Sec. 33-64 – Obstructions.

- (a) It shall be unlawful for any person within this city to erect, maintain or suffer to remain on any public sidewalk any obstruction which is injurious to, inconvenient or inconsistent with the public use of the same without first obtaining a permit as provided in section 33-65; provided that a reasonable time shall be allowed to remove goods, wares and merchandise being received and shipped.
 - (1) For purposes of this article, “obstruction” shall mean an article of any kind or character, upon or across any of the sidewalks of the city in such a manner as to obstruct the free and unobstructed use of the sidewalks for pedestrians.
 - (2) In the interest of cleanliness and public health, ash and trash receptacles located within the C-2, Central Business District shall not be considered an obstruction and shall not require a permit. For purposes of this exception, “trash receptacle” shall mean a container which is designed and intended to receive trash and other solid waste of a personal nature. It is not intended to include dumpsters or other trash receptacles of larger scale.
- (b) It shall be unlawful for any person to obstruct or encumber by fences, gates, buildings, structures, or otherwise, or to plow up any of the public highways, streets or alleys of the city.
- (c) Trees and shrubs growing wholly or partially upon the abutting property of public ground but so close to the lot line as to interfere with the making of any public improvements or so that the roots thereof extend above the surface of any sidewalk or sidewalk space or cause said sidewalk to buckle or bulge from root pressure underneath or interfere with any sewer or drain, shall be deemed an obstruction under this article.

Sec. 33-65 – Sidewalk obstruction permit.

- (a) Prior to the placement of any obstruction on any public sidewalk, a permit shall be obtained from the City Clerk-Treasurer. Such permit shall be required regardless of the length of duration of obstruction.
- (b) Application for the sidewalk obstruction permit shall be made at City Hall on a form provided by the City Clerk-Treasurer and shall contain:
 - (1) description of the obstruction, including the dimensions thereof, and a diagram of the placement of the obstruction on the sidewalk;
 - (2) written consent from each of the property owners, or the party in possession of the property, abutting the area in which the obstruction shall be located;
 - (3) a certificate of insurance showing the applicant has acquired 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;
 - (4) 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
 - (5) payment of a fee of \$100.00.
- (c) The City Building Inspector and Zoning Administrator shall review all applications for compliance with the following criteria and shall recommend approval or denial to the City Clerk-Treasurer:
 - (1) the proposed obstruction shall be located in the area immediately adjacent to the applicant’s property;
 - (2) the proposed obstruction shall be located such that there is at least a five-foot wide passageway, clear and unobstructed, for pedestrians to pass on the sidewalk; and
 - (3) the proposed obstruction shall be located at least five feet from any driveways and alleys, and at least ten feet from roadway intersections.

- (d) Upon compliance with the provisions of this article, the City Clerk-Treasurer shall issue the permit upon a determination that such permit is warranted based on the information in the application and recommendation of the City Building Inspector and Zoning Administrator.
- (e) Each permit issued shall terminate the 31st day of December of the year in which it is issued. Issued permits shall be personal to the permittee and not transferable in any manner; and are limited to the area(s) and the item(s) approved as described in the application.
- (f) The City of Nebraska City shall retain the right to repeal or amend this article and thereby terminate or modify all sidewalk obstruction operations. No permittee shall gain any property right in the continued private commercial use of the public sidewalk.
- (g) Any fees collected under the provisions of this section shall be credited to the general fund of the City to be used to defray the costs and expenses of administering this article and thereafter for general purposes.

Sec. 33-66 – Denial, revocation, suspension or nonrenewal of sidewalk obstruction permit.

- (a) The City may deny, revoke, suspend, or not renew any permit upon finding that any provision of this article has not been met for issuance of the permit or the conditions under which the permit was approved no longer exist. Such actions shall be effective immediately.
- (b) Upon such denial, revocation, suspension, or nonrenewal 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, suspension, or nonrenewal and upon hearing the matter, the City Council shall render a final decision concerning the permit.

Sec. 33-67 – Renewal of sidewalk obstruction permit.

- (a) A sidewalk obstruction permit holder must apply for a renewal of the permit prior to its expiration if the obstruction which required a sidewalk obstruction permit is still present and will continue to be present.
- (b) Application for the permit renewal shall be made at City hall on a form provided by the City Clerk-Treasurer and shall contain:
 - (1) a statement that the sidewalk obstruction and its location have not changed from that described in the initial permit;
 - (2) any known written complaints made against the sidewalk obstruction during the permitted year;
 - (3) verification of valid insurance as required in Sec. 33-65 (b)(3);
 - (4) 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 any activity carried on under the terms of the renewed permit; and
 - (5) payment of a fee of \$50.00.

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.

Sec. 33-70 – Waiver

The requirement for the issuance of a permit in Sec. 33-65 may be temporarily waived by the City Council upon request. The request must include a description of the event or purpose for which the waiver is being requested and the desired length of time. No waiver shall exceed seven days.

Secs. 33-71 – 33-77. – Reserved.