

ORDINANCE NO \_\_\_\_\_

AN ORDINANCE OF THE CITY OF BENNET, LANCASTER COUNTY, NEBRASKA, TO AMEND § 92.21 OF THE CODE OF BENNET TO INCREASE THE MAXIMUM CURB CUT WIDTH TO 25 FEET UNLESS A GREATER WIDTH IS APPROVED BY THE CITY ENGINEER; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR PUBLICATION; AND TO PROVIDE AN EFFECTIVE DATE

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BENNET, LANCASTER COUNTY, NEBRASKA:

**Section 1.** Section 92.21 of the City Code relating to curb cuts is amended as follows:

**§ 92.21 CUTTING INTO PAVING, CURB, OR SIDEWALK.**

(A) (1) 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 therefor from the city.

(2) The application for a permit shall be filed with the City Clerk/Treasurer, in writing, on forms approved by the City Clerk/Treasurer, showing the place where the cutting is to be done, and it shall be the Utilities Superintendent's duty to inspect the place of entry into the paving, sidewalk, or curb, before the same is cut.

(3) Before any permit is issued by the City Clerk/Treasurer, the applicant shall ~~deposit with~~ pay a fee to the City Clerk/Treasurer ~~a sum in such amount~~ as may be set by resolution of the City Council for all paving, curb, or sidewalk to be cut.

(4) The sum shall be set on a per linear foot cost of construction for curb cuts and a per square foot cost of construction for paving and sidewalk cuts.

~~(5) The deposit shall be retained by the city until the work is completed to the satisfaction of the Utilities Superintendent, and if not satisfactorily completed with a reasonable time, the city may proceed to complete the work itself and retain the deposit for the purpose of defraying the cost of the work.~~

(B) (1) When cutting into any paving, it shall be the duty of the party to cut the paving under the rules and regulations as may be prescribed by the City Engineer.

(2) When the applicant has completed the opening made, the applicant shall inform the Utilities Superintendent, who shall supervise and inspect the materials used and the work done.

(C) ~~(1)~~ Notwithstanding the above, it shall be discretionary with the city to order the Utilities Superintendent to perform the work of cutting the paving and charge the cost thereof to the permittee.

~~(2) In the event that the city elects to have the work performed by the Utilities Superintendent, the required deposit shall be retained by the city for the purpose of replacing the paving, curb, or sidewalk.~~

(D) No curb cut shall exceed ~~20~~ 25 feet in width unless a greater width is specially approved by ~~resolution of the City Council~~ the City Engineer. The City Engineer may request input from the Mayor and City Council before deciding whether to approve the curb cut. Any curb cut that exceeds the City Engineer's recommendations may be referred to the City Council to determine whether to require the applicant to replace the curb and/or charge an additional fee as set by separate resolution.

(Prior Code, § 92.46) (Ord. 2001-6.1, passed 6-11-2001; Ord. 2025-\_\_\_\_\_, passed February 10, 2025) Penalty, see § 10.99

Statutory reference:

Authority, see Neb. Rev. Stat. 17-567

**Section 2.** Any conflicting ordinances or parts thereof are hereby repealed.

**Section 3.** This Ordinance shall take effect and be in full force following its passage, approval, and publication or posting as required by law.

SUSPEND		FIRST READING	_____
READINGS			
(3/4 VOTE)		SECOND READING	_____
		THIRD READING	_____

PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF APRIL 2025.

\_\_\_\_\_  
Ryan Cheney, Mayor

ATTESTED AND PUBLISHED IN BOOK OR PAMPHLET FORM WITHIN FIFTEEN (15) DAYS OF PASSAGE ON THE \_\_\_ DAY OF APRIL 2025.

\_\_\_\_\_  
Sue Biltoft, City Clerk