

LEGISLATIVE BILL 42

Approved by the Governor April 24, 1995

Introduced by Maurstad, 30

AN ACT relating to political subdivisions; to amend sections 16-230 and 17-563, Reissue Revised Statutes of Nebraska, and section 13-2039, Revised Statutes Supplement, 1994; to change provisions relating to the land disposal of yard waste and the abatement and removal of nuisances; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 13-2039, Revised Statutes Supplement, 1994, is amended to read:

13-2039. (1) On and after September 1, 1994, land disposal of yard waste shall be prohibited from April 1 through December 31 November 30 of each year, except that yard waste which has been separated at its source from other solid waste may be accepted by a landfill for the purpose of soil conditioning or composting. State and local governmental entities responsible for the maintenance of public lands shall give preference to the use of composted materials in all land maintenance activities. Nothing in this section shall be construed to prohibit the use of yard waste as land cover or as soil-conditioning material.

(2) On and after September 1, 1994, land disposal of lead-acid batteries and waste oil shall be prohibited.

(3)(a) On and after September 1, 1995, land disposal of waste tires shall be prohibited except for waste tires processed in a manner established by the department. A landfill shall not refuse to accept a waste tire which has been properly processed.

(b) On and after September 1, 1998, land disposal of waste tires in any form shall be prohibited.

(4) On and after September 1, 1995, land disposal of discarded household appliances shall be prohibited.

(5) On and after September 1, 1996, land disposal of unregulated hazardous wastes, except household hazardous wastes, which are exempt from the regulations under the Environmental Protection Act shall be prohibited unless such disposal occurs at a licensed hazardous waste disposal facility.

(6) For purposes of this section, land disposal shall include, but not be limited to, incineration at a landfill.

Sec. 2. Section 16-230, Reissue Revised Statutes of Nebraska, is amended to read:

16-230. (1) A city of the first class by ordinance may require ~~any~~ ~~and all~~ lots or pieces of ground within the city or within two miles of the corporate limits of the city to be drained or filled so as to prevent stagnant water or any other nuisance accumulating thereon. It may require the owner or occupant of all lots and pieces of ground within the city to keep the lots and pieces of ground and the adjoining streets and alleys free of any growth of twelve inches or more in height of weeds, grasses, or worthless vegetation, and it may prohibit and control the throwing, depositing, or accumulation of litter on any lot or piece of ground within the city.

(2) Any city of the first class may by ordinance declare it to be a nuisance to permit, ~~allow~~; or maintain any growth of twelve inches or more in height of weeds, grasses, or worthless vegetation or to litter or cause litter to be deposited or remain thereon except in proper receptacles.

(3) Any owner or occupant of a lot or piece of ground shall, upon conviction of violating such ordinance, be guilty of a Class V misdemeanor.

(4) Notice to abate and remove such nuisance shall be given to each owner or owner's duly authorized agent and to the occupant, if any, by personal service or certified mail. Within five days after receipt of such notice, if the owner or occupant of the lot or piece of ground does not request a hearing with the city or fails to comply with the order to abate and remove the nuisance, the city may have such work done. The costs and expenses of any such work shall be paid by the owner. If unpaid for two months after such work is done, the city and may either (a) levy and assess the costs and expenses of the work upon the lot or piece of ground so benefited in the same manner as other special taxes for improvements are levied and assessed or (b) recover in a civil action the costs and expenses of the work upon the lot or piece of ground and the adjoining streets and alleys.

(5) For purposes of this section:

(a) Litter shall include, but not be limited to: (i) Trash, rubbish,

refuse, garbage, paper, rags, and ashes; (ii) wood, plaster, cement, brick, or stone building rubble; (iii) grass, leaves, and worthless vegetation; (iv) offal and dead animals; and (v) any machine or machines, vehicle or vehicles, or parts of a machine or vehicle which have lost their identity, character, utility, or serviceability as such through deterioration, dismantling, or the ravages of time, are inoperative or unable to perform their intended functions, or are cast off, discarded, or thrown away or left as waste, wreckage, or junk; and

(b) Weeds shall include, but not be limited to, bindweed (*convulvulus arvensis*), puncture vine (*tribulus terrestris*), leafy spurge (*euphorbia esula*), Canada thistle (*cirsium arvense*), perennial peppergrass (*lepidium draba*), Russian knapweed (*centaurea picris*), Johnson grass (*sorghum halepense*), nodding or musk thistle, quack grass (*agropyron repens*), perennial sow thistle (*sonchus arvensis*), horse nettle (*solanum carolinense*), bull thistle (*cirsium lanceolatum*), buckthorn (*rhamnus* sp.) (*tourn*), hemp plant (*cannabis sativa*), and ragweed (*ambrosiaceae*).

Sec. 3. Section 17-563, Reissue Revised Statutes of Nebraska, is amended to read:

17-563. (1) Each city of the second class and village by ordinance may require ~~any and all~~ lots or pieces of ground within the city or village to be drained or filled so as to prevent stagnant water or any other nuisance accumulating thereon. It may require the owner or occupant of any lot or piece of ground within the city or village to keep the lot or piece of ground and the adjoining streets and alleys free of any growth of twelve inches or more in height of weeds, grasses, or worthless vegetation, and it may prohibit and control the throwing, depositing, or accumulation of litter on any lot or piece of ground within the city or village.

(2) Any city of the second class and village may by ordinance declare it to be a nuisance to permit, ~~allow~~, or maintain any growth of twelve inches or more in height of weeds, grasses, or worthless vegetation or to litter or cause litter to be deposited or remain thereon except in proper receptacles.

(3) Any owner or occupant of a lot or piece of ground shall, upon conviction of violating such ordinance, be guilty of a Class V misdemeanor.

(4) Notice to abate and remove such nuisance shall be given to each owner or owner's duly authorized agent and to the occupant, if any, by personal service or certified mail. Within five days after receipt of such notice, if the owner or occupant of the lot or piece of ground does not request a hearing with the city or village or fails to comply with the order to abate and remove the nuisance, the city or village may have such work done. The costs and expenses of any such work shall be paid by the owner. If unpaid for two months after such work is done, the city or village and may either (a) levy and assess the costs and expenses of the work upon the lot or piece of ground so benefited in the same manner as other special taxes for improvements are levied and assessed or (b) recover in a civil action the costs and expenses of the work upon the lot or piece of ground and the adjoining streets and alleys.

(5) For purposes of this section:

(a) Litter shall include, but not be limited to: (i) Trash, rubbish, refuse, garbage, paper, rags, and ashes; (ii) wood, plaster, cement, brick, or stone building rubble; (iii) grass, leaves, and worthless vegetation; (iv) offal and dead animals; and (v) any machine or machines, vehicle or vehicles, or parts of a machine or vehicle which have lost their identity, character, utility, or serviceability as such through deterioration, dismantling, or the ravages of time, are inoperative or unable to perform their intended functions, or are cast off, discarded, or thrown away or left as waste, wreckage, or junk; and

(b) Weeds shall include, but not be limited to, bindweed (*convulvulus arvensis*), puncture vine (*tribulus terrestris*), leafy spurge (*euphorbia esula*), Canada thistle (*cirsium arvense*), perennial peppergrass (*lepidium draba*), Russian knapweed (*centaurea picris*), Johnson grass (*sorghum halepense*), nodding or musk thistle, quack grass (*agropyron repens*), perennial sow thistle (*sonchus arvensis*), horse nettle (*solanum carolinense*), bull thistle (*cirsium lanceolatum*), buckthorn (*rhamnus* sp.) (*tourn*), hemp plant (*cannabis sativa*), and ragweed (*ambrosiaceae*).

Sec. 4. Original sections 16-230 and 17-563, Reissue Revised Statutes of Nebraska, and section 13-2039, Revised Statutes Supplement, 1994, are repealed.