

LEGISLATIVE BILL 1274

Approved by the Governor March 9, 1972

Introduced by P. J. Morgan, 4th District; Eugene T. Mahoney, 5th District

AN ACT to amend section 14-102, Revised Statutes Supplement, 1971, relating to cities of the metropolitan class; to extend the powers of cities of the metropolitan class as prescribed; to repeal the original section; and to declare an emergency.

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

Section 1. That section 14-102, Revised Statutes Supplement, 1971, be amended to read as follows:

14-102. In addition to the powers granted in section 14-101, metropolitan cities, as therein defined, shall have power by ordinance:

Taxes, special assessments.

(1) To levy any tax or special assessment authorized by law;

Corporate seal.

(2) To provide a corporate seal for the use of the city, and also any official seal for the use of any officer, board or agent of the city, whose duties under this act or under any ordinance require an official seal to be used. Such corporate seal shall be used in the execution of municipal bonds, warrants, conveyances and other instruments and proceedings, as this act or the ordinances of the city require;

Regulation of public health.

(3) To provide all needful rules and regulations for the protection and preservation of health within the city; and for this purpose they may provide for the enforcement of the use of water from public water supplies where the use of water from other sources shall be deemed unsafe;

Appropriations for debts and expenses.

(4) To appropriate money and provide for the payment of debts and expenses of the city;

Protection of strangers and travelers.

(5) To adopt all such measures as they may deem necessary for the accommodation and protection of

strangers and the traveling public in person and property;

Concealed weapons, firearms, fireworks, explosives.

(6) To punish and prevent the carrying of concealed weapons, the discharge of firearms, fireworks or explosives of any description within the city;

Weights and measures; sale of food stuffs.

(7) To regulate the weighing and measuring of hay, wood and other articles exposed for sale, and of all coal sold or delivered within the city; to provide for, license, and regulate the inspection and sale of meats, flour, poultry, fish, milk, vegetables, and all other provisions or articles of food exposed or offered for sale in the city; to prescribe the weight and quality of bread exposed or offered for sale in the loaf; and to provide for the inspection of weights and measures or weighing apparatus;

Official bonds.

(8) To require of all officers or servants elected or appointed in pursuance of this act, to give bond and security for the faithful performance of their duties; but no officer shall become security upon the official bond of another, or upon any bond executed to the city;

Official reports of city officers.

(9) To require from any officer of the city at any time a report, in detail, of the transactions of his office, or any matter connected therewith;

Cruelty to children and animals.

(10) To provide for the prevention of cruelty to children and animals;

Dogs; taxes and restrictions.

(11) To regulate, license or prohibit the running at large of dogs within the city as well as in areas within three miles of the corporate limits of the city, and guard against injuries or annoyance from such dogs, and to authorize the destruction of the same when running at large contrary to the provisions of any ordinance;

Cleaning sidewalks.

(12) To provide for keeping sidewalks clean and free from obstructions and accumulations; and they may provide for the assessment and collection of taxes on real estate, and for the sale and conveyance thereof, to pay the expenses of keeping the sidewalk adjacent to such real estate clean and free from obstructions and accumulations as herein provided;

Planting and trimming of trees; protection of birds.

(13) To provide for the planting and protection of shade or ornamental and useful trees upon the streets or boulevards, and to assess the cost thereof to the extent of benefits upon the abutting property as a special assessment, and to provide for the protection of birds and animals and their nests; to provide for the trimming of trees located upon the streets and boulevards or when the branches of trees overhang the same when in the judgment of the mayor and council such trimming is made necessary to properly light such street or boulevard or to furnish proper police protection, and to assess the cost thereof upon the abutting property as a special assessment;

Naming and numbering streets and houses.

(14) To provide for, regulate, and require the numbering or renumbering of houses along public streets or avenues; to care for and control, to name and rename streets, avenues, parks, and squares within the city;
Weeds.

(15) To require weeds and worthless vegetation growing upon any lot or piece of ground within the city to be cut and destroyed so as to abate any nuisance occasioned thereby, and if the owner fails to do so, after notice as required by ordinance, to assess the cost thereof upon the lots or lands as a special assessment. The notice required to be given may be by publication in the official newspaper of the city and may be directed in general terms to the owners of lots and lands affected without naming such owners;

Animals running at large.

(16) To prohibit and regulate the running at large or the herding or driving of domestic animals, such as hogs, cattle, horses, sheep, goats, fowls or animals of any kind or description within the corporate limits, and provide for the impounding of all animals running at large, herded or driven contrary to such prohibition; and to provide for the forfeiture and sale of animals impounded, to pay the expense of taking up, caring for, and selling the same, including the cost of advertising and fees of officers;

Use of streets.

(17) To regulate the transportation of articles through the streets, to prevent injuries to the streets from overloaded vehicles, and to regulate the width of wagon tires, and tires of other vehicles;

Playing on streets and sidewalks.

(18) To prevent or regulate the rolling of hoops, playing of ball, flying of kites, the riding of bicycles or tricycles, or any other amusement or practice having a tendency to annoy persons passing in the streets or on the sidewalks, or to frighten teams or horses; to regulate the use of vehicles propelled by steam, gas, electricity or other motive power, operated on the streets of the city;

Combustibles and explosives.

(19) To regulate or prohibit the transportation and keeping of gunpowder, oils, and other combustible and explosive articles;

Public sale of chattels on streets.

(20) To regulate, license or prohibit the sale of domestic animals, or of goods, wares, and merchandise at public auction on the streets, alleys and highways, or any public ground within the city;

Signs and obstruction in streets.

(21) To regulate and prevent the use of streets, sidewalks and public grounds for signs, posts, awnings, awning posts, scales or other like purposes; to regulate and prohibit the exhibition or carrying or conveying of banners, placards, advertisements, or the distribution or posting of advertisements or handbills in the streets or public grounds, or upon the sidewalks;

Disorderly conduct.

(22) To provide for the punishment of persons disturbing the peace and good order of the city by clamor and noise; by intoxication, drunkenness, fighting or using obscene or profane language in the streets or other public places, or otherwise violating the public peace by indecent or disorderly conduct, or by lewd and lascivious behavior;

Vagrants and tramps.

(23) To provide for the punishment of vagrants, tramps, common street beggars, common prostitutes, habitual disturbers of the peace, pickpockets, gamblers, burglars, thieves, or persons who practice any game, trick, or device with intent to swindle, persons who abuse their families, and suspicious persons who can give no reasonable account of themselves, and to punish trespassers upon private property;

Disorderly houses, gambling, offenses against public morals.

(24) To prohibit, restrain and suppress tippling shops, houses of prostitution, opium joints or gambling houses, prize fighting, dog fighting, cock fighting, and

other disorderly houses and practices, all games and gambling and desecration of the Sabbath, commonly called Sunday, and all kinds of indecencies; to regulate and license or prohibit the keeping and use of billiard tables, ten pins or ball alleys, shooting galleries, and other similar places of amusement, and to prohibit and suppress, by ordinance, all lotteries and gift enterprises of all kinds under whatsoever name carried on;

Police regulation in general.

(25) To make and enforce all police regulations for the good government, general welfare, health, safety and security of the city and the citizens thereof, in addition to the police powers expressly granted herein; and in the exercise of the police power, they may pass all needful and proper ordinances, and shall have power to impose fines, forfeitures, penalties, and imprisonment at hard labor for the violation of any ordinance, and to provide for the recovery, collection and enforcement thereof; and in default of payment to provide for confinement in the city or county prison, workhouse or other place of confinement with or without hard labor as may be provided by ordinance;

Fast driving on streets.

(26) To prevent horse racing, and immoderate driving or riding on the street, and to compel persons to fasten their horses or other animals attached to vehicles while standing in the streets;

Libraries, art galleries and museums.

(27) To establish and maintain public libraries, reading rooms, art galleries and museums, and to provide the necessary grounds or buildings therefor; to purchase books, papers, maps, manuscripts, works of art and objects of natural or of scientific curiosity, and instruction therefor; to receive donations and bequests of money or property for the same in trust or otherwise, and to pass necessary by-laws and regulations for the protection and government of the same;

Hospitals, workhouses, jails, firehouses, etc.; garbage disposal.

(28) To erect, designate, establish, maintain and regulate hospitals or workhouses, houses of correction, jails, station houses, fire engine houses, asphalt repair plant, and other necessary buildings; also plants for the removal and disposal of garbage, or to make contracts for the removal or disposal of garbage, or for both, except as hereinafter provided; Provided, that before any contract for the removal and disposal of garbage, or both, shall be let, the city council shall make

specifications therefor, bids shall be advertised for as now provided by law, and the contract shall be let to the lowest and best bidder, who shall furnish bond to the city conditioned upon his carrying out the terms of the contract, the bond to be approved by the city council; and provided further, that nothing in this act, and no contract or regulation made by the city council, shall be so construed as to prohibit any person, firm or corporation engaged in any business in which garbage accumulates as a byproduct, from selling or otherwise disposing of his or its garbage, or hauling the same through the streets and alleys under such uniform and reasonable regulations as the city council may by ordinance prescribe for the removal and hauling of garbage;

Market places.

(29) To erect and establish market houses and market places, and to provide for the erection of all other useful and necessary buildings for the use of the city, and for the protection and safety of all property owned by the city; and they may locate such market houses and market places, and buildings aforesaid, on any street, alley or public ground, or on land purchased for such purpose;

Cemeteries, registers of births and deaths.

(30) To prohibit the establishment of additional cemeteries within the limits of the city, to regulate the registration of births and deaths, to direct the keeping and returning of bills of mortality, and to impose penalties on physicians, sextons, and others for any default in the premises;

Plumbing, etc., inspection.

(31) To provide for the inspection of steam boilers, electric light appliances, pipefittings and plumbings, to regulate their erection and construction, to appoint inspectors, and to declare their powers and duties, except as herein otherwise provided;

Fire limits and fire protection.

(32) To prescribe fire limits and regulate the erection of all buildings and other structures within the corporate limits; to provide for the removal of any buildings, or structures or additions thereto erected contrary to such regulations, to provide for the removal of dangerous buildings, and to provide that wooden buildings shall not be erected or placed or repaired in the fire limits; but such ordinance shall not be suspended or modified by resolution nor shall exceptions be made by ordinance or resolution in favor of any person, firm or corporation, or concerning any particular

lot or building; to direct that all and any building within such fire limits, when the same shall have been damaged by fire, decay or otherwise, to the extent of fifty per cent of the value of a similar new building above the foundation, shall be torn down or removed; and to prescribe the manner of ascertaining such damages and to assess the cost of removal of any building erected or existing contrary to such regulations or provisions, against the lot or real estate upon which such building or structure is located or shall be erected, or to collect such costs from the owner of any such building or structure and enforce such collection by civil action in any court of competent jurisdiction;

Building regulations.

(33) To regulate the construction, use and maintenance of party walls, to prescribe and regulate the thickness, strength, and manner of constructing stone, brick, wood or other buildings, the size and shape of brick and other material placed therein, to prescribe and regulate the construction and arrangement of fire escapes and the placing of iron and metallic shutters and doors therein and thereon, and to provide for the inspection of elevators and hoist-way openings to avoid accidents; to prescribe, regulate, and provide for the inspection of all plumbing, pipefitting or sewer connections in all houses or buildings now or hereafter erected; to regulate the size, number, and manner of construction of halls, doors, stairways, seats, aisles, and passageways of theaters, tenement houses, audience rooms, and all buildings of a public character, whether now built or hereafter to be built, so that there may be convenient, safe and speedy exit in case of fire; to prevent the dangerous construction and condition of chimneys, fireplaces, hearths, stoves, stovepipes, ovens, boilers, and heating appliances used in or about any building or a manufactory, and to cause the same to be removed or placed in safe condition where they are considered dangerous; to regulate and prevent the carrying on of manufactures dangerous in causing and promoting fires; to prevent the deposit of ashes in unsafe places, and to cause such buildings and enclosures as may be in a dangerous state to be put in a safe condition; to prevent the disposing of and delivery or use in any building or other structure, of soft, shelly or imperfectly burned brick or other unsuitable building material within the city limits, and provide for the inspection of the same; to provide for the abatement of dense volumes of smoke; to regulate the construction of areaways, stairways and vaults, and to regulate partition fences; to enforce proper heating and ventilation of buildings used for schools, workhouses, or shops of every class wherein labor is employed or large numbers of persons are liable

to congregate;

Warehouses and street railways.

(34) To regulate levees, depots and depot grounds, and places for storing freight and goods, and to provide for and regulate the laying of tracks and the passage of steam, or other railways through the streets, alleys and public grounds of the city;

Lighting railroad property.

(35) To require the lighting of any railway within the city, the cars of which are propelled by steam, and to fix and determine the number, size and style of lamp posts, burners, lamps, and all other fixtures and apparatus necessary for such lighting, and the points of location for such lamp posts; and in case any company owning or operating such railways shall fail to comply with such requirements, the council may cause the same to be done and may assess the expense thereof against such company, and the same shall constitute a lien upon any real estate belonging to such company and lying within such city, and may be collected in the same manner as taxes for general purposes;

City publicity.

(36) To provide for necessary publicity, and to appropriate money for the purpose of advertising the resources and advantages of the city;

Off-street parking.

(37) To erect, establish, and maintain off-street parking areas on publicly-owned property located beneath any elevated segment of the National System of Interstate and Defense Highways or portion thereof, or public property title to which is in the city on May 12, 1971, or property owned by the city and used in conjunction with and incidental to city-operated facilities, and to regulate parking thereon by time limitation devices or by lease; and

Public Passenger Transportation Systems

(38) To acquire, by the exercise of the power of eminent domain or otherwise, lease, purchase, construct, own, maintain and operate, or contract for the operation of, public passenger transportation systems, excluding taxicabs and railroad systems, including all property and facilities required therefor, within and without the limits of the city, to redeem such property from prior encumbrance in order to protect or preserve the interest of the city therein, to exercise all powers granted by the Constitution and laws of the State of Nebraska or exercised by or pursuant to a home rule charter adopted pursuant thereto, including but not limited to receiving

and accepting from the government of the United States or any agency thereof, from the State of Nebraska or any subdivision thereof, and from any person or corporation, donations, devises, gifts, bequests, loans or grants for or in aid of the acquisition, operation and maintenance of such public passenger transportation systems, and to administer, hold, use, and apply the same for the purposes for which such donations, devises, gifts, bequests, loans or grants may have been made, to negotiate with employees and enter into contracts of employment, to employ by contract or otherwise individuals singularly or collectively, to enter into agreements authorized under the Interlocal Cooperation Act, to contract with an operating and management company for the purpose of operating, servicing and maintaining any public passenger transportation systems any city of the metropolitan class shall acquire under the provisions of this act, and to exercise such other and further powers as may be necessary, incident or appropriate to the powers of such city.

Sec. 2. That original section 14-102, Revised Statutes Supplement, 1971, is repealed.

Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.