

## LEGISLATIVE BILL 62

Approved by the Governor February 17, 1971

Introduced by Terry Carpenter, 48th District

AN ACT to amend section 17-307, Reissue Revised Statutes of Nebraska, 1943, section 17-101, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 32, Eighty-second Legislature, First Session, 1971, and section 17-201, Reissue Revised Statutes of Nebraska, 1943, as amended by section 2, Legislative Bill 32, Eighty-second Legislature, First Session, 1971, relating to cities of the second class and villages; to increase the maximum population as prescribed; and to repeal the original sections.

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

Section 1. That section 17-101, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 32, Eighty-second Legislature, First Session, 1971, be amended to read as follows:

17-101. All cities, towns, and villages containing more than ~~six~~ eight hundred and not more than five thousand inhabitants shall be cities of the second class and be governed by the provisions of sections 17-101 to 17-153, unless they adopt a village government as provided in sections 17-306 to 17-309.

Sec. 2. That section 17-201, Reissue Revised Statutes of Nebraska, 1943, as amended by section 2, Legislative Bill 32, Eighty-second Legislature, First Session, 1971, be amended to read as follows:

17-201. Any town or village containing not less than one hundred nor more than ~~six~~ eight hundred inhabitants, incorporated as a city, town or village, under the laws of this state, and any city of the second class that shall have adopted village government as provided by law, shall be a village, and shall have the rights, powers, and immunities hereinafter granted, and none other; Provided, all county seat towns shall have the powers and immunities as hereinafter granted. Whenever a majority of the taxable inhabitants of any town or village, not incorporated under any laws of this state, shall present a petition to the county board of the county in which said petitioners reside, praying that they may be incorporated as a village, designating

the name they wish to assume, and the metes and bounds of the proposed village, and such county board or majority of the members thereof shall be satisfied that a majority of the taxable inhabitants of the proposed village have signed such petition, and that inhabitants to the number of one hundred or more are actual residents of the territory described in the petition, the board shall declare the proposed village incorporated, and enter the order of incorporation upon its records, and designate the metes and bounds thereof. Thereafter the said village shall be governed by the provisions of law applicable to the government of villages. The county board shall, at the time of the incorporation of said village, appoint five persons, having the qualifications provided in section 17-203, as trustees, who shall hold their offices and perform all the duties required of them by law until the election and qualification of their successors at the time and in the manner provided in section 17-202; Provided, the county board shall not declare a proposed village incorporated or enter an order of incorporation if any portion of the territory of such proposed village is within five miles of a Nebraska incorporated village or city of any class.

Sec. 3. That section 17-307, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

17-307. Whenever any village shall attain a population exceeding ~~six~~ eight hundred inhabitants and one-fourth of the legal voters, but not less than one hundred registered legal voters, therein shall petition the board of trustees of such village, the board of trustees shall cause to be published for at least thirty days a notice stating that the question of retaining a village form of government will be submitted at the next annual election. Thereupon there shall be submitted by the board of trustees at such next annual election the question of retaining a village form of government. The form of the ballot at such election shall be For retention of village government, and Against retention of village government. If the majority of the votes cast are for retention of village government, then such village shall remain a village and be governed under the provisions of the law relating to villages, unless it shall, at some future annual election, adopt a city government in the manner provided herein for the adoption of a village government.

Sec. 4. That original section 17-307, Reissue Revised Statutes of Nebraska, 1943, section 17-101,

Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 32, Eighty-second Legislature, First Session, 1971, and section 17-201, Reissue Revised Statutes of Nebraska, 1943, as amended by section 2, Legislative Bill 32, Eighty-second Legislature, First Session, 1971, are repealed.