

LEGISLATIVE BILL 483

Approved by the Governor May 11, 1977

Introduced by Urban Affairs Committee, George, 16, Chmn.;
Schmit, 23; Maxey, 46; Koch, 12; Labeledz, 5;
Kahle, 37; DeCamp 40

AN ACT to amend sections 16-669 and 16-670, Reissue Revised Statutes of Nebraska, 1943, relating to water and sewer districts in cities of the first class; to change provisions relating to sewer or water main improvements as prescribed; to provide for the use of special assessments; to repeal the original sections, and also section 16-668, Revised Statutes Supplement, 1976; and to declare an emergency. Be it enacted by the people of the State of Nebraska,

Section 1. Upon formation by city ordinance of sewerage, drainage, and water service districts as described by section 16-667, the owners of the record title representing more than fifty per cent of the front footage of the property abutting upon the streets, avenues, or alleys, or parts thereof which are within such a proposed district may, by petition, stop formation of such a district. Such written protest shall be submitted to the city council or clerk within twenty calendar days after publication of notice concerning the ordinance in a newspaper of general circulation in the city. Publication of such notice shall follow within ten calendar days after passage of such an ordinance.

Sec. 2. Upon formation of a district as provided in section 1 of this act, the mayor and council may order sewer or water mains to be laid in such district and the costs, to the extent of the special benefit, assessed against the lots and parcels of real estate in such district. The cost of sewer or water mains in excess of collections from special assessments under this section may be paid out of the sewer fund or water fund, or, if money in such fund is insufficient, out of the general fund of the city.

Sec. 3. If, after ten days' notice by certified mail or publication in a newspaper of general circulation, a property owner fails to make such connections and comply with such regulations as the council may order in accordance with section 2 of this act, the council may order such connection be made, and assess the cost thereof against the property so benefited.

Sec. 4. That section 16-669, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

16-669. The assessment of special taxes for sewer mains or water mains so provided for and constructed shall be levied at one time and shall become delinquent ~~as follows: in equal annual installments over such period of years of not less than four years and not more than ten years as the mayor and council may determine at the time of making the levy. The first installment shall become delinquent fifty days after the making of such levy. One-fifth of the total amount shall become delinquent in fifty days; one-fifth in one year; one-fifth in two years; one-fifth in three years; and one-fifth in four years, respectively; after the date of such levy.~~ Each of said installments, except the first, shall draw interest from the time of such levy until they shall become delinquent. After the same become delinquent, interest at the rate of nine per cent per annum shall be paid thereon, until the same is collected and paid. Such special taxes shall be collected and enforced as in cases of other special taxes and shall be a lien on said real estate from and after the date of the levy thereof. Should there be three or more of said installments delinquent and unpaid on the same property the mayor and city council may by resolution declare all future installments on such delinquent property to be due on a future fixed date. The resolution shall set forth the description of the property and the names of its record title owners and shall provide that all future installments shall become delinquent upon the date fixed. A copy of such resolution shall be published one time each week for not less than twenty days in a legal newspaper of general circulation published in the city and after the fixed date such future installments shall be deemed to be delinquent and the city may proceed to enforce and collect the total amount due and all future installments.

Sec. 5. That section 16-670, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

16-670. For the purpose of paying the cost of any such sewer or water improvements in any such district, the mayor and council shall have the power and may by ordinance cause to be issued bonds of the city, to be called District Sewer (Water) Bonds of District No. ..., payable in not exceeding ten fifteen years from date and to bear interest payable annually or semiannually with interest coupons attached. ~~After the expiration of five years an equal amount of said bonds shall be~~

redeemable each year, and in such case they shall also provide that said special tax and assessments shall constitute a sinking fund for the payment of such bonds and interest; ~~Provided, the entire~~ All special assessments which may be levied upon properties specially benefited by such work or improvements shall, when collected, be set aside and constitute a sinking fund for the payment of the interest and principal of such bonds. The cost of such sewers sewer or water improvements in any such street, avenue or alley may be chargeable by special assessment to the private property therein, and within such district may be paid by the owners of such property within fifty days from the levy of such special taxes assessments; and thereupon said property shall be exempt from any lien therefor. Said Such bonds shall not be sold for less than their par value and if any assessment or any part thereof shall fail or for any reason be invalid, the mayor and council may make such other and further assessments on such lots or lands as may be required to collect from the same the cost of any such sewer or water improvements properly chargeable thereto as herein provided. If said assessment such assessments or any part thereof shall fail or for any reason be invalid, the mayor and council may, without further notice, make such other and further assessments on said such lots or lands as may be required to collect from the same the cost of such improvement properly chargeable thereto as hereinbefore provided. Nothing in this section shall be construed to prevent a city from paying the cost of sewer or water improvements from revenue bonds as otherwise provided by law. When revenue bonds are issued to pay the cost of sewer or water improvements, the mayor and council may provide that the collections from any related special assessment district shall be allocated to the gross revenue of the appropriate utility system.

Sec. 6. That original sections 16-669 and 16-670, Reissue Revised Statutes of Nebraska, 1943, and also section 16-668, Revised Statutes Supplement, 1976, are repealed.

Sec. 7. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.