

LEGISLATIVE BILL 1019

Approved by the Governor March 3, 1994

Introduced by Wehrbein, 2

AN ACT relating to cities of the first and second classes; to amend sections 16-238 and 17-121, Revised Statutes Supplement, 1993; to change provisions relating to the composition of the board of health; and to repeal the original sections.

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

Section 1. That section 16-238, Revised Statutes Supplement, 1993, be amended to read as follows:

16-238. A city of the first class may make regulations to prevent the introduction and spread of contagious, infectious, or malignant diseases into the city. In cities with a commission form of government as provided in Chapter 19, article 4, and cities with a city manager plan of government as provided in Chapter 19, article 6, a board of health shall be created consisting of five members: The mayor, who shall be chairperson, a physician, who shall be medical adviser, the chief of police, who shall be secretary and quarantine officer, and two other members. In all other cities, a board of health shall be created consisting of five members: The mayor, who shall be chairperson, a physician, who shall be medical adviser, the chief of police, who shall be secretary and quarantine officer, the president of the council, and one other member. A majority of such board shall constitute a quorum and shall enact rules and regulations, having the force and effect of law, to safeguard the health of the people of such city and prevent nuisances and unsanitary conditions, enforce the same, and provide fines and punishments for the violation thereof.

Sec. 2. That section 17-121, Revised Statutes Supplement, 1993, be amended to read as follows:

17-121. A city of the second class shall have power to make regulations to prevent the introduction and spread of contagious, infectious, or malignant diseases into the city, to make quarantine laws for that purpose, and to enforce the same. In cities with a commission form of government as provided in Chapter 19, article 4, and cities with a city manager plan of government as provided in Chapter 19, article 6, a board of health shall be created consisting of five members: The mayor, who shall be chairperson, a physician, who shall be medical adviser, the marshal of such city, who shall be secretary and quarantine officer, and two other members. In all other cities, a board of health shall be created consisting of four members: The mayor, who shall be chairperson, a physician, who shall be medical adviser, the president of the city council, and the marshal of such city, who shall be secretary and quarantine officer. A majority of such board shall constitute a quorum and shall enact rules and regulations, which shall have the force and effect of law, to safeguard the health of the people of such city, may enforce them, and may provide fines and punishments for the violation thereof. The board of health shall have power to and shall make all needful rules and regulations relating to matters of sanitation of such city, including the removal of dead animals, the sanitary condition of the streets, alleys, vacant grounds, stockyards, cattle and hog pens, wells, cisterns, privies, waterclosets, cesspools, stables, and all buildings and places not specified where filth, nuisances, or offensive matter is kept or is liable to or does accumulate. It may regulate, suppress, and prevent the occurrence of nuisances and enforce all laws of the state and ordinances of the city relating to the same or to matters of sanitation of such city. The board shall also have control of hospitals, dispensaries, places for treatment of sick, and matters relating to the same under such restrictions and provisions as may be provided by ordinance of such city.

Sec. 3. That original sections 16-238 and 17-121, Revised Statutes Supplement, 1993, are repealed.