

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 108

Introduced by Carlson, 38.

Read first time January 06, 2011

Committee: Agriculture

A BILL

1 FOR AN ACT relating to division fences; to amend section 34-112.01,
2 Reissue Revised Statutes of Nebraska; to provide and
3 change provisions relating to fence maintenance; and to
4 repeal the original section.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Every person liable to contribute to the
2 construction and maintenance of a division fence or any portion
3 thereof shall maintain his or her portion in good repair, including
4 the necessary removal or trimming of vegetative growth within or
5 encroaching upon the fenceline to repair or avoid damage to, or
6 dislocation of, the division fence. The occurrence of vegetative
7 growth within or encroaching upon a division fence that causes damage
8 to, or dislocation of, the fence shall constitute a private nuisance
9 to the adjacent landowner's possessory interests in his or her land.

10 Sec. 2. Section 34-112.01, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 34-112.01 An owner of land may enter upon adjacent land
13 owned by another person to construct, maintain, or repair a division
14 fence pursuant to sections 34-102 and 34-112, but such access shall
15 be allowed only to the extent reasonably necessary to construct,
16 maintain, or repair the division fence. ~~This section does not~~
17 ~~authorize any alterations to adjacent land owned by another person,~~
18 ~~including the removal of trees, buildings, or other obstacles,~~
19 ~~without the consent of the adjacent landowner or a court order or the~~
20 ~~removal of any items of personal property lying thereon without the~~
21 ~~consent of the adjacent landowner or a court order.~~

22 Sec. 3. Original section 34-112.01, Reissue Revised
23 Statutes of Nebraska, is repealed.