

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
SECOND SESSION
LEGISLATIVE BILL 174
Final Reading

Introduced by Mello, 5.

Read first time January 14, 2013

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to cities of the metropolitan class; to amend
2 sections 14-415 and 60-6,304, Reissue Revised Statutes of
3 Nebraska; to change a penalty for violation of building
4 ordinances or regulations; to change provisions relating
5 to load contents and spillage under the Nebraska Rules of
6 the Road; to provide a penalty; to harmonize provisions;
7 and to repeal the original sections.
8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 14-415, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 14-415 The city, in addition to other remedies, may
4 institute any appropriate action or proceedings to prevent an
5 unlawful erection, construction, reconstruction, alteration,
6 conversion, maintenance, or use of any building or structure in
7 violation of any ordinance or regulations enacted or issued pursuant
8 to sections 14-401 to 14-418, to restrain, correct, or abate such
9 violation, to prevent the occupancy of ~~said the~~ building, structure,
10 or land, or to prevent any illegal act, conduct, business, or use in
11 or about such premises. ~~Said The ordinance or~~ regulations shall be
12 enforced by the city as it may provide. In addition to and not in
13 restriction of any other powers, the city may cause any building,
14 structure, place, or premises to be inspected and examined and to
15 order in writing the remedying of any condition found to exist
16 therein or thereat in violation of any provision of the ordinance or
17 regulations made under authority of ~~said such~~ sections. The owner,
18 general agent, lessee, or tenant of a building or premises or of any
19 part of such building or premises, where a violation of any provision
20 of ~~said the ordinance or~~ regulations has been committed or shall
21 exist, or the general agent, architect, builder, contractor, or any
22 other person who commits, takes part, or assists in any such
23 violation or who maintains any building or premises in which any such
24 violation shall exist, shall be guilty of a Class IV misdemeanor
25 ~~punishable by a fine of not less than ten dollars and not more than~~

1 ~~one hundred dollars for each and every day that such violation~~
2 ~~continues.~~ for a first or second violation and a Class II misdemeanor
3 for a third or subsequent violation, if the third or subsequent
4 violation is committed within two years after the commission of the
5 prior violation.

6 Sec. 2. Section 60-6,304, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 60-6,304 ~~(1) No~~ (1)(a) Except as provided in subsection
9 (2) of this section for a vehicle that contained livestock, but still
10 contains the manure or urine of such livestock, no vehicle shall be
11 driven or moved on any highway unless the vehicle is so constructed
12 or loaded as to prevent its contents from dropping, sifting, leaking,
13 or otherwise escaping from the vehicle.

14 ~~(2) No~~ (b) Except as provided in subsection (2) of this
15 section for a vehicle that contained livestock, but still contains
16 the manure or urine of such livestock, no person shall transport any
17 sand, gravel, rock less than two inches in diameter, or refuse in any
18 vehicle on any hard-surfaced state highway if such material protrudes
19 above the sides of that part of the vehicle in which it is being
20 transported unless such material is enclosed or completely covered
21 with canvas or similar covering.

22 ~~(3)~~ (c) No person shall drive or move a motor vehicle,
23 trailer, or semitrailer upon any highway unless the cargo or contents
24 carried by the motor vehicle, trailer, or semitrailer are properly
25 distributed and adequately secured to prevent the falling of cargo or

1 contents from the vehicle. The tailgate, doors, tarpaulins, and any
2 other equipment used in the operation of the motor vehicle, trailer,
3 or semitrailer or in the distributing or securing of the cargo or
4 contents carried by the motor vehicle, trailer, or semitrailer shall
5 be secured to prevent cargo or contents falling from the vehicle. The
6 means of securement to the motor vehicle, trailer, or semitrailer
7 must be either tiedowns and tiedown assemblies of adequate strength
8 or sides, sideboards, or stakes and a rear endgate, endboard, or
9 stakes strong enough and high enough to assure that cargo or contents
10 will not fall from the vehicle.

11 ~~(4)-(d)~~ Any person who violates any provision of this
12 ~~section shall be subsection~~ is guilty of a Class IV misdemeanor.

13 (2)(a) No person operating any vehicle that contained
14 livestock, but still contains the manure or urine of livestock, on
15 any highway located within the corporate limits of a city of the
16 metropolitan class, shall spill manure or urine from the vehicle.

17 (b) Any person who violates this subsection is guilty of
18 a Class IV misdemeanor and shall be assessed a minimum fine of at
19 least two hundred fifty dollars.

20 Sec. 3. Original sections 14-415 and 60-6,304, Reissue
21 Revised Statutes of Nebraska, are repealed.