

AMENDMENTS TO LB 338

Introduced by Urban Affairs.

1           1. Strike the original sections and insert the following  
2 new sections:

3           Section 1. Section 15-268, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5           15-268 A ~~primary~~ city of the primary class may provide  
6 for the destruction and removal of weeds and worthless vegetation  
7 growing upon any lot or lots or lands within the corporate limits  
8 of such city or upon the streets and alleys abutting upon any  
9 lot or lots or lands, and such city may require the owner or  
10 owners of such lot or lots or lands to destroy and remove the same  
11 therefrom and from the streets and alleys abutting thereon. If the  
12 ~~owner or owners fail, neglect, or refuse,~~ after five days' notice  
13 by publication, ~~or~~ by certified United States mail, or by the  
14 conspicuous posting of the notice on the lot or land upon which the  
15 nuisance exists, the owner or owners fail, neglect, or refuse to  
16 destroy or remove the ~~same,~~ nuisance, the city, through its proper  
17 officers, shall destroy and remove the ~~same~~ nuisance, or cause the  
18 ~~same~~ nuisance to be destroyed or removed, from the lot or lots or  
19 lands and streets and alleys abutting thereon and shall assess the  
20 cost thereof against such lot or lots or lands, as provided by  
21 ordinance.

22           Sec. 2. Section 16-230, Reissue Revised Statutes of  
23 Nebraska, is amended to read:

1           16-230 (1) A city of the first class by ordinance may  
2 require lots or pieces of ground within the city or within  
3 ~~two miles of the corporate limits of the city~~ the city's  
4 extraterritorial zoning jurisdiction to be drained or filled so  
5 as to prevent stagnant water or any other nuisance accumulating  
6 thereon. ~~It~~ Except as provided in subsection (6) of this section,  
7 the city may require the owner or occupant of all lots and  
8 pieces of ground within the city to keep the lots and pieces  
9 of ground and the adjoining streets and alleys free of any  
10 growth of twelve inches or more in height of weeds, grasses, or  
11 worthless vegetation, and it may prohibit and control the throwing,  
12 depositing, or accumulation of litter on any lot or piece of ground  
13 within the city.

14           (2) ~~Any~~ Except as provided in subsection (6) of this  
15 section, any city of the first class may by ordinance declare it  
16 to be a nuisance to permit or maintain any growth of twelve inches  
17 or more in height of weeds, grasses, or worthless vegetation or to  
18 litter or cause litter to be deposited or remain thereon except in  
19 proper receptacles.

20           (3) Any owner or occupant of a lot or piece of ground  
21 shall, upon conviction of violating ~~such~~ any ordinance authorized  
22 under this section, be guilty of a Class V misdemeanor.

23           (4) Notice to abate and remove such nuisance shall be  
24 given to each owner or owner's duly authorized agent and to the  
25 occupant, if any, by personal service or certified mail. If notice  
26 by personal service or certified mail is unsuccessful, notice shall  
27 be given by publication in a newspaper of general circulation in

1 the city or by conspicuously posting the notice on the lot or  
2 ground upon which the nuisance is to be abated and removed. Within  
3 five days after receipt of such notice or publication or posting,  
4 whichever is applicable, if the owner or occupant of the lot or  
5 piece of ground does not request a hearing with the city or fails  
6 to comply with the order to abate and remove the nuisance, the city  
7 may have such work done. The costs and expenses of any such work  
8 shall be paid by the owner. If unpaid for two months after such  
9 work is done, the city may either (a) levy and assess the costs and  
10 expenses of the work upon the lot or piece of ground so benefited  
11 in the same manner as other special taxes for improvements are  
12 levied and assessed or (b) recover in a civil action the costs  
13 and expenses of the work upon the lot or piece of ground and the  
14 adjoining streets and alleys.

15 (5) For purposes of this section:

16 (a) Litter includes, but is not limited to: (i) Trash,  
17 rubbish, refuse, garbage, paper, rags, and ashes; (ii) wood,  
18 plaster, cement, brick, or stone building rubble; (iii) grass,  
19 leaves, and worthless vegetation; (iv) offal and dead animals;  
20 and (v) any machine or machines, vehicle or vehicles, or parts of  
21 a machine or vehicle which have lost their identity, character,  
22 utility, or serviceability as such through deterioration,  
23 dismantling, or the ravages of time, are inoperative or unable to  
24 perform their intended functions, or are cast off, discarded, or  
25 thrown away or left as waste, wreckage, or junk; and

26 (b) Weeds includes, but is not limited to, bindweed  
27 (Convolvulus arvensis), puncture vine (Tribulus terrestris),

1 leafy spurge (*Euphorbia esula*), Canada thistle (*Cirsium arvense*),  
2 perennial peppergrass (*Lepidium draba*), Russian knapweed (*Centaurea*  
3 *picris*), Johnson grass (*Sorghum halepense*), nodding or musk  
4 thistle, quack grass (*Agropyron repens*), perennial sow thistle  
5 (*Sonchus arvensis*), horse nettle (*Solanum carolinense*), bull  
6 thistle (*Cirsium lanceolatum*), buckthorn (*Rhamnus sp.*) (tourn),  
7 hemp plant (*Cannabis sativa*), and ragweed (*Ambrosiaceae*); and-

8 (c) Weeds, grasses, and worthless vegetation does not  
9 include vegetation applied or grown on a lot or piece of ground  
10 outside the corporate limits of the city but inside the city's  
11 extraterritorial zoning jurisdiction expressly for the purpose of  
12 weed or erosion control.

13 (6) A city of the first class by ordinance may declare it  
14 to be a nuisance to permit or maintain any growth of eight inches  
15 or more in height of weeds, grasses, or worthless vegetation on any  
16 lot or piece of ground located within the corporate limits of the  
17 city during any calendar year if, within the same calendar year,  
18 the city has, pursuant to subsection (4) of this section, acted  
19 to remove weeds, grasses, or worthless vegetation exceeding twelve  
20 inches in height on the same lot or piece of ground and had to seek  
21 recovery of the costs and expenses of such work from the owner.

22 Sec. 3. Section 17-563, Reissue Revised Statutes of  
23 Nebraska, is amended to read:

24 17-563 (1) ~~Each~~ Except as provided in subsection (6) of  
25 this section, a city of the second class and village by ordinance  
26 (a) may require lots or pieces of ground within the city or village  
27 to be drained or filled so as to prevent stagnant water or any

1 other nuisance accumulating thereon, (b) - ~~It~~ may require the  
2 owner or occupant of any lot or piece of ground within the city  
3 or village to keep the lot or piece of ground and the adjoining  
4 streets and alleys free of any growth of twelve inches or more in  
5 height of weeds, grasses, or worthless vegetation, and ~~it~~ (c) may  
6 prohibit and control the throwing, depositing, or accumulation of  
7 litter on any lot or piece of ground within the city or village.

8 (2) ~~Any~~ Except as provided in subsection (6) of this  
9 section, any city of the second class and village may by ordinance  
10 declare it to be a nuisance to permit or maintain any growth of  
11 twelve inches or more in height of weeds, grasses, or worthless  
12 vegetation or to litter or cause litter to be deposited or remain  
13 thereon except in proper receptacles.

14 (3) Any owner or occupant of a lot or piece of ground  
15 shall, upon conviction of violating ~~such~~ any ordinance authorized  
16 under this section, be guilty of a Class V misdemeanor.

17 (4) Notice to abate and remove such nuisance shall be  
18 given to each owner or owner's duly authorized agent and to the  
19 occupant, if any, by personal service or certified mail. If notice  
20 by personal service or certified mail is unsuccessful, notice shall  
21 be given by publication in a newspaper of general circulation in  
22 the city or by conspicuously posting the notice on the lot or  
23 ground upon which the nuisance is to be abated and removed. Within  
24 five days after receipt of such notice or publication or posting,  
25 whichever is applicable, if the owner or occupant of the lot or  
26 piece of ground does not request a hearing with the city or village  
27 or fails to comply with the order to abate and remove the nuisance,

1 the city or village may have such work done. The costs and expenses  
2 of any such work shall be paid by the owner. If unpaid for two  
3 months after such work is done, the city or village may either (a)  
4 levy and assess the costs and expenses of the work upon the lot or  
5 piece of ground so benefited in the same manner as other special  
6 taxes for improvements are levied and assessed or (b) recover in  
7 a civil action the costs and expenses of the work upon the lot or  
8 piece of ground and the adjoining streets and alleys.

9 (5) For purposes of this section:

10 (a) Litter includes, but is not limited to: (i) Trash,  
11 rubbish, refuse, garbage, paper, rags, and ashes; (ii) wood,  
12 plaster, cement, brick, or stone building rubble; (iii) grass,  
13 leaves, and worthless vegetation; (iv) offal and dead animals;  
14 and (v) any machine or machines, vehicle or vehicles, or parts of  
15 a machine or vehicle which have lost their identity, character,  
16 utility, or serviceability as such through deterioration,  
17 dismantling, or the ravages of time, are inoperative or unable to  
18 perform their intended functions, or are cast off, discarded, or  
19 thrown away or left as waste, wreckage, or junk; and

20 (b) Weeds includes, but is not limited to, bindweed  
21 (*Convolvulus arvensis*), puncture vine (*Tribulus terrestris*),  
22 leafy spurge (*Euphorbia esula*), Canada thistle (*Cirsium arvense*),  
23 perennial peppergrass (*Lepidium draba*), Russian knapweed (*Centaurea*  
24 *picris*), Johnson grass (*Sorghum halepense*), nodding or musk  
25 thistle, quack grass (*Agropyron repens*), perennial sow thistle  
26 (*Sonchus arvensis*), horse nettle (*Solanum carolinense*), bull  
27 thistle (*Cirsium lanceolatum*), buckthorn (*Rhamnus sp.*) (tourn),

1 hemp plant (*Cannabis sativa*), and ragweed (*Ambrosiaceae*).

2           (6) A city of the second class or village by ordinance  
3 may declare it to be a nuisance to permit or maintain any growth  
4 of eight inches or more in height of weeds, grasses, or worthless  
5 vegetation on any lot or piece of ground located within the  
6 corporate limits of the city or village during any calendar year  
7 if, within the same calendar year, the city has, pursuant to  
8 subsection (4) of this section, acted to remove weeds, grasses, or  
9 worthless vegetation exceeding twelve inches in height on the same  
10 lot or piece of ground and had to seek recovery of the costs and  
11 expenses of such work from the owner.

12           Sec. 4. Original sections 15-268, 16-230, and 17-563,  
13 Reissue Revised Statutes of Nebraska, are repealed.