

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 532

FINAL READING

Introduced by Price, 3; McCoy, 39; Mello, 5; Campbell, 25; Gay, 14.

Read first time January 21, 2009

Committee: Government, Military and Veterans Affairs

A BILL

- 1 FOR AN ACT relating to counties; to provide for the adoption of
- 2 ordinances as prescribed.
- 3 Be it enacted by the people of the State of Nebraska,

1 Section 1. (1) In addition to the powers granted by
2 section 23-104, a county may, in the manner specified by sections 1
3 to 7 of this act, regulate the following subjects by ordinance:

4 (a) Parking of motor vehicles on public roads, highways,
5 and rights-of-way as it pertains to snow removal for and access by
6 emergency vehicles to areas within the county;

7 (b) Motor vehicles as defined in section 60-339 that are
8 abandoned on public or private property;

9 (c) Graffiti on public or private property;

10 (d) False alarms from electronic security systems that
11 result in requests for emergency response from law enforcement or
12 other emergency responders; and

13 (e) Violation of the public peace and good order of
14 the county by disorderly conduct, lewd or lascivious behavior, or
15 public nudity.

16 (2) For the enforcement of any ordinance authorized by
17 this section, a county may impose fines, forfeitures, or penalties
18 and provide for the recovery, collection, and enforcement of such
19 fines, forfeitures, or penalties. A county may also authorize
20 such other measures for the enforcement of ordinances as may be
21 necessary and proper. A fine enacted pursuant to this section shall
22 not exceed five hundred dollars for each offense.

23 Sec. 2. A county board shall provide notice of the time
24 when any county ordinance is set for consideration before the
25 board. Such notice shall appear at least once a week for two weeks

1 in a newspaper published or of general circulation in the county.
2 The notice shall contain the entire wording of the ordinance and
3 the time and place of the public hearing. The last publication of
4 the notice shall be not less than five days nor more than two weeks
5 prior to the time set for the public hearing on the adoption of
6 the ordinance. A county board shall not take final action on the
7 proposed ordinance until after at least one public hearing has been
8 held thereon by the county board at which public comment regarding
9 the proposed ordinance was permitted.

10 Sec. 3. A county ordinance may be proved by the
11 certificate of the county clerk under the seal of the county.
12 The adoption and publication of the ordinance shall be sufficiently
13 proved by a certificate under the seal of the county, from the
14 county clerk, showing (1) that such ordinance was adopted and (2)
15 when and in what paper the ordinance was published or when, by
16 whom, and where the ordinance was posted.

17 Sec. 4. (1) A county ordinance shall be read by title
18 on three different days unless three-fourths of the county board
19 members, following the public hearing on the ordinance, vote to
20 suspend this requirement. If such requirement is suspended, the
21 ordinance shall be read by title or number and then moved for final
22 adoption. Three-fourths of the county board members may require
23 a reading of any such ordinance in full before adoption under
24 either procedure set out in this section. The votes of each member
25 shall be called aloud and recorded. To adopt any ordinance, the

1 concurrence of a majority of the whole number of the members of the
2 county board shall be required.

3 (2) A county ordinance shall contain no subject which is
4 not clearly expressed in the title, and no ordinance or section
5 thereof shall be revised or amended unless the new ordinance
6 contains the entire ordinance or section as revised or amended and
7 the ordinance or section that is amended is repealed.

8 Sec. 5. The style of county ordinances shall be: "Be it
9 ordained by the county board of the county of, " and
10 all county ordinances shall, within fifteen days after they are
11 adopted, be published in some newspaper published or of general
12 circulation within the county.

13 Sec. 6. (1) No ordinance adopted pursuant to sections 1
14 to 7 of this act shall be effective within the corporate boundaries
15 of any incorporated city or village located in whole or in part
16 within the county. No ordinance adopted pursuant to sections 1 to
17 7 of this act shall be effective within the area outside of the
18 corporate boundaries of any city or village in which such city or
19 village has been granted and is exercising powers by ordinance on a
20 similar subject matter. Every county ordinance adopted pursuant to
21 sections 1 to 7 of this act shall include one section defining the
22 area of the county within which the county ordinance is effective.
23 The ordinance shall be amended to reflect any changes in the area
24 of the county's jurisdiction resulting from (a) annexation by a
25 city or village, (b) action by a city or village to adopt an

1 ordinance regarding similar subject matter to that of the county
2 ordinance if the city or village ordinance is to be effective in
3 areas beyond its corporate boundary, or (c) any changes in the
4 area of jurisdiction of the city or village regarding such city or
5 village ordinance.

6 (2) Before a county adopts an ordinance under sections 1
7 to 7 of this act, the county clerk shall provide a copy of the
8 text of the ordinance to the clerk of each city and village within
9 the county no later than seven days after the first reading of
10 the ordinance or the public hearing on the ordinance, whichever
11 occurs first. Within seven days after receiving a copy of the
12 ordinance, the city or village shall respond to the county and
13 provide a copy of any ordinance specifying where the city or
14 village is enforcing an ordinance on similar subject matter outside
15 its corporate boundaries. Any ordinance adopted by the county
16 shall not be effective in the area in which the city or village
17 is exercising jurisdiction. Prior to the adoption of the county
18 ordinance, the section of the ordinance that defines the area of
19 county jurisdiction shall be amended to show the removal of the
20 area of the jurisdiction of such city or village as indicated
21 in the city or village ordinance provided to the county from the
22 description of the area within which the county ordinance will be
23 effective. An ordinance adopted under sections 1 to 7 of this act
24 shall not be effective until fifteen days after its adoption.

25 (3) Any city or village located in whole or in part

1 within a county that has adopted an ordinance pursuant to sections
2 1 to 7 of this act which (a) annexes any territory, (b) adopts
3 an ordinance on similar subject matter to that of the county
4 ordinance and extends the jurisdiction of the city or village under
5 such ordinance to areas beyond its corporate boundaries, or (c)
6 changes the area beyond the corporate boundaries of the city or
7 village within which the city or village exercises jurisdiction
8 by ordinance on similar subject matter to that of the county
9 ordinance shall provide to the county clerk a copy of the ordinance
10 establishing and delineating its jurisdiction or any change to
11 that jurisdiction within seven days after the adoption of the
12 relevant city or village ordinance. Upon the effective date of the
13 city or village ordinance, the county ordinance shall cease to be
14 effective within the area in which the city or village has assumed
15 jurisdiction. The county board shall promptly amend its ordinance
16 to reflect the change in the area within which the county ordinance
17 is effective.

18 Sec. 7. A county attorney may sign and prosecute a
19 complaint in the county court for a violation of an ordinance of
20 the county in which he or she serves as county attorney. No county
21 may prosecute a complaint for a violation of an ordinance unless
22 such county has on file with the court a current copy of the
23 ordinances of such county. Subject to guidelines provided by the
24 State Court Administrator, the court shall prescribe the form in
25 which such ordinances shall be filed.