

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 1035

Introduced by Cook, 13.

Read first time January 21, 2010

Committee: Government, Military and Veterans Affairs

A BILL

- 1 FOR AN ACT relating to public health and welfare; to provide powers
- 2 for counties, cities, and villages to control and abate
- 3 public health nuisances.
- 4 Be it enacted by the people of the State of Nebraska,

1 Section 1. (1) Any county and any city of the
2 metropolitan, primary, first, or second class or village located in
3 the county shall have the powers, jointly or severally:

4 (a) To declare as a public health nuisance any condition,
5 act, or failure to act that unreasonably interferes or might
6 interfere with the health or safety of the community by endangering
7 life or by generating or spreading infectious diseases or that
8 might hinder in any manner the prevention or suppression of
9 infectious disease;

10 (b) To direct the owner or user of the property upon
11 which such nuisance exists to abate such nuisance; and

12 (c) If such owner or user refuses, fails, or neglects to
13 abate such nuisance, after proper notice and lapse of a reasonable
14 time for complying, to take any necessary and proper steps to abate
15 such nuisance. Any such county and city shall have and acquire a
16 lien for the expense thereof against the property upon which the
17 expense was incurred, which lien shall be enforceable in the same
18 manner as liens are enforced against buildings and lots for labor
19 and material furnished by contract with the owner.

20 (2) For purposes of this section, public health nuisance
21 includes, but is not limited to, the following:

22 (a) A pool of water, including an abandoned swimming
23 pool, or a vessel holding stagnant water in which mosquitoes can
24 breed;

25 (b) A carcass of an animal not buried or otherwise

1 disposed of in a sanitary manner within twenty-four hours after
2 death;

3 (c) An accumulation of manure, rubbish, litter, trash,
4 rubble, or improperly stacked building material, which provides a
5 potential breeding place for flies, mosquitoes, or vermin;

6 (d) A broken sewer line, improperly constructed privy
7 vault, leaking septic tank or sewer line, or other sewage existing
8 in an unsanitary manner and which could cause disease transmission;

9 (e) The keeping and maintaining of any animal or bird in
10 an unsanitary condition or surroundings;

11 (f) A building, wall, or other structure which has been
12 damaged by fire, decay, or otherwise and which endangers the
13 health, peace, and safety of the public;

14 (g) Any solid or industrial waste, including, but not
15 limited to, garbage, tin cans, bottles, rubbish, refuse, trash,
16 construction or demolition waste, tree trimmings, manufacturing
17 waste, or industrial waste, which has been dumped, thrown, burned,
18 spilled, or abandoned, unless required permits have been obtained;

19 (h) Dense smoke, strong odors, noxious fume, gas, or
20 soot in such a quantity as to render the occupancy of property
21 uncomfortable to a person of ordinary sensibilities;

22 (i) An accumulation of blowing trash, building materials,
23 or other waste material from the construction, repair, or
24 remodeling of a building;

25 (j) A tree damaged or dead to the extent that a limb, the

1 tree, or part of the tree could fall;

2 (k) Maintaining weeds, grass, or plants in a manner that
3 creates health problems or conditions which will produce animal
4 infestation or fire hazards;

5 (l) Maintaining a junkyard, salvage yard, or auto
6 recycling center without a license; and

7 (m) A water well which is no longer operable that poses a
8 safety threat or a contamination hazard to ground water.

9 (3) Nothing in this section shall limit the authority of
10 a county, city, village, or other political subdivision to regulate
11 nuisances.