

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 338

Introduced by Friend, 10.

Read first time January 15, 2009

Committee: Urban Affairs

A BILL

1 FOR AN ACT relating to cities and villages; to amend sections
2 16-230 and 17-563, Reissue Revised Statutes of Nebraska;
3 to change weed height requirements as prescribed; and to
4 repeal the original sections.

5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 16-230, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 16-230 (1) A city of the first class by ordinance may
4 require lots or pieces of ground within the city or within two
5 miles of the corporate limits of the city to be drained or filled
6 so as to prevent stagnant water or any other nuisance accumulating
7 thereon. It may require the owner or occupant of all lots and
8 pieces of ground within the city to keep the lots and pieces of
9 ground and the adjoining streets and alleys free of any growth
10 of ~~twelve~~ six 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 city of the first class may by ordinance declare
15 it to be a nuisance to permit or maintain any growth of ~~twelve~~ six
16 inches or more in height of weeds, grasses, or worthless vegetation
17 or to litter or cause litter to be deposited or remain thereon
18 except in proper receptacles.

19 (3) Any owner or occupant of a lot or piece of ground
20 shall, upon conviction of violating such ordinance, be guilty of a
21 Class V misdemeanor.

22 (4) Notice to abate and remove such nuisance shall be
23 given to each owner or owner's duly authorized agent and to the
24 occupant, if any, by personal service or certified mail. If notice
25 by personal service or certified mail is unsuccessful, notice shall

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

16 (5) For purposes of this section:

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

1 thrown away or left as waste, wreckage, or junk; and
2 (b) Weeds includes, but is not limited to, bindweed
3 (*Convolvulus arvensis*), puncture vine (*Tribulus terrestris*),
4 leafy spurge (*Euphorbia esula*), Canada thistle (*Cirsium arvense*),
5 perennial peppergrass (*Lepidium draba*), Russian knapweed (*Centaurea*
6 *picris*), Johnson grass (*Sorghum halepense*), nodding or musk
7 thistle, quack grass (*Agropyron repens*), perennial sow thistle
8 (*Sonchus arvensis*), horse nettle (*Solanum carolinense*), bull
9 thistle (*Cirsium lanceolatum*), buckthorn (*Rhamnus sp.*) (tourn),
10 hemp plant (*Cannabis sativa*), and ragweed (*Ambrosiaceae*).

11 Sec. 2. Section 17-563, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 17-563 (1) Each city of the second class and village by
14 ordinance may require lots or pieces of ground within the city or
15 village to be drained or filled so as to prevent stagnant water
16 or any other nuisance accumulating thereon. It may require the
17 owner or occupant of any lot or piece of ground within the city
18 or village to keep the lot or piece of ground and the adjoining
19 streets and alleys free of any growth of ~~twelve~~ six inches or more
20 in height of weeds, grasses, or worthless vegetation, and it may
21 prohibit and control the throwing, depositing, or accumulation of
22 litter on any lot or piece of ground within the city or village.

23 (2) Any city of the second class and village may by
24 ordinance declare it to be a nuisance to permit or maintain any
25 growth of ~~twelve~~ six inches or more in height of weeds, grasses, or

1 worthless vegetation or to litter or cause litter to be deposited
2 or remain thereon except in proper receptacles.

3 (3) Any owner or occupant of a lot or piece of ground
4 shall, upon conviction of violating such ordinance, be guilty of a
5 Class V misdemeanor.

6 (4) Notice to abate and remove such nuisance shall be
7 given to each owner or owner's duly authorized agent and to the
8 occupant, if any, by personal service or certified mail. If notice
9 by personal service or certified mail is unsuccessful, notice shall
10 be given by publication in a newspaper of general circulation in
11 the city or by conspicuously posting the notice on the lot or
12 ground upon which the nuisance is to be abated and removed. Within
13 five days after receipt of such notice or publication or posting,
14 whichever is applicable, if the owner or occupant of the lot or
15 piece of ground does not request a hearing with the city or village
16 or fails to comply with the order to abate and remove the nuisance,
17 the city or village may have such work done. The costs and expenses
18 of any such work shall be paid by the owner. If unpaid for two
19 months after such work is done, the city or village may either (a)
20 levy and assess the costs and expenses of the work upon the lot or
21 piece of ground so benefited in the same manner as other special
22 taxes for improvements are levied and assessed or (b) recover in
23 a civil action the costs and expenses of the work upon the lot or
24 piece of ground and the adjoining streets and alleys.

25 (5) For purposes of this section:

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

11 (b) Weeds includes, but is not limited to, bindweed
12 (*Convolvulus arvensis*), puncture vine (*Tribulus terrestris*),
13 leafy spurge (*Euphorbia esula*), Canada thistle (*Cirsium arvense*),
14 perennial peppergrass (*Lepidium draba*), Russian knapweed (*Centaurea*
15 *picris*), Johnson grass (*Sorghum halepense*), nodding or musk
16 thistle, quack grass (*Agropyron repens*), perennial sow thistle
17 (*Sonchus arvensis*), horse nettle (*Solanum carolinense*), bull
18 thistle (*Cirsium lanceolatum*), buckthorn (*Rhamnus sp.*) (tourn),
19 hemp plant (*Cannabis sativa*), and ragweed (*Ambrosiaceae*).

20 Sec. 3. Original sections 16-230 and 17-563, Reissue
21 Revised Statutes of Nebraska, are repealed.