

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 767

Introduced by Price, 3.

Read first time January 07, 2010

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to counties; to amend sections 23-187 and
2 23-192, Revised Statutes Supplement, 2009; to require
3 inclusion of notice provisions in certain county motor
4 vehicle ordinances; to harmonize provisions; to repeal
5 the original sections; and to declare an emergency.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 23-187, Revised Statutes Supplement,
2 2009, is amended to read:

3 23-187 (1) In addition to the powers granted by section
4 23-104, a county may, in the manner specified by sections 23-187 to
5 23-193 and section 3 of this act, regulate the following subjects
6 by ordinance:

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

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

12 (c) Graffiti on public or private property;

13 (d) False alarms from electronic security systems that
14 result in requests for emergency response from law enforcement or
15 other emergency responders; and

16 (e) Violation of the public peace and good order of
17 the county by disorderly conduct, lewd or lascivious behavior, or
18 public nudity.

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

1 Sec. 2. Section 23-192, Revised Statutes Supplement,
2 2009, is amended to read:

3 23-192 (1) No ordinance adopted pursuant to sections
4 23-187 to 23-193 and section 3 of this act shall be effective
5 within the corporate boundaries of any incorporated city or village
6 located in whole or in part within the county. No ordinance
7 adopted pursuant to sections 23-187 to 23-193 and section 3 of this
8 act shall be effective within the area outside of the corporate
9 boundaries of any city or village in which such city or village
10 has been granted and is exercising powers by ordinance on a similar
11 subject matter. Every county ordinance adopted pursuant to sections
12 23-187 to 23-193 and section 3 of this act shall include one
13 section defining the area of the county within which the county
14 ordinance is effective. The ordinance shall be amended to reflect
15 any changes in the area of the county's jurisdiction resulting
16 from (a) annexation by a city or village, (b) action by a city
17 or village to adopt an ordinance regarding similar subject matter
18 to that of the county ordinance if the city or village ordinance
19 is to be effective in areas beyond its corporate boundary, or (c)
20 any changes in the area of jurisdiction of the city or village
21 regarding such city or village ordinance.

22 (2) Before a county adopts an ordinance under sections
23 23-187 to 23-193 and section 3 of this act, the county clerk
24 shall provide a copy of the text of the ordinance to the clerk
25 of each city and village within the county no later than seven

1 days after the first reading of the ordinance or the public
2 hearing on the ordinance, whichever occurs first. Within seven
3 days after receiving a copy of the ordinance, the city or village
4 shall respond to the county and provide a copy of any ordinance
5 specifying where the city or village is enforcing an ordinance
6 on similar subject matter outside its corporate boundaries. Any
7 ordinance adopted by the county shall not be effective in the area
8 in which the city or village is exercising jurisdiction. Prior to
9 the adoption of the county ordinance, the section of the ordinance
10 that defines the area of county jurisdiction shall be amended to
11 show the removal of the area of the jurisdiction of such city or
12 village as indicated in the city or village ordinance provided to
13 the county from the description of the area within which the county
14 ordinance will be effective. An ordinance adopted under sections
15 23-187 to 23-193 and section 3 of this act shall not be effective
16 until fifteen days after its adoption.

17 (3) Any city or village located in whole or in part
18 within a county that has adopted an ordinance pursuant to sections
19 23-187 to 23-193 and section 3 of this act which (a) annexes any
20 territory, (b) adopts an ordinance on similar subject matter to
21 that of the county ordinance and extends the jurisdiction of the
22 city or village under such ordinance to areas beyond its corporate
23 boundaries, or (c) changes the area beyond the corporate boundaries
24 of the city or village within which the city or village exercises
25 jurisdiction by ordinance on similar subject matter to that of

1 the county ordinance shall provide to the county clerk a copy of
2 the ordinance establishing and delineating its jurisdiction or any
3 change to that jurisdiction within seven days after the adoption
4 of the relevant city or village ordinance. Upon the effective date
5 of the city or village ordinance, the county ordinance shall cease
6 to be effective within the area in which the city or village has
7 assumed jurisdiction. The county board shall promptly amend its
8 ordinance to reflect the change in the area within which the county
9 ordinance is effective.

10 Sec. 3. Any ordinance adopted by a county relating to
11 motor vehicles as defined in section 60-339 that are abandoned
12 on public or private property shall include provisions requiring
13 reasonable advance notice by first class mail, postage prepaid, to
14 be given by the county to the last registered owner of the motor
15 vehicle, if any, and to the holder of any lien against the motor
16 vehicle prior to vesting of the title to the motor vehicle in the
17 county or the sale or other disposition of the motor vehicle.

18 Sec. 4. Original sections 23-187 and 23-192, Revised
19 Statutes Supplement, 2009, are repealed.

20 Sec. 5. Since an emergency exists, this act takes effect
21 when passed and approved according to law.