



One Hundred First Legislature - First Session - 2009
Introducer's Statement of Intent
LB 338

Chairperson: Mike Friend
Committee: Urban Affairs
Date of Hearing: January 27, 2009

The following constitute the reasons for this bill and the purposes which are sought to be accomplished thereby:

This bill proposes to amend current state law regarding first and second class cities and villages to reduce the height at which grasses and weeds may be permitted to grow before they can be legally considered to be a nuisance. Sections 16-230 and 17-563 (the sections of statutes being amended) currently provide that these municipalities may require that a property owner keep the property free of any weeds, grasses or worthless vegetation that are twelve inches or more in height. Each city or village may (by ordinance) declare it to be a nuisance to permit or maintain the growth of such vegetation to a height of more than twelve inches.

LB 338 would amend these sections to lower the maximum height of such weeds or vegetation from twelve inches to six inches. Under this bill, a city or village may (by ordinance) declare it to be a nuisance to permit or maintain the growth of such vegetation to a height of six inches or more.

When vegetation is permitted to reach such a height as to be considered a legal nuisance, the city or village sends notice to the owner and begins the process of nuisance abatement. If the owner fails to mow the vegetation, the city or village may have the work done, the costs to be paid by the owner. If unpaid for more than two months, the city or village may either assess and levy the costs and expenses upon the property (in the same manner as other special assessments), or recover the costs in a civil action.

The problem that necessitates this legislation is the length of time the necessarily arises between the determination that a nuisance exists and the time when action can be taken to eliminate it. By the time the vegetation is mowed, several more weeks can pass and the vegetation grows additional inches thereby allowing the nuisance to continue and even worsen. Lowering the permissible height of the vegetation from twelve inches to six inches will allow the city or village to address the nuisance in a timely manner and maintain a more decorous appearance to the neighborhood.

Principal Introducer: _____
Senator Mike Friend