

LEGISLATURE OF NEBRASKA  
ONE HUNDRED THIRD LEGISLATURE  
SECOND SESSION  
**LEGISLATIVE BILL 174**

Final Reading

Introduced by Mello, 5.

Read first time January 14, 2013

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to cities of the metropolitan class; to amend  
2 sections 14-415 and 60-6,304, Reissue Revised Statutes of  
3 Nebraska; to change a penalty for violation of building  
4 ordinances or regulations; to change provisions relating  
5 to load contents and spillage under the Nebraska Rules of  
6 the Road; to provide a penalty; to harmonize provisions;  
7 and to repeal the original sections.  
8 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 14-415, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           14-415 The city, in addition to other remedies, may  
4 institute any appropriate action or proceedings to prevent an  
5 unlawful erection, construction, reconstruction, alteration,  
6 conversion, maintenance, or use of any building or structure in  
7 violation of any ordinance or regulations enacted or issued pursuant  
8 to sections 14-401 to 14-418, to restrain, correct, or abate such  
9 violation, to prevent the occupancy of ~~said the~~ building, structure,  
10 or land, or to prevent any illegal act, conduct, business, or use in  
11 or about such premises. ~~Said The ordinance or~~ regulations shall be  
12 enforced by the city as it may provide. In addition to and not in  
13 restriction of any other powers, the city may cause any building,  
14 structure, place, or premises to be inspected and examined and to  
15 order in writing the remedying of any condition found to exist  
16 therein or thereat in violation of any provision of the ordinance or  
17 regulations made under authority of ~~said such~~ sections. The owner,  
18 general agent, lessee, or tenant of a building or premises or of any  
19 part of such building or premises, where a violation of any provision  
20 of ~~said the ordinance or~~ regulations has been committed or shall  
21 exist, or the general agent, architect, builder, contractor, or any  
22 other person who commits, takes part, or assists in any such  
23 violation or who maintains any building or premises in which any such  
24 violation shall exist, shall be guilty of a Class IV misdemeanor  
25 ~~punishable by a fine of not less than ten dollars and not more than~~

1 ~~one hundred dollars for each and every day that such violation~~  
2 ~~continues.~~ for a first or second violation and a Class II misdemeanor  
3 for a third or subsequent violation, if the third or subsequent  
4 violation is committed within two years after the commission of the  
5 prior violation.

6           Sec. 2. Section 60-6,304, Reissue Revised Statutes of  
7 Nebraska, is amended to read:

8           60-6,304 ~~(1)~~ No (1)(a) Except as provided in subsection  
9 (2) of this section for a vehicle that contained livestock, but still  
10 contains the manure or urine of such livestock, no vehicle shall be  
11 driven or moved on any highway unless the vehicle is so constructed  
12 or loaded as to prevent its contents from dropping, sifting, leaking,  
13 or otherwise escaping from the vehicle.

14           ~~(2)~~ No (b) Except as provided in subsection (2) of this  
15 section for a vehicle that contained livestock, but still contains  
16 the manure or urine of such livestock, no person shall transport any  
17 sand, gravel, rock less than two inches in diameter, or refuse in any  
18 vehicle on any hard-surfaced state highway if such material protrudes  
19 above the sides of that part of the vehicle in which it is being  
20 transported unless such material is enclosed or completely covered  
21 with canvas or similar covering.

22           ~~(3)~~ (c) No person shall drive or move a motor vehicle,  
23 trailer, or semitrailer upon any highway unless the cargo or contents  
24 carried by the motor vehicle, trailer, or semitrailer are properly  
25 distributed and adequately secured to prevent the falling of cargo or

1 contents from the vehicle. The tailgate, doors, tarpaulins, and any  
2 other equipment used in the operation of the motor vehicle, trailer,  
3 or semitrailer or in the distributing or securing of the cargo or  
4 contents carried by the motor vehicle, trailer, or semitrailer shall  
5 be secured to prevent cargo or contents falling from the vehicle. The  
6 means of securement to the motor vehicle, trailer, or semitrailer  
7 must be either tiedowns and tiedown assemblies of adequate strength  
8 or sides, sideboards, or stakes and a rear endgate, endboard, or  
9 stakes strong enough and high enough to assure that cargo or contents  
10 will not fall from the vehicle.

11 ~~(4)-(d)~~ Any person who violates any provision of this  
12 ~~section shall be subsection~~ is guilty of a Class IV misdemeanor.

13 (2)(a) No person operating any vehicle that contained  
14 livestock, but still contains the manure or urine of livestock, on  
15 any highway located within the corporate limits of a city of the  
16 metropolitan class, shall spill manure or urine from the vehicle.

17 (b) Any person who violates this subsection is guilty of  
18 a Class IV misdemeanor and shall be assessed a minimum fine of at  
19 least two hundred fifty dollars.

20 Sec. 3. Original sections 14-415 and 60-6,304, Reissue  
21 Revised Statutes of Nebraska, are repealed.