

## LEGISLATIVE BILL 174

Approved by the Governor February 13, 2014

Introduced by Mello, 5.

FOR AN ACT relating to cities of the metropolitan class; to amend sections 14-415 and 60-6,304, Reissue Revised Statutes of Nebraska; to change a penalty for violation of building ordinances or regulations; to change provisions relating to load contents and spillage under the Nebraska Rules of the Road; to provide a penalty; to harmonize provisions; and to repeal the original sections.

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

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

14-415 The city, in addition to other remedies, may institute any appropriate action or proceedings to prevent an unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use of any building or structure in violation of any ordinance or regulations enacted or issued pursuant to sections 14-401 to 14-418, to restrain, correct, or abate such violation, to prevent the occupancy of said the building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about such premises. Said The ordinance or regulations shall be enforced by the city as it may provide. In addition to and not in restriction of any other powers, the city may cause any building, structure, place, or premises to be inspected and examined and to order in writing the remedying of any condition found to exist therein or thereat in violation of any provision of the ordinance or regulations made under authority of said such sections. The owner, general agent, lessee, or tenant of a building or premises or of any part of such building or premises, where a violation of any provision of said the ordinance or regulations has been committed or shall exist, or the general agent, architect, builder, contractor, or any other person who commits, takes part, or assists in any such violation or who maintains any building or premises in which any such violation shall exist, shall be guilty of a Class IV misdemeanor punishable by a fine of not less than ten dollars and not more than one hundred dollars for each and every day that such violation continues, for a first or second violation and a Class II misdemeanor for a third or subsequent violation, if the third or subsequent violation is committed within two years after the commission of the prior violation.

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

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

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

~~(3)~~ (c) No person shall drive or move a motor vehicle, trailer, or semitrailer upon any highway unless the cargo or contents carried by the motor vehicle, trailer, or semitrailer are properly distributed and adequately secured to prevent the falling of cargo or contents from the vehicle. The tailgate, doors, tarpaulins, and any other equipment used in the operation of the motor vehicle, trailer, or semitrailer or in the distributing or securing of the cargo or contents carried by the motor vehicle, trailer, or semitrailer shall be secured to prevent cargo or contents falling from the vehicle. The means of securement to the motor vehicle, trailer, or semitrailer must be either tiedowns and tiedown assemblies of adequate strength or sides, sideboards, or stakes and a rear endgate, endboard, or stakes strong enough and high enough to assure that cargo or contents will not fall from the vehicle.

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

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

or urine from the vehicle.

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

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