

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 266

Introduced by Crawford, 45.

Read first time January 14, 2015

Committee: Urban Affairs

1 A BILL FOR AN ACT relating to municipalities; to amend sections 14-102,
2 14-103, 15-211, 15-268, 16-207, 16-240, 17-123, 17-123.01, 17-207,
3 and 17-555, Reissue Revised Statutes of Nebraska, and sections
4 16-230 and 17-563, Revised Statutes Cumulative Supplement, 2014; to
5 change provisions regarding jurisdiction for municipalities to
6 enforce ordinances; to change nuisance ordinance provisions as
7 prescribed; and to repeal the original sections.
8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 14-102, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 14-102 In addition to the powers granted in section 14-101, cities
4 of the metropolitan class shall have power by ordinance:

5 Taxes, special assessments.

6 (1) To levy any tax or special assessment authorized by law;

7 Corporate seal.

8 (2) To provide a corporate seal for the use of the city, and also
9 any official seal for the use of any officer, board, or agent of the
10 city, whose duties ~~under this act or under any ordinance~~ require an
11 official seal to be used. Such corporate seal shall be used in the
12 execution of municipal bonds, warrants, conveyances, and other
13 instruments and proceedings as required by law ~~this act or the ordinances~~
14 ~~of the city require~~;

15 Regulation of public health.

16 (3) To provide all needful rules and regulations for the protection
17 and preservation of health within the city; and for this purpose they may
18 provide for the enforcement of the use of water from public water
19 supplies when the use of water from other sources shall be deemed unsafe;

20 Appropriations for debts and expenses.

21 (4) To appropriate money and provide for the payment of debts and
22 expenses of the city;

23 Protection of strangers and travelers.

24 (5) To adopt all such measures as they may deem necessary for the
25 accommodation and protection of strangers and the traveling public in
26 person and property;

27 Concealed weapons, firearms, fireworks, explosives.

28 (6) To punish and prevent the carrying of concealed weapons, except
29 the carrying of a concealed handgun in compliance with the Concealed
30 Handgun Permit Act, and the discharge of firearms, fireworks, or
31 explosives of any description within the city, other than the discharge

1 of firearms at a shooting range pursuant to the Nebraska Shooting Range
2 Protection Act;

3 Sale of foodstuffs.

4 (7) To regulate the inspection and sale of meats, flour, poultry,
5 fish, milk, vegetables, and all other provisions or articles of food
6 exposed or offered for sale in the city;

7 Official bonds.

8 (8) To require all officers or servants elected or appointed ~~in~~
9 ~~pursuance of this act~~ to give bond and security for the faithful
10 performance of their duties; but no officer shall become security upon
11 the official bond of another or upon any bond executed to the city;

12 Official reports of city officers.

13 (9) To require from any officer of the city at any time a report, in
14 detail, of the transactions of his or her office or any matter connected
15 therewith;

16 Cruelty to children and animals.

17 (10) To provide for the prevention of cruelty to children and
18 animals;

19 Dogs; taxes and restrictions.

20 (11) To regulate, license, or prohibit the running at large of dogs
21 and other animals within the city as well as in areas within three miles
22 of the corporate limits of the city, to guard against injuries or
23 annoyance from such dogs and other animals, and to authorize the
24 destruction of the dogs and other animals when running at large contrary
25 to the provisions of any ordinance. Any licensing provision shall comply
26 with subsection (2) of section 54-603 for service animals;

27 Cleaning sidewalks.

28 (12) To provide for keeping sidewalks clean and free from
29 obstructions and accumulations, to provide for the assessment and
30 collection of taxes on real estate and for the sale and conveyance
31 thereof, and to pay the expenses of keeping the sidewalk adjacent to such

1 real estate clean and free from obstructions and accumulations as herein
2 provided;

3 Planting and trimming of trees; protection of birds.

4 (13) To provide for the planting and protection of shade or
5 ornamental and useful trees upon the streets or boulevards, to assess the
6 cost thereof to the extent of benefits upon the abutting property as a
7 special assessment, and to provide for the protection of birds and
8 animals and their nests; to provide for the trimming of trees located
9 upon the streets and boulevards or when the branches of trees overhang
10 the streets and boulevards when in the judgment of the mayor and council
11 such trimming is made necessary to properly light such street or
12 boulevard or to furnish proper police protection and to assess the cost
13 thereof upon the abutting property as a special assessment;

14 Naming and numbering streets and houses.

15 (14) To provide for, regulate, and require the numbering or
16 renumbering of houses along public streets or avenues; to care for and
17 control and to name and rename streets, avenues, parks, and squares
18 within the city;

19 Weeds.

20 (15) To require weeds and worthless vegetation growing upon any lot
21 or piece of ground within the city or its three-mile zoning jurisdiction
22 to be cut and destroyed so as to abate any nuisance occasioned thereby,
23 to prohibit and control the throwing, depositing, or accumulation of
24 litter on any lot or piece of ground within the city or its three-mile
25 zoning jurisdiction and to require the removal thereof so as to abate any
26 nuisance occasioned thereby, and if the owner fails to cut and destroy
27 weeds and worthless vegetation or remove litter, or both, after notice as
28 required by ordinance, to assess the cost thereof upon the lots or lands
29 as a special assessment. The notice required to be given may be by
30 publication in the official newspaper of the city and may be directed in
31 general terms to the owners of lots and lands affected without naming

1 such owners;

2 Animals running at large.

3 (16) To prohibit and regulate the running at large or the herding or
4 driving of domestic animals, such as hogs, cattle, horses, sheep, goats,
5 fowls, or animals of any kind or description within the corporate limits
6 and provide for the impounding of all animals running at large, herded,
7 or driven contrary to such prohibition; and to provide for the forfeiture
8 and sale of animals impounded to pay the expense of taking up, caring
9 for, and selling such impounded animals, including the cost of
10 advertising and fees of officers;

11 Use of streets.

12 (17) To regulate the transportation of articles through the streets,
13 to prevent injuries to the streets from overloaded vehicles, and to
14 regulate the width of wagon tires and tires of other vehicles;

15 Playing on streets and sidewalks.

16 (18) To prevent or regulate the rolling of hoops, playing of ball,
17 flying of kites, the riding of bicycles or tricycles, or any other
18 amusement or practice having a tendency to annoy persons passing in the
19 streets or on the sidewalks or to frighten teams or horses; to regulate
20 the use of vehicles propelled by steam, gas, electricity, or other motive
21 power, operated on the streets of the city;

22 Combustibles and explosives.

23 (19) To regulate or prohibit the transportation and keeping of
24 gunpowder, oils, and other combustible and explosive articles;

25 Public sale of chattels on streets.

26 (20) To regulate, license, or prohibit the sale of domestic animals
27 or of goods, wares, and merchandise at public auction on the streets,
28 alleys, highways, or any public ground within the city;

29 Signs and obstruction in streets.

30 (21) To regulate and prevent the use of streets, sidewalks, and
31 public grounds for signs, posts, awnings, awning posts, scales, or other

1 like purposes; to regulate and prohibit the exhibition or carrying or
2 conveying of banners, placards, advertisements, or the distribution or
3 posting of advertisements or handbills in the streets or public grounds
4 or upon the sidewalks;

5 Disorderly conduct.

6 (22) To provide for the punishment of persons disturbing the peace
7 and good order of the city by clamor and noise, intoxication,
8 drunkenness, fighting, or using obscene or profane language in the
9 streets or other public places or otherwise violating the public peace by
10 indecent or disorderly conduct or by lewd and lascivious behavior;

11 Vagrants and tramps.

12 (23) To provide for the punishment of vagrants, tramps, common
13 street beggars, common prostitutes, habitual disturbers of the peace,
14 pickpockets, gamblers, burglars, thieves, or persons who practice any
15 game, trick, or device with intent to swindle, persons who abuse their
16 families, and suspicious persons who can give no reasonable account of
17 themselves; and to punish trespassers upon private property;

18 Disorderly houses, gambling, offenses against public morals.

19 (24) To prohibit, restrain, and suppress tippling shops, houses of
20 prostitution, opium joints, gambling houses, prize fighting, dog
21 fighting, cock fighting, and other disorderly houses and practices, all
22 games and gambling and desecration of the Sabbath, commonly called
23 Sunday, and all kinds of indecencies; to regulate and license or prohibit
24 the keeping and use of billiard tables, ten pins or ball alleys, shooting
25 galleries except as provided in the Nebraska Shooting Range Protection
26 Act, and other similar places of amusement; and to prohibit and suppress
27 all lotteries and gift enterprises of all kinds under whatsoever name
28 carried on, except that nothing in this subdivision shall be construed to
29 apply to bingo, lotteries, lotteries by the sale of pickle cards, or
30 raffles conducted in accordance with the Nebraska Bingo Act, the Nebraska
31 Lottery and Raffle Act, the Nebraska Pickle Card Lottery Act, the

1 Nebraska Small Lottery and Raffle Act, or the State Lottery Act;
2 Police regulation in general.

3 (25) To make and enforce all police regulations for the good
4 government, general welfare, health, safety, and security of the city and
5 the citizens thereof in addition to the police powers expressly granted
6 herein; and in the exercise of the police power, to pass all needful and
7 proper ordinances and impose fines, forfeitures, penalties, and
8 imprisonment at hard labor for the violation of any ordinance, and to
9 provide for the recovery, collection, and enforcement thereof; and in
10 default of payment to provide for confinement in the city or county
11 prison, workhouse, or other place of confinement with or without hard
12 labor as may be provided by ordinance;

13 Fast driving on streets.

14 (26) To prevent horseracing and immoderate driving or riding on the
15 street and to compel persons to fasten their horses or other animals
16 attached to vehicles while standing in the streets;

17 Libraries, art galleries, and museums.

18 (27) To establish and maintain public libraries, reading rooms, art
19 galleries, and museums and to provide the necessary grounds or buildings
20 therefor; to purchase books, papers, maps, manuscripts, works of art, and
21 objects of natural or of scientific curiosity, and instruction therefor;
22 to receive donations and bequests of money or property for the same in
23 trust or otherwise and to pass necessary bylaws and regulations for the
24 protection and government of the same;

25 Hospitals, workhouses, jails, firehouses, etc.; garbage disposal.

26 (28) To erect, designate, establish, maintain, and regulate
27 hospitals or workhouses, houses of correction, jails, station houses,
28 fire engine houses, asphalt repair plants, and other necessary buildings;
29 and to erect, designate, establish, maintain, and regulate plants for the
30 removal, disposal, or recycling of garbage and refuse or to make
31 contracts for garbage and refuse removal, disposal, or recycling, or all

1 of the same, and to charge equitable fees for such removal, disposal, or
2 recycling, or all of the same, except as hereinafter provided. The fees
3 collected pursuant to this subdivision shall be credited to a single fund
4 to be used exclusively by the city for the removal, disposal, or
5 recycling of garbage and refuse, or all of the same, including any costs
6 incurred for collecting the fee. Before any contract for such removal,
7 disposal, or recycling is let, the city council shall make specifications
8 therefor, bids shall be advertised for as now provided by law, and the
9 contract shall be let to the lowest and best bidder, who shall furnish
10 bond to the city conditioned upon his or her carrying out the terms of
11 the contract, the bond to be approved by the city council. Nothing in
12 this section ~~act~~, and no contract or regulation made by the city council,
13 shall be so construed as to prohibit any person, firm, or corporation
14 engaged in any business in which garbage or refuse accumulates as a
15 byproduct from selling, recycling, or otherwise disposing of his, her, or
16 its garbage or refuse or hauling such garbage or refuse through the
17 streets and alleys under such uniform and reasonable regulations as the
18 city council may by ordinance prescribe for the removal and hauling of
19 garbage or refuse;

20 Market places.

21 (29) To erect and establish market houses and market places and to
22 provide for the erection of all other useful and necessary buildings for
23 the use of the city and for the protection and safety of all property
24 owned by the city; and such market houses and market places and buildings
25 aforesaid may be located on any street, alley, or public ground or on
26 land purchased for such purpose;

27 Cemeteries, registers of births and deaths.

28 (30) To prohibit the establishment of additional cemeteries within
29 the limits of the city, to regulate the registration of births and
30 deaths, to direct the keeping and returning of bills of mortality, and to
31 impose penalties on physicians, sextons, and others for any default in

1 the premises;

2 Plumbing, etc., inspection.

3 (31) To provide for the inspection of steam boilers, electric light
4 appliances, pipefittings, and plumbings, to regulate their erection and
5 construction, to appoint inspectors, and to declare their powers and
6 duties, except as herein otherwise provided;

7 Fire limits and fire protection.

8 (32) To prescribe fire limits and regulate the erection of all
9 buildings and other structures within the corporate limits; to provide
10 for the removal of any buildings or structures or additions thereto
11 erected contrary to such regulations, to provide for the removal of
12 dangerous buildings, and to provide that wooden buildings shall not be
13 erected or placed or repaired in the fire limits; but such ordinance
14 shall not be suspended or modified by resolution nor shall exceptions be
15 made by ordinance or resolution in favor of any person, firm, or
16 corporation or concerning any particular lot or building; to direct that
17 all and any building within such fire limits, when the same shall have
18 been damaged by fire, decay, or otherwise, to the extent of fifty percent
19 of the value of a similar new building above the foundation, shall be
20 torn down or removed; and to prescribe the manner of ascertaining such
21 damages and to assess the cost of removal of any building erected or
22 existing contrary to such regulations or provisions, against the lot or
23 real estate upon which such building or structure is located or shall be
24 erected, or to collect such costs from the owner of any such building or
25 structure and enforce such collection by civil action in any court of
26 competent jurisdiction;

27 Building regulations.

28 (33) To regulate the construction, use, and maintenance of party
29 walls, to prescribe and regulate the thickness, strength, and manner of
30 constructing stone, brick, wood, or other buildings and the size and
31 shape of brick and other material placed therein, to prescribe and

1 regulate the construction and arrangement of fire escapes and the placing
2 of iron and metallic shutters and doors therein and thereon, and to
3 provide for the inspection of elevators and hoist-way openings to avoid
4 accidents; to prescribe, regulate, and provide for the inspection of all
5 plumbing, pipefitting, or sewer connections in all houses or buildings
6 now or hereafter erected; to regulate the size, number, and manner of
7 construction of halls, doors, stairways, seats, aisles, and passageways
8 of theaters, tenement houses, audience rooms, and all buildings of a
9 public character, whether now built or hereafter to be built, so that
10 there may be convenient, safe, and speedy exit in case of fire; to
11 prevent the dangerous construction and condition of chimneys, fireplaces,
12 hearths, stoves, stovepipes, ovens, boilers, and heating appliances used
13 in or about any building or a manufactory and to cause the same to be
14 removed or placed in safe condition when they are considered dangerous;
15 to regulate and prevent the carrying on of manufactures dangerous in
16 causing and promoting fires; to prevent the deposit of ashes in unsafe
17 places and to cause such buildings and enclosures as may be in a
18 dangerous state to be put in a safe condition; to prevent the disposing
19 of and delivery or use in any building or other structure, of soft,
20 shelly, or imperfectly burned brick or other unsuitable building material
21 within the city limits and provide for the inspection of the same; to
22 provide for the abatement of dense volumes of smoke; to regulate the
23 construction of areaways, stairways, and vaults and to regulate partition
24 fences; to enforce proper heating and ventilation of buildings used for
25 schools, workhouses, or shops of every class in which labor is employed
26 or large numbers of persons are liable to congregate;

27 Warehouses and street railways.

28 (34) To regulate levees, depots and depot grounds, and places for
29 storing freight and goods and to provide for and regulate the laying of
30 tracks and the passage of steam or other railways through the streets,
31 alleys, and public grounds of the city;

1 Lighting railroad property.

2 (35) To require the lighting of any railway within the city, the
3 cars of which are propelled by steam, and to fix and determine the
4 number, size, and style of lampposts, burners, lamps, and all other
5 fixtures and apparatus necessary for such lighting and the points of
6 location for such lampposts; and in case any company owning or operating
7 such railways shall fail to comply with such requirements, the council
8 may cause the same to be done and may assess the expense thereof against
9 such company, and the same shall constitute a lien upon any real estate
10 belonging to such company and lying within such city and may be collected
11 in the same manner as taxes for general purposes;

12 City publicity.

13 (36) To provide for necessary publicity and to appropriate money for
14 the purpose of advertising the resources and advantages of the city;

15 Offstreet parking.

16 (37) To erect, establish, and maintain offstreet parking areas on
17 publicly owned property located beneath any elevated segment of the
18 National System of Interstate and Defense Highways or portion thereof, or
19 public property title to which is in the city on May 12, 1971, or
20 property owned by the city and used in conjunction with and incidental to
21 city-operated facilities, and to regulate parking thereon by time
22 limitation devises or by lease;

23 Public passenger transportation systems.

24 (38) To acquire, by the exercise of the power of eminent domain or
25 otherwise, lease, purchase, construct, own, maintain, operate, or
26 contract for the operation of public passenger transportation systems,
27 excluding taxicabs and railroad systems, including all property and
28 facilities required therefor, within and without the limits of the city,
29 to redeem such property from prior encumbrance in order to protect or
30 preserve the interest of the city therein, to exercise all powers granted
31 by the Constitution of Nebraska and laws of the State of Nebraska or

1 exercised by or pursuant to a home rule charter adopted pursuant thereto,
2 including but not limited to receiving and accepting from the government
3 of the United States or any agency thereof, from the State of Nebraska or
4 any subdivision thereof, and from any person or corporation donations,
5 devises, gifts, bequests, loans, or grants for or in aid of the
6 acquisition, operation, and maintenance of such public passenger
7 transportation systems and to administer, hold, use, and apply the same
8 for the purposes for which such donations, devises, gifts, bequests,
9 loans, or grants may have been made, to negotiate with employees and
10 enter into contracts of employment, to employ by contract or otherwise
11 individuals singularly or collectively, to enter into agreements
12 authorized under the Interlocal Cooperation Act or the Joint Public
13 Agency Act, to contract with an operating and management company for the
14 purpose of operating, servicing, and maintaining any public passenger
15 transportation systems any city of the metropolitan class shall acquire
16 ~~under the provisions of this act~~, and to exercise such other and further
17 powers as may be necessary, incident, or appropriate to the powers of
18 such city; and

19 Regulation of air quality.

20 (39) In addition to powers conferred elsewhere in the laws of the
21 state and notwithstanding any other law of the state, to implement and
22 enforce an air pollution control program within the corporate limits of
23 the city under subdivision (23) of section 81-1504 or subsection (1) of
24 section 81-1528, which program shall be consistent with the federal Clean
25 Air Act, as amended, 42 U.S.C. 7401 et seq. Such powers shall include
26 without limitation those involving injunctive relief, civil penalties,
27 criminal fines, and burden of proof. Nothing in this section shall
28 preclude the control of air pollution by resolution, ordinance, or
29 regulation not in actual conflict with the state air pollution control
30 regulations.

31 Sec. 2. Section 14-103, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 14-103 The council shall have power to define, regulate, suppress
3 and prevent nuisances. The council may create a board of health in cases
4 of a general epidemic or may cooperate with the boards of health provided
5 by the laws of this state. The council may provide rules and regulations
6 for the care, treatment, regulation, and prevention of all contagious and
7 infectious diseases, for the regulation of all hospitals, dispensaries,
8 and places for the treatment of the sick, for the sale of dangerous
9 drugs, for the regulation of cemeteries, and the burial of the dead. The
10 jurisdiction of the council in enforcing the foregoing regulations shall
11 extend over such city and within its three-mile zoning jurisdiction ~~over~~
12 ~~all grounds and property within three miles thereof.~~

13 Sec. 3. Section 15-211, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 15-211 A ~~primary~~ city of the primary class shall have power, by
16 ordinance, to require any and all lots or pieces of ground within the
17 city or within its three-mile zoning jurisdiction to be drained or filled
18 so as to prevent stagnant water or any other nuisance accumulating
19 thereon. Upon the failure of the owners of such lots or pieces of ground
20 to fill or drain the same when so required, the council may cause such
21 lots or pieces of ground to be drained or filled, and the cost and
22 expenses thereof shall be levied upon the property so filled or drained,
23 and collected as any other special tax.

24 Sec. 4. Section 15-268, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 15-268 A city of the primary class may provide for the destruction
27 and removal of weeds and worthless vegetation growing upon any lot or
28 lots or lands within the corporate limits of such city or within its
29 three-mile zoning jurisdiction or upon the streets and alleys abutting
30 upon any lot or lots or lands, and such city may require the owner or
31 owners of such lot or lots or lands to destroy and remove the same

1 therefrom and from the streets and alleys abutting thereon. If, after
2 five days' notice by publication, by certified United States mail, or by
3 the conspicuous posting of the notice on the lot or land upon which the
4 nuisance exists, the owner or owners fail, neglect, or refuse to destroy
5 or remove the nuisance, the city, through its proper officers, shall
6 destroy and remove the nuisance, or cause the nuisance to be destroyed or
7 removed, from the lot or lots or lands and streets and alleys abutting
8 thereon and shall assess the cost thereof against such lot or lots or
9 lands, as provided by ordinance.

10 Sec. 5. Section 16-207, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 16-207 A city of the first class may by ordinance provide for the
13 removal of all obstructions from the sidewalks, curbstones, gutters, and
14 crosswalks at the expense of the owners or occupants of the grounds
15 fronting thereon or at the expense of the person placing the same there
16 and may require and regulate the planting and protection of shade trees
17 in the streets and along the same and the trimming and removing of the
18 same.

19 A city of the first class may by ordinance declare it to be a
20 nuisance for a property owner to permit, allow, or maintain any dead or
21 diseased trees within the right-of-way of streets within the corporate
22 limits of the city or within its two-mile zoning jurisdiction. Notice to
23 abate and remove such nuisance and notice of the right to a hearing and
24 the manner in which it may be requested shall be given to each owner or
25 owner's duly authorized agent and to the occupant, if any, by personal
26 service or certified mail. Within thirty days after the receipt of such
27 notice, if the owner or occupant of the lot or piece of ground does not
28 request a hearing or fails to comply with the order to abate and remove
29 the nuisance, the city may have such work done and may levy and assess
30 all or any portion of the costs and expenses of the work upon the lot or
31 piece of ground so benefited in the same manner as other special taxes

1 for improvements are levied and assessed.

2 The city may also regulate the building of bulkheads, cellars,
3 basements, ways, stairways, railways, windows, doorways, awnings,
4 hitching posts and rails, lampposts, awning posts, and all other
5 structures projecting upon or over any adjoining excavation through and
6 under the sidewalks in the city.

7 Sec. 6. Section 16-230, Revised Statutes Cumulative Supplement,
8 2014, is amended to read:

9 16-230 (1) A city of the first class by ordinance may require lots
10 or pieces of ground within the city or within the city's two-mile
11 ~~extraterritorial~~ zoning jurisdiction to be drained or filled so as to
12 prevent stagnant water or any other nuisance accumulating thereon. The
13 city may require the owner or occupant of all lots and pieces of ground
14 within the city to keep the lots and pieces of ground and the adjoining
15 streets and alleys free of excessive growth of weeds, grasses, or
16 worthless vegetation, and it may prohibit and control the throwing,
17 depositing, or accumulation of litter on any lot or piece of ground
18 within the city or within the city's two-mile zoning jurisdiction.

19 (2) Any city of the first class may by ordinance declare it to be a
20 nuisance to permit or maintain excessive growth of weeds, grasses, or
21 worthless vegetation or to litter or cause litter to be deposited or
22 remain thereon except in proper receptacles. The city shall establish by
23 ordinance the height at which weeds, grasses, or worthless vegetation are
24 a nuisance.

25 (3) Any owner or occupant of a lot or piece of ground shall, upon
26 conviction of violating any ordinance authorized under this section, be
27 guilty of a Class V misdemeanor.

28 (4) Notice to abate and remove such nuisance shall be given to each
29 owner or owner's duly authorized agent and to the occupant, if any. The
30 city shall establish the method of notice by ordinance. If notice is
31 given by first-class mail, such mail shall be conspicuously marked as to

1 its importance. Within five days after receipt of such notice, the owner
2 or occupant of the lot or piece of ground may request a hearing with the
3 city to appeal the decision to abate or remove a nuisance by filing a
4 written appeal with the office of the city clerk. A hearing on the appeal
5 shall be held within fourteen days after the filing of the appeal and
6 shall be conducted by an elected or appointed officer as designated in
7 the ordinance. The hearing officer shall render a decision on the appeal
8 within five business days after the conclusion of the hearing. If the
9 appeal fails, the city may have such work done. Within five days after
10 receipt of such notice, if the owner or occupant of the lot or piece of
11 ground does not request a hearing with the city or fails to comply with
12 the order to abate and remove the nuisance, the city may have such work
13 done. The costs and expenses of any such work shall be paid by the owner.
14 If unpaid for two months after such work is done, the city may either (a)
15 levy and assess the costs and expenses of the work upon the lot or piece
16 of ground so benefited in the same manner as other special taxes for
17 improvements are levied and assessed or (b) recover in a civil action the
18 costs and expenses of the work upon the lot or piece of ground and the
19 adjoining streets and alleys.

20 (5) For purposes of this section:

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

30 (b) Weeds includes, but is not limited to, bindweed (*Convolvulus*
31 *arvensis*), puncture vine (*Tribulus terrestris*), leafy spurge (*Euphorbia*

1 esula), Canada thistle (Cirsium arvense), perennial peppergrass (Lepidium
2 draba), Russian knapweed (Centaurea picris), Johnson grass (Sorghum
3 halepense), nodding or musk thistle, quack grass (Agropyron repens),
4 perennial sow thistle (Sonchus arvensis), horse nettle (Solanum
5 carolinense), bull thistle (Cirsium lanceolatum), buckthorn (Rhamnus sp.)
6 (tourn), hemp plant (Cannabis sativa), and ragweed (Ambrosiaceae). ~~and~~
7 (c) Weeds, grasses, and worthless vegetation does not include
8 vegetation applied or grown on a lot or piece of ground outside the
9 corporate limits of the city but inside the city's extraterritorial
10 zoning jurisdiction expressly for the purpose of weed or erosion control.

11 Sec. 7. Section 16-240, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 16-240 A city of the first class by ordinance may make regulations
14 to secure the general health of the city, prescribe rules for the
15 prevention, abatement, and removal of nuisances, make and prescribe
16 regulations for the construction, location, and keeping in order of all
17 slaughterhouses, stockyards, warehouses, sheds, stables, barns, dairies,
18 or other places where offensive matter is kept, or is likely to
19 accumulate, within the city or within its two-mile zoning jurisdiction
20 ~~the corporate limits~~, and to limit or fix the maximum number of swine or
21 neat cattle that may be kept in sheds, stables, barns, feed lots, or
22 other enclosures ~~within the city~~.

23 Sec. 8. Section 17-123, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 17-123 A ~~second-class city~~ of the second class shall have power to
26 make regulations to secure the general health of the city, to prevent and
27 remove nuisances within the city and within its two-mile zoning
28 jurisdiction, and to provide the city with water.

29 Sec. 9. Section 17-123.01, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 17-123.01 Each city of the second-class city and village may, by

1 ordinance, prohibit and control the throwing, depositing, or accumulation
2 of litter on any lot or piece of ground within the city or village or
3 within its one-mile zoning jurisdiction and require the removal thereof
4 so as to abate any nuisance occasioned thereby. If the owner fails to
5 remove such litter, after five days' notice by publication and by
6 certified mail, the city or village, through its proper officers, shall
7 remove the litter or cause it to be removed, and shall assess the cost
8 thereof against the property so benefited as provided by ordinance.

9 Sec. 10. Section 17-207, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 17-207 The board of trustees shall have power to pass ordinances to
12 prevent and remove nuisances within the village or within its one-mile
13 zoning jurisdiction; to restrain and prohibit gambling; to provide for
14 licensing and regulating theatrical and other amusements within the ~~such~~
15 village; to prevent the introduction and spread of contagious diseases;
16 to establish and regulate markets; to erect and repair bridges; to erect,
17 repair, and regulate wharves and the rates of wharfage; to regulate the
18 landing of watercraft; to provide for the inspection of building
19 materials to be used or offered for sale in the ~~such~~ village; to govern
20 the planting and protection of shade trees in the streets and the
21 building of structures projecting upon or over and adjoining, and all
22 excavations through and under, the sidewalks of the ~~such~~ village; and in
23 addition to the special powers herein conferred and granted, to maintain
24 the peace, good government, and welfare of the ~~town or~~ village and its
25 trade, commerce, and manufactories, and to enforce all ordinances by
26 inflicting penalties upon inhabitants or other persons, for the violation
27 thereof, not exceeding five hundred dollars for any one offense,
28 recoverable with costs. Nothing in this section shall be construed to
29 apply to bingo, lotteries, lotteries by the sale of pickle cards, or
30 raffles conducted in accordance with the Nebraska Bingo Act, the Nebraska
31 Lottery and Raffle Act, the Nebraska Pickle Card Lottery Act, the

1 Nebraska Small Lottery and Raffle Act, or the State Lottery Act.

2 Sec. 11. Section 17-555, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 17-555 Cities of the second class and villages shall have the power
5 to remove all obstructions from the sidewalks, curbstones, gutters, and
6 crosswalks at the expense of the person placing them there or of the city
7 or village and to require and regulate the planting and protection of
8 shade trees in and along the streets and the trimming and removing of
9 such trees.

10 Cities of the second class or villages may by ordinance declare it
11 to be a nuisance for a property owner to permit, allow, or maintain any
12 dead or diseased trees within the right-of-way of streets within the
13 corporate limits or within its one-mile zoning jurisdiction of the city
14 or village. Notice to abate and remove such nuisance and notice of the
15 right to a hearing and the manner in which it may be requested shall be
16 given to each owner or owner's duly authorized agent and to the occupant,
17 if any, by personal service or certified mail. Within thirty days after
18 the receipt of such notice, if the owner or occupant of the lot or piece
19 of ground does not request a hearing or fails to comply with the order to
20 abate and remove the nuisance, the city or village may have such work
21 done and may levy and assess all or any portion of the costs and expenses
22 of the work upon the lot or piece of ground so benefited in the same
23 manner as other special taxes for improvements are levied and assessed.

24 Cities and villages shall have the power to regulate the building of
25 bulkheads, cellar and basement ways, stairways, railways, windows,
26 doorways, awnings, hitching posts and rails, lampposts, awning posts, all
27 other structures projecting upon or over and adjoining, and all other
28 excavations through and under the sidewalks in the city or village.

29 Sec. 12. Section 17-563, Revised Statutes Cumulative Supplement,
30 2014, is amended to read:

31 17-563 (1) A city of the second class and village by ordinance (a)

1 may require lots or pieces of ground within the city or village or within
2 its one-mile zoning jurisdiction to be drained or filled so as to prevent
3 stagnant water or any other nuisance accumulating thereon, (b) may
4 require the owner or occupant of any lot or piece of ground within the
5 city or village or within its one-mile zoning jurisdiction to keep the
6 lot or piece of ground and the adjoining streets and alleys free of
7 excessive growth of weeds, grasses, or worthless vegetation, and (c) may
8 prohibit and control the throwing, depositing, or accumulation of litter
9 on any lot or piece of ground within the city or village or within its
10 one-mile zoning jurisdiction.

11 (2) Any city of the second class and village may by ordinance
12 declare it to be a nuisance to permit or maintain excessive growth of
13 weeds, grasses, or worthless vegetation or to litter or cause litter to
14 be deposited or remain thereon except in proper receptacles. The city or
15 village shall establish by ordinance the height at which weeds, grasses,
16 or worthless vegetation are a nuisance.

17 (3) Any owner or occupant of a lot or piece of ground shall, upon
18 conviction of violating any ordinance authorized under this section, be
19 guilty of a Class V misdemeanor.

20 (4) Notice to abate and remove such nuisance shall be given to each
21 owner or owner's duly authorized agent and to the occupant, if any. The
22 city or village shall establish the method of notice by ordinance. If
23 notice is given by first-class mail, such mail shall be conspicuously
24 marked as to its importance. Within five days after receipt of such
25 notice, the owner or occupant of the lot or piece of ground may request a
26 hearing with the city or village to appeal the decision to abate or
27 remove a nuisance by filing a written appeal with the office of the city
28 or village clerk. A hearing on the appeal shall be held within fourteen
29 days after the filing of the appeal and shall be conducted by an elected
30 or appointed officer as designated in the ordinance. The hearing officer
31 shall render a decision on the appeal within five business days after the

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

13 (5) For purposes of this section:

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

23 (b) Weeds includes, but is not limited to, bindweed (*Convolvulus*
24 *arvensis*), puncture vine (*Tribulus terrestris*), leafy spurge (*Euphorbia*
25 *esula*), Canada thistle (*Cirsium arvense*), perennial peppergrass (*Lepidium*
26 *draba*), Russian knapweed (*Centaurea picris*), Johnson grass (*Sorghum*
27 *halepense*), nodding or musk thistle, quack grass (*Agropyron repens*),
28 perennial sow thistle (*Sonchus arvensis*), horse nettle (*Solanum*
29 *carolinense*), bull thistle (*Cirsium lanceolatum*), buckthorn (*Rhamnus sp.*)
30 (tourn), hemp plant (*Cannabis sativa*), and ragweed (*Ambrosiaceae*).

31 Sec. 13. Original sections 14-102, 14-103, 15-211, 15-268, 16-207,

1 16-240, 17-123, 17-123.01, 17-207, and 17-555, Reissue Revised Statutes
2 of Nebraska, and sections 16-230 and 17-563, Revised Statutes Cumulative
3 Supplement, 2014, are repealed.