

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 564

Introduced by Lindstrom, 18; Schilz, 47.

Read first time January 21, 2015

Committee: Transportation and Telecommunications

- 1 A BILL FOR AN ACT relating to roads; to amend section 39-1811, Reissue
- 2 Revised Statutes of Nebraska; to change duties and obligations
- 3 relating to the mowing of weeds along county roads; and to repeal
- 4 the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 39-1811, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 ~~39-1811 (1) It shall be the duty of the landowners in this state to~~
4 ~~mow all weeds that can be mowed with the ordinary farm mower to the~~
5 ~~middle of all public roads and drainage ditches running along their lands~~
6 ~~at least twice each year, namely, before July 15, for the first time and~~
7 ~~sometime in August for the second time.~~

8 (1) Total roadside mowing shall (a) be done on a scheduled
9 rotational basis with no more than one-third of the property of a county
10 mowed within a one-year time period, (b) be restricted to one side of the
11 road within a one-year time period, and (c) be conducted between the
12 following dates: (i) from July 15 to November 1 for rotary mowing at a
13 five-inch or greater height; and (ii) from July 15 to September 10 for
14 mowing by haying methods. The final date for mowing by haying methods may
15 be extended, and additional county or township roadsides may be eligible
16 for mowing by haying methods, if a drought emergency is declared by the
17 Governor. For purposes of this subsection, total roadside mowing means
18 mowing all areas within a right-of-way, including, but not limited to,
19 the road shoulder and drainage ditches.

20 (2) This section shall not restrict landowners, a county, or a
21 township from management of (a) roadside vegetation on road shoulders,
22 intersections, or entrances, (b) sight distance at any time of the year,
23 or (c) snow control mowing as may be necessary annually.

24 ~~(2) Whenever a landowner, referred to in subsections (1) and (3) of~~
25 ~~this section, neglects to mow the weeds as provided in this section, it~~
26 ~~shall be the duty of the county board on complaint of any resident of the~~
27 ~~county to cause the weeds to be mowed or otherwise destroyed on neglected~~
28 ~~portions of roads or ditches complained of.~~

29 ~~(3) The county board shall cause to be ascertained and recorded an~~
30 ~~accurate account of the cost of mowing or destroying such weeds, as~~
31 ~~referred to in subsections (1) and (2) of this section, in such places,~~

1 ~~specifying, in such statement or account of costs, the description of the~~
2 ~~land abutting upon each side of the highway where such weeds were mowed~~
3 ~~or destroyed, and, if known, the name of the owner of such abutting land.~~
4 ~~The board shall file such statement with the county clerk, together with~~
5 ~~a description of the lands abutting on each side of the road where such~~
6 ~~expenses were incurred, and the county board, at the time of the annual~~
7 ~~tax levy made upon lands and property of the county, may, if it desires,~~
8 ~~assess such cost upon such abutting land, giving such landowner due~~
9 ~~notice of such proposed assessment and reasonable opportunity to be heard~~
10 ~~concerning the proposed assessment before the same is finally made.~~

11 Sec. 2. Original section 39-1811, Reissue Revised Statutes of
12 Nebraska, is repealed.