

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 352

Introduced by Langemeier, 23

Read first time January 12, 2007

Committee: Judiciary

A BILL

1 FOR AN ACT relating to shooting ranges; to amend sections 15-258
2 and 16-226, Reissue Revised Statutes of Nebraska, and
3 section 14-102, Revised Statutes Cumulative Supplement,
4 2006; to adopt the Nebraska Shooting Range Protection
5 Act; to harmonize provisions; and to repeal the original
6 sections.
7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Sections 1 to 9 of this act shall be known and
2 may be cited as the Nebraska Shooting Range Protection Act.

3 Sec. 2. For purposes of the Nebraska Shooting Range
4 Protection Act:

5 (1) Local unit of government means a city, county,
6 town, or other political subdivision having authority derived from
7 statute or home rule charter;

8 (2) Person means an individual, association,
9 proprietorship, partnership, corporation, club, political
10 subdivision, or other legal entity;

11 (3) Shooting range or range means an area or facility
12 designated or operated primarily for the use of firearms or archery
13 and which is operated in compliance with the act and the standards.
14 Shooting range or range excludes shooting preserves; and

15 (4) Shooting range performance standards or standards
16 means the November 1999 revised edition of the National Rifle
17 Association's range source book titled A Guide To Planning And
18 Construction adopted by the National Rifle Association for the safe
19 operation of shooting ranges.

20 Sec. 3. (1) The Game and Parks Commission shall adopt and
21 promulgate as rules and regulations the shooting range performance
22 standards.

23 (2) The commission shall review the shooting range
24 performance standards at least once every five years and revise
25 them if necessary for the continuing safe operation of shooting

1 ranges.

2 Sec. 4. (1) A shooting range may conduct shooting
3 activities daily between 7:00 a.m. and 10:00 p.m., however, a
4 local unit of government with zoning jurisdiction over a shooting
5 range may temporarily extend the hours of operation by the issuance
6 of a special or conditional use permit for no more than two days
7 per year or shorten the hours of operation by ordinance or permit.

8 (2) A shooting range that is a nonconforming use shall
9 be allowed to conduct shooting activities within the range's
10 boundaries as of the date the range became a nonconforming use, if
11 the shooting range remains in compliance with any applicable noise
12 restrictions.

13 (3) Nothing in this section exempts any newly constructed
14 or remodeled building on a shooting range from compliance with
15 fire safety, handicapped accessibility, elevator safety, bleacher
16 safety, or other provisions of the Building Construction Act.

17 Sec. 5. (1) Except for those lawful uses, developments,
18 and structures in existence or for which approval has been granted
19 prior to the effective date of this act, or as provided in
20 subsection (2) of this section, no change in use, new development,
21 or construction of a structure shall be approved for any portion
22 of property within seven hundred fifty feet of the perimeter
23 property line of an outdoor shooting range, if the change in use,
24 new development, or construction would cause an outdoor shooting
25 range to become out of compliance with the Nebraska Shooting Range

1 Protection Act or the standards.

2 (2) A change in use, new development, or construction
3 of a structure subject to this section may be approved if
4 the person seeking the approval or, at the discretion of the
5 governing body, the approving authority agrees to provide any
6 mitigation required to keep the range in compliance with the
7 act and standards. The person requesting an approval subject to
8 this section is responsible for providing documentation if no
9 mitigation is required under this section. Failure to provide
10 the documentation or any mitigation required under this section
11 exempts the range from being found out of compliance with the
12 act or standards with regard to the property responsible for the
13 mitigation if the failure to provide the documentation or required
14 mitigation is the sole basis for the range being out of compliance.
15 Any action brought by the owner of the property against the range
16 is subject to section 7 of this act. With the permission of the
17 range operator, any mitigation required under this section may be
18 provided on the range property.

19 Sec. 6. Allowable noise levels for the operation of a
20 shooting range are the levels determined by replacing the steady
21 state noise L10 and L50 state standards for each period of time
22 within each noise area's classification with a single Leq(h)
23 standard for impulsive noise that is two dBA lower than that of the
24 L10 level for steady state noise. The noise level shall be measured
25 outside of the range property at the location of the receiver's

1 activity according to the shooting range performance standards. For
2 purposes of this section, Leq(h) means the energy level that is
3 equivalent to a steady state level that contains the same amount
4 of sound energy as the time varying sound level for a sixty-minute
5 time period.

6 Sec. 7. A person who owns, operates, or uses a shooting
7 range is not subject to any nuisance action for damages or
8 equitable relief based on noise or other matters regulated by
9 the Nebraska Shooting Range Protection Act or the standards. This
10 section does not prohibit any other legal action.

11 Sec. 8. (1) Except as otherwise provided in the Nebraska
12 Shooting Range Protection Act, a shooting range shall not be forced
13 to permanently close or permanently cease any activity related to
14 the primary use of the shooting range unless the range or activity
15 is found to be a clear and immediate safety hazard by a court. In
16 any action brought to compel the permanent closure of any range or
17 to permanently cease any activity related to the primary use of the
18 shooting range, there is a rebuttable presumption that the range
19 or activity is not a clear and immediate safety hazard. If the
20 shooting range provides by a preponderance of the evidence that the
21 cause of a proven safety hazard can be mitigated so as to eliminate
22 the safety hazard, the court shall not order the permanent closure
23 of the range or the permanent ceasing of the activity found to be a
24 clear and immediate safety hazard, unless the range operator fails
25 to implement the necessary mitigation to remove the safety hazard

1 by the date that is determined reasonable by the court.

2 (2) Nothing in this section prohibits a court from
3 granting a preliminary injunction against any activity determined
4 to be a probable clear and immediate safety hazard or against any
5 individual determined to be the probable cause of an alleged clear
6 and immediate safety hazard pending the final determination of the
7 existence of the safety hazard.

8 (3) A court may grant a permanent injunction only against
9 a particular activity or person instead of permanently closing the
10 range unless the court finds that the remaining operations also
11 pose a safety hazard under this section.

12 Sec. 9. (1)(a) Nothing in the Nebraska Shooting Range
13 Protection Act or the standards shall prohibit enforcement of
14 any federal law. To the extent consistent with the act and the
15 standards, other state laws regarding the health, safety, and
16 welfare of the public may be enforced.

17 (b) If the operator of a shooting range out of compliance
18 with the act, standards, local ordinances, or permits shows a
19 preponderance of the evidence that the range can be brought into
20 compliance with the act, standards, local ordinances, or permits,
21 the range shall not be permanently closed unless the range operator
22 fails to bring the range into such compliance by the date that the
23 court determines reasonable. Nothing in this section prohibits a
24 court from granting a preliminary injunction against any activity
25 determined to be a violation of a law, ordinance, or permit under

1 this section or against any individual determined to be causing an
2 alleged violation, pending the final determination of the existence
3 of the violation.

4 (2) A court may grant a permanent injunction only against
5 a particular activity or person instead of permanently closing the
6 range unless the court finds that the remaining activities of the
7 range also create a violation under this section.

8 Sec. 10. Section 14-102, Revised Statutes Cumulative
9 Supplement, 2006, is amended to read:

10 14-102 In addition to the powers granted in section
11 14-101, cities of the metropolitan class shall have power by
12 ordinance:

13 Taxes, special assessments.

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

16 Corporate seal.

17 (2) To provide a corporate seal for the use of the city,
18 and also any official seal for the use of any officer, board,
19 or agent of the city, whose duties under this act or under any
20 ordinance require an official seal to be used. Such corporate
21 seal shall be used in the execution of municipal bonds, warrants,
22 conveyances, and other instruments and proceedings as this act or
23 the ordinances of the city require;

24 Regulation of public health.

25 (3) To provide all needful rules and regulations for the

1 protection and preservation of health within the city; and for this
2 purpose they may provide for the enforcement of the use of water
3 from public water supplies when the use of water from other sources
4 shall be deemed unsafe;

5 Appropriations for debts and expenses.

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

8 Protection of strangers and travelers.

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

12 Concealed weapons, firearms, fireworks, explosives.

13 (6) To punish and prevent the carrying of concealed
14 weapons and the discharge of firearms, fireworks, or explosives of
15 any description within the city;

16 Sale of foodstuffs.

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

20 Official bonds.

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

1 Official reports of city officers.

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

5 Cruelty to children and animals.

6 (10) To provide for the prevention of cruelty to children
7 and animals;

8 Dogs; taxes and restrictions.

9 (11) To regulate, license, or prohibit the running at
10 large of dogs and other animals within the city as well as in areas
11 within three miles of the corporate limits of the city, to guard
12 against injuries or annoyance from such dogs and other animals, and
13 to authorize the destruction of the dogs and other animals when
14 running at large contrary to the provisions of any ordinance. Any
15 licensing provision shall comply with subsection (2) of section
16 54-603 for dog guides, hearing aid dogs, and service dogs;

17 Cleaning sidewalks.

18 (12) To provide for keeping sidewalks clean and free
19 from obstructions and accumulations, to provide for the assessment
20 and collection of taxes on real estate and for the sale and
21 conveyance thereof, and to pay the expenses of keeping the sidewalk
22 adjacent to such real estate clean and free from obstructions and
23 accumulations as herein provided;

24 Planting and trimming of trees; protection of birds.

25 (13) To provide for the planting and protection of shade

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

11 Naming and numbering streets and houses.

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

16 Weeds.

17 (15) To require weeds and worthless vegetation growing
18 upon any lot or piece of ground within the city to be cut and
19 destroyed so as to abate any nuisance occasioned thereby, to
20 prohibit and control the throwing, depositing, or accumulation of
21 litter on any lot or piece of ground within the city and to require
22 the removal thereof so as to abate any nuisance occasioned thereby,
23 and if the owner fails to cut and destroy weeds and worthless
24 vegetation or remove litter, or both, after notice as required
25 by ordinance, to assess the cost thereof upon the lots or lands

1 as a special assessment. The notice required to be given may be
2 by publication in the official newspaper of the city and may be
3 directed in general terms to the owners of lots and lands affected
4 without naming such owners;

5 Animals running at large.

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

15 Use of streets.

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

20 Playing on streets and sidewalks.

21 (18) To prevent or regulate the rolling of hoops, playing
22 of ball, flying of kites, the riding of bicycles or tricycles, or
23 any other amusement or practice having a tendency to annoy persons
24 passing in the streets or on the sidewalks or to frighten teams or
25 horses; to regulate the use of vehicles propelled by steam, gas,

1 electricity, or other motive power, operated on the streets of the
2 city;

3 Combustibles and explosives.

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

7 Public sale of chattels on streets.

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

12 Signs and obstruction in streets.

13 (21) To regulate and prevent the use of streets,
14 sidewalks, and public grounds for signs, posts, awnings, awning
15 posts, scales, or other like purposes; to regulate and prohibit
16 the exhibition or carrying or conveying of banners, placards,
17 advertisements, or the distribution or posting of advertisements or
18 handbills in the streets or public grounds or upon the sidewalks;

19 Disorderly conduct.

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

1 Vagrants and tramps.

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

9 Disorderly houses, gambling, offenses against public
10 morals.

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

1 State Lottery Act;

2 Police regulation in general.

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

14 Fast driving on streets.

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

19 Libraries, art galleries, and museums.

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

1 and to pass necessary bylaws and regulations for the protection and
2 government of the same;

3 Hospitals, workhouses, jails, firehouses, etc.; garbage
4 disposal.

5 (28) To erect, designate, establish, maintain, and
6 regulate hospitals or workhouses, houses of correction, jails,
7 station houses, fire engine houses, asphalt repair plants, and
8 other necessary buildings; and to erect, designate, establish,
9 maintain, and regulate plants for the removal, disposal, or
10 recycling of garbage and refuse or to make contracts for garbage
11 and refuse removal, disposal, or recycling, or all of the same, and
12 to charge equitable fees for such removal, disposal, or recycling,
13 or all of the same, except as hereinafter provided. The fees
14 collected pursuant to this subdivision shall be credited to a
15 single fund to be used exclusively by the city for the removal,
16 disposal, or recycling of garbage and refuse, or all of the same,
17 including any costs incurred for collecting the fee. Before any
18 contract for such removal, disposal, or recycling is let, the
19 city council shall make specifications therefor, bids shall be
20 advertised for as now provided by law, and the contract shall be
21 let to the lowest and best bidder, who shall furnish bond to the
22 city conditioned upon his or her carrying out the terms of the
23 contract, the bond to be approved by the city council. Nothing
24 in this act, and no contract or regulation made by the city
25 council, shall be so construed as to prohibit any person, firm,

1 or corporation engaged in any business in which garbage or refuse
2 accumulates as a byproduct from selling, recycling, or otherwise
3 disposing of his, her, or its garbage or refuse or hauling such
4 garbage or refuse through the streets and alleys under such uniform
5 and reasonable regulations as the city council may by ordinance
6 prescribe for the removal and hauling of garbage or refuse;

7 Market places.

8 (29) To erect and establish market houses and market
9 places and to provide for the erection of all other useful and
10 necessary buildings for the use of the city and for the protection
11 and safety of all property owned by the city; and such market
12 houses and market places and buildings aforesaid may be located on
13 any street, alley, or public ground or on land purchased for such
14 purpose;

15 Cemeteries, registers of births and deaths.

16 (30) To prohibit the establishment of additional
17 cemeteries within the limits of the city, to regulate the
18 registration of births and deaths, to direct the keeping and
19 returning of bills of mortality, and to impose penalties on
20 physicians, sextons, and others for any default in the premises;

21 Plumbing, etc., inspection.

22 (31) To provide for the inspection of steam boilers,
23 electric light appliances, pipefittings, and plumbings, to regulate
24 their erection and construction, to appoint inspectors, and to
25 declare their powers and duties, except as herein otherwise

1 provided;

2 Fire limits and fire protection.

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

23 Building regulations.

24 (33) To regulate the construction, use, and maintenance
25 of party walls, to prescribe and regulate the thickness, strength,

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

1 the same; to provide for the abatement of dense volumes of smoke;
2 to regulate the construction of areaways, stairways, and vaults
3 and to regulate partition fences; to enforce proper heating and
4 ventilation of buildings used for schools, workhouses, or shops of
5 every class in which labor is employed or large numbers of persons
6 are liable to congregate;

7 Warehouses and street railways.

8 (34) To regulate levees, depots and depot grounds, and
9 places for storing freight and goods and to provide for and
10 regulate the laying of tracks and the passage of steam or other
11 railways through the streets, alleys, and public grounds of the
12 city;

13 Lighting railroad property.

14 (35) To require the lighting of any railway within the
15 city, the cars of which are propelled by steam, and to fix and
16 determine the number, size, and style of lampposts, burners, lamps,
17 and all other fixtures and apparatus necessary for such lighting
18 and the points of location for such lampposts; and in case any
19 company owning or operating such railways shall fail to comply with
20 such requirements, the council may cause the same to be done and
21 may assess the expense thereof against such company, and the same
22 shall constitute a lien upon any real estate belonging to such
23 company and lying within such city and may be collected in the same
24 manner as taxes for general purposes;

25 City publicity.

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

4 Offstreet parking.

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

12 Public passenger transportation systems.

13 (38) To acquire, by the exercise of the power of eminent
14 domain or otherwise, lease, purchase, construct, own, maintain,
15 operate, or contract for the operation of public passenger
16 transportation systems, excluding taxicabs and railroad systems,
17 including all property and facilities required therefor, within and
18 without the limits of the city, to redeem such property from prior
19 encumbrance in order to protect or preserve the interest of the
20 city therein, to exercise all powers granted by the Constitution
21 of Nebraska and laws of the State of Nebraska or exercised by or
22 pursuant to a home rule charter adopted pursuant thereto, including
23 but not limited to receiving and accepting from the government of
24 the United States or any agency thereof, from the State of Nebraska
25 or any subdivision thereof, and from any person or corporation

1 donations, devises, gifts, bequests, loans, or grants for or in
2 aid of the acquisition, operation, and maintenance of such public
3 passenger transportation systems and to administer, hold, use, and
4 apply the same for the purposes for which such donations, devises,
5 gifts, bequests, loans, or grants may have been made, to negotiate
6 with employees and enter into contracts of employment, to employ
7 by contract or otherwise individuals singularly or collectively, to
8 enter into agreements authorized under the Interlocal Cooperation
9 Act or the Joint Public Agency Act, to contract with an operating
10 and management company for the purpose of operating, servicing, and
11 maintaining any public passenger transportation systems any city
12 of the metropolitan class shall acquire under the provisions of
13 this act, and to exercise such other and further powers as may be
14 necessary, incident, or appropriate to the powers of such city; and
15 Regulation of air quality.

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

1 conflict with the state air pollution control regulations.

2 Sec. 11. Section 15-258, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 15-258 A city of the primary class may restrain,
5 prohibit, and suppress unlicensed tippling shops, billiard tables,
6 bowling alleys, houses of prostitution, opium joints, dens, and
7 other disorderly houses and practices, games, gambling houses,
8 desecration of the Sabbath day, commonly called Sunday, and may
9 prohibit all public amusements, shows, exhibitions, or ordinary
10 business pursuits upon such day, all lotteries, all fraudulent
11 devices and practices for the purposes of obtaining money or
12 property, all shooting galleries except as provided in the Nebraska
13 Shooting Range Protection Act, and all kinds of public indecencies,
14 except that nothing in this section shall be construed to apply to
15 bingo, lotteries, lotteries by the sale of pickle cards, or raffles
16 conducted in accordance with the Nebraska Bingo Act, the Nebraska
17 Lottery and Raffle Act, the Nebraska Pickle Card Lottery Act, the
18 Nebraska Small Lottery and Raffle Act, or the State Lottery Act.

19 Sec. 12. Section 16-226, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 16-226 A city of the first class by ordinance may
22 regulate, prohibit, and suppress unlicensed tippling shops,
23 billiard tables, and bowling alleys, may restrain houses of
24 prostitution, opium joints, dens, and other disorderly houses and
25 practices, games, gambling houses, desecration of the Sabbath day,

1 commonly called Sunday, and may prohibit all public amusements,
2 shows, exhibitions, or ordinary business pursuits upon such day,
3 all lotteries, all fraudulent devices and practices for the purpose
4 of obtaining money or property, all shooting galleries except as
5 provided in the Nebraska Shooting Range Protection Act, and all
6 kinds of public indecencies, except that nothing in this section
7 shall be construed to apply to bingo, lotteries, lotteries by the
8 sale of pickle cards, or raffles conducted in accordance with
9 the Nebraska Bingo Act, the Nebraska Lottery and Raffle Act, the
10 Nebraska Pickle Card Lottery Act, the Nebraska Small Lottery and
11 Raffle Act, or the State Lottery Act.

12 Sec. 13. Original sections 15-258 and 16-226, Reissue
13 Revised Statutes of Nebraska, and section 14-102, Revised Statutes
14 Cumulative Supplement, 2006, are repealed.