

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FOURTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 266**

FINAL READING

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  
3 government of the United States or any agency thereof, from the State of  
4 Nebraska or any subdivision thereof, and from any person or corporation  
5 donations, devises, gifts, bequests, loans, or grants for or in aid of  
6 the 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;

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 two-mile  
10 ~~extraterritorial~~ zoning jurisdiction expressly for the purpose of weed or  
11 erosion control.

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

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

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

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

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

1           17-123.01 Each city of the second-class city and village may, by  
2 ordinance, prohibit and control the throwing, depositing, or accumulation  
3 of litter on any lot or piece of ground within the city or village or  
4 within its one-mile zoning jurisdiction and require the removal thereof  
5 so as to abate any nuisance occasioned thereby. If the owner fails to  
6 remove such litter, after five days' notice by publication and by  
7 certified mail, the city or village, through its proper officers, shall  
8 remove the litter or cause it to be removed, and shall assess the cost  
9 thereof against the property so benefited as provided by ordinance.

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

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

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

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

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

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

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

30 Sec. 12. Section 17-563, Revised Statutes Cumulative Supplement,  
31 2014, is amended to read:

1           17-563 (1) A city of the second class and village by ordinance (a)  
2 may require lots or pieces of ground within the city or village or within  
3 its one-mile zoning jurisdiction to be drained or filled so as to prevent  
4 stagnant water or any other nuisance accumulating thereon, (b) may  
5 require the owner or occupant of any lot or piece of ground within the  
6 city or village or within its one-mile zoning jurisdiction to keep the  
7 lot or piece of ground and the adjoining streets and alleys free of  
8 excessive growth of weeds, grasses, or worthless vegetation, and (c) may  
9 prohibit and control the throwing, depositing, or accumulation of litter  
10 on any lot or piece of ground within the city or village or within its  
11 one-mile zoning jurisdiction.

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

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

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

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

14 (5) For purposes of this section:

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

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

1           Sec. 13. Original sections 14-102, 14-103, 15-211, 15-268, 16-207,  
2 16-240, 17-123, 17-123.01, 17-207, and 17-555, Reissue Revised Statutes  
3 of Nebraska, and sections 16-230 and 17-563, Revised Statutes Cumulative  
4 Supplement, 2014, are repealed.