

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 703

FINAL READING

Introduced by Urban Affairs Committee: Crawford, 45, Chairperson; Coash, 27; Ebke, 32; Hansen, 26; Howard, 9; Hughes, 44; McCollister, 20.

Read first time January 06, 2016

Committee: Urban Affairs

1 A BILL FOR AN ACT relating to cities and villages; to amend sections
2 16-207 and 17-555, Revised Statutes Supplement, 2015; to change
3 provisions relating to nuisances; and to repeal the original
4 sections.

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

1 Section 1. Section 16-207, Revised Statutes Supplement, 2015, is
2 amended to read:

3 16-207 (1) A city of the first class may by ordinance provide for
4 the removal of all obstructions from the sidewalks, curbstones, gutters,
5 and crosswalks at the expense of the owners or occupants of the grounds
6 fronting thereon or at the expense of the person placing the obstruction
7 and may require and regulate the planting and protection of shade trees
8 in and along the streets and the trimming and removing of the trees.

9 (2) A city of the first class may by ordinance declare it to be a
10 nuisance for a property owner to permit, allow, or maintain any dead or
11 diseased trees within the right-of-way of streets within the corporate
12 limits of the city or within its two-mile zoning jurisdiction. Notice to
13 abate and remove such nuisance and notice of the right to a hearing and
14 the manner in which it may be requested shall be given to each owner or
15 owner's duly authorized agent and to the occupant, if any. The city shall
16 establish the method of notice by ordinance. If notice is given by first-
17 class mail, such mail shall be conspicuously marked as to its importance.
18 Within five days after receipt of such notice, the owner or occupant of
19 the lot or piece of ground may request a hearing with the city to appeal
20 the decision to abate or remove the nuisance by filing a written appeal
21 with the office of the city clerk. A hearing on the appeal shall be held
22 within fourteen days after the filing of the appeal and shall be
23 conducted by an elected or appointed officer as designated in the
24 ordinance. The hearing officer shall render a decision on the appeal
25 within five business days after the conclusion of the hearing. If the
26 appeal fails, the city may have the work done to abate and remove the
27 dead or diseased trees. If the owner or occupant of the lot or piece of
28 ground does not request a hearing with the city within five days after
29 receipt of such notice or fails to comply with the order to abate and
30 remove the nuisance, the city may have such work done. The city ~~by~~
31 personal service or certified mail. Within thirty days after the receipt

1 ~~of such notice, if the owner or occupant of the lot or piece of ground~~
2 ~~does not request a hearing or fails to comply with the order to abate and~~
3 ~~remove the nuisance, the city may have such work done and may levy and~~
4 assess all or any portion of the costs and expenses of the work upon the
5 lot or piece of ground so benefited as a special assessment.

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

11 Sec. 2. Section 17-555, Revised Statutes Supplement, 2015, is
12 amended to read:

13 17-555 (1) Cities of the second class or villages may remove all
14 obstructions from the sidewalks, curbstones, gutters, and crosswalks at
15 the expense of the person placing them there or at the expense of the
16 city or village and require and regulate the planting and protection of
17 shade trees in and along the streets and the trimming and removing of
18 such trees.

19 (2) Cities of the second class or villages may by ordinance declare
20 it to be a nuisance for a property owner to permit, allow, or maintain
21 any dead or diseased trees within the right-of-way of streets within the
22 corporate limits or within its one-mile zoning jurisdiction of the city
23 or village. Notice to abate and remove such nuisance and notice of the
24 right to a hearing and the manner in which it may be requested shall be
25 given to each owner or owner's duly authorized agent and to the occupant,
26 if any. The city or village shall establish the method of notice by
27 ordinance. If notice is given by first-class mail, such mail shall be
28 conspicuously marked as to its importance. Within five days after receipt
29 of such notice, the owner or occupant of the lot or piece of ground may
30 request a hearing with the city or village to appeal the decision to
31 abate or remove the nuisance by filing a written appeal with the office

1 of the city or village clerk. A hearing on the appeal shall be held
2 within fourteen days after the filing of the appeal and shall be
3 conducted by an elected or appointed officer as designated in the
4 ordinance. The hearing officer shall render a decision on the appeal
5 within five business days after the conclusion of the hearing. If the
6 appeal fails, the city or village may have the work done to abate and
7 remove the dead or diseased trees. If the owner or occupant of the lot or
8 piece of ground does not request a hearing with the city or village
9 within five days after receipt of such notice or fails to comply with the
10 order to abate and remove the nuisance, the city or village may have such
11 work done. The city or village , by personal service or certified mail.
12 ~~Within thirty days after the receipt of such notice, if the owner or~~
13 ~~occupant of the lot or piece of ground does not request a hearing or~~
14 ~~fails to comply with the order to abate and remove the nuisance, the city~~
15 ~~or village may have such work done and may levy and assess all or any~~
16 ~~portion of the costs and expenses of the work upon the lot or piece of~~
17 ~~ground so benefited as a special assessment.~~

18 (3) Cities or villages may regulate the building of bulkheads,
19 cellar and basement ways, stairways, railways, windows, doorways,
20 awnings, hitching posts and rails, lampposts, awning posts, all other
21 structures projecting upon or over and adjoining, and all other
22 excavations through and under the sidewalks in the city or village.

23 Sec. 3. Original sections 16-207 and 17-555, Revised Statutes
24 Supplement, 2015, are repealed.