

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 514

Introduced by Urban Affairs Committee: McKinney, 11, Chairperson;
Cavanaugh, J., 9; Rountree, 3; Sorrentino, 39.

Read first time January 21, 2025

Committee: Urban Affairs

- 1 A BILL FOR AN ACT relating to cities of the metropolitan class; to amend
- 2 section 14-102, Revised Statutes Cumulative Supplement, 2024; to
- 3 provide powers to cities of the metropolitan class relating to
- 4 housing authorities; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 14-102, Revised Statutes Cumulative Supplement,
2 2024, is 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 (1) To levy any tax or special assessment authorized by law;

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

11 (3) To provide all needful rules and regulations for the protection
12 and preservation of health within the city, including providing for the
13 enforcement of the use of water from public water supplies when the use
14 of water from other sources shall be deemed unsafe;

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

17 (5) To adopt all such measures as may be deemed necessary for the
18 accommodation and protection of strangers and the traveling public in
19 person and property;

20 (6) To punish and prevent the discharge of firearms, fireworks, or
21 explosives of any description within the city, other than the discharge
22 of firearms at a shooting range pursuant to the Nebraska Shooting Range
23 Protection Act;

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

27 (8) To require all elected or appointed officers to give bond and
28 security for the faithful performance of their duties, except that no
29 officer shall become bonded and secured upon the official bond of another
30 or upon any bond executed to the city;

31 (9) To require from any officer of the city at any time a report, in

1 detail, of the transactions of his or her office or any matter connected
2 with such office;

3 (10) To provide for the prevention of cruelty to children and
4 animals;

5 (11) To regulate, license, or prohibit the running at large of dogs
6 and other animals within the city as well as in areas within the
7 extraterritorial zoning jurisdiction of the city; to guard against
8 injuries or annoyance from such dogs and other animals; and to authorize
9 the destruction of such dogs and other animals when running at large
10 contrary to the provisions of any ordinance. Any licensing provision
11 shall comply with subsection (2) of section 54-603 for service animals;

12 (12) To provide for keeping sidewalks clean and free from
13 obstructions and accumulations; to provide for the assessment and
14 collection of taxes on real estate and for the sale and conveyance
15 thereof; and to pay the expenses of keeping the sidewalk adjacent to such
16 real estate clean and free from obstructions and accumulations as
17 provided by law;

18 (13) To provide for the planting and protection of shade or
19 ornamental and useful trees upon streets or boulevards; to assess the
20 cost of such trees to the extent of benefits upon the abutting property
21 as a special assessment; to provide for the protection of birds and
22 animals and their nests; to provide for the trimming of trees located
23 upon streets and boulevards or when the branches of trees overhang
24 streets and boulevards when in the judgment of the mayor and city council
25 such trimming is made necessary to properly light such street or
26 boulevard or to furnish proper police protection; and to assess the cost
27 of such trimming upon the abutting property as a special assessment;

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

1 (15) To require weeds and worthless vegetation growing upon any lot
2 or piece of ground within the city or its extraterritorial zoning
3 jurisdiction to be cut and destroyed so as to abate any nuisance
4 occasioned by such vegetation; to prohibit and control the throwing,
5 depositing, or accumulation of litter on any lot or piece of ground
6 within the city or its extraterritorial zoning jurisdiction; to require
7 the removal of such litter so as to abate any nuisance occasioned
8 thereby. If the owner fails to cut and destroy weeds and worthless
9 vegetation or remove litter, or both, after notice as required by
10 ordinance, the city may assess the cost of such destruction or removal
11 upon the lots or lands as a special assessment. The required notice may
12 be by publication in the official newspaper of the city and may be
13 directed in general terms to the owners of lots and lands affected
14 without naming such owners;

15 (16) To prohibit and regulate the running at large or the herding or
16 driving of domestic animals, such as hogs, cattle, horses, sheep, goats,
17 fowls, or animals of any kind or description within the corporate limits;
18 to provide for the impounding of all animals running at large, herded, or
19 driven contrary to such prohibition and regulations; and to provide for
20 the forfeiture and sale of animals impounded to pay the expense of taking
21 up, caring for, and selling such impounded animals, including the cost of
22 advertising and fees of officers;

23 (17) To regulate the transportation of articles through the streets
24 and to prevent injuries to the streets from overloaded vehicles;

25 (18) To prevent or regulate any amusement or practice having a
26 tendency to annoy persons passing in the streets or on the sidewalks; and
27 to regulate the use of vehicles propelled by steam, gas, electricity, or
28 other motive power, operated on the streets of the city;

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

31 (20) To regulate, license, or prohibit the sale of domestic animals

1 or of goods, wares, and merchandise at public auction on the streets,
2 alleys, highways, or any public ground within the city;

3 (21) To regulate and prevent the use of streets, sidewalks, and
4 public grounds for signs, posts, awnings, awning posts, scales, or other
5 like purposes; and to regulate and prohibit the exhibition or carrying or
6 conveying of banners, placards, advertisements, or the distribution or
7 posting of advertisements or handbills in the streets or public grounds
8 or upon the sidewalks;

9 (22) To provide for the punishment of persons disturbing the peace
10 by noise, intoxication, drunkenness, or fighting, or otherwise violating
11 the public peace by indecent or disorderly conduct or by lewd and
12 lascivious behavior;

13 (23) To provide for the punishment of vagrants, tramps, street
14 beggars, prostitutes, disturbers of the peace, pickpockets, gamblers,
15 burglars, thieves, persons who practice any game, trick, or device with
16 intent to swindle, and trespassers upon private property;

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

30 (25) To make and enforce all police regulations for the good
31 government, general welfare, health, safety, and security of the city and

1 the citizens of the city in addition to the police powers expressly
2 granted by law; in the exercise of the police power, to pass all needful
3 and proper ordinances and impose fines, forfeitures, and penalties for
4 the violation of any ordinance; to provide for the recovery, collection,
5 and enforcement of such fines; and in default of payment to provide for
6 confinement in the city or county prison or other place of confinement as
7 may be provided by ordinance;

8 (26) To prevent immoderate driving on the street;

9 (27) To establish and maintain public libraries, art galleries, and
10 museums and to provide the necessary grounds or buildings for such
11 libraries, galleries, and museums; to purchase books, papers, maps,
12 manuscripts, works of art, and objects of natural or of scientific
13 curiosity and instruction for such libraries, galleries, and museums; to
14 receive donations and bequests of money or property for such libraries,
15 galleries, and museums in trust or otherwise; and to pass necessary
16 bylaws and regulations for the protection and government of such
17 libraries, art galleries, and museums;

18 (28) To erect, designate, establish, maintain, and regulate
19 hospitals, houses of correction, jails, station houses, fire engine
20 houses, asphalt repair plants, and other necessary buildings; to erect,
21 designate, establish, maintain, and regulate plants for the removal,
22 disposal, or recycling of garbage and refuse or to make contracts for
23 garbage and refuse removal, disposal, or recycling, or all of the same;
24 and to charge equitable fees for such removal, disposal, or recycling, or
25 all of the same, except as provided by law. The fees collected pursuant
26 to this subdivision shall be credited to a single fund to be used
27 exclusively by the city for the removal, disposal, or recycling of
28 garbage and refuse, or all of the same, including any costs incurred for
29 collecting the fee. Before any contract for such removal, disposal, or
30 recycling is let, the city council shall make specifications for such
31 contract, bids shall be advertised for as now provided by law, and the

1 contract shall be let to the lowest and best bidder, who shall furnish
2 bond to the city conditioned upon his or her carrying out the terms of
3 the contract, the bond to be approved by the city council. Nothing in
4 this section, and no contract or regulation made by the city council,
5 shall be so construed as to prohibit any person, firm, or corporation
6 engaged in any business in which garbage or refuse accumulates as a
7 byproduct from selling, recycling, or otherwise disposing of his, her, or
8 its garbage or refuse or hauling such garbage or refuse through the
9 streets and alleys under such uniform and reasonable regulations as the
10 city council may by ordinance prescribe for the removal and hauling of
11 garbage or refuse;

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

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

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

27 (32) To enact a fire code and regulate the erection of all buildings
28 and other structures within the corporate limits; to provide for the
29 removal of any buildings or structures or additions to buildings or
30 structures erected contrary to such code or regulations and to provide
31 for the removal of dangerous buildings; but no such code or regulation

1 shall be suspended or modified by resolution, nor shall exceptions be
2 made by ordinance or resolution in favor of any person, firm, or
3 corporation or concerning any particular lot or building; to direct that
4 when any building has been damaged by fire, decay, or otherwise, to the
5 extent of fifty percent of the value of a similar new building above the
6 foundation, shall be torn down or removed; to prescribe the manner of
7 ascertaining such damages and to assess the cost of removal of any
8 building erected or existing contrary to such code or regulations against
9 the lot or real estate upon which such building or structure is located
10 or shall be erected or to collect such costs from the owner of any such
11 building or structure; and to enforce the collection of such costs by
12 civil action in any court of competent jurisdiction;

13 (33) To regulate the construction, use, and maintenance of party
14 walls, to prescribe and regulate the thickness, strength, and manner of
15 constructing stone, brick, wood, or other buildings and the size and
16 shape of brick and other material placed in such buildings; to prescribe
17 and regulate the construction and arrangement of fire escapes and the
18 placing of iron and metallic shutters and doors in or on such fire
19 escapes; to provide for the inspection of elevators; to prescribe,
20 regulate, and provide for the inspection of all plumbing, pipefitting, or
21 sewer connections in all houses or buildings now or hereafter erected; to
22 regulate the size, number, and manner of construction of halls, doors,
23 stairways, seats, aisles, and passageways of theaters and buildings of a
24 public character, whether now built or hereafter to be built, so that
25 there may be convenient, safe, and speedy exit in case of fire; to
26 prevent the dangerous construction and condition of chimneys, fireplaces,
27 hearths, stoves, stovepipes, ovens, boilers, and heating appliances used
28 in or about any building and to cause such appliances to be removed or
29 placed in safe condition when they are considered dangerous; to prevent
30 the deposit of ashes in unsafe places and to cause such buildings and
31 enclosures as may be in a dangerous state to be put in a safe condition;

1 to prevent the disposing of and delivery or use in any building or other
2 structure of unsuitable building material within the city limits and
3 provide for the inspection of building materials; to provide for the
4 abatement of dense volumes of smoke; to regulate the construction of
5 areaways, stairways, and vaults and to regulate partition fences; and to
6 enforce proper heating and ventilation of buildings used for schools or
7 other buildings where large numbers of persons are liable to congregate;

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

12 (35) To require the lighting of any railway within the city and to
13 fix and determine the number, size, and style of all fixtures and
14 apparatus necessary for such lighting and the points of location for such
15 lampposts. If any company owning or operating such railways shall fail to
16 comply with such requirements, the city council may cause such lighting
17 to be done and may assess the expense of such lighting against such
18 company. Such expense shall constitute a lien upon any real estate
19 belonging to such company and lying within such city and may be collected
20 in the same manner as taxes for general purposes;

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

23 (37) To erect, establish, and maintain offstreet parking areas on
24 publicly owned property located beneath any elevated segment of the
25 National System of Interstate and Defense Highways or portion thereof, or
26 public property title to which is in the city on May 12, 1971, or
27 property owned by the city and used in conjunction with and incidental to
28 city-operated facilities; and to regulate parking on such property by
29 time limitation devices or by lease;

30 (38) To acquire, by the exercise of the power of eminent domain or
31 otherwise, lease, purchase, construct, own, maintain, operate, or

1 contract for the operation of public passenger transportation systems,
2 excluding taxicabs, transportation network companies and railroad
3 systems, including all property and facilities required for such public
4 passenger transportation systems, within and without the limits of the
5 city; to redeem such property from prior encumbrance in order to protect
6 or preserve the interest of the city in such property; to exercise all
7 powers granted by the Constitution of Nebraska and laws of the State of
8 Nebraska or exercised by or pursuant to a home rule charter adopted
9 pursuant thereto, including, but not limited to, receiving and accepting
10 from the government of the United States or any agency thereof, from the
11 State of Nebraska or any subdivision thereof, and from any person or
12 corporation donations, devises, gifts, bequests, loans, or grants for or
13 in aid of the acquisition, operation, and maintenance of such public
14 passenger transportation systems; to administer, hold, use, and apply
15 such donations, devises, gifts, bequests, loans, or grants for the
16 purposes for which such donations, devises, gifts, bequests, loans, or
17 grants may have been made; to negotiate with employees and enter into
18 contracts of employment; to employ by contract or otherwise individuals
19 singularly or collectively; to enter into agreements authorized under the
20 Interlocal Cooperation Act or the Joint Public Agency Act; to contract
21 with an operating and management company for the purpose of operating,
22 servicing, and maintaining any public passenger transportation systems
23 the city shall acquire; and to exercise such other and further powers as
24 may be necessary, incident, or appropriate to the powers of the city; and
25 (39) In addition to powers conferred elsewhere in the laws of the
26 state, to implement and enforce an air pollution control program within
27 the corporate limits of the city under subdivision (23) of section
28 81-1504 or subsection (1) of section 81-1528, which program shall be
29 consistent with the federal Clean Air Act, as amended, 42 U.S.C. 7401 et
30 seq. Such powers shall include without limitation those involving
31 injunctive relief, civil penalties, criminal fines, and burden of proof.

1 Nothing in this section shall preclude the control of air pollution by
2 resolution, ordinance, or regulation not in actual conflict with state
3 air pollution control regulations; and -

4 (40) To regulate any housing authority in a city of the metropolitan
5 class, which may include:

6 (a) Providing for code enforcement and pest control for all
7 properties owned and controlled by such housing authority;

8 (b) Providing for regular inspections of all properties managed by
9 such housing authority;

10 (c) Requiring all properties managed by such housing authority to be
11 registered pursuant to any rental registration ordinance adopted by such
12 city of the metropolitan class;

13 (d) Setting penalties for code violations and failure to properly
14 manage properties; and

15 (e) Requiring monthly updates to the city council of such city of
16 the metropolitan class.

17 **Sec. 2.** Original section 14-102, Revised Statutes Cumulative
18 Supplement, 2024, is repealed.