

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 801

Introduced by Urban Affairs Committee: McGill, 26, Chairperson;
Ashford, 20; Coash, 27; Karpisek, 32; Krist, 10.

Read first time January 10, 2014

Committee: Urban Affairs

A BILL

1 FOR AN ACT relating to cities and villages; to amend sections 16-207
2 and 17-555, Reissue Revised Statutes of Nebraska; to
3 change provisions relating to nuisances; and to repeal
4 the original sections.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 16-207, Reissue Revised Statutes of
2 Nebraska, is amended to read:

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

10 A city of the first class may by ordinance declare it to
11 be a nuisance for a property owner to permit, allow, or maintain any
12 dead or diseased trees within the right-of-way of streets within the
13 corporate limits of the city. Notice to abate and remove such
14 nuisance and notice of the right to a hearing and the manner in which
15 it may be requested shall be given to each owner or owner's duly
16 authorized agent and to the occupant, if any. The city shall
17 establish the method of notice by ordinance. If notice is given by
18 first-class mail, such mail shall be conspicuously marked as to its
19 importance. Within five days after receipt of such notice, the owner
20 or occupant of the lot or piece of ground may request a hearing with
21 the city to appeal the decision to abate or remove a nuisance by
22 filing a written appeal with the office of the city clerk. A hearing
23 on the appeal shall be held within fourteen days after the filing of
24 the appeal and shall be conducted by an elected or appointed officer
25 as designated in the ordinance. The hearing officer shall render a

1 decision on the appeal within five business days after the conclusion
2 of the hearing. If the appeal fails, the city may have such work
3 done. The city , by personal service or certified mail. Within thirty
4 days after the receipt of such notice, if the owner or occupant of
5 the lot or piece of ground does not request a hearing or fails to
6 comply with the order to abate and remove the nuisance, the city may
7 have such work done and may levy and assess all or any portion of the
8 costs and expenses of the work upon the lot or piece of ground so
9 benefited in the same manner as other special taxes for improvements
10 are levied and assessed.

11 The city may also regulate the building of bulkheads,
12 cellars, basements, ways, stairways, railways, windows, doorways,
13 awnings, hitching posts and rails, lampposts, awning posts, and all
14 other structures projecting upon or over and any adjoining excavation
15 through and under the sidewalks in the city.

16 Sec. 2. Section 17-555, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 17-555 Cities of the second class and villages shall have
19 the power to remove all obstructions from the sidewalks, curbstones,
20 gutters, and crosswalks at the expense of the person placing them
21 there or of the city or village and to require and regulate the
22 planting and protection of shade trees in and along the streets and
23 the trimming and removing of such trees.

24 Cities of the second class or villages may by ordinance
25 declare it to be a nuisance for a property owner to permit, allow, or

1 maintain any dead or diseased trees within the right-of-way of
2 streets within the corporate limits of the city or village. Notice to
3 abate and remove such nuisance and notice of the right to a hearing
4 and the manner in which it may be requested shall be given to each
5 owner or owner's duly authorized agent and to the occupant, if any.
6 The city or village shall establish the method of notice by
7 ordinance. If notice is given by first-class mail, such mail shall be
8 conspicuously marked as to its importance. Within five days after
9 receipt of such notice, the owner or occupant of the lot or piece of
10 ground may request a hearing with the city or village to appeal the
11 decision to abate or remove a nuisance by filing a written appeal
12 with the office of the city or village clerk. A hearing on the appeal
13 shall be held within fourteen days after the filing of the appeal and
14 shall be conducted by an elected or appointed officer as designated
15 in the ordinance. The hearing officer shall render a decision on the
16 appeal within five business days after the conclusion of the hearing.
17 If the appeal fails, the city or village may have such work done. The
18 city or village , by personal service or certified mail. Within
19 thirty days after the receipt of such notice, if the owner or
20 occupant of the lot or piece of ground does not request a hearing or
21 fails to comply with the order to abate and remove the nuisance, the
22 city or village may have such work done and may levy and assess all
23 or any portion of the costs and expenses of the work upon the lot or
24 piece of ground so benefited in the same manner as other special
25 taxes for improvements are levied and assessed.

1 Cities and villages shall have the power to regulate the
2 building of bulkheads, cellar and basement ways, stairways, railways,
3 windows, doorways, awnings, hitching posts and rails, lampposts,
4 awning posts, all other structures projecting upon or over and
5 adjoining, and all other excavations through and under the sidewalks
6 in the city or village.

7 Sec. 3. Original sections 16-207 and 17-555, Reissue
8 Revised Statutes of Nebraska, are repealed.