

# LEGISLATIVE BILL 159

Approved by the Governor March 17, 2021

Introduced by Urban Affairs Committee: Wayne, 13, Chairperson; Blood, 3; Brieese, 41; Hansen, M., 26; Hunt, 8; Lowe, 37.

A BILL FOR AN ACT relating to cities and villages; to amend sections 14-138 and 18-131, Reissue Revised Statutes of Nebraska, and sections 16-247, 16-403, 16-405, 17-613, and 18-132, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to printing and publishing ordinances; and to repeal the original sections.

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

Section 1. Section 14-138, Reissue Revised Statutes of Nebraska, is amended to read:

14-138 All ordinances of a the city of the metropolitan class may be proved by a certificate of the city clerk under the seal of the city, and when printed or published in a book, or pamphlet, or electronic form, and purporting to be published or printed by authority of the city council, shall be read and received in all courts and places without further proof.

Sec. 2. Section 16-247, Revised Statutes Cumulative Supplement, 2020, is amended to read:

16-247 A city of the first class may revise the ordinances of the city from time to time and publish the same in book, pamphlet, or electronic ~~book~~ form. Such revision shall be by one ordinance, embracing all ordinances preserved as changed or added to and perfected by revision, and shall embrace all the ordinances of every nature preserved, and be a repeal of all ordinances in conflict with such revision; but all ordinances then in force shall continue in force after such revision for the purpose of all rights acquired, fines, penalties, forfeitures, and liabilities incurred, and actions therefor. The only title necessary for such revision and repeal shall be An ordinance to revise all the ordinances of the city of ....., and sections and chapters may be used instead of numbers, and original titles need not be preserved, nor signature of the mayor required.

Sec. 3. Section 16-403, Revised Statutes Cumulative Supplement, 2020, is amended to read:

16-403 All ordinances of a city of the first class shall be passed pursuant to such rules and regulations as the city council may provide, and all such ordinances may be proved by the certificate of the city clerk under the seal of the city. When printed or published in book, or pamphlet, or electronic form and purporting to be published by authority of the city, such ordinances shall be read and received in evidence in all courts and places without further proof. The passage, approval, and publication or posting of such ordinance shall be sufficiently proved by a certificate under the seal of the city from the city clerk showing that such ordinance was passed and approved, and when and in what paper the same was published, and when and by whom and where the same was posted. When ordinances are published in book, or pamphlet, or electronic form, purporting to be published by authority of the city council, the same need not be otherwise published and such book, or pamphlet, or electronic form shall be received as evidence of the passage and legal publication of such ordinances, as of the dates mentioned in such book, or pamphlet, or electronic form, in all courts without further proof.

Sec. 4. Section 16-405, Revised Statutes Cumulative Supplement, 2020, is amended to read:

16-405 The style of ordinances of a city of the first class shall be: "Be it ordained by the mayor and city council of the city of .....", and all ordinances of a general nature shall, within fifteen days after they are passed, be published in a legal newspaper in or of general circulation within the city, or in book, pamphlet, or electronic form, to be distributed or sold, as may be provided by ordinance. Every ordinance fixing a penalty or forfeiture for its violation shall, before the ordinance takes effect, be published for at least one week in the manner prescribed in this section. In cases of riots, infectious diseases, or other impending danger, or any other emergency requiring its immediate operation, such ordinance shall take effect upon the proclamation of the mayor immediately upon its first publication as provided in this section.

Sec. 5. Section 17-613, Revised Statutes Cumulative Supplement, 2020, is amended to read:

17-613 The style of all ordinances of a city of the second class or village shall be: Be it ordained by the mayor and city council of the city of ....., or the chairperson and board of trustees of the village of ..... . All ordinances of a general nature shall, before they take effect, be published, within fifteen days after they are passed, (1) in a legal newspaper in or of general circulation in such city or village or (2) by publishing the same in book, or pamphlet, or electronic form. In case of riot, infectious or contagious diseases, or other impending danger, failure of public utility, or any other emergency requiring its immediate operation, such ordinance shall take effect upon the proclamation of the mayor or chairperson of the village

board of trustees, posted in at least three of the most public places in the city or village. Such emergency ordinance shall recite the emergency, be passed by a three-fourths vote of the city council or village board of trustees, and be entered of record on the minutes of the city or village. The passage, approval, and publication of all ordinances shall be sufficiently proved by a certificate under seal of the city or village from the city clerk or village clerk, showing that such ordinance was passed and approved and when and in what legal newspaper the ordinance was published. When ordinances are printed in book, ~~or pamphlet,~~ or electronic form, purporting to be published by authority of the village board of trustees or city council, the ordinance need not be otherwise published, and such book, ~~or pamphlet,~~ or electronic form shall be received as evidence of the passage and legal publication of such ordinances as of the dates mentioned in such book, ~~or pamphlet,~~ or electronic form in all courts without further proof.

Sec. 6. Section 18-131, Reissue Revised Statutes of Nebraska, is amended to read:

18-131 Ordinances passed by cities of all classes and villages must be posted, published in a legal newspaper, or published in book, ~~or pamphlet,~~ or electronic form, as required by their respective charters or general laws.

Sec. 7. Section 18-132, Revised Statutes Cumulative Supplement, 2020, is amended to read:

18-132 (1) The city council of any city or village board of any village may adopt by ordinance the conditions, provisions, limitations, and terms of a plumbing code, an electrical code, a fire prevention code, a building or construction code, and any other standard code which contains rules and regulations printed as a code in book, ~~or pamphlet,~~ or electronic form, by reference to such code, or portions thereof, alone, without setting forth in the ordinance the conditions, provisions, limitations, and terms of such code. When any such code, or portion thereof, has been incorporated by reference into such ordinance, as provided in this section, it shall have the same force and effect as though it had been written in its entirety in such ordinance without further or additional publication thereof.

(2) Not less than one copy of such standard code, or portion thereof, shall be kept for use and examination by the public in the office of the city or village clerk prior to the adoption thereof and as long as such standard code is in effect in such city or village.

(3) Any building or construction code implemented under this section shall be adopted and enforced as provided in section 71-6406.

(4) If there is no ordinance adopting a plumbing code in effect in a city or village, the 2009 Uniform Plumbing Code accredited by the American National Standards Institute shall serve as the plumbing code for all the area within the jurisdiction of the city or village. Nothing in this section shall be interpreted as creating an obligation for the city or village to inspect plumbing work done within its jurisdiction to determine compliance with the plumbing code.

Sec. 8. Original sections 14-138 and 18-131, Reissue Revised Statutes of Nebraska, and sections 16-247, 16-403, 16-405, 17-613, and 18-132, Revised Statutes Cumulative Supplement, 2020, are repealed.