

## LEGISLATIVE BILL 330

Approved by the Governor March 21, 1991

Introduced by Morrissey, 1

AN ACT relating to cities and villages; to amend section 17-563, Reissue Revised Statutes of Nebraska, 1943, and section 16-230, Revised Statutes Supplement, 1990; to change provisions relating to the removal of weeds and litter in cities of the first and second classes and villages; to provide penalties; to define terms; to harmonize provisions; and to repeal the original sections, and also section 17-563.01, Reissue Revised Statutes of Nebraska, 1943.

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

Section 1. That section 16-230, Revised Statutes Supplement, 1990, be amended to read as follows:

16-230. (1) A city of the first class by ordinance may require any and all lots or pieces of ground within the city or within two miles of the corporate limits of the city to be drained or filled so as to prevent stagnant water or any other nuisance accumulating thereon. It may require the owner or occupant of all lots and pieces of ground within such areas the city to keep the lots and pieces of ground and the adjoining streets and alleys free of any growth of twelve inches or more in height of weeds, grasses, or worthless or other rank growth of vegetation, and it may prohibit and control the throwing, depositing, or accumulation of litter on any lot or piece of ground within such areas the city. Upon the failure of the owner or occupant of such real estate to comply with the orders of the council in regard to draining, littering, filling, or removing weeds or other vegetation from such real estate or the street or alley adjoining such real estate, the city council may, after five days' notice by publication and by certified mail, have such work done and levy and assess the costs and expenses of such work upon the property so benefited in the same manner as other special taxes for improvements are levied and assessed.

(2) Any city of the first class may by ordinance declare it to be a nuisance to permit, allow,

or maintain any growth of twelve inches or more in height of weeds, grasses, or worthless vegetation or to litter or cause litter to be deposited or remain thereon except in proper receptacles.

(3) Any owner or occupant of a lot or piece of ground shall, upon conviction of violating such ordinance, be guilty of a Class V misdemeanor.

(4) Notice to abate and remove such nuisance shall be given to each owner or owner's duly authorized agent and to the occupant, if any, by personal service or certified mail. Within five days after receipt of such notice, if the owner or occupant of the lot or piece of ground does not request a hearing with the city or fails to comply with the order to abate and remove the nuisance, the city may have such work done and may levy and assess the costs and expenses of the work upon the lot or piece of ground so benefited in the same manner as other special taxes for improvements are levied and assessed.

(5) For purposes of this section:

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

(b) Weeds shall include, but not be limited to, bindweed (convulvulus arvensis), puncture vine (tribulus terrestris), leafy spurge (euphorbia esula), Canada thistle (cirsium arvense), perennial peppergrass (lepidium draba), Russian knapweed (centaurea picris), Johnson grass (sorghum halepense), nodding or musk thistle, quack grass (agropyron repens), perennial sow thistle (sonchus arvensis), horse nettle (solanum carolinense), bull thistle (cirsium lanceolatum), buckthorn (rahmnus sp.) (tourn), hemp plant (cannabis sativa), and ragweed (ambrosiaceae).

Sec. 2. That section 17-563, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

17-563. (1) Each second-class city of the second class and village shall have power to cause any lot and land within its limits, on which water at any

time becomes stagnant, to be filled up or drained in such manner as may be directed by a resolution of the council or trustees. Such owner or his agent shall, after service of a copy of such resolution or after a publication of the same in some newspaper of general circulation in such corporation for two consecutive weeks, comply with the directions of such resolution within the time therein specified, and in case of a failure or refusal to do so, it may be done by said corporation. The amount of money so expended shall be assessed against such property, and the amount thereof collected as other special assessments. by ordinance may require any and all lots or pieces of ground within the city or village to be drained or filled so as to prevent stagnant water or any other nuisance accumulating thereon. It may require the owner or occupant of any lot or piece of ground within the city or village to keep the lot or piece of ground and the adjoining streets and alleys free of any growth of twelve inches or more in height of weeds, grasses, or worthless vegetation, and it may prohibit and control the throwing, depositing, or accumulation of litter on any lot or piece of ground within the city or village.

(2) Any city of the second class and village may by ordinance declare it to be a nuisance to permit, allow, or maintain any growth of twelve inches or more in height of weeds, grasses, or worthless vegetation or to litter or cause litter to be deposited or remain thereon except in proper receptacles.

(3) Any owner or occupant of a lot or piece of ground shall, upon conviction of violating such ordinance, be guilty of a Class V misdemeanor.

(4) Notice to abate and remove such nuisance shall be given to each owner or owner's duly authorized agent and to the occupant, if any, by personal service or certified mail. Within five days after receipt of such notice, if the owner or occupant of the lot or piece of ground does not request a hearing with the city or village or fails to comply with the order to abate and remove the nuisance, the city or village may have such work done and may levy and assess the costs and expenses of the work upon the lot or piece of ground so benefited in the same manner as other special taxes for improvements are levied and assessed.

(5) For purposes of this section:

(a) Litter shall include, but not be limited to: (i) Trash, rubbish, refuse, garbage, paper, rags, and ashes; (ii) wood, plaster, cement, brick, or stone building rubble; (iii) grass, leaves, and worthless

vegetation; (iv) offal and dead animals; and (v) any machine or machines, vehicle or vehicles, or parts of a machine or vehicle which have lost their identity, character, utility, or serviceability as such through deterioration, dismantling, or the ravages of time, are inoperative or unable to perform their intended functions, or are cast off, discarded, or thrown away or left as waste, wreckage, or junk; and

(b) Weeds shall include, but not be limited to, bindweed (*convolvulus arvensis*), puncture vine (*tribulus terrestris*), leafy spurge (*euphorbia esula*), Canada thistle (*cirsium arvense*), perennial peppergrass (*lepidium draba*), Russian knapweed (*centaurea picris*), Johnson grass (*sorghum halepense*), nodding or musk thistle, quack grass (*agropyron repens*), perennial sow thistle (*sonchus arvensis*), horse nettle (*solanum carolinense*), bull thistle (*cirsium lanceolatum*), buckthorn (*rahmnus sp.*) (tourn), hemp plant (*cannabis sativa*), and ragweed (*ambrosiaceae*).

Sec. 3. That original section 17-563, Reissue Revised Statutes of Nebraska, 1943, and section 16-230, Revised Statutes Supplement, 1990, and also section 17-563.01, Reissue Revised Statutes of Nebraska, 1943, are repealed.