

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FOURTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 289**

Introduced by Ebke, 32.

Read first time January 15, 2015

Committee:

- 1 A BILL FOR AN ACT relating to firearms; to amend sections 14-102, 15-255,
- 2 16-227, 17-556, and 18-1703, Reissue Revised Statutes of Nebraska;
- 3 to prohibit certain regulation of firearms, ammunition, and firearm
- 4 accessories by cities and villages as prescribed; and to repeal the
- 5 original sections.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 14-102, Reissue Revised Statutes of Nebraska, is  
2 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 Taxes, special assessments.

6 (1) To levy any tax or special assessment authorized by law;

7 Corporate seal.

8 (2) To provide a corporate seal for the use of the city, and also  
9 any official seal for the use of any officer, board, or agent of the  
10 city, whose duties under this act or under any ordinance require an  
11 official seal to be used. Such corporate seal shall be used in the  
12 execution of municipal bonds, warrants, conveyances, and other  
13 instruments and proceedings as this act or the ordinances of the city  
14 require;

15 Regulation of public health.

16 (3) To provide all needful rules and regulations for the protection  
17 and preservation of health within the city; and for this purpose they may  
18 provide for the enforcement of the use of water from public water  
19 supplies when the use of water from other sources shall be deemed unsafe;

20 Appropriations for debts and expenses.

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

23 Protection of strangers and travelers.

24 (5) To adopt all such measures as they may deem necessary for the  
25 accommodation and protection of strangers and the traveling public in  
26 person and property;

27 Concealed weapons, firearms, fireworks, explosives.

28 (6) To punish and prevent the ~~carrying of concealed weapons, except~~  
29 ~~the carrying of a concealed handgun in compliance with the Concealed~~  
30 ~~Handgun Permit Act, and the discharge of firearms, fireworks, or~~  
31 explosives of any description within the city, other than the discharge

1 of firearms at a shooting range pursuant to the Nebraska Shooting Range  
2 Protection Act;

3 Sale of foodstuffs.

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

7 Official bonds.

8 (8) To require all officers or servants elected or appointed in  
9 pursuance of this act to give bond and security for the faithful  
10 performance of their duties; but no officer shall become security upon  
11 the official bond of another or upon any bond executed to the city;

12 Official reports of city officers.

13 (9) To require from any officer of the city at any time a report, in  
14 detail, of the transactions of his or her office or any matter connected  
15 therewith;

16 Cruelty to children and animals.

17 (10) To provide for the prevention of cruelty to children and  
18 animals;

19 Dogs; taxes and restrictions.

20 (11) To regulate, license, or prohibit the running at large of dogs  
21 and other animals within the city as well as in areas within three miles  
22 of the corporate limits of the city, to guard against injuries or  
23 annoyance from such dogs and other animals, and to authorize the  
24 destruction of the dogs and other animals when running at large contrary  
25 to the provisions of any ordinance. Any licensing provision shall comply  
26 with subsection (2) of section 54-603 for service animals;

27 Cleaning sidewalks.

28 (12) To provide for keeping sidewalks clean and free from  
29 obstructions and accumulations, to provide for the assessment and  
30 collection of taxes on real estate and for the sale and conveyance  
31 thereof, and to pay the expenses of keeping the sidewalk adjacent to such

1 real estate clean and free from obstructions and accumulations as herein  
2 provided;

3 Planting and trimming of trees; protection of birds.

4 (13) To provide for the planting and protection of shade or  
5 ornamental and useful trees upon the streets or boulevards, to assess the  
6 cost thereof to the extent of benefits upon the abutting property as a  
7 special assessment, and to provide for the protection of birds and  
8 animals and their nests; to provide for the trimming of trees located  
9 upon the streets and boulevards or when the branches of trees overhang  
10 the streets and boulevards when in the judgment of the mayor and council  
11 such trimming is made necessary to properly light such street or  
12 boulevard or to furnish proper police protection and to assess the cost  
13 thereof upon the abutting property as a special assessment;

14 Naming and numbering streets and houses.

15 (14) To provide for, regulate, and require the numbering or  
16 renumbering of houses along public streets or avenues; to care for and  
17 control and to name and rename streets, avenues, parks, and squares  
18 within the city;

19 Weeds.

20 (15) To require weeds and worthless vegetation growing upon any lot  
21 or piece of ground within the city to be cut and destroyed so as to abate  
22 any nuisance occasioned thereby, to prohibit and control the throwing,  
23 depositing, or accumulation of litter on any lot or piece of ground  
24 within the city and to require the removal thereof so as to abate any  
25 nuisance occasioned thereby, and if the owner fails to cut and destroy  
26 weeds and worthless vegetation or remove litter, or both, after notice as  
27 required by ordinance, to assess the cost thereof upon the lots or lands  
28 as a special assessment. The notice required to be given may be by  
29 publication in the official newspaper of the city and may be directed in  
30 general terms to the owners of lots and lands affected without naming  
31 such owners;

1           Animals running at large.

2           (16) To prohibit and regulate the running at large or the herding or  
3 driving of domestic animals, such as hogs, cattle, horses, sheep, goats,  
4 fowls, or animals of any kind or description within the corporate limits  
5 and provide for the impounding of all animals running at large, herded,  
6 or driven contrary to such prohibition; and to provide for the forfeiture  
7 and sale of animals impounded to pay the expense of taking up, caring  
8 for, and selling such impounded animals, including the cost of  
9 advertising and fees of officers;

10          Use of streets.

11          (17) To regulate the transportation of articles through the streets,  
12 to prevent injuries to the streets from overloaded vehicles, and to  
13 regulate the width of wagon tires and tires of other vehicles;

14          Playing on streets and sidewalks.

15          (18) To prevent or regulate the rolling of hoops, playing of ball,  
16 flying of kites, the riding of bicycles or tricycles, or any other  
17 amusement or practice having a tendency to annoy persons passing in the  
18 streets or on the sidewalks or to frighten teams or horses; to regulate  
19 the use of vehicles propelled by steam, gas, electricity, or other motive  
20 power, operated on the streets of the city;

21          Combustibles and explosives.

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

24          Public sale of chattels on streets.

25          (20) To regulate, license, or prohibit the sale of domestic animals  
26 or of goods, wares, and merchandise at public auction on the streets,  
27 alleys, highways, or any public ground within the city;

28          Signs and obstruction in streets.

29          (21) To regulate and prevent the use of streets, sidewalks, and  
30 public grounds for signs, posts, awnings, awning posts, scales, or other  
31 like purposes; to regulate and prohibit the exhibition or carrying or

1 conveying of banners, placards, advertisements, or the distribution or  
2 posting of advertisements or handbills in the streets or public grounds  
3 or upon the sidewalks;

4 Disorderly conduct.

5 (22) To provide for the punishment of persons disturbing the peace  
6 and good order of the city by clamor and noise, intoxication,  
7 drunkenness, fighting, or using obscene or profane language in the  
8 streets or other public places or otherwise violating the public peace by  
9 indecent or disorderly conduct or by lewd and lascivious behavior;

10 Vagrants and tramps.

11 (23) To provide for the punishment of vagrants, tramps, common  
12 street beggars, common prostitutes, habitual disturbers of the peace,  
13 pickpockets, gamblers, burglars, thieves, or persons who practice any  
14 game, trick, or device with intent to swindle, persons who abuse their  
15 families, and suspicious persons who can give no reasonable account of  
16 themselves; and to punish trespassers upon private property;

17 Disorderly houses, gambling, offenses against public morals.

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

1 Police regulation in general.

2 (25) To make and enforce all police regulations for the good  
3 government, general welfare, health, safety, and security of the city and  
4 the citizens thereof in addition to the police powers expressly granted  
5 herein; and in the exercise of the police power, to pass all needful and  
6 proper ordinances and impose fines, forfeitures, penalties, and  
7 imprisonment at hard labor for the violation of any ordinance, and to  
8 provide for the recovery, collection, and enforcement thereof; and in  
9 default of payment to provide for confinement in the city or county  
10 prison, workhouse, or other place of confinement with or without hard  
11 labor as may be provided by ordinance;

12 Fast driving on streets.

13 (26) To prevent horseracing and immoderate driving or riding on the  
14 street and to compel persons to fasten their horses or other animals  
15 attached to vehicles while standing in the streets;

16 Libraries, art galleries, and museums.

17 (27) To establish and maintain public libraries, reading rooms, art  
18 galleries, and museums and to provide the necessary grounds or buildings  
19 therefor; to purchase books, papers, maps, manuscripts, works of art, and  
20 objects of natural or of scientific curiosity, and instruction therefor;  
21 to receive donations and bequests of money or property for the same in  
22 trust or otherwise and to pass necessary bylaws and regulations for the  
23 protection and government of the same;

24 Hospitals, workhouses, jails, firehouses, etc.; garbage disposal.

25 (28) To erect, designate, establish, maintain, and regulate  
26 hospitals or workhouses, houses of correction, jails, station houses,  
27 fire engine houses, asphalt repair plants, and other necessary buildings;  
28 and to erect, designate, establish, maintain, and regulate plants for the  
29 removal, disposal, or recycling of garbage and refuse or to make  
30 contracts for garbage and refuse removal, disposal, or recycling, or all  
31 of the same, and to charge equitable fees for such removal, disposal, or

1 recycling, or all of the same, except as hereinafter provided. The fees  
2 collected pursuant to this subdivision shall be credited to a single fund  
3 to be used exclusively by the city for the removal, disposal, or  
4 recycling of garbage and refuse, or all of the same, including any costs  
5 incurred for collecting the fee. Before any contract for such removal,  
6 disposal, or recycling is let, the city council shall make specifications  
7 therefor, bids shall be advertised for as now provided by law, and the  
8 contract shall be let to the lowest and best bidder, who shall furnish  
9 bond to the city conditioned upon his or her carrying out the terms of  
10 the contract, the bond to be approved by the city council. Nothing in  
11 this act, and no contract or regulation made by the city council, shall  
12 be so construed as to prohibit any person, firm, or corporation engaged  
13 in any business in which garbage or refuse accumulates as a byproduct  
14 from selling, recycling, or otherwise disposing of his, her, or its  
15 garbage or refuse or hauling such garbage or refuse through the streets  
16 and alleys under such uniform and reasonable regulations as the city  
17 council may by ordinance prescribe for the removal and hauling of garbage  
18 or refuse;

19 Market places.

20 (29) To erect and establish market houses and market places and to  
21 provide for the erection of all other useful and necessary buildings for  
22 the use of the city and for the protection and safety of all property  
23 owned by the city; and such market houses and market places and buildings  
24 aforesaid may be located on any street, alley, or public ground or on  
25 land purchased for such purpose;

26 Cemeteries, registers of births and deaths.

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

1 Plumbing, etc., inspection.

2 (31) To provide for the inspection of steam boilers, electric light  
3 appliances, pipefittings, and plumbings, to regulate their erection and  
4 construction, to appoint inspectors, and to declare their powers and  
5 duties, except as herein otherwise provided;

6 Fire limits and fire protection.

7 (32) To prescribe fire limits and regulate the erection of all  
8 buildings and other structures within the corporate limits; to provide  
9 for the removal of any buildings or structures or additions thereto  
10 erected contrary to such regulations, to provide for the removal of  
11 dangerous buildings, and to provide that wooden buildings shall not be  
12 erected or placed or repaired in the fire limits; but such ordinance  
13 shall not be suspended or modified by resolution nor shall exceptions be  
14 made by ordinance or resolution in favor of any person, firm, or  
15 corporation or concerning any particular lot or building; to direct that  
16 all and any building within such fire limits, when the same shall have  
17 been damaged by fire, decay, or otherwise, to the extent of fifty percent  
18 of the value of a similar new building above the foundation, shall be  
19 torn down or removed; and to prescribe the manner of ascertaining such  
20 damages and to assess the cost of removal of any building erected or  
21 existing contrary to such regulations or provisions, against the lot or  
22 real estate upon which such building or structure is located or shall be  
23 erected, or to collect such costs from the owner of any such building or  
24 structure and enforce such collection by civil action in any court of  
25 competent jurisdiction;

26 Building regulations.

27 (33) To regulate the construction, use, and maintenance of party  
28 walls, to prescribe and regulate the thickness, strength, and manner of  
29 constructing stone, brick, wood, or other buildings and the size and  
30 shape of brick and other material placed therein, to prescribe and  
31 regulate the construction and arrangement of fire escapes and the placing

1 of iron and metallic shutters and doors therein and thereon, and to  
2 provide for the inspection of elevators and hoist-way openings to avoid  
3 accidents; to prescribe, regulate, and provide for the inspection of all  
4 plumbing, pipefitting, or sewer connections in all houses or buildings  
5 now or hereafter erected; to regulate the size, number, and manner of  
6 construction of halls, doors, stairways, seats, aisles, and passageways  
7 of theaters, tenement houses, audience rooms, and all buildings of a  
8 public character, whether now built or hereafter to be built, so that  
9 there may be convenient, safe, and speedy exit in case of fire; to  
10 prevent the dangerous construction and condition of chimneys, fireplaces,  
11 hearths, stoves, stovepipes, ovens, boilers, and heating appliances used  
12 in or about any building or a manufactory and to cause the same to be  
13 removed or placed in safe condition when they are considered dangerous;  
14 to regulate and prevent the carrying on of manufactures dangerous in  
15 causing and promoting fires; to prevent the deposit of ashes in unsafe  
16 places and to cause such buildings and enclosures as may be in a  
17 dangerous state to be put in a safe condition; to prevent the disposing  
18 of and delivery or use in any building or other structure, of soft,  
19 shelly, or imperfectly burned brick or other unsuitable building material  
20 within the city limits and provide for the inspection of the same; to  
21 provide for the abatement of dense volumes of smoke; to regulate the  
22 construction of areaways, stairways, and vaults and to regulate partition  
23 fences; to enforce proper heating and ventilation of buildings used for  
24 schools, workhouses, or shops of every class in which labor is employed  
25 or large numbers of persons are liable to congregate;

26 Warehouses and street railways.

27 (34) To regulate levees, depots and depot grounds, and places for  
28 storing freight and goods and to provide for and regulate the laying of  
29 tracks and the passage of steam or other railways through the streets,  
30 alleys, and public grounds of the city;

31 Lighting railroad property.

1           (35) To require the lighting of any railway within the city, the  
2 cars of which are propelled by steam, and to fix and determine the  
3 number, size, and style of lampposts, burners, lamps, and all other  
4 fixtures and apparatus necessary for such lighting and the points of  
5 location for such lampposts; and in case any company owning or operating  
6 such railways shall fail to comply with such requirements, the council  
7 may cause the same to be done and may assess the expense thereof against  
8 such company, and the same shall constitute a lien upon any real estate  
9 belonging to such company and lying within such city and may be collected  
10 in the same manner as taxes for general purposes;

11           City publicity.

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

14           Offstreet parking.

15           (37) To erect, establish, and maintain offstreet parking areas on  
16 publicly owned property located beneath any elevated segment of the  
17 National System of Interstate and Defense Highways or portion thereof, or  
18 public property title to which is in the city on May 12, 1971, or  
19 property owned by the city and used in conjunction with and incidental to  
20 city-operated facilities, and to regulate parking thereon by time  
21 limitation devises or by lease;

22           Public passenger transportation systems.

23           (38) To acquire, by the exercise of the power of eminent domain or  
24 otherwise, lease, purchase, construct, own, maintain, operate, or  
25 contract for the operation of public passenger transportation systems,  
26 excluding taxicabs and railroad systems, including all property and  
27 facilities required therefor, within and without the limits of the city,  
28 to redeem such property from prior encumbrance in order to protect or  
29 preserve the interest of the city therein, to exercise all powers granted  
30 by the Constitution of Nebraska and laws of the State of Nebraska or  
31 exercised by or pursuant to a home rule charter adopted pursuant thereto,

1 including but not limited to receiving and accepting from the government  
2 of the United States or any agency thereof, from the State of Nebraska or  
3 any subdivision thereof, and from any person or corporation donations,  
4 devises, gifts, bequests, loans, or grants for or in aid of the  
5 acquisition, operation, and maintenance of such public passenger  
6 transportation systems and to administer, hold, use, and apply the same  
7 for the purposes for which such donations, devises, gifts, bequests,  
8 loans, or grants may have been made, to negotiate with employees and  
9 enter into contracts of employment, to employ by contract or otherwise  
10 individuals singularly or collectively, to enter into agreements  
11 authorized under the Interlocal Cooperation Act or the Joint Public  
12 Agency Act, to contract with an operating and management company for the  
13 purpose of operating, servicing, and maintaining any public passenger  
14 transportation systems any city of the metropolitan class shall acquire  
15 under the provisions of this act, and to exercise such other and further  
16 powers as may be necessary, incident, or appropriate to the powers of  
17 such city; and

18 Regulation of air quality.

19 (39) In addition to powers conferred elsewhere in the laws of the  
20 state and notwithstanding any other law of the state, to implement and  
21 enforce an air pollution control program within the corporate limits of  
22 the city under subdivision (23) of section 81-1504 or subsection (1) of  
23 section 81-1528, which program shall be consistent with the federal Clean  
24 Air Act, as amended, 42 U.S.C. 7401 et seq. Such powers shall include  
25 without limitation those involving injunctive relief, civil penalties,  
26 criminal fines, and burden of proof. Nothing in this section shall  
27 preclude the control of air pollution by resolution, ordinance, or  
28 regulation not in actual conflict with the state air pollution control  
29 regulations.

30 Sec. 2. Section 15-255, Reissue Revised Statutes of Nebraska, is  
31 amended to read:

1           15-255 A city of the primary class may prohibit riots, routs, noise,  
2 or disorderly assemblies; prevent the discharge use of firearms, rockets,  
3 powder, fireworks, or other dangerous and combustible material; ~~prohibit~~  
4 ~~carrying of concealed weapons, except the carrying of a concealed handgun~~  
5 ~~in compliance with the Concealed Handgun Permit Act~~; arrest, punish,  
6 fine, or set at work on streets or elsewhere vagrants and persons found  
7 without visible means of support or legitimate business; regulate and  
8 prevent the transportation of gunpowder or combustible articles, tar,  
9 pitch, resin, coal oil, benzine, turpentine, hemp, cotton,  
10 nitroglycerine, dynamite, petroleum or its products, or other explosives  
11 or inflammables; regulate use of lights in stables, shops, or other  
12 places and building of bonfires; and regulate and prohibit the piling of  
13 building material or any excavation or obstruction of the streets.

14           Sec. 3. Section 16-227, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

16           16-227 A city of the first class may prevent and restrain riots,  
17 routs, noises, disturbances, breach of the peace, or disorderly  
18 assemblies in any street, house, or place in the city; regulate, punish,  
19 and prevent the discharge of firearms, rockets, powder, fireworks, or any  
20 other dangerous combustible material in the streets, lots, grounds, and  
21 alleys or about or in the vicinity of any buildings; ~~regulate, prevent,~~  
22 ~~and punish the carrying of concealed weapons, except the carrying of a~~  
23 ~~concealed handgun in compliance with the Concealed Handgun Permit Act~~;  
24 arrest, regulate, punish, fine, or set at work on the streets or  
25 elsewhere all vagabonds and persons found in the city without visible  
26 means of support or some legitimate business; regulate and prevent the  
27 transportation or storage of gunpowder or other explosive or combustible  
28 articles, tar, pitch, resin, coal oil, benzine, turpentine, hemp, cotton,  
29 nitroglycerine, dynamite, petroleum or any other productions thereof, and  
30 other materials of like nature, the use of lights in stables, shops, or  
31 other places, and the building of bonfires; and regulate and prohibit the

1 piling of building material or any excavation or obstruction in the  
2 street.

3 Sec. 4. Section 17-556, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5 17-556 Cities of the second class and villages shall have power to  
6 prevent and restrain riots, routs, noises, disturbances, or disorderly  
7 assemblages; to regulate, prevent, restrain, or remove nuisances in  
8 residential parts of municipalities and to designate what shall be  
9 considered a nuisance; to regulate, punish, and prevent the discharge of  
10 firearms, rockets, powder, fireworks, or any other dangerous combustible  
11 material in the streets, lots, grounds, alleys, or about or in the  
12 vicinity of any buildings; ~~to regulate, prevent, and punish the carrying~~  
13 ~~of concealed weapons, except the carrying of a concealed handgun in~~  
14 ~~compliance with the Concealed Handgun Permit Act;~~ and to arrest,  
15 regulate, punish, fine, or set at work on the streets or elsewhere all  
16 vagrants and persons found without means of support or some legitimate  
17 business.

18 Sec. 5. Section 18-1703, Reissue Revised Statutes of Nebraska, is  
19 amended to read:

20 18-1703 (1)(a) Cities and villages do shall not have the power to  
21 regulate the ownership, possession, ~~or~~ transportation, carrying,  
22 registration, transfer, and storage of firearms, ammunition, and firearm  
23 accessories except as provided in this section of a concealed handgun, as  
24 ~~such ownership, possession, or transportation is authorized under the~~  
25 ~~Concealed Handgun Permit Act, except as expressly provided by state law,~~  
26 ~~and shall not have the power to require registration of a concealed~~  
27 ~~handgun owned, possessed, or transported by a permit holder under the act.~~  
28 ~~Any existing city or village ordinance, permit, or regulation regulating~~  
29 ~~the ownership, possession, or transportation of a concealed handgun, as~~  
30 ~~such ownership, possession, or transportation is authorized under the~~  
31 ~~act, except as expressly provided under state law, and any existing city~~

1 ~~or village ordinance, permit, or regulation requiring the registration of~~  
2 ~~a concealed handgun owned, possessed, or transported by a permit holder~~  
3 ~~under the act, is declared to be null and void as against any~~  
4 ~~permit holder possessing a valid permit under the act.~~

5 (b) This subsection does not prohibit:

6 (i) A law enforcement agency from enacting and enforcing regulations  
7 pertaining to firearms, ammunition, or firearm accessories issued to or  
8 used by a peace officer in the course of his or her official duties;

9 (ii) Zoning ordinances that encompass firearms businesses along with  
10 other businesses, except that zoning ordinances that are designed for the  
11 purpose of restricting or prohibiting the sale, purchase, transfer, or  
12 manufacture of firearms or ammunition as a method of regulating firearms  
13 or ammunition are in conflict with this subsection and are prohibited;

14 (iii) Any city or village from regulating or prohibiting the  
15 carrying of firearms and ammunition by an employee of the city or village  
16 during and in the course of the employee's official duties except as  
17 provided in section 69-2441; and

18 (iv) A court or hearing officer from hearing and resolving any case  
19 or controversy or issuing any opinion or order on a matter within the  
20 jurisdiction of that court or agency.

21 (2)(a) A person adversely affected by an ordinance, a measure, an  
22 enactment, a rule, or a policy adopted or enforced by a city or village  
23 that violates this section may file an action in a court of competent  
24 jurisdiction against the city or village for:

25 (i) Declarative and injunctive relief; and

26 (ii) Actual and consequential damages attributed to the violation.

27 (b) A person is adversely affected for purposes of this subsection  
28 if:

29 (i) The person is an individual who meets all of the following  
30 requirements:

31 (A) The individual lawfully resides within the United States;

1       (B) The individual may legally possess a firearm under the laws of  
2 Nebraska; and

3       (C) The individual is or was subject to the ordinance, measure,  
4 enactment, rule, or policy of the city or village. An individual is or  
5 was subject to the ordinance, measure, enactment, rule, or policy of the  
6 city or village if the individual is or was physically present within the  
7 boundaries of the city or village for any reason; or

8       (ii) The person is a membership organization that:

9       (A) Includes two or more individuals described in subdivision (2)(b)  
10 (i) of this section; and

11       (B) Is dedicated in whole or in part to protecting the rights of  
12 persons who possess, own, or use firearms for competitive, sporting,  
13 defensive, or other lawful purposes.

14       (3) A prevailing plaintiff in an action under this section is  
15 entitled to recover from the city or village:

16       (a) The greater of:

17       (i) Actual damages, including consequential damages; or

18       (ii) Liquidated damages of three times the plaintiff's attorney's  
19 fees;

20       (b) Court costs; and

21       (c) Reasonable attorney's fees.

22       (4) For purposes of this section:

23       (a) Ammunition means fixed cartridge ammunition, shotgun shells, the  
24 individual components of fixed cartridge ammunition and shotgun shells,  
25 projectiles for muzzle loading firearms, and any propellant used in a  
26 firearm or in firearm ammunition;

27       (b) Firearm means any weapon that is capable of expelling or  
28 designed to expel or that may be readily converted to expel a projectile  
29 by means of an explosion; and

30       (c) Firearm accessory means any device adapted to enable the wearing  
31 or carrying about one's person of a firearm or the storage or mounting of

1 a firearm in or on any conveyance or any attachment or device  
2 specifically adapted to be inserted into or affixed onto any firearm to  
3 enable, alter, or improve the functioning capabilities of the firearm.

4       Sec. 6.   Original sections 14-102, 15-255, 16-227, 17-556, and  
5 18-1703, Reissue Revised Statutes of Nebraska, are repealed.