

AMENDMENTS TO LB287

Introduced by McKinney, 11.

1 1. Strike the McKinney amendment, AM961.

2 2. Insert the following new section:

3 **Section 1.** Section 14-102, Revised Statutes Cumulative Supplement,
4 2024, is amended to read:

5 14-102 In addition to the powers granted in section 14-101, cities
6 of the metropolitan class shall have power by ordinance:

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

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 require an official seal to be used. Such corporate
11 seal shall be used in the execution of municipal bonds, warrants,
12 conveyances, and other instruments and proceedings as required by law;

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

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

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

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

26 (7) To regulate the inspection and sale of meats, flour, poultry,
27 fish, milk, vegetables, and all other provisions or articles of food

1 exposed or offered for sale in the city;

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

6 (9) To require from any officer of the city at any time a report, in
7 detail, of the transactions of his or her office or any matter connected
8 with such office;

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

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

18 (12) To provide for keeping sidewalks clean and free from
19 obstructions and accumulations; to provide for the assessment and
20 collection of taxes on real estate and for the sale and conveyance
21 thereof; and to pay the expenses of keeping the sidewalk adjacent to such
22 real estate clean and free from obstructions and accumulations as
23 provided by law;

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

1 boulevard or to furnish proper police protection; and to assess the cost
2 of such trimming upon the abutting property as a special assessment;

3 (14) To provide for, regulate, and require the numbering or
4 renumbering of houses along public streets or avenues; and to care for
5 and control and to name and rename streets, avenues, parks, and squares
6 within the city;

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

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

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

31 (18) To prevent or regulate any amusement or practice having a

1 tendency to annoy persons passing in the streets or on the sidewalks; and
2 to regulate the use of vehicles propelled by steam, gas, electricity, or
3 other motive power, operated on the streets of the city;

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

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

9 (21) To regulate and prevent the use of streets, sidewalks, and
10 public grounds for signs, posts, awnings, awning posts, scales, or other
11 like purposes; and to regulate and prohibit the exhibition or carrying or
12 conveying of banners, placards, advertisements, or the distribution or
13 posting of advertisements or handbills in the streets or public grounds
14 or upon the sidewalks;

15 (22) To provide for the punishment of persons disturbing the peace
16 by noise, intoxication, drunkenness, or fighting, or otherwise violating
17 the public peace by indecent or disorderly conduct or by lewd and
18 lascivious behavior;

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

23 (24) To prohibit, restrain, and suppress houses of prostitution,
24 opium joints, gambling houses, prize fighting, dog fighting, cock
25 fighting, and other disorderly houses and practices, all games and
26 gambling, and all kinds of indecencies; to regulate and license or
27 prohibit the keeping and use of billiard tables, bowling alleys, shooting
28 galleries except as provided in the Nebraska Shooting Range Protection
29 Act, and other similar places of amusement; and to prohibit and suppress
30 all lotteries and gift enterprises of all kinds under whatsoever name
31 carried on, except that nothing in this subdivision shall be construed to

1 apply to bingo, lotteries, lotteries by the sale of pickle cards, or
2 raffles conducted in accordance with the Nebraska Bingo Act, the Nebraska
3 Lottery and Raffle Act, the Nebraska Pickle Card Lottery Act, the
4 Nebraska Small Lottery and Raffle Act, or the State Lottery Act;

5 (25) To make and enforce all police regulations for the good
6 government, general welfare, health, safety, and security of the city and
7 the citizens of the city in addition to the police powers expressly
8 granted by law; in the exercise of the police power, to pass all needful
9 and proper ordinances and impose fines, forfeitures, and penalties for
10 the violation of any ordinance; to provide for the recovery, collection,
11 and enforcement of such fines; and in default of payment to provide for
12 confinement in the city or county prison or other place of confinement as
13 may be provided by ordinance;

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

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

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

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

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

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

29 (31) To provide for the inspection of steam boilers, electric light
30 appliances, pipefittings, and plumbings; to regulate their erection and
31 construction; to appoint inspectors; and to declare their powers and

1 duties, except as otherwise provided by law;

2 (32) To enact a fire code and regulate the erection of all buildings
3 and other structures within the corporate limits; to provide for the
4 removal of any buildings or structures or additions to buildings or
5 structures erected contrary to such code or regulations and to provide
6 for the removal of dangerous buildings; but no such code or regulation
7 shall be suspended or modified by resolution, nor shall exceptions be
8 made by ordinance or resolution in favor of any person, firm, or
9 corporation or concerning any particular lot or building; to direct that
10 when any building has been damaged by fire, decay, or otherwise, to the
11 extent of fifty percent of the value of a similar new building above the
12 foundation, shall be torn down or removed; to prescribe the manner of
13 ascertaining such damages and to assess the cost of removal of any
14 building erected or existing contrary to such code or regulations against
15 the lot or real estate upon which such building or structure is located
16 or shall be erected or to collect such costs from the owner of any such
17 building or structure; and to enforce the collection of such costs by
18 civil action in any court of competent jurisdiction;

19 (33) To regulate the construction, use, and maintenance of party
20 walls, to prescribe and regulate the thickness, strength, and manner of
21 constructing stone, brick, wood, or other buildings and the size and
22 shape of brick and other material placed in such buildings; to prescribe
23 and regulate the construction and arrangement of fire escapes and the
24 placing of iron and metallic shutters and doors in or on such fire
25 escapes; to provide for the inspection of elevators; to prescribe,
26 regulate, and provide for the inspection of all plumbing, pipefitting, or
27 sewer connections in all houses or buildings now or hereafter erected; to
28 regulate the size, number, and manner of construction of halls, doors,
29 stairways, seats, aisles, and passageways of theaters and buildings of a
30 public character, whether now built or hereafter to be built, so that
31 there may be convenient, safe, and speedy exit in case of fire; to

1 prevent the dangerous construction and condition of chimneys, fireplaces,
2 hearths, stoves, stovepipes, ovens, boilers, and heating appliances used
3 in or about any building and to cause such appliances to be removed or
4 placed in safe condition when they are considered dangerous; to prevent
5 the deposit of ashes in unsafe places and to cause such buildings and
6 enclosures as may be in a dangerous state to be put in a safe condition;
7 to prevent the disposing of and delivery or use in any building or other
8 structure of unsuitable building material within the city limits and
9 provide for the inspection of building materials; to provide for the
10 abatement of dense volumes of smoke; to regulate the construction of
11 areaways, stairways, and vaults and to regulate partition fences; and to
12 enforce proper heating and ventilation of buildings used for schools or
13 other buildings where large numbers of persons are liable to congregate;

14 (34) To regulate levees, depots and depot grounds, and places for
15 storing freight and goods and to provide for and regulate the laying of
16 tracks and the passage of railways through the streets, alleys, and
17 public grounds of the city;

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

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

29 (37) To erect, establish, and maintain offstreet parking areas on
30 publicly owned property located beneath any elevated segment of the
31 National System of Interstate and Defense Highways or portion thereof, or

1 public property title to which is in the city on May 12, 1971, or
2 property owned by the city and used in conjunction with and incidental to
3 city-operated facilities; and to regulate parking on such property by
4 time limitation devices or by lease;

5 (38) To acquire, by the exercise of the power of eminent domain or
6 otherwise, lease, purchase, construct, own, maintain, operate, or
7 contract for the operation of public passenger transportation systems,
8 excluding taxicabs, transportation network companies and railroad
9 systems, including all property and facilities required for such public
10 passenger transportation systems, within and without the limits of the
11 city; to redeem such property from prior encumbrance in order to protect
12 or preserve the interest of the city in such property; to exercise all
13 powers granted by the Constitution of Nebraska and laws of the State of
14 Nebraska or exercised by or pursuant to a home rule charter adopted
15 pursuant thereto, including, but not limited to, receiving and accepting
16 from the government of the United States or any agency thereof, from the
17 State of Nebraska or any subdivision thereof, and from any person or
18 corporation donations, devises, gifts, bequests, loans, or grants for or
19 in aid of the acquisition, operation, and maintenance of such public
20 passenger transportation systems; to administer, hold, use, and apply
21 such donations, devises, gifts, bequests, loans, or grants for the
22 purposes for which such donations, devises, gifts, bequests, loans, or
23 grants may have been made; to negotiate with employees and enter into
24 contracts of employment; to employ by contract or otherwise individuals
25 singularly or collectively; to enter into agreements authorized under the
26 Interlocal Cooperation Act or the Joint Public Agency Act; to contract
27 with an operating and management company for the purpose of operating,
28 servicing, and maintaining any public passenger transportation systems
29 the city shall acquire; and to exercise such other and further powers as
30 may be necessary, incident, or appropriate to the powers of the city; and

31 (39) In addition to powers conferred elsewhere in the laws of the

1 state, to implement and enforce an air pollution control program within
2 the corporate limits of the city under subdivision (23) of section
3 81-1504 or subsection (1) of section 81-1528, which program shall be
4 consistent with the federal Clean Air Act, as amended, 42 U.S.C. 7401 et
5 seq. Such powers shall include without limitation those involving
6 injunctive relief, civil penalties, criminal fines, and burden of proof.
7 Nothing in this section shall preclude the control of air pollution by
8 resolution, ordinance, or regulation not in actual conflict with state
9 air pollution control regulations; and -

10 (40) To require any housing authority in a city of the metropolitan
11 class to comply with any city rental inspection and registration
12 ordinance, code enforcement, and inspection of residential rental
13 properties.

14 3. Renumber the remaining sections and correct internal references
15 accordingly.

16 4. Correct the operative date and repealer sections so that the
17 section added by this amendment becomes operative three calendar months
18 after the adjournment of this legislative session.