

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 704

FINAL READING

Introduced by Urban Affairs Committee: Crawford, 45, Chairperson; Coash, 27; Ebke, 32; Hansen, 26; Howard, 9; Hughes, 44; McCollister, 20.

Read first time January 06, 2016

Committee: Urban Affairs

1 A BILL FOR AN ACT relating to political subdivisions; to amend sections
2 14-419, 16-102, 16-103, 16-104, 16-105, 16-117, 16-119, 16-120,
3 16-122, 16-124, 16-125, 16-126, 16-127, 16-128, 16-129, 16-202,
4 16-206, 16-212, 16-213, 16-214, 16-217, 16-218, 16-219, 16-220,
5 16-221, 16-222, 16-225, 16-226, 16-227, 16-229, 16-231, 16-232,
6 16-233, 16-236, 16-238, 16-239, 16-241, 16-246, 16-247, 16-249,
7 16-251, 16-253, 16-302.01, 16-304, 16-305, 16-306, 16-308, 16-309,
8 16-310, 16-312, 16-314, 16-319, 16-320, 16-321, 16-322, 16-323,
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10 16-405, 16-406, 16-501, 16-502, 16-503, 16-606, 16-607, 16-609,
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13 16-635, 16-636, 16-637, 16-646, 16-647, 16-649, 16-650, 16-651,
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15 16-667.01, 16-667.02, 16-667.03, 16-670, 16-671, 16-672.01,
16 16-672.02, 16-672.03, 16-672.04, 16-672.05, 16-672.06, 16-672.07,
17 16-672.08, 16-672.11, 16-676, 16-677, 16-678, 16-679, 16-680,
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20 16-694, 16-695, 16-696, 16-697, 16-697.01, 16-697.02, 16-698,
21 16-699, 16-6,100, 16-6,100.03, 16-6,100.05, 16-6,101, 16-6,102,

1 16-6,103, 16-6,104, 16-6,105, 16-6,107, 16-6,108, 16-6,109, 16-701,
2 16-702, 16-704, 16-706, 16-707, 16-709, 16-711, 16-712, 16-713,
3 16-714, 16-716, 16-717, 16-718, 16-719, 16-720, 16-721, 16-722,
4 16-723, 16-727, 16-728, 16-729, 16-801, 16-802, 16-803, 16-804,
5 16-805, 16-806, 16-807, 16-809, 16-810, 16-901, 16-902, 16-905,
6 16-1014, 16-1034, 16-1035, 18-132, and 19-2402, Reissue Revised
7 Statutes of Nebraska, sections 15-905, 16-313, 16-317, 16-318,
8 19-922, 23-172, and 71-6404, Revised Statutes Cumulative Supplement,
9 2014, and sections 16-207, 16-230, 16-240, 16-243, 16-250, 16-615,
10 16-630, 16-631, 16-664, 16-669, 16-672, 16-708, and 71-6406, Revised
11 Statutes Supplement, 2015; to define terms regarding building codes
12 and regulations; to change provisions relating to adoption and
13 applicability of building codes by political subdivisions; to change
14 provisions relating to cities of the first class; to harmonize
15 provisions; and to repeal the original sections.

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

1 Section 1. Section 14-419, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 14-419 The city council, in cities of the metropolitan class, shall
4 have the power by ordinance to regulate, within the corporate limits of
5 the city or in areas within three miles of the corporate limits, except
6 as to construction on farms for farm purposes, (1) the minimum standards
7 of construction of buildings, dwellings, and other structures, in order
8 to provide safe and sound condition thereof for the preservation of
9 health, safety, security, and general welfare, and as to electric wiring,
10 heating, plumbing, pipefitting, sewer connections, ventilation, size of
11 habitable rooms, and the method of constructing buildings, and to provide
12 for inspection thereof and building permits, (2) the removal and tearing
13 down of buildings, dwellings, and other structures in such areas which
14 constitute nuisances because of the dilapidated, unsafe, or rundown
15 condition or conditions, and (3) except as to the United States of
16 America, the State of Nebraska, any county of the state, or any city or
17 village in the state, the nature, kind, and manner of constructing
18 streets, alleys, sidewalks, curbing or abridging curbs, driveway
19 approaches constructed on public right-of-way, and sewers. Any building
20 or construction code implemented under this section shall be adopted and
21 enforced as provided in section 71-6406.

22 Sec. 2. Section 15-905, Revised Statutes Cumulative Supplement,
23 2014, is amended to read:

24 15-905 Every city of the primary class may regulate in the area
25 which is within the corporate limits of the city or within three miles of
26 the corporate limits of the city and outside of any organized city or
27 village, except as to construction on farms for farm purposes, (1) the
28 minimum standards of construction of buildings, dwellings, and other
29 structures in order to provide safe and sound condition thereof for the
30 preservation of health, safety, security, and general welfare, which
31 standards may include regulations as to electric wiring, heating,

1 plumbing, pipefitting, sewer connections, ventilation, size of habitable
2 rooms, and the method of constructing buildings, dwellings, and other
3 structures, and to provide for inspection thereof, and building permits
4 and fees for such permits therefor, (2) the removal and tearing down of
5 buildings, dwellings, and other structures in such areas which constitute
6 nuisances because of the dilapidated, unsafe, or rundown condition or
7 conditions, and (3) except as to the United States of America, the State
8 of Nebraska, a county, or a village, in the area outside of the corporate
9 limits of the city of the primary class, the nature, kind, and manner of
10 constructing streets, alleys, sidewalks, curbing or abridging curbs,
11 driveway approaches constructed on or to public right-of-way, and sewage
12 disposal facilities. Any building or construction code implemented under
13 this section shall be adopted and enforced as provided in section
14 71-6406.

15 Sec. 3. Section 16-102, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 16-102 Whenever any city of the second class attains a population of
18 more than five thousand inhabitants as provided by section 16-101, the
19 mayor of such city shall certify such fact to the Secretary of State who
20 upon the filing of such certificate shall by proclamation declare such
21 city to be a city of the first class. Upon such proclamation being made
22 by the Secretary of State, every officer of such city ~~cities~~ shall,
23 within thirty days thereafter, qualify and give bond as provided by
24 sections 16-219, 16-304, and 16-318.

25 Sec. 4. Section 16-103, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 16-103 (1) After the proclamation under section 16-102, the city
28 shall be governed by the laws of this state applicable to cities of the
29 first class, except that the government of such city shall continue as
30 organized at the date of such proclamation until the reorganization as a
31 city of the first class.

1 (2) The mayor and city council members of the city of the second
2 class shall be deemed to be the mayor and city council members of the
3 city of the first class on the date the proclamation is issued. All
4 ordinances, bylaws, acts, rules, regulations, obligations, and
5 proclamations existing and in force in or with respect to the city of the
6 second class at the time of its incorporation as a city of the first
7 class shall remain in full force and effect after such incorporation
8 until repealed or modified by the city within one year after the date of
9 the filing of the certificate pursuant to section 16-102.

10 (3) For the purpose of electing city officials under the provisions
11 of law relating to cities of the first class, the terms of office for
12 such officials shall be established by the city council ~~city's governing~~
13 ~~body~~ so as to conform with the intent and purpose of section 32-534.

14 Sec. 5. Section 16-104, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 16-104 If a city of the second class becomes a city of the first
17 class, the mayor and city council shall divide the city into not less
18 than three wards, as compact in form and equal in population as may be,
19 the boundaries of which shall be defined by ordinance, to take effect at
20 the next annual city election after reorganization except as provided in
21 section 32-553. Each ward shall constitute an election district, except
22 that when any ward has over five hundred legal voters, the mayor and city
23 council may divide such ward into two or more election districts. If it
24 is necessary to establish the staggering of terms by nominating and
25 electing council members for terms of different durations at the same
26 elections, the candidates receiving the greatest number of votes shall be
27 nominated and have their names placed on the general election ballot.

28 Sec. 6. Section 16-105, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 16-105 Precinct lines in any part of any county not under township
31 organization, embraced within the corporate limits of a city of the first

1 ~~class such city~~, shall correspond with the ward lines of the city, and
2 such precinct shall correspond in number with the ward of the city and be
3 coextensive with the ward. When same; ~~Provided, when~~ a ward is divided
4 into election districts, the precinct corresponding with such ward shall
5 be divided so as to correspond with the election districts.

6 Sec. 7. Section 16-117, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 16-117 (1) Except as provided in sections 13-1111 to 13-1120 and
9 16-130 and subject to this section, the mayor and city council of a city
10 of the first class may by ordinance at any time include within the
11 corporate limits of such city any contiguous or adjacent lands, lots,
12 tracts, streets, or highways as are urban or suburban in character and in
13 such direction as may be deemed proper. Such grant of power shall not be
14 construed as conferring power upon the mayor and city council to extend
15 the limits of a city of the first class over any agricultural lands which
16 are rural in character.

17 (2) The invalidity of the annexation of any tract of land in one
18 ordinance shall not affect the validity of the remaining tracts of land
19 which are annexed by the ordinance and which otherwise conform to state
20 law.

21 (3) The city council proposing to annex land under the authority of
22 this section shall first adopt both a resolution stating that the city is
23 proposing the annexation of the land and a plan for extending city
24 services to the land. The resolution shall state:

25 (a) The time, date, and location of the public hearing required by
26 subsection (5) of this section;

27 (b) A description of the boundaries of the land proposed for
28 annexation; and

29 (c) That the plan of the city for the extension of city services to
30 the land proposed for annexation is available for inspection during
31 regular business hours in the office of the city clerk.

1 (4) The plan adopted by the city council shall contain sufficient
2 detail to provide a reasonable person with a full and complete
3 understanding of the proposal for extending city services to the land
4 proposed for annexation. The plan shall (a) state the estimated cost
5 impact of providing the services to such land, (b) state the method by
6 which the city plans to finance the extension of services to the land and
7 how any services already provided to the land will be maintained, (c)
8 include a timetable for extending services to the land proposed for
9 annexation, and (d) include a map drawn to scale clearly delineating the
10 land proposed for annexation, the current boundaries of the city, the
11 proposed boundaries of the city after the annexation, and the general
12 land-use pattern in the land proposed for annexation.

13 (5) A public hearing on the proposed annexation shall be held within
14 sixty days following the adoption of the resolution proposing to annex
15 land to allow the city council to receive testimony from interested
16 persons. The city council may recess the hearing, for good cause, to a
17 time and date specified at the hearing.

18 (6) A copy of the resolution providing for the public hearing shall
19 be published in a legal ~~the official~~ newspaper in or of general
20 circulation in the city at least once not less than ten days preceding
21 the date of the public hearing. A map drawn to scale delineating the land
22 proposed for annexation shall be published with the resolution. A copy of
23 the resolution providing for the public hearing shall be sent by first-
24 class mail following its passage to the school board of any school
25 district in the land proposed for annexation.

26 (7) Any owner of property contiguous or adjacent to a city of the
27 first class may by petition request that such property be included within
28 the corporate limits of such city. The mayor and city council may include
29 such property within the corporate limits of the city without complying
30 with subsections (3) through (6) of this section.

31 (8) Notwithstanding the requirements of this section, the mayor and

1 city council are not required to approve any petition requesting
2 annexation or any resolution or ordinance proposing to annex land
3 pursuant to this section.

4 Sec. 8. Section 16-119, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 16-119 Any extraterritorial zoning regulations, property use
7 regulations, or other laws, codes, rules, or regulations imposed upon any
8 annexed lands by the city before such annexation shall continue in full
9 force and effect until otherwise changed.

10 Sec. 9. Section 16-120, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 16-120 The inhabitants of territories annexed by a to such city of
13 the first class shall receive substantially the services of other
14 inhabitants of such city as soon as practicable. Adequate plans and
15 necessary city council action to furnish such services shall be adopted
16 not later than one year after the date of annexation, and such
17 inhabitants shall be subject to the ordinances and regulations of such
18 city, except that the one-year period shall be tolled pending final court
19 decision in any court action to contest such annexation.

20 Sec. 10. Section 16-122, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 16-122 In addition to existing annexation powers, the mayor and city
23 council of any city of the first class may by ordinance annex any village
24 or ~~second-class~~ city of the second class which is entirely surrounded by
25 such city of the first class, if the following conditions exist:

26 (1) The city has water mains adjacent to the village or ~~second-class~~
27 city of the second class which are available for extension into and have
28 capacity to serve the village or ~~second-class~~ city of the second class;

29 (2) The city has sanitary sewer lines adjacent to the village or
30 ~~second-class~~ city of the second class which are available for extension
31 into and have capacity to serve the village or ~~second-class~~ city of the

1 second class;

2 (3) The city has water and sewer treatment facilities which have the
3 capacity to serve the village or ~~second-class city~~ of the second class;
4 and

5 (4) The city has police, fire, and snow removal facilities which
6 have the capacity to serve the village or ~~second-class city~~ of the second
7 class.

8 In determining whether a village or ~~second-class city~~ of the second
9 class is entirely surrounded by a city for annexation purposes, any land
10 adjacent to the village or ~~second-class city~~ of the second class which is
11 legally immune from annexation by either the city or the village, or
12 ~~second-class city~~ of the second class, shall not be considered if the
13 village or ~~second-class city~~ of the second class is otherwise surrounded
14 by the city.

15 Sec. 11. Section 16-124, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 16-124 Whenever any city of the first class extends ~~shall extend~~ its
18 boundaries so as to annex any village or ~~second-class city~~ of the second
19 class, the charter, laws, ordinances, powers, and government of such city
20 of the first class shall at once extend over the territory embraced
21 within any village or ~~second-class city~~ of the second class so annexed.
22 Such city of the first class shall succeed to all the property and
23 property rights of every kind, contracts, obligations, and choses in
24 action of every kind held by or belonging to the village or ~~second-class~~
25 city of the second class so annexed, ÷ and it shall be liable for and
26 assume and carry out all valid contracts, obligations, franchises, and
27 licenses of any such village or ~~second-class city~~ of the second class so
28 annexed. ~~Any ÷ Provided, that any~~ obligations incurred by such village or
29 ~~second-class city~~ of the second class for water, paving, sewer, ÷ or sewer
30 treatment purposes, ÷ shall remain the obligation of the real property in
31 such village or ~~second-class city~~ of the second class as its boundaries

1 existed immediately prior to such annexation. Such village or ~~second-~~
2 ~~class~~ city of the second class so annexed shall be deemed fully
3 compensated by virtue of such annexation and the assumption of its
4 obligations and contracts for all its property and property rights of
5 every kind so acquired.

6 Sec. 12. Section 16-125, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 16-125 All taxes, assessments, fines, licenses, fees, claims, and
9 demands of every kind assessed or levied against persons or property
10 within any ~~such~~ village or ~~second-class~~ city of the second class so
11 annexed under section 16-122 , shall be paid to and collected by the ~~such~~
12 city of the first class.

13 Sec. 13. Section 16-126, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 16-126 All taxes and special assessments which a ~~such~~ village or
16 ~~second-class~~ city of the second class so annexed under section 16-122 was
17 authorized to levy or assess and which are not levied or assessed at the
18 time of such annexation for any kind of public improvements made ~~by it~~ or
19 in process of construction or contracted for, may be levied or assessed
20 by the ~~such~~ city of the first class. Such , ~~and such~~ city of the first
21 class shall have power to reassess or relevy all special assessments or
22 taxes levied or assessed by any such village or ~~second-class~~ city of the
23 second class so annexed, ~~in all cases~~ where such village or ~~second-class~~
24 city of the second class is authorized to make reassessments or relevies
25 of such taxes and assessments.

26 Sec. 14. Section 16-127, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 16-127 All actions at law or in equity pending in any court in favor
29 of or against any village or ~~second-class~~ city of the second class so
30 annexed under section 16-122 at the time such annexation takes effect,
31 shall be prosecuted by or defended by the ~~such~~ city of the first class.

1 ~~All~~ and all rights of action existing against any village or ~~second-~~
2 ~~class~~ city of the second class ~~so~~ annexed under section 16-122 at the
3 time of such annexation or accruing thereafter on account of any
4 transaction had with or under any law or ordinance of such village or
5 ~~second-class~~ city of the second class ~~and~~ may be prosecuted against the
6 ~~such~~ city of the first class.

7 Sec. 15. Section 16-128, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 16-128 All officers of any village or ~~second-class~~ city of the
10 second class ~~so~~ annexed under section 16-122 having books, papers,
11 records, bonds, funds, effects, ~~or~~ property of any kind ~~in their hands or~~
12 under their control belonging to any such village or ~~second-class~~ city of
13 the second class, shall upon taking effect of such annexation deliver the
14 books, papers, records, bonds, funds, effects, or property ~~same~~ to the
15 respective officers of the ~~such~~ city of the first class as may be by law
16 or ordinance or limitation of such city entitled or authorized to receive
17 such items ~~the same~~. Upon such annexation taking effect, the terms and
18 tenure of all offices and officers of any such village or ~~second-class~~
19 city of the second class ~~so annexed~~ shall terminate and entirely cease.

20 Sec. 16. Section 16-129, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 16-129 Whenever any person or persons owning any real property
23 within and adjacent to the corporate limits of any city of the first
24 class ~~or whenever the owner or owners of any unoccupied territory so~~
25 ~~situated owning land of not less than twenty acres shall~~ desire to have
26 such property ~~the same~~ disconnected from the city ~~therefrom~~, they may
27 file a request with the city council, ~~and~~ asking that such territory be
28 detached ~~therefrom~~. The request shall contain the legal description of
29 the property sought to be detached. If the city council determines that
30 the property meets the requirements of this section and that part or all
31 thereof ought to be detached, it shall by a majority vote of its members

1 order such property detached from the city. A certified copy of such
2 order shall be filed by the city clerk in the office of the register of
3 deeds.

4 Sec. 17. Section 16-202, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 16-202 The power to sell and convey any real estate owned by a the
7 city of the first class, including park land, except real estate used in
8 the operation of public utilities and except real estate for state armory
9 sites for the use of the State of Nebraska as expressly provided in
10 section 16-201, shall be exercised by ordinance directing the conveyance
11 of such real estate and the manner and terms thereof. Notice of such sale
12 and the terms thereof shall be published for three consecutive weeks in a
13 legal newspaper ~~published~~ in or of general circulation in such city
14 immediately after the passage and publication of such ordinance.

15 If within thirty days after the passage and publication of such
16 ordinance a remonstrance petition ~~remonstrance~~ against such sale is
17 signed by registered voters of the city equal in number to thirty percent
18 of the registered voters of the city voting at the last regular city
19 ~~municipal~~ election held therein and is filed with the city council
20 ~~governing body of such city~~, the property shall not then, nor within one
21 year thereafter, be sold. If the date for filing the petition
22 ~~remonstrance~~ falls upon a Saturday, Sunday, or legal holiday, the
23 signatures shall be collected within the thirty-day period, but the
24 filing shall be considered timely if filed or postmarked on or before the
25 next business day. Upon the receipt of the petition ~~remonstrance~~, the
26 city council ~~governing body of such city~~, with the aid and assistance of
27 the election commissioner or county clerk, shall determine the validity
28 and sufficiency of signatures on the petition ~~remonstrance~~. The city
29 council ~~governing body of such city~~ shall deliver the petition
30 ~~remonstrance~~ to the election commissioner or county clerk by hand
31 carrier, by use of law enforcement officials, or by certified mail,

1 return receipt requested. Upon receipt of the petition remonstrance, the
2 election commissioner or county clerk shall issue to the city council
3 ~~governing body~~ a written receipt that the petition remonstrance is in the
4 custody of the election commissioner or county clerk. The election
5 commissioner or county clerk shall compare the signature of each person
6 signing the petition remonstrance with the voter registration records to
7 determine if each signer was a registered voter on or before the date on
8 which the petition remonstrance was filed with the city council governing
9 ~~body~~. The election commissioner or county clerk shall also compare the
10 signer's printed name, street and number or voting precinct, and city,
11 village, or post office address with the voter registration records to
12 determine whether the signer was a registered voter. The signature and
13 address shall be presumed to be valid only if the election commissioner
14 or county clerk determines that the printed name, street and number or
15 voting precinct, and city, village, or post office address matches the
16 registration records and that the registration was received on or before
17 the date on which the petition remonstrance was filed with the city
18 council governing body. The determinations of the election commissioner
19 or county clerk may be rebutted by any credible evidence which the city
20 council governing body finds sufficient. The express purpose of the
21 comparison of names and addresses with the voter registration records, in
22 addition to helping to determine the validity of the petition
23 ~~remonstrance~~, the sufficiency of the petition remonstrance, and the
24 qualifications of the signer, shall be to prevent fraud, deception, and
25 misrepresentation in the petition remonstrance process. Upon completion
26 of the comparison of names and addresses with the voter registration
27 records, the election commissioner or county clerk shall prepare in
28 writing a certification under seal setting forth the name and address of
29 each signer found not to be a registered voter and the signature page
30 number and line number where the name is found, and if the reason for the
31 invalidity of the signature or address is other than the nonregistration

1 of the signer, the election commissioner or county clerk shall set forth
2 the reason for the invalidity of the signature. If the election
3 commissioner or county clerk determines that a signer has affixed his or
4 her signature more than once to the petition remonstrance and that only
5 one person is registered by that name, the election commissioner or
6 county clerk shall prepare in writing a certification under seal setting
7 forth the name of the duplicate signature and shall count only the
8 earliest dated signature. The election commissioner or county clerk shall
9 certify to the city council governing body the number of valid signatures
10 necessary to constitute a valid petition remonstrance. The election
11 commissioner or county clerk shall deliver the petition remonstrance and
12 the certifications to the city council governing body within forty days
13 after the receipt of the petition remonstrance from the city council
14 governing body. The delivery shall be by hand carrier, by use of law
15 enforcement officials, or by certified mail, return receipt requested.
16 Not more than twenty signatures on one signature page shall be counted.

17 The city council governing body shall, within thirty days after the
18 receipt of the petition remonstrance and certifications from the election
19 commissioner or county clerk, hold a public hearing to review the
20 petition remonstrance and certifications and receive testimony regarding
21 them. The city council governing body shall, following the hearing, vote
22 on whether or not the petition remonstrance is valid and shall uphold the
23 petition remonstrance if sufficient valid signatures have been received.

24 Sec. 18. Section 16-206, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 16-206 A city of the first class may collect a license tax from the
27 owners and harborers of dogs and other animals in an amount which shall
28 be determined by the city council governing body of such city and enforce
29 the license tax same by appropriate penalties. Any licensing provision
30 shall comply with subsection (2) of section 54-603 for service animals.
31 The city may cause the destruction of any dog or other animal, for which

1 the owner or harborer shall refuse or neglect to pay such license tax.
2 The city ~~It~~ may regulate, license, or prohibit the running at large of
3 dogs and other animals and guard against injuries or annoyances therefrom
4 and authorize the destruction of such dogs and other animals ~~the same~~
5 when running at large contrary to ~~the provisions of~~ any ordinance.

6 Sec. 19. Section 16-207, Revised Statutes Supplement, 2015, is
7 amended to read:

8 16-207 (1) A city of the first class may by ordinance provide for
9 the removal of all obstructions from the sidewalks, curbstones, gutters,
10 and crosswalks at the expense of the owners or occupants of the grounds
11 fronting thereon or at the expense of the person placing the obstruction
12 and may require and regulate the planting and protection of shade trees
13 in and along the streets and the trimming and removing of the trees.

14 (2) A city of the first class may by ordinance declare it to be a
15 nuisance for a property owner to permit, allow, or maintain any dead or
16 diseased trees within the right-of-way of streets within the corporate
17 limits of the city or within its extraterritorial ~~two-mile~~ zoning
18 jurisdiction. Notice to abate and remove such nuisance and notice of the
19 right to a hearing and the manner in which it may be requested shall be
20 given to each owner or owner's duly authorized agent and to the occupant,
21 if any, by personal service or certified mail. Within thirty days after
22 the receipt of such notice, if the owner or occupant of the lot or piece
23 of ground does not request a hearing or fails to comply with the order to
24 abate and remove the nuisance, the city may have such work done and may
25 levy and assess all or any portion of the costs and expenses of the work
26 upon the lot or piece of ground so benefited as a special assessment.

27 (3) The city may also regulate the building of bulkheads, cellars,
28 basements, ways, stairways, railways, windows, doorways, awnings,
29 ~~hitching posts and rails,~~ lampposts, awning posts, and all other
30 structures projecting upon or over any adjoining excavation through and
31 under the sidewalks in the city.

1 Sec. 20. Section 16-212, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 16-212 A city of the first class by ordinance may regulate the
4 crossing of railway tracks and provide precautions and prescribe rules
5 regulating the same, ~~÷~~ regulate the running of railway engines, cars, and
6 trucks within the limits of such ~~said~~ city, and prescribe rules relating
7 thereto, and govern the speed thereof, ~~÷~~ and make other and further
8 provisions, rules, and restrictions to prevent accidents at the crossings
9 and on the tracks of railways, and to prevent fires from engines. A city
10 of the first class may ~~It may~~ regulate and prescribe the manner of
11 running street cars, require the heating and cleaning of such cars ~~same~~,
12 and fix and determine the fare charged, ~~÷~~ require the lighting of any
13 railways within the city, ~~the cars of which are propelled by steam,~~ in
14 such manner as the city ~~they~~ shall prescribe, and fix and determine the
15 number, style, and size of the lampposts, burners, lamps, and all other
16 fixtures and apparatus necessary for such lighting, and the points of
17 location for such lampposts. If ~~;~~ ~~and in case~~ the company owning or
18 operating such railways shall fail to comply with such requirements, the
19 city council may cause such requirements to be complied with the same to
20 ~~be done~~ by giving notice of such action ~~the same~~ and may assess the
21 expense of complying with such requirements ~~thereof~~ against such company,
22 and the expense ~~same~~ shall constitute a lien on any real estate belonging
23 to such company, and lying within such ~~said~~ city, and may be collected in
24 the same manner as taxes for general purposes. The city may (1) require
25 railroad companies to keep flagmen at all railroad crossings of streets,
26 and provide protection against injury to persons and property in the use
27 of such railroads, (2) ~~÷~~ compel any railroad to raise or lower their
28 railroad tracks to conform to the general grade, which may at any time be
29 established by such city, and where such tracks run lengthwise through or
30 over any street, alley, ~~or~~ highway, to keep the tracks ~~same~~ level with
31 the street surface, and (3) ~~÷~~ compel and require railroad companies to

1 keep open the streets, and to construct and keep in repair ditches,
2 drains, sewers, and culverts, along and under their railroad tracks, and
3 to pave their whole right-of-way on all paved streets, and keep the
4 right-of-way and tracks same in repair.

5 Sec. 21. Section 16-213, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 16-213 A city of the first class may borrow money on the credit of
8 the city and pledge the credit, revenue, and public property of the city
9 for the payment thereof, when authorized in the manner ~~herein~~ provided by
10 law.

11 Sec. 22. Section 16-214, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 16-214 A city of the first class by ordinance may provide for
14 issuing bonds, for the purpose of funding any and all indebtedness of the
15 city, due or to become due. Floating indebtedness shall be funded only by
16 authority of a vote of the people, but the mayor and city council may by
17 a two-thirds vote issue bonds to pay off any bonded debt without a vote
18 of the people.

19 Sec. 23. Section 16-217, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 16-217 A city of the first class by ordinance may provide for the
22 removal of elective officers of the city for misconduct. The city may
23 create any office that it deems necessary for the good government and
24 interest of the city. The city may provide for filling vacancies which
25 occur in any elective office, except the mayor or member of the city
26 council, by appointment by the mayor with the consent of the city council
27 to hold his or her office for the unexpired term. Whenever the city
28 council fails to consent to any appointment made under this section by
29 the mayor by the close of the second regular city council meeting
30 following the announcement of the appointment, the vacancy shall be
31 filled by a special election to be held as prescribed by ordinance in the

1 ward in which such vacancy exists. A vacancy in the office of the mayor
2 or on the city council shall be filled as provided in section 32-568.

3 Sec. 24. Section 16-218, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 16-218 Except as otherwise provided by law, a A city of the first
6 class by ordinance may regulate and prescribe the powers, duties, and
7 compensation of the officers of the city ~~not herein provided for,~~ and
8 classify such ~~the several~~ offices, ~~and positions of trust or employment~~
9 ~~in the public service~~ on the basis of merit through ~~such agency as the~~
10 city council ~~local governing body~~ shall provide for that purpose, ~~upon~~
11 ~~approval by a majority of the electors of said city voting on such~~
12 ~~proposition.~~

13 Sec. 25. Section 16-219, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 16-219 A city of the first class by ordinance may require all
16 officers ~~or servants,~~ elected or appointed, to give bond and security or
17 evidence of equivalent insurance for the faithful performance of their
18 duties. No officer shall become surety upon the official bond of another,
19 or upon any contractor's bond, license, or appeal bond given to the city,
20 or under any ordinance thereof, or from conviction in the county court
21 for violation of any ordinance of such city.

22 Sec. 26. Section 16-220, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 16-220 A city of the first class may require from any officer of the
25 city at any time a report in detail of the transactions in his or her
26 office or of any matters connected therewith.

27 Sec. 27. Section 16-221, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 16-221 A city of the first class may establish, alter, and change
30 the channel of watercourses, and wall and cover them over. No city shall
31 be liable in damages on account of the accumulations of surface waters

1 which fall upon its site, or any portion thereof, unless such
2 accumulations be caused by the act of a city officer while employed in
3 his or her official capacity and by authorization of the mayor and city
4 council first entered of record.

5 Sec. 28. Section 16-222, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 16-222 A city of the first class may provide for the organization
8 and support of a fire department; procure fire engines, hooks, ladders,
9 buckets, and other apparatus; organize fire engine, hook and ladder, and
10 bucket companies, and prescribe rules for duty and the government of the
11 fire department thereof, with such penalties as the city council may deem
12 proper, not exceeding one hundred dollars; make all necessary
13 appropriations for the fire department therefor; and establish
14 regulations for the prevention and extinguishment of fires. The city ~~It~~
15 may prescribe limits within which no building shall be constructed except
16 of brick, stone, or other incombustible material, with fireproof roof,
17 and impose a penalty for the violation of such ordinance. The city ~~It~~ may
18 cause the destruction or removal of any building constructed or repaired
19 in violation of such ordinance, and after such limits are established, no
20 special permits shall be given for the erection or repairing of buildings
21 of combustible material. The city ~~It~~ may regulate the construction and
22 inspection of, and order the suppression of and cleaning of, fireplaces,
23 chimneys, stoves, stovepipes, ovens, boilers, kettles, forges, or any
24 apparatus used in any building, ~~manufactory or business, or enterprise~~
25 which may be dangerous in causing or promoting fires, and prescribe
26 limits within which dangerous or obnoxious and offensive businesses or
27 enterprises ~~business~~ may be conducted ~~carried on~~.

28 Sec. 29. Section 16-225, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 16-225 A city of the first class may regulate its police force ~~the~~
31 ~~police of the city~~, establish and support a night watch, impose fines,

1 forfeitures, confinement, and penalties for the breach of any ordinance,
2 and for recovery and collection of such fines, forfeitures, and penalties
3 ~~the same~~. In default of payment, it may provide for confinement in the
4 city or county jail prison or other place of confinement as may be
5 provided by ordinance or as provided under section 16-252 to hard labor
6 ~~in the city, upon the streets or elsewhere, for the benefit of the city.~~

7 Sec. 30. Section 16-226, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 16-226 A city of the first class by ordinance may regulate,
10 prohibit, and suppress unlicensed ~~tippling shops,~~ billiard tables, and
11 bowling alleys, may restrain houses of prostitution, opium joints, dens,
12 and other disorderly houses and practices, games, and gambling houses,
13 ~~desecration of the Sabbath day, commonly called Sunday,~~ and may regulate
14 ~~prohibit~~ all public amusements, shows, or exhibitions, and may prohibit
15 ~~or ordinary business pursuits upon such day,~~ all lotteries, all
16 fraudulent devices and practices for the purpose of obtaining money or
17 property, all shooting galleries except as provided in the Nebraska
18 Shooting Range Protection Act, and all kinds of public indecencies,
19 except that nothing in this section shall be construed to apply to bingo,
20 lotteries, lotteries by the sale of pickle cards, or raffles conducted in
21 accordance with the Nebraska Bingo Act, the Nebraska Lottery and Raffle
22 Act, the Nebraska Pickle Card Lottery Act, the Nebraska Small Lottery and
23 Raffle Act, or the State Lottery Act.

24 Sec. 31. Section 16-227, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 16-227 A city of the first class may (1) prevent and restrain riots,
27 routs, noises, disturbances, breach of the peace, or disorderly
28 assemblies in any street, house, or place in the city, (2) ÷ regulate,
29 punish, and prevent the discharge of firearms, rockets, powder,
30 fireworks, or any other dangerous combustible material in the streets,
31 lots, grounds, and alleys or about or in the vicinity of any buildings,

1 (3) ÷ regulate, prevent, and punish the carrying of concealed weapons,
2 except the carrying of a concealed handgun in compliance with the
3 Concealed Handgun Permit Act, (4) ÷ arrest, regulate, punish, or fine,~~or~~
4 ~~set at work on the streets or elsewhere all~~ vagabonds, (5) ~~and persons~~
5 ~~found in the city without visible means of support or some legitimate~~
6 ~~business;~~ regulate and prevent the transportation or storage of gunpowder
7 or other explosive or combustible articles, tar, pitch, resin, coal oil,
8 benzine, turpentine, hemp, cotton, nitroglycerine, dynamite, petroleum or
9 any other productions thereof, and other materials of like nature, the
10 use of lights in stables, shops, or other places, and the building of
11 bonfires, ÷ and (6) regulate and prohibit the piling of building material
12 or any excavation or obstruction in the street.

13 Sec. 32. Section 16-229, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 16-229 A city of the first class by ordinance may provide for the
16 punishment of vagrants, tramps or ~~common~~ street beggars, ~~common~~
17 prostitutes, ~~habitual~~ disturbers of the peace, pickpockets, gamblers,
18 burglars, thieves, and ~~ball game players,~~ persons who practice any game,
19 trick, or device with intent to swindle, ~~persons who abuse their~~
20 ~~families, and suspicious persons who can give no reasonable account of~~
21 ~~themselves.~~

22 Sec. 33. Section 16-230, Revised Statutes Supplement, 2015, is
23 amended to read:

24 16-230 (1) A city of the first class by ordinance may require lots
25 or pieces of ground within the city or within the city's extraterritorial
26 ~~two-mile~~ zoning jurisdiction to be drained or filled so as to prevent
27 stagnant water or any other nuisance accumulating thereon. The city may
28 require the owner or occupant of all lots and pieces of ground within the
29 city to keep the lots and pieces of ground and the adjoining streets and
30 alleys free of excessive growth of weeds, grasses, or worthless
31 vegetation, and ~~it~~ may prohibit and control the throwing, depositing, or

1 accumulation of litter on any lot or piece of ground within the city or
2 within the city's extraterritorial ~~two-mile~~ zoning jurisdiction.

3 (2) Any city of the first class may by ordinance declare it to be a
4 nuisance to permit or maintain excessive growth of weeds, grasses, or
5 worthless vegetation or to litter or cause litter to be deposited or
6 remain thereon except in proper receptacles. The city shall establish by
7 ordinance the height at which weeds, grasses, or worthless vegetation are
8 a nuisance.

9 (3) Any owner or occupant of a lot or piece of ground shall, upon
10 conviction of violating any ordinance authorized under this section, be
11 guilty of a Class V misdemeanor.

12 (4) Notice to abate and remove such nuisance shall be given to each
13 owner or owner's duly authorized agent and to the occupant, if any. The
14 city shall establish the method of notice by ordinance. If notice is
15 given by first-class mail, such mail shall be conspicuously marked as to
16 its importance. Within five days after receipt of such notice, the owner
17 or occupant of the lot or piece of ground may request a hearing with the
18 city to appeal the decision to abate or remove a nuisance by filing a
19 written appeal with the office of the city clerk. A hearing on the appeal
20 shall be held within fourteen days after the filing of the appeal and
21 shall be conducted by an elected or appointed officer as designated in
22 the ordinance. The hearing officer shall render a decision on the appeal
23 within five business days after the conclusion of the hearing. If the
24 appeal fails, the city may have such work done. Within five days after
25 receipt of such notice, if the owner or occupant of the lot or piece of
26 ground does not request a hearing with the city or fails to comply with
27 the order to abate and remove the nuisance, the city may have such work
28 done. The costs and expenses of any such work shall be paid by the owner.
29 If unpaid for two months after such work is done, the city may either (a)
30 levy and assess the costs and expenses of the work upon the lot or piece
31 of ground so benefited as a special assessment or (b) recover in a civil

1 action the costs and expenses of the work upon the lot or piece of ground
2 and the adjoining streets and alleys.

3 (5) For purposes of this section:

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

13 (b) Weeds includes, but is not limited to, bindweed (*Convolvulus*
14 *arvensis*), puncture vine (*Tribulus terrestris*), leafy spurge (*Euphorbia*
15 *esula*), Canada thistle (*Cirsium arvense*), perennial peppergrass (*Lepidium*
16 *draba*), Russian knapweed (*Centaurea picris*), Johnson grass (*Sorghum*
17 *halepense*), nodding or musk thistle, quack grass (*Agropyron repens*),
18 perennial sow thistle (*Sonchus arvensis*), horse nettle (*Solanum*
19 *carolinense*), bull thistle (*Cirsium lanceolatum*), buckthorn (*Rhamnus sp.*)
20 (*tourn*), hemp plant (*Cannabis sativa*), and ragweed (*Ambrosiaceae*); and

21 (c) Weeds, grasses, and worthless vegetation does not include
22 vegetation applied or grown on a lot or piece of ground outside the
23 corporate limits of the city but inside the city's extraterritorial ~~two-~~
24 ~~mile~~ zoning jurisdiction expressly for the purpose of weed or erosion
25 control.

26 Sec. 34. Section 16-231, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 16-231 A city of the first class may prevent any person from
29 bringing, depositing, having, or leaving upon or near his or her premises
30 or elsewhere in the city or within the extraterritorial zoning
31 jurisdiction ~~two miles of the corporate limits~~ of the city any carcass or

1 putrid beef, pork, fish, hides, or skins of any kind or any unwholesome
2 substance and may compel the removal of the same.

3 Sec. 35. Section 16-232, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 16-232 A city of the first class by ordinance may prevent the
6 digging of holes, pits, or excavations within the city, except for the
7 purpose of building where such excavations are made, prevent the leaving
8 of any holes, pits, or excavations within such ~~said~~ city in an exposed
9 condition, and require the filling of same.

10 Sec. 36. Section 16-233, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 16-233 A city of the first class may regulate, license, or suppress
13 halls, opera houses, places of amusement, entertainment, or instruction,
14 or other buildings except churches and schools used for the assembly of
15 citizens, and cause them to be provided with sufficient and ample means
16 of exit and entrance, and to be supplied with necessary and appropriate
17 appliances for the extinguishment of fire and for escape from such places
18 in case of fire, and prevent overcrowding; and regulate the placing and
19 use of seats, chairs, benches, scenery, curtains, blinds, screens, or
20 other appliances therein. A city of the first class ~~It~~ may provide that
21 for any violation of any such regulation a penalty of two hundred dollars
22 shall be imposed, and upon conviction of any such licensees of any
23 violation of any ordinance regulating such places, the license of any
24 such place shall be revoked by the mayor and city council. Whenever the
25 mayor and city council shall by resolution declare any such place to be
26 unsafe, the license thereof shall be deemed thereby ~~revoked~~ by adoption
27 of such resolution. The city ~~;~~ ~~and the~~ council may provide that in any
28 case where it has ~~they have~~ so revoked a license, any owner, proprietor,
29 manager, lessee or person opening, using, or permitting such place to be
30 opened or used for any purpose involving the assemblage of more than
31 twelve persons, shall upon conviction thereof be deemed guilty of a

1 misdemeanor, and fined in any sum not exceeding two hundred dollars.

2 Sec. 37. Section 16-236, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 16-236 A city of the first class may provide for the erection of all
5 necessary pens, pounds, and buildings for the use of the city, within ~~or~~
6 ~~without~~ the city limits or within its extraterritorial zoning
7 jurisdiction, appoint and compensate keepers thereof, and establish and
8 enforce rules governing the same.

9 Sec. 38. Section 16-238, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 16-238 A city of the first class may make regulations to prevent the
12 introduction and spread of contagious, infectious, or malignant diseases
13 into the city. In cities with a commission form of government as provided
14 in Chapter 19, article 4, and cities with a city manager plan of
15 government as provided in Chapter 19, article 6, a board of health shall
16 be created consisting of five members: The mayor, who shall be
17 chairperson, a physician, who shall be medical adviser, the chief of
18 police, who shall be secretary and quarantine officer, and two other
19 members. In all other cities, a board of health shall be created
20 consisting of five members: The mayor, who shall be chairperson, a
21 physician, who shall be medical adviser, the chief of police, who shall
22 be secretary and quarantine officer, the president of the city council,
23 and one other member. A majority of such board shall constitute a quorum
24 and shall enact rules and regulations, having the force and effect of
25 law, to safeguard the health of the people of such city and prevent
26 nuisances and unsanitary conditions, enforce the same, and provide fines
27 and punishments for the violation of such rules and regulations thereof.

28 Sec. 39. Section 16-239, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 16-239 A city of the first class may erect, establish, and regulate
31 hospitals, ~~workhouses, poorhouses,~~ multiunit housing, houses of

1 correction, jails, station houses, and other necessary buildings and
2 provide for the support and government of such buildings and facilities
3 ~~the same~~.

4 Sec. 40. Section 16-240, Revised Statutes Supplement, 2015, is
5 amended to read:

6 16-240 A city of the first class by ordinance may make regulations
7 to secure the general health of the city, prescribe rules for the
8 prevention, abatement, and removal of nuisances, make and prescribe
9 regulations for the construction, location, and keeping in order of all
10 slaughterhouses, stockyards, warehouses, sheds, stables, barns, dairies,
11 or other places where offensive matter is kept, or is likely to
12 accumulate, within the city or within its extraterritorial ~~two-mile~~
13 zoning jurisdiction, and to limit or fix the maximum number of swine or
14 neat cattle that may be kept in sheds, stables, barns, feedlots ~~feed~~
15 ~~lots~~, or other enclosures.

16 Sec. 41. Section 16-241, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 16-241 A city of the first class may purchase, hold, and pay for, as
19 provided in sections 16-241 to 16-245 ~~in the manner herein provided~~,
20 lands for the purpose of the burial of the dead, and all necessary
21 grounds for hospital grounds and waterworks, and have and exercise police
22 jurisdiction over such lands, grounds, and waterworks ~~the same~~, and over
23 any cemetery lying near such ~~said~~ city and used by the inhabitants
24 thereof.

25 Sec. 42. Section 16-243, Revised Statutes Supplement, 2015, is
26 amended to read:

27 16-243 A city of the first class may convey cemetery lots owned by
28 such city, by certificates signed by the mayor and countersigned by the
29 city clerk under the seal of the city specifying that the person to whom
30 the certificate ~~same~~ is issued is the owner of the lot or lots described
31 therein by number as laid down on such plat or map, for the purpose of

1 interment. Such certificate shall vest in the proprietor, his or her
2 heirs and assigns, a right in fee simple of such lot for the sole purpose
3 of interment, under the regulations of the city council.

4 Sec. 43. Section 16-246, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 16-246 A city of the first class may make all such ordinances,
7 bylaws, rules, regulations, and resolutions not inconsistent with the
8 general laws of the state as may be necessary or expedient, in addition
9 to the special powers otherwise granted by law, for maintaining the
10 peace, good government, and welfare of the city and its trade, commerce,
11 and manufactures, for preserving order and securing persons or property
12 from violence, danger, and destruction, for protecting public and private
13 property, and for promoting the public health, safety, convenience,
14 comfort, and morals and the general interests and welfare of the
15 inhabitants of the city. It may (1) impose fines, forfeitures, and
16 ~~penalties, and imprisonment at hard labor~~ for the violation of any
17 ordinance, (2) ÷ provide for the recovery, collection, and enforcement of
18 such fines, forfeitures, or penalties, ÷ and, (3) in default of payment,
19 provide for confinement in the city or county jail ~~prison, workhouse,~~ or
20 other place of confinement ~~with or without hard labor~~ as may be provided
21 by ordinance. The jurisdiction of the city to enforce such ordinances,
22 bylaws, rules, regulations, and resolutions shall extend over the city
23 and over all places within the extraterritorial zoning jurisdiction ~~two~~
24 ~~miles of the corporate limits~~ of the city.

25 Sec. 44. Section 16-247, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 16-247 A city of the first class may revise the ordinances of the
28 city from time to time and publish the same in pamphlet or book form.
29 Such revision shall be by one ordinance, embracing all ordinances
30 preserved as changed or added to and perfected by revision, and shall
31 embrace all the ordinances of every nature preserved, and be a repeal of

1 all ordinances in conflict with such revision; but all ordinances then in
2 force shall continue in force after such revision for the purpose of all
3 rights acquired, fines, penalties, forfeitures, and liabilities incurred,
4 and actions therefor. The only title necessary for such revision and
5 repeal shall be An ordinance to revise all the ordinances of the city
6 of, and sections and chapters may be used instead
7 of numbers, and original titles need not be preserved, nor signature of
8 the mayor required.

9 Sec. 45. Section 16-249, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 16-249 A city of the first class may provide for the grading,
12 repairing, and sprinkling of any street, avenue, or alley, and the
13 construction of bridges, culverts, and sewers, and shall defray the
14 repairs of the street, avenue, alley, bridge, culvert, or sewer ~~same~~ out
15 of the proper fund of such city, ~~÷~~ but no street shall be graded except
16 the street ~~same~~ be ordered to be done by the affirmative vote of two-
17 thirds of the city council. On written petition of not less than one-half
18 the owners of street front of the land fronting on any street or any
19 specified part thereof, the mayor and city council may order such street
20 or any specified part thereof to be sprinkled with water at such time or
21 times as the city council may deem proper. Such sprinkling shall be done
22 by contract awarded to the lowest responsible bidder in each case, and
23 for the entire city or specified district thereof. To pay the expenses of
24 such sprinkling the city council may make special assessments upon the
25 lands abutting upon such street or specified part thereof either on the
26 valuation thereof, as listed for taxation, or by foot front. Such
27 assessment shall be collected by special taxation.

28 Sec. 46. Section 16-250, Revised Statutes Supplement, 2015, is
29 amended to read:

30 16-250 A city of the first class may construct or repair sidewalks,
31 sewers, and drains on any highway in the city, construct or repair iron

1 railings or gratings for areaways, cellars, or entrances to basements of
2 buildings, and levy a special assessment on lots or parcels of land
3 fronting on such sidewalk, waterway, highway, or alley to pay the expense
4 of such improvements, to be assessed as a special assessment. Unless a
5 majority of the owners of the property subject to assessment for such
6 improvements petition the city council to make the improvements, such
7 improvements shall not be made until three-fourths of all the members of
8 the city council, by vote, assent to the making of the improvements,
9 which vote, by yeas and nays, shall be entered of record.

10 Sec. 47. Section 16-251, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 16-251 The mayor and city council of any city of the first class may
13 (1) establish and maintain public libraries, reading rooms, art
14 galleries, and museums and provide the necessary grounds or buildings
15 therefor, (2) ÷ purchase the papers, books, maps, manuscripts, and works
16 of art and objects of natural or scientific curiosity and instruction
17 therefor, ÷ and (3) receive donations and bequests of money or property
18 for the public libraries, reading rooms, art galleries, and museums in
19 trust or otherwise. The mayor and city council may also pass necessary
20 bylaws and regulations for the protection and government of the public
21 libraries, reading rooms, art galleries, and museums. The ownership of
22 the real and personal property of a public library shall be in the city.
23 The mayor and city council shall approve any personnel administrative or
24 compensation policy or procedure applying to a director or employee of a
25 public library, reading room, art gallery, or museum before such policy
26 or procedure is implemented.

27 Sec. 48. Section 16-253, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 16-253 When the power is conferred upon the mayor and city council
30 of any city of the first class to do and perform any act or thing, and
31 the manner of exercising such power is not specially pointed out, the

1 mayor and city council may provide by ordinance the details necessary for
2 the full exercise of such power.

3 Sec. 49. Section 16-302.01, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 16-302.01 In any city of the first class except any city having
6 adopted the commissioner or city manager plan of government, the mayor
7 and city council members shall be registered voters of the city and the
8 city council members shall be residents of the ward from which elected if
9 elected by ward and residents of the city if elected at large. The city
10 council may also, by a two-thirds vote of its members, provide by
11 ordinance for the election of the treasurer and clerk. All nominations
12 and elections of such officers shall be held as provided in the Election
13 Act. The terms of office of all such members shall commence on the first
14 regular meeting of the city council in December following their election.

15 Sec. 50. Section 16-304, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 16-304 Each city council member, before entering upon the duties of
18 his or her office, shall be required to give bond or evidence of
19 equivalent insurance to the city. The bond shall be with two or more good
20 and sufficient sureties or some responsible surety company. If by two
21 sureties, they shall each justify that he or she is worth at least two
22 thousand dollars over and above all debts and exemptions. Such bonds or
23 evidence of equivalent insurance shall be in the sum of one thousand
24 dollars, ~~and~~ shall be conditioned for the faithful discharge of the
25 duties of the city council member giving such bond or insurance, and
26 shall be further conditioned that if the city council member shall vote
27 for any expenditure or appropriation of money or creation of any
28 liability in excess of the amount allowed by law, such city council
29 member, and the sureties signing such bond, shall be liable thereon. The
30 bond shall be filed with the city clerk and approved by the mayor, and
31 upon the approval, the city may pay the premium for such bond. Any

1 liability sought to be incurred, or debt created in excess of the amount
2 limited or authorized by law, shall be taken and held by every court of
3 the state as the joint and several liability and obligation of the city
4 council member voting for and the mayor approving such liability,
5 obligation, or debt, and not the debt, liability, or obligation of the
6 city. Voting for or approving of such liability, obligation, or debt
7 shall be conclusive evidence of malfeasance in office for which such city
8 council member or mayor may be removed from office.

9 Sec. 51. Section 16-305, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 16-305 All officers and employees of the city shall receive such
12 compensation as the mayor and city council may fix at the time of their
13 appointment or employment, subject to the limitations set forth in this
14 section. The city council ~~local governing body of the city~~ may at its
15 discretion by ordinance combine and merge any elective or appointive
16 office or employment or any combination of duties of any such offices or
17 employments, except mayor and city council member, with any other
18 elective or appointive office or employment so that one or more of such
19 offices or employments or any combination of duties of any such offices
20 or employments may be held by the same officer or employee at the same
21 time. The city manager in a city under the city manager plan of
22 government as provided in Chapter 19, article 6, may in his or her
23 discretion combine and merge any elective or appointive office or
24 employment or any combination of duties of any such offices or
25 employments, except mayor and city council member, with any other
26 elective or appointive office or employment so that one or more of such
27 offices or employments or any combination of duties of any such offices
28 or employments may be held by the same officer or employee at the same
29 time. The offices or employments so merged and combined shall always be
30 construed to be separate, and the effect of the combination or merger
31 shall be limited to a consolidation of official duties only. The salary

1 or compensation of the officer or employee holding the merged and
2 combined offices or employments or offices and employments shall not be
3 in excess of the maximum amount provided by law for the salary or
4 compensation of the office, offices, employment, or employments so merged
5 and combined.

6 Sec. 52. Section 16-306, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 16-306 In any city which becomes a city of the first class, any city
9 council member whose term extends through another year or years by reason
10 of his or her prior election under the provisions governing cities of the
11 second class shall hold his or her office as a city council member from
12 the ward in which he or she is a resident as if he or she were elected
13 for the same term under the provisions of the Election Act governing
14 cities of the first class.

15 Sec. 53. Section 16-308, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 16-308 Each city of the first class shall have such departments and
18 appointed officers as shall be established by ordinance passed by the
19 city council, which shall include a city clerk, treasurer, engineer, and
20 attorney, and such officers as may otherwise be required by law. Except
21 as provided in Chapter 19, article 6, the mayor may, with the approval of
22 the city council, appoint the necessary officers, as well as an
23 administrator, who shall perform such duties as prescribed by ordinance.
24 Except as provided in Chapter 19, article 6, the appointed officers may
25 be removed at any time by the mayor with approval of a majority of the
26 city council. The office of administrator may not be held by the mayor.
27 The appointed administrator may concurrently hold any other appointive
28 office provided for in this section and section 16-325.

29 Sec. 54. Section 16-309, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 16-309 All officers appointed by the mayor and confirmed by the city

1 council shall hold the office to which they may be appointed until the
2 end of the mayor's term of office and until their successors are
3 appointed and qualified, unless sooner removed or the ordinance creating
4 the office is repealed, or except as otherwise specifically provided by
5 law.

6 Sec. 55. Section 16-310, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 16-310 The officers and employees in cities of the first class shall
9 receive such compensation as the mayor and city council shall fix by
10 ordinance.

11 Sec. 56. Section 16-312, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 16-312 The mayor shall preside at all the meetings of the city
14 council and shall have the right to vote when his or her vote will
15 provide the additional vote required to create a number of votes equal to
16 a majority of the number of members elected to the city council. He or
17 she shall have the superintending control of all the officers and affairs
18 of the city and shall take care that the ordinances of the city and the
19 provisions of law relating to cities of the first class are complied
20 with. He or she may administer oaths and shall sign the commissions and
21 appointments of all the officers appointed in the city.

22 Sec. 57. Section 16-313, Revised Statutes Cumulative Supplement,
23 2014, is amended to read:

24 16-313 The mayor shall have the power to approve or veto any
25 ordinance passed by the city council and to approve or veto any order,
26 bylaw, resolution, award of or vote to enter into any contract, or the
27 allowance of any claim. If the mayor approves the ordinance, order,
28 bylaw, resolution, contract, or claim, he or she shall sign it, and it
29 shall become effective. If the mayor vetoes the ordinance, order, bylaw,
30 resolution, contract, or any item or items of appropriations or claims,
31 he or she shall return it to the city council stating that the measure is

1 vetoed. The mayor may issue the veto at the meeting at which the measure
2 passed or within seven calendar days after the meeting. If the mayor
3 issues the veto after the meeting, the mayor shall notify the city clerk
4 of the veto in writing. The city clerk shall notify the city council in
5 writing of the mayor's veto. Any ordinance, order, bylaw, resolution,
6 award of or vote to enter into any contract, or the allowance of any
7 claim vetoed by the mayor, may be passed over his or her veto by a vote
8 of two-thirds of all the members elected to the city council,
9 notwithstanding his or her veto. If the mayor neglects or refuses to sign
10 any ordinance, order, bylaw, resolution, award of or vote to enter into
11 any contract, or the allowance of any claim, but fails to veto the
12 measure within the time required by this section, the measure shall
13 become effective without his or her signature. The mayor may veto any
14 item or items of any appropriation bill or any claims bill, and approve
15 the remainder thereof, and the item or items so vetoed may be passed by
16 the city council over the veto as in other cases.

17 Sec. 58. Section 16-314, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 16-314 The mayor shall, from time to time, communicate to the city
20 council such information and recommend such measures as in his or her
21 opinion may tend to the improvement of the finances of the city, the
22 police, health, comfort, and general prosperity of the city, and may have
23 such jurisdiction as may be invested in him or her by ordinance over all
24 places within the extraterritorial zoning jurisdiction ~~two miles of the~~
25 ~~corporate limits~~ of the city, for the enforcement of health or quarantine
26 ordinances and the regulation thereof.

27 Sec. 59. Section 16-317, Revised Statutes Cumulative Supplement,
28 2014, is amended to read:

29 16-317 The city clerk shall have the custody of all laws and
30 ordinances and shall keep a correct journal of the proceedings of the
31 city council. After the period of time specified by the State Records

1 Administrator pursuant to the Records Management Act, the city clerk may
2 transfer such journal of the proceedings of the city council to the State
3 Archives of the Nebraska State Historical Society for permanent
4 preservation. He or she shall also perform such other duties as may be
5 required by the ordinances of the city.

6 Sec. 60. Section 16-318, Revised Statutes Cumulative Supplement,
7 2014, is amended to read:

8 16-318 (1) The city treasurer shall be required to give bond or
9 evidence of equivalent insurance of not less than twenty-five thousand
10 dollars, or he or she may be required to give bond in double the sum of
11 money estimated by the city council at any time to be in his or her hands
12 belonging to the city. The city treasurer shall be the custodian of all
13 money belonging to the city ~~corporation~~. The city council shall pay the
14 actual premium of the bond or insurance coverage of such treasurer.

15 (2) The city treasurer shall keep a separate account of each fund or
16 appropriation and the debts and credits belonging thereto. He or she
17 shall give every person paying money into the treasury a receipt
18 therefor, specifying date of payment and on what account paid. He or she
19 shall also file copies of such receipts, except tax receipts, with his or
20 her monthly reports, and he or she shall at the end of every month, and
21 as often as may be requested, render an account to the city council,
22 under oath, showing the state of the treasury at the date of such
23 account, the amount of money remaining in each fund and the amount paid
24 therefrom, and the balance of money in the treasury. The city treasurer
25 shall also accompany such account with a statement of all receipts and
26 disbursements, together with all warrants redeemed and paid by him or
27 her, which warrants, with all vouchers held by him or her, shall be filed
28 with his or her account in the city clerk's office. He or she shall
29 produce and show all funds shown by such report to be on hand, or satisfy
30 the city council or its committee that he or she has such funds in his or
31 her custody or under his or her control. If the city treasurer fails to

1 render his or her account within twenty days after the end of the month,
2 or by a later date established by the city council, the mayor with the
3 consent of the city council may consider this failure as cause to remove
4 the city treasurer from office.

5 (3) The city treasurer shall keep a record of all outstanding bonds
6 against the city, showing the number and amount of each bond, for and to
7 whom the bonds were issued, and the date upon which any bond is
8 purchased, paid, or canceled. He or she shall accompany the annual
9 statement submitted pursuant to section 19-1101 with a description of the
10 bonds issued and sold in that year and the terms of sale, with every item
11 of expense thereof.

12 (4) The city treasurer may employ and appoint a delinquent tax
13 collector, who shall be allowed a percentage upon his or her collections
14 to be fixed by the city council, not to exceed the fees allowed by law to
15 the county treasurer for like services. Upon taxes collected by such
16 delinquent tax collector, the city treasurer shall receive no fees.

17 (5) The city treasurer shall prepare all special assessment lists
18 and shall collect all special assessments.

19 Sec. 61. Section 16-319, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 16-319 The city attorney shall be the legal advisor of the city
22 council and other city officers. The city attorney shall commence,
23 prosecute, and defend all suits and actions necessary to be commenced,
24 prosecuted, or defended on behalf of the city, or that may be ordered by
25 the city council. He or she shall attend meetings of the city council and
26 give them his or her opinion upon any matters submitted to him or her,
27 either orally or in writing as may be required. The mayor and city
28 council shall have the right to pay the city attorney additional
29 compensation for legal services performed by him or her for the city or
30 to employ additional legal assistance and to pay for such legal
31 assistance out of the funds of the city. Whenever the mayor and city

1 council have by ordinance so authorized, the board of public works shall
2 have the right to pay the city attorney additional compensation for legal
3 services performed by him or her for it or to employ additional legal
4 assistance other than the city attorney and pay such legal assistance out
5 of funds disbursed under the orders of the board of public works.

6 Sec. 62. Section 16-320, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 16-320 The city engineer shall make a record of the minutes of his
9 or her surveys and of all work done for the city, including sewers,
10 extension of water systems ~~system~~ and heating systems ~~system~~, electric
11 light and sewerage systems, ~~system~~ and power plants ~~plant~~, and accurately
12 make such plats, sections, profiles, and maps as may be necessary in the
13 prosecution of any public work, which shall be public records and belong
14 to the city and be turned over to his or her successor.

15 Sec. 63. Section 16-321, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 16-321 (1) The city engineer shall, when requested by the mayor or
18 city council, make estimates of the cost of labor and material which may
19 be done or furnished by contract with the city and make all surveys,
20 estimates, and calculations necessary to be made for the establishment of
21 grades, the building of culverts, sewers, electric light systems ~~system~~,
22 waterworks, power plants ~~plant~~, public heating systems ~~system~~, bridges,
23 curbing, and gutters, the improvement of streets, and the erection and
24 repair of buildings and shall perform such other duties as the city
25 council may require. When the city has appointed a board of public works,
26 and the mayor and city council have by ordinance so authorized, such
27 board may utilize its own engineering staff and may hire consulting
28 engineers for the design and installation of extensions and improvements
29 of the works under the jurisdiction of the board of public works.
30 Whenever the mayor and city council have authorized the same, the board
31 of public works may purchase material and employ labor for the

1 enlargement or improvement of the systems and works under the
2 jurisdiction of the board.

3 (2) Except as provided in section 18-412.01, no contract for
4 enlargement or general improvements, such as water extensions, sewers,
5 public heating systems ~~system~~, bridges, work on streets, or any other
6 work or improvement when the cost of such improvement is assessed to the
7 property, costing over thirty thousand dollars shall be made unless it is
8 first approved by the city council.

9 (3) Except as provided in section 18-412.01, before the city council
10 makes any contract in excess of thirty thousand dollars for enlargement
11 or general improvements, such as water extensions, sewers, public heating
12 systems ~~system~~, bridges, work on streets, or any other work or
13 improvement when the cost of such enlargement or improvement is assessed
14 to the property, an estimate of the cost shall be made by the city
15 engineer and submitted to the city council. In advertising for bids as
16 provided in subsections (4) and (6) of this section, the city council may
17 publish the amount of the estimate.

18 (4) Advertisements for bids shall be required for any contract
19 costing over thirty thousand dollars entered into (a) for enlargement or
20 general improvements, such as water extensions, sewers, public heating
21 systems ~~system~~, bridges, work on streets, or any other work or
22 improvement when the cost of such enlargement or improvement is assessed
23 to the property, or (b) for the purchase of equipment used in the
24 construction of such enlargement or general improvements.

25 (5) A municipal electric utility may enter into a contract for the
26 enlargement or improvement of the electric system or for the purchase of
27 equipment used for such enlargement or improvement without advertising
28 for bids if the price is: (a) Thirty thousand dollars or less; (b) sixty
29 thousand dollars or less and the municipal electric utility has gross
30 annual revenue from retail sales in excess of one million dollars; (c)
31 ninety thousand dollars or less and the municipal electric utility has

1 gross annual revenue from retail sales in excess of five million dollars;
2 or (d) one hundred twenty thousand dollars or less and the municipal
3 electric utility has gross annual revenue from retail sales in excess of
4 ten million dollars.

5 (6) The advertisement provided for in subsections (3) and (4) of
6 this section shall be published at least seven days prior to the bid
7 closing in a legal newspaper ~~published~~ in or of general circulation in
8 the city. In case of a public emergency resulting from infectious or
9 contagious diseases, destructive windstorms, floods, snow, war, or an
10 exigency or pressing necessity or unforeseen need calling for immediate
11 action or remedy to prevent a serious loss of, or serious injury or
12 damage to, life, health, or property, estimates of costs and advertising
13 for bids may be waived in the emergency ordinance authorized by section
14 16-405 when adopted by a three-fourths vote of the city council and
15 entered of record.

16 (7) If, after advertising for bids as provided in subsections (3),
17 (4), and (6) of this section, the city council receives fewer than two
18 bids on a contract or if the bids received by the city council contain a
19 price which exceeds the estimated cost, the mayor and the city council
20 may negotiate a contract in an attempt to complete the proposed
21 enlargement or general improvements at a cost commensurate with the
22 estimate given.

23 (8) If the materials are of such a nature that, in the opinion of
24 the manufacturer and with the concurrence of the city council or board of
25 public works, no cost can be estimated until the materials have been
26 manufactured or assembled to the specific qualifications of the city
27 ~~purchasing municipality~~, the city council or board of public works may
28 authorize the manufacture and assemblage of such materials and may
29 thereafter approve the estimated cost expenditure when it is provided by
30 the manufacturer.

31 Sec. 64. Section 16-322, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 16-322 The mayor and city council may, whenever they deem it
3 expedient, employ a special engineer to make or assist in making any
4 particular estimate or survey, ~~and~~ and any estimate or survey made by such
5 special engineer shall have the same validity and serve in all respects
6 as though the same had been made by the city engineer.

7 Sec. 65. Section 16-323, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 16-323 The chief of police shall have the immediate superintendence
10 of the police. He or she and the police officers shall have the power and
11 the duty to arrest all offenders against the laws of the state or of the
12 city, by day or by night, in the same manner as a county sheriff and to
13 keep such offenders in the city prison or other place to prevent their
14 escape until a trial or examination may be had before the proper officer.
15 The chief of police and police officers shall have the same power as the
16 county sheriff in relation to all criminal matters arising out of a
17 violation of a city ordinance and all process issued by the county court
18 in connection with a violation of a city ordinance.

19 Sec. 66. Section 16-324, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 16-324 The street commissioner shall be subject to the orders of the
22 mayor and city council by resolution, have general charge, direction, ~~and~~
23 control of all work in the streets, sidewalks, culverts, ~~and~~ and bridges of
24 the city, except matters in charge of the board of public works, and
25 shall perform such other duties as the city council may require.

26 Sec. 67. Section 16-325, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 16-325 (1) There may be in each city of the first class a board of
29 public works which shall consist of three members, each having a three-
30 year term of office, or five members, each having a five-year term of
31 office, the number to be set by ordinance, which members shall be

1 residents of such city and be appointed by the mayor ~~by and~~ with the
2 assent of the city council. When such board is first established, one
3 member shall be appointed for a term of one year, one for two years, and
4 one for three years and, in the case of a five-member board, an
5 additional member shall be so appointed for four years and another for
6 five years. Thereafter, as their terms expire, all members shall be
7 appointed for a full term of three or five years as the case may be. The
8 mayor, ~~by and~~ with the assent of the city council, shall designate one of
9 the members of such board to be the chairperson thereof.

10 (2) Each of the members of the board of public works shall, before
11 entering upon the discharge of his or her duties, take an oath to
12 discharge faithfully the duties of the office.

13 (3) It shall be the duty of the board of public works to (a) make
14 contracts on behalf of the city for the performance of all such work and
15 erection of all such improvements in the manner provided in section
16 16-321, (b) superintend the performance of all such work and the erection
17 of all such improvements, (c) approve the estimates of the city engineer,
18 which may be made from time to time, of the value of the work as the same
19 may progress, (d) accept any work done or improvements made when the same
20 shall be fully completed according to contract, subject to the approval
21 of the mayor and city council, and (e) perform such other duties as may
22 be conferred upon such board by ordinance.

23 (4) Any member of the board of public works may at any time be
24 removed from office by the mayor and a majority of the city council, and
25 the proceedings in regard thereto shall be entered in the journal of the
26 city council.

27 Sec. 68. Section 16-326, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 16-326 The salary emoluments of any elective officer shall not be
30 increased or diminished during the term for which he or she was elected,
31 except that when there are officers elected to the city council, or to a

1 board or commission having more than one member and the terms of one or
2 more members commence and end at different times, the compensation of all
3 members of such city council, board, or commission may be increased or
4 diminished at the beginning of the full term of any member thereof. No
5 person who shall have resigned or vacated any office shall be eligible to
6 the same during the time for which he or she was elected when, during the
7 same time, the salary has emoluments have been increased.

8 Sec. 69. Section 16-327, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 16-327 The mayor or city council shall have power, when he, she, or
11 it deems they deem it necessary, to require any officer of the city to
12 exhibit his or her accounts or other papers and make reports to the city
13 council, in writing, touching any subject or matter it they may require
14 pertaining to the office.

15 Sec. 70. Section 16-401, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 16-401 Regular meetings of the city council shall be held at such
18 times as may be fixed by ordinance and special meetings whenever called
19 by the mayor or any four city council members. A majority of all the
20 members elected to the city council shall constitute a quorum for the
21 transaction of any business, except as otherwise required by law, but a
22 less number may adjourn, from time to time, and compel the attendance of
23 absent members. An affirmative vote of not less than one-half of the
24 elected members shall be required for the transaction of any business.

25 Sec. 71. Section 16-402, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 16-402 The city council shall elect one of the city council members
28 as president of the city council, and he or she shall preside at all
29 meetings of the city council in the absence of the mayor. In the absence
30 of the president, the city council members shall elect one of their own
31 body to occupy the place temporarily, who shall be styled acting

1 president of the city council. The president and acting president, when
2 occupying the place of mayor, shall have the same privileges as other
3 members of the city council, and all acts of the president or acting
4 president while so acting shall be as binding upon the city council and
5 upon the city as if done by the mayor.

6 Sec. 72. Section 16-403, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 16-403 All ordinances shall be passed pursuant to such rules and
9 regulations as the city council may provide, and all such ordinances may
10 be proved by the certificate of the city clerk under the seal of the
11 city. When printed or published in book or pamphlet form and purporting
12 to be published by authority of the city, such ordinances shall be read
13 and received in evidence in all courts and places without further proof.
14 The passage, approval, and publication or posting of such said ordinance
15 shall be sufficiently proved by a certificate under the seal of the city,
16 from the city clerk thereof, showing that such ordinance was passed and
17 approved, and when and in what paper the same was published, and when and
18 by whom and where the same was posted. When ordinances are published in
19 book or pamphlet form, purporting to be published by authority of the
20 city council, the same need not be otherwise published; and such book or
21 pamphlet shall be received as evidence of the passage and legal
22 publication of such ordinances, as of the dates mentioned in such book or
23 pamphlet, in all courts without further proof.

24 Sec. 73. Section 16-404, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 16-404 (1) All ordinances and resolutions or orders for the
27 appropriation or payment of money shall require for their passage or
28 adoption the concurrence of a majority of all members elected to the city
29 council. The mayor may vote on any such matter when his or her vote will
30 provide the additional vote required to create a number of votes equal to
31 a majority of the number of members elected to the city council, and the

1 mayor shall, for the purpose of such vote, be deemed to be a member of
2 the city council.

3 (2) Ordinances of a general or permanent nature shall be read by
4 title on three different days unless three-fourths of the city council
5 members vote to suspend this requirement, except that in a city having a
6 commission form of government such requirement may be suspended by a
7 three-fifths majority vote. Regardless of the form of government, such
8 requirement shall not be suspended for any ordinance for the annexation
9 of territory. In case such requirement is suspended, the ordinances shall
10 be read by title or number and then moved for final passage. Three-
11 fourths of the city council members may require a reading of any such
12 ordinance in full before enactment under either procedure set out in this
13 section, except that in a city having a commission form of government,
14 such reading may be required by a three-fifths majority vote.

15 (3) Ordinances shall contain no subject which is not clearly
16 expressed in the title, and, except as provided in section 19-915, no
17 ordinance or section thereof shall be revised or amended unless the new
18 ordinance contains the entire ordinance or section as revised or amended
19 and the ordinance or section so amended is repealed, except that:

20 (a) For an ordinance revising all the ordinances of the city, the
21 only title necessary shall be An ordinance of the city of,
22 revising all the ordinances of the city. Under such title all the
23 ordinances may be revised in sections and chapters or otherwise, may be
24 corrected, added to, and any part suppressed, and may be repealed with or
25 without a saving clause as to the whole or any part without other title;
26 and

27 (b) For an ordinance used solely to revise ordinances or code
28 sections or to enact new ordinances or code sections in order to adopt
29 statutory changes made by the Legislature which are specific and
30 mandatory and bring the ordinances or code sections into conformance with
31 state law, the title need only state that the ordinance revises those

1 ordinances or code sections affected by or enacts ordinances or code
2 sections generated by legislative changes. Under such title, all such
3 ordinances or code sections may be revised, repealed, or enacted in
4 sections and chapters or otherwise by a single ordinance without other
5 title.

6 Sec. 74. Section 16-405, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 16-405 The style of ordinances shall be: "Be it ordained by the
9 mayor and city council of the city of, " and all
10 ordinances of a general nature shall, within fifteen days after they are
11 passed, be published in a legal ~~some~~ newspaper in or of general
12 circulation ~~published~~ within the city, or in pamphlet form, to be
13 distributed or sold, as may be provided by ordinance. Every ~~;~~ ~~and every~~
14 ordinance fixing a penalty or forfeiture for its violation shall, before
15 the ordinance ~~same~~ takes effect, be published for at least one week in
16 the ~~some~~ manner ~~above~~ prescribed in this section. ~~In~~ ~~;~~ ~~Provided,~~ ~~in~~ cases
17 of riots, infectious diseases, or other impending danger, or any other
18 emergency requiring its immediate operation, such ordinance shall take
19 effect upon the proclamation of the mayor immediately upon its first
20 publication as ~~above~~ provided in this section.

21 Sec. 75. Section 16-406, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 16-406 The city council or any committee of the members thereof
24 shall have power to compel the attendance of witnesses for the
25 investigation of matters that may come before them. The president or
26 acting president ~~;~~ ~~and the presiding officer~~ of the city council, or
27 chairperson ~~chairman~~ of such committee for the time being, may administer
28 such requisite oaths. Such city ~~;~~ ~~and such~~ council or committee shall
29 have the same authority to compel the giving of testimony as is conferred
30 on courts of justice.

31 Sec. 76. Section 16-501, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 16-501 No contract shall be made by the city council or any
3 committee or member thereof and no expense shall be incurred by any of
4 the officers or departments of the city corporation, whether the object
5 of the expenditure shall have been ordered by the city council or not,
6 unless an appropriation shall have been previously made concerning such
7 expense, except as ~~herein~~ otherwise expressly provided by law.

8 Sec. 77. Section 16-502, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 16-502 No officer shall receive any pay or perquisites from the city
11 other than his or her salary, as provided by ordinance and the law
12 relating to cities of the first class, and the city council shall not pay
13 or appropriate any money or any valuable thing to any person not an
14 officer for the performance of any act, service, or duty, the doing or
15 performance of which shall come within the proper scope of the duties of
16 any officer of such city corporation, unless the money or valuable thing
17 ~~same~~ is specifically appropriated and ordered by a vote of three-fourths
18 of all the members elected to the city council.

19 Sec. 78. Section 16-503, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 16-503 On the passage or adoption of every resolution or order to
22 enter into a contract, or accepting of work done under contract, by the
23 mayor or city council, the yeas and nays shall be called and entered upon
24 the record. To pass or adopt any bylaw or ordinance or any such
25 resolution or order, a concurrence of a majority of the whole number of
26 the members elected to the city council shall be required. The mayor may
27 vote on any such matter when his or her vote will provide the additional
28 vote required to create a number of votes equal to a majority of the
29 number of members elected to the city council, and the mayor shall, for
30 the purpose of such vote, be deemed to be a member of the city council.
31 The requirements of a roll call or viva voce vote shall be satisfied by a

1 city which utilizes an electronic voting device which allows the yeas and
2 nays of each city council member to be readily seen by the public.

3 Sec. 79. Section 16-606, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 16-606 The city council may assess and levy the whole expense and
6 damage incurred in the creation of any street, avenue, or alley upon the
7 real property fronting upon the same and other property nearby that may
8 be benefited thereby in proportions according to benefits. Such
9 assessments and levy shall be made by resolution, at a regular meeting of
10 the city council, and notice of the time of such meeting and that such
11 assessments will be made thereat shall be published in a legal newspaper
12 in or of general circulation within the ~~in said~~ city ten days before such
13 meeting. Such special taxes shall be due and payable to the city
14 treasurer in thirty days after the assessment and levy. At the time of
15 the next certification to the county clerk for general revenue purposes,
16 such special assessment and levy, so far as not then paid, shall be
17 certified to the county clerk and be put upon the tax list and be
18 collected as other real estate taxes are collected, and paid over to the
19 city treasurer to reimburse the city. Such special taxes shall be a lien
20 on the property upon which assessed and levied from the assessment, and
21 shall bear interest at a rate not to exceed the rate of interest
22 specified in section 45-104.01, as such rate may from time to time be
23 adjusted by the Legislature, from the time due until paid. The
24 proceedings for widening streets shall be the same as herein provided for
25 creating new streets, and shall apply to the widening of streets, alleys,
26 and avenues.

27 Sec. 80. Section 16-607, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 16-607 (1) Payment of damages assessed for the appropriation of
30 private property for any of the ~~other~~ purposes provided ~~mentioned~~ in
31 section 19-709 but not provided for in section 16-606 may be made by the

1 sale of the negotiable bonds of the city, and for that purpose the mayor
2 and city council shall have power to borrow money and to pledge the
3 property and credit of the city upon its negotiable bonds or otherwise in
4 an amount not exceeding in the aggregate two hundred thousand dollars.

5 (2) No such bonds, referred to in subsection (1) of this section,
6 shall be issued by the city council until the question of issuing the
7 same shall have been submitted to the electors of the city at an election
8 called and held for that purpose, notice of which election shall have
9 been given by publication once each week three successive weeks prior
10 thereto in a ~~some~~ legal newspaper ~~published~~ in or of general circulation
11 in such city, and a majority of the electors voting on the proposition
12 shall have voted in favor of issuing such bonds. The proposition shall
13 not be submitted until after the appraisers referred to in section 76-710
14 have made their report fixing the amount of the damages for the property
15 appropriated. If the proposition fails to carry, it shall be equivalent
16 to a repeal of the ordinance authorizing the appropriation proceedings,
17 and the city shall not be bound in any way on account of the
18 appropriation proceedings referred to in section 19-709.

19 (3) When the bonds, referred to in subsections (1) and (2) of this
20 section, are for the purpose of purchasing any system or portion of a
21 system already in existence, it shall not be necessary for the city
22 engineer to make or the city council to adopt any plans or specifications
23 for the work already in existence, but only for proposed changes or
24 additional work.

25 Sec. 81. Section 16-609, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 16-609 The city council shall have power to open, control, name,
28 rename, extend, widen, narrow, vacate, grade, curb, gutter, park, and
29 pave or otherwise to improve and control and keep in good repair and
30 condition, in any manner it may deem proper, any street, avenue, or
31 alley, or public park or square, or part of either, within ~~or without~~ the

1 limits of the city or within its extraterritorial zoning jurisdiction,
2 and it may grade partially or to the established grade, or park or
3 otherwise improve any width or part of any such street, avenue, or alley.
4 When the city vacates all or any portion of a street, avenue, or alley,
5 or public park or square, or part of either, the city shall, within
6 thirty days after the effective date of the vacation, file a certified
7 copy of the vacating ordinance with the register of deeds for the county
8 in which the vacated property is located to be indexed against all
9 affected lots.

10 Sec. 82. Section 16-613, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 16-613 All public bridges within a such city of the first class,
13 exceeding sixty feet in length, and the approaches thereto, over any
14 stream crossing a county highway, shall be constructed and kept in repair
15 by the county. When any city of the first class has constructed or
16 repaired a bridge over sixty-foot span with approaches thereto, on any
17 county highway within its corporate limits, and has incurred a debt for
18 the same, then the treasurer of the county in which such said bridge is
19 located shall pay to the city treasurer ~~of the city~~ seventy-five percent
20 of all bridge taxes collected in such said city until such said debt and
21 interest upon the same are fully paid. The city council may appropriate a
22 sum not exceeding five dollars per linear foot to aid in the construction
23 of any county bridge within the limits of such city, or may appropriate a
24 like sum to aid in the construction of any bridge contiguous to such said
25 city on a highway leading to such bridge ~~the same~~.

26 Sec. 83. Section 16-615, Revised Statutes Supplement, 2015, is
27 amended to read:

28 16-615 (1) The mayor and city council may establish the grade of any
29 street, avenue, or alley in the city or within a county industrial area
30 as defined in section 13-1111 contiguous to such city. When the grade of
31 any street, avenue, or alley has been established, the grade of all or

1 any part shall not be changed unless the city clerk has sent notice of
2 the proposed change in grade to the owners of the lots or land abutting
3 upon the street, avenue, or alley or part of a street, avenue, or alley
4 where such change of grade is to be made. The notice shall be sent to the
5 addresses of the owners as they appear in the office of the register of
6 deeds upon the date of the mailing of the notice. The notice shall be
7 sent by regular United States mail, postage prepaid, postmarked at least
8 twenty-one days before the date upon which the city council takes final
9 action on approval of the ordinance authorizing the change in grade. The
10 notice shall inform the owner of the nature of the proposed change, that
11 final action by the city council is pending, and of the location where
12 additional information on the project may be obtained. Following the
13 adoption of an ordinance changing the grade of all or any part of a
14 street, avenue, or alley, no change in grade shall be made until the
15 damages to property owners which may be caused by such change of grade
16 are determined as provided in sections 76-704 to 76-724.

17 (2) For the purpose of paying the damages, if any, so awarded, the
18 mayor and city council may borrow money from any available fund in the
19 amount necessary, which amount, upon the collection of such amount by
20 special assessment, shall be transferred from such special fund to the
21 fund from which it has been borrowed. No street, avenue, or alley shall
22 be worked to such grade or change of grade until the damages so assessed
23 shall be tendered to such property owners or their agents. Before the
24 mayor and city council enter into any contract to grade any such street,
25 avenue, or alley, the damages, if any, sustained by the property owners,
26 shall be ascertained by condemnation proceedings. For the purpose of
27 paying the damages awarded and the costs of the condemnation proceedings,
28 the mayor and city council may levy a special assessment upon the lots
29 and lands abutting upon such street, avenue, or alley, or part thereof,
30 so graded, as adjudged by the mayor and city council to be especially
31 benefited in proportion to such benefits. Such assessment shall be

1 collected as other special assessments.

2 Sec. 84. Section 16-617, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 16-617 The mayor and city council of any city of the first class
5 shall have power to make improvements of any street, streets, alley,
6 alleys, or any part of any street, streets, alley or alleys, in the said
7 city, a street which divides the ~~city~~ corporate limits of the city area
8 and the area adjoining the city, or within a county industrial area as
9 defined in section 13-1111 contiguous to such city, and for that purpose
10 to create suitable improvement districts, which shall be consecutively
11 numbered, ~~÷~~ and such work shall be done under contract. Such districts
12 may include properties within the corporate limits, adjoining the
13 corporate limits, and within county industrial areas as defined in
14 section 13-1111 contiguous to such cities.

15 Sec. 85. Section 16-618, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 16-618 Any ~~paving district or other~~ improvement district shall
18 include only portions of different streets, or portions of ~~town~~ alleys,
19 or portions of each, which abut or adjoin so that such district, when
20 created, makes up one continuous or extended street or more, except that
21 the district may include a cul de sac, any street, alley, or portion
22 thereof which is closed at one end or which connects with only one other
23 existing street, alley, or portion thereof. Any ~~paving or other~~
24 improvement district may include portions of different streets, or
25 portions of different alleys, or portions of each, if provided they abut
26 or connect with each other, or if provided the several portions abut on
27 pavement or gravel already laid, or any other of ~~aforsaid~~ improvements
28 already laid.

29 Sec. 86. Section 16-619, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 16-619 The mayor and city council of any city of the first class

1 exercising authority to make improvements as provided under section
2 16-617 shall first, by ordinance, create an a paving, graveling or other
3 improvement district or districts. After The mayor and clerk shall, after
4 the passage, approval, and publication of such ordinance, the city clerk
5 shall publish notice of the creation of any such district or districts
6 one time each week for not less than twenty days in a legal daily or
7 weekly newspaper in or of general circulation published in the city.

8 Sec. 87. Section 16-620, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 16-620 If the owners of the record title representing more than
11 fifty percent of the front footage of the property abutting or adjoining
12 any continuous or extended street, cul de sac, or alley of an improvement
13 the district created pursuant to section 16-617, or portion thereof which
14 is closed at one end, and who were such owners at the time the ordinance
15 creating such ~~the~~ district was published, shall file with the city clerk,
16 within twenty days from the first publication of such said notice,
17 written objections to the improvement of a district, such said work shall
18 not be done in such said district under such said ordinance, but such
19 ~~said~~ ordinance shall be repealed. If objections are not filed against any
20 district in the time and manner provided in this section aforesaid, the
21 mayor and city council shall forthwith proceed to construct such
22 improvement.

23 Sec. 88. Section 16-621, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 16-621 In advertising for bids for paving, repaving, graveling, or
26 macadamizing, the mayor and city council may provide for bids on
27 different materials and types of construction, and shall in addition
28 provide for asking bids on any material or materials that may be
29 suggested by petition of owners of the record title representing twenty-
30 five percent of the abutting property owners in an improvement a
31 district, if such petition is filed with the city clerk before

1 advertisement for bids is ordered. On opening of bids for paving or
2 repaving in any such district, the mayor and city council shall postpone
3 action thereon for a period of not less than ten days. During such ~~said~~
4 period of postponement, the owners of the record title representing a
5 majority of the abutting property owners in a district may file with the
6 city clerk a petition for the use of a particular material for paving for
7 which a bid has been received, in which event a bid on that material
8 shall be accepted and the work shall be done with that material. The ;
9 ~~Provided, the above~~ regulations as to advertising for bids and opening of
10 bids and postponing of action thereon and the right of selection of
11 materials shall not apply in case of graveling. In case such owners fail
12 to designate the material they desire used in such paving or repaving, or
13 macadamizing, in the manner and within the time ~~above~~ provided in this
14 section, the mayor and city council shall determine ~~upon~~ the material to
15 be used. The ; ~~Provided, the mayor and city council may in any event, at~~
16 ~~their option,~~ reject all bids and readvertise if, in their judgment, the
17 public interest requires.

18 Sec. 89. Section 16-622, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 16-622 The cost of making ~~such~~ improvements of the streets and
21 alleys within any ~~street~~ improvement district created pursuant to section
22 16-619 shall be assessed upon the lots and lands in such districts
23 specially benefited thereby in proportion to such benefits. The amounts
24 thereof shall, except as provided in sections 19-2428 to 19-2431, be
25 determined by the mayor and city council under ~~the provisions of~~ section
26 16-615. The assessment of the special tax for the cost of such
27 improvements, except as provided in this section, shall be levied at one
28 time and shall become delinquent in equal annual installments over such
29 period of years, not to exceed twenty, as the mayor and city council may
30 determine at the time of making the levy, the first such installment to
31 become delinquent in fifty days after the date of such levy. Each

1 ~~installment of said installments~~, including those for graveling and the
2 construction and replacement of pedestrian walks, plazas, malls,
3 landscaping, lighting systems, and permanent facilities used in
4 connection therewith as ~~hereinafter provided in this section~~, except the
5 first, shall draw interest at a rate established by the mayor and city
6 council not exceeding the rate of interest specified in section
7 45-104.01, as such rate may from time to time be adjusted by the
8 Legislature, from the time of levy until the levy becomes same ~~shall~~
9 ~~become~~ delinquent. After the levy becomes same ~~shall become~~ delinquent,
10 interest at the rate specified in section 45-104.01, as such rate may
11 from time to time be adjusted by the Legislature, shall be paid thereon.
12 Should there be three or more ~~of said~~ installments delinquent and unpaid
13 on the same property the mayor and city council may by resolution declare
14 all future installments on such delinquent property to be due on a future
15 fixed date. The resolution shall set forth the description of the
16 property and the names of its record title owners and shall provide that
17 all future installments shall become delinquent upon the date fixed. A
18 copy of such resolution shall be published one time each week for not
19 less than twenty days in a legal newspaper in or of general circulation
20 ~~published~~ in the city and after the fixed date such future installments
21 shall be deemed to be delinquent and the city may proceed to enforce and
22 collect the total amount due and all future installments. For ~~As to~~
23 assessments for graveling alone and without guttering or curbing, one-
24 third of the total amount assessed against each lot or parcel of land
25 shall become delinquent in fifty days after the date of the levy of the
26 same, one-third in one year, and one-third in two years.

27 Sec. 90. Section 16-623, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 16-623 For the purpose of paying the cost of improving the streets,
30 avenues, or alleys in an improvement any such district created pursuant
31 to section 16-619, exclusive of intersections of streets or avenues, or

1 spaces opposite alleys therein, the mayor and city council shall have
2 power and may, by ordinance, cause to be issued bonds of the city, to be
3 called Street Improvement Bonds of District No., payable in not
4 exceeding twenty years from date, and bearing interest, payable either
5 annually or semiannually, with interest coupons attached. In such cases
6 they shall also provide that ~~the said~~ special taxes and assessments shall
7 constitute a sinking fund for the payment of ~~the said~~ bonds. ~~The ;~~
8 ~~Provided,~~ the entire cost of improving any such street, avenue, or alley,
9 properly chargeable to any lot or land within any such improvement
10 district according to the front footage thereof, may be paid by the
11 owners of such lots or lands within fifty days from the levying of such
12 special taxes, and thereupon such lot or lands shall be exempt from any
13 lien or charge therefor.

14 Sec. 91. Section 16-624, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 16-624 Whenever the owners of lots or lands abutting upon any
17 street, avenue, or alley within the city, representing three-fourths of
18 the front footage thereon, so that an improvement ~~such~~ district when
19 created will make up one continuous or extended thoroughfare or more,
20 shall petition the mayor and city council to make improvement of such
21 street, avenue, or alley without cost to the city, and to assess the
22 entire cost of any such improvements in any such street, avenue, or
23 alley, including intersections of streets or avenues and spaces opposite
24 alleys, against the private property within such improvement district or
25 districts, it shall be the duty of the mayor and city council to create
26 the proper improvement district or districts, which shall be
27 consecutively numbered, and to improve the same and to proceed in the
28 same manner and form as ~~hereinbefore~~ provided for in other ~~paving and~~
29 ~~improvement districts.~~ ~~The ;~~ ~~Provided,~~ the mayor and city council shall
30 have power to levy the entire cost of such improvements of any such
31 street, avenue, or alley, including intersections of streets or avenues

1 and spaces opposite alleys, against the private property within such
2 district, and to issue Street Improvement Bonds of District No. to
3 pay for such improvements in the same manner and form as ~~hereinbefore~~
4 provided for in other improvement bonds. Such bonds shall be issued to
5 cover the entire cost of so improving such streets or avenues,
6 intersections of the same, and spaces opposite alleys. If the assessments
7 ~~hereinbefore~~ provided for, or any part thereof, shall fail, or for any
8 reason shall be invalid, the mayor and city council may make other and
9 further assessments upon such lots or lands as may be required to collect
10 from the same the cost of any improvements properly chargeable thereto,
11 as ~~herein~~ provided in this section. The mayor and city council shall have
12 the discretion to deny the formation of the proposed district when the
13 area to be improved has not previously been improved with a water system,
14 sewer system, and grading of streets. If the mayor and city council
15 should deny a requested improvement district formation, they shall state
16 their grounds for such denial in a written letter to interested parties.

17 Sec. 92. Section 16-625, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 16-625 The cost of improving the intersections of streets or avenues
20 and spaces opposite alleys in an improvement ~~such~~ district, except as
21 ~~hereinbefore~~ specially provided in sections 16-609 to 16-624, shall be
22 paid by the city as provided in sections 16-625 to 16-628. Nothing in
23 sections 16-617 to 16-650 as hereinafter provided; but nothing herein
24 ~~contained~~ shall be construed to exempt any street or other railway
25 company from improving, with such material as the mayor and city council
26 may order, its whole right-of-way including all space between and one
27 foot beyond the outer rails, at its own cost, whenever any street or
28 avenue shall be ordered improved by the mayor and city council ~~of the~~
29 ~~city~~ as provided by law. No ; ~~Provided, no~~ street or other railway
30 company shall enter upon or occupy any paved street or avenue, within
31 five years after such paving shall have been completed, until it shall

1 pay into the city treasury the original cost of paving between and one
2 foot beyond the outer rails, which sum shall be credited on the special
3 assessment upon the abutted lots. If ~~;~~ ~~and~~ ~~if~~ the special assessment
4 shall have been paid, then the money shall be paid, by warrant, to the
5 party who has already paid such special assessment.

6 Sec. 93. Section 16-626, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 16-626 For all improvements of the intersections and areas formed by
9 the crossing of streets, avenues, or alleys, and one-half of the streets
10 adjacent to real estate owned by the United States, the State of
11 Nebraska, or the city, the assessment shall be made upon all the taxable
12 property of the city, ; ~~and~~ for the payment of such improvements, the
13 mayor and city council ~~or the city commissioners~~ are hereby authorized to
14 issue improvement bonds of the city in such denominations as they deem
15 proper, to be called Intersection Improvement Bonds, payable in not to
16 exceed twenty years from date of the ~~said~~ bonds and to bear interest
17 payable annually or semiannually. Such bonds shall not be issued in
18 excess of the cost of such ~~said~~ improvements. For the purpose of making
19 partial payments as the work progresses in making the improvements of
20 streets, avenues, alleys, or intersections and areas formed by the
21 crossing of streets, avenues, or alleys, or one-half of the streets
22 adjacent to real estate owned by the United States, the State of
23 Nebraska, or the city, warrants may be issued by the mayor and city
24 council upon certificates of the engineer in charge showing the amount of
25 the work completed and materials necessarily purchased and delivered for
26 the orderly and proper continuation of the project, in a sum not
27 exceeding ninety-five percent of the cost thereof, and upon completion
28 and acceptance of the work issue a final warrant for the balance of the
29 amount due the contractor, which warrants shall be redeemed and paid upon
30 the sale of bonds authorized by law. The city shall pay to the contractor
31 interest at the rate of eight percent per annum on the amounts due on

1 partial and final payments beginning forty-five days after the
2 certification of the amounts due by the engineer in charge and approval
3 by the city council ~~governing body~~, and running until the date that the
4 warrant is tendered to the contractor. Nothing in this section ~~herein~~
5 shall be construed as authorizing the mayor and city council to make
6 improvements of any intersections or areas formed by the crossing of
7 streets, avenues, or alleys, unless in connection with one or more blocks
8 of any of aforesaid kinds or forms of street improvement of which the
9 improvement of such intersection or areas shall form a part.

10 Sec. 94. Section 16-627, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 16-627 The cost and expense of improving, constructing, or repairing
13 streets, avenues, alleys, and sidewalks, at their intersections, may be
14 included in the special tax levied for the construction or improvement of
15 any one street, avenue, alley, or sidewalk, as may be deemed best by the
16 city council.

17 Sec. 95. Section 16-628, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 16-628 Special ~~Such special~~ taxes as provided in section 16-627
20 shall be due and may be collected as the improvements are completed in
21 front of or along or upon any block or piece of ground, or at the time
22 the improvement is entirely completed or otherwise, as shall be provided
23 in the ordinance levying the tax.

24 Sec. 96. Section 16-630, Revised Statutes Supplement, 2015, is
25 amended to read:

26 16-630 If curbing, or curbing and guttering, is done upon any
27 street, avenue, or alley in any improvement paving, repaving, graveling,
28 ~~or macadamizing~~ district in which paving or other such improvement has
29 been ordered, and the mayor and city council shall deem it expedient to
30 do so, the mayor and city council may, for the purpose of paying the cost
31 of such curbing, or curbing and guttering, ~~to~~ cause to be issued bonds of

1 the city, to be called Curbing and Guttering Bonds of Improvement Paving
2 District No., payable in not exceeding ten years from date, bearing
3 interest, payable annually or semiannually, with interest coupons
4 attached. In all cases the mayor and city council shall assess at one
5 time as a special assessment the total cost of such curbing, or curbing
6 and guttering, upon the property abutting or adjacent to the portion of
7 the street, avenue, or alley so improved, according to the special
8 benefits. Such special assessments shall become delinquent the same as
9 the special assessments for paving, repaving, graveling, or macadamizing
10 purposes, draw the same rate of interest, be subject to the same
11 penalties, and may be paid in the same manner, as special assessments for
12 such purpose. The special assessment shall constitute a sinking fund for
13 the payment of such bonds and interest, and the bonds shall not be sold
14 for less than their par value.

15 Sec. 97. Section 16-631, Revised Statutes Supplement, 2015, is
16 amended to read:

17 16-631 If an improvement district has been established, an
18 improvement thereon constructed, and curbing, or curbing and guttering,
19 is therewith constructed and it becomes necessary to issue and sell
20 street improvement bonds to pay for the cost of construction of the
21 improvement and the curbing, or curbing and guttering, the mayor and city
22 council may, at their discretion, ~~if they deem it advisable,~~ include the
23 cost of curbing, or curbing and guttering, with the cost of ~~the~~ other
24 improvements ~~improvement~~ in the ~~paving or other~~ improvement district, and
25 issue bonds for the combined cost of the improvement and curbing, or
26 curbing and guttering, in any of the districts, naming the bonds Street
27 Improvement Bonds of District No. The amount of money
28 necessary for the payment of such bonds shall be levied upon and
29 collected from abutting and adjacent property and property specially
30 benefited as a special assessment.

31 Sec. 98. Section 16-632, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 16-632 In order to defray the costs and expenses of such
3 improvements in any improvement district ~~or any of them~~, the mayor and
4 city council shall have power and authority to levy and collect special
5 taxes and assessments upon the lots and pieces of ground adjacent to or
6 abutting upon the street, avenue, alley, or sidewalk, thus in whole or in
7 part improved or repaired or which may be specially benefited by such
8 improvements. The ; ~~Provided, the above provisions in this section shall~~
9 not apply to ordinary repairs of streets or alleys, and the cost of such
10 repairs ~~repair~~ shall be paid out of the road fund. The ; ~~and the mayor~~
11 and city council are authorized to draw warrants against such said fund
12 not to exceed eighty-five percent of the amount levied as soon as levy
13 shall be made by the county board.

14 Sec. 99. Section 16-633, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 16-633 If, in any city of the first class, there shall be any real
17 estate belonging to any county, school district, city, village, ~~municipal~~
18 or other political subdivision ~~quasi-municipal corporation~~ abutting upon
19 the street, avenue, or alley whereon paving or other ~~special~~ improvements
20 have been ordered, it shall be the duty of the governing body of the
21 political subdivision ~~county board, board of education or other proper~~
22 ~~officers~~ to pay such special taxes. In ; ~~and, in~~ the event of the neglect
23 or refusal of such governing body ~~board or other officers~~ to pay such
24 taxes, or to levy and collect the taxes necessary to pay for such
25 improvements, the city may recover the amount of such special taxes in a
26 proper action. The judgment thus obtained may be enforced in the usual
27 manner, and the signatures of such political subdivisions ~~corporations~~ to
28 all petitions shall have like force and effect as that of other property
29 owners.

30 Sec. 100. Section 16-634, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 16-634 If, in any city of the first class, there shall be any real
2 estate of any minor or protected person, the guardian or conservator of
3 such minor or protected person may sign any petition ~~herein~~ referred to
4 by law, and such signature shall have like force and effect as that of
5 other property owners.

6 Sec. 101. Section 16-635, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 16-635 (1) For purposes of sections 16-617 to 16-650:

9 (a) Lot means ~~The word lot as used herein shall be taken to mean~~
10 lot as described and designated upon the record plat of any ~~such city of~~
11 the first class, or within a county industrial area as defined in section
12 13-1111 contiguous to such city. ~~If ; and in case~~ there is no recorded
13 plat of any such city or county industrial area, lot means it shall mean
14 a lot as described and designated upon any generally recognized map of
15 any such city or county industrial area; and

16 (b) Land means ~~. The word land shall mean~~ any subdivided or
17 unplatted real estate in such city or county industrial area.

18 (2) If ; Provided, if the lots and real estate abutting upon that
19 part of the street ordered improved, as shown upon any recorded plat or
20 map, are not of uniform depth, or, if for any reason, it shall appear
21 just and proper to the mayor and city council, they are authorized and
22 empowered to determine and establish the depth to which such real estate
23 shall be charged and assessed with the costs of the improvements
24 ~~improvement~~, which shall be determined and established according to the
25 benefits accruing to the property by reason of such improvements. Real
26 estate may be so charged and assessed to a greater depth than lots as
27 shown on any such plat or map.

28 Sec. 102. Section 16-636, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 16-636 The mayor and city council may, in their discretion, include
31 all the real estate to be charged and assessed with the cost of such

1 improvements in the improvement districts described in sections 16-617 to
2 16-635 ~~hereinbefore provided for,~~ but are not required to do so. The ;
3 ~~and the~~ mayor and city council may, in their discretion, in determining
4 whether the requisite majority of owners who are ~~hereinbefore~~ authorized
5 in sections 16-617 to 16-635 to petition for improvements, and to object
6 to the improvements and to determine the kind of material to be used
7 therefor, have joined in such petition, determination, or objections,
8 consider and take into account all the owners of real estate to be
9 charged and assessed with the cost of any of such said improvements, or
10 only such as own lots, parts of lots, and real estate which, in fact,
11 abut upon the part of the street, avenue, or alley proposed to be so
12 improved. This ~~The provisions of this section,~~ in regard to the depth to
13 which real estate may be charged and assessed, shall apply to all special
14 taxes that may be levied by the mayor and city council in any such city
15 in proportion to the front footage.

16 Sec. 103. Section 16-637, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 16-637 Any party feeling aggrieved by any special tax or assessment,
19 or proceeding for improvements, may pay such ~~the said~~ special taxes
20 assessed and levied upon his, her, or its property, or such installments
21 thereof as may be due at any time before the special tax or assessment
22 ~~same~~ shall become delinquent, under protest, and with notice in writing
23 to the city treasurer that he, she, or it intends to sue to recover the
24 special tax or assessment ~~same~~, which notice shall particularly state the
25 alleged grievance and the ground for the grievance ~~thereof~~. Such party
26 shall have the right to bring a civil action within sixty days
27 ~~thereafter, and not later,~~ to recover so much of the special tax or
28 assessment paid as he, she, or it shows to be illegal, inequitable, and
29 unjust, the costs to follow the judgment or to be apportioned by the
30 court, as may seem proper, which remedy shall be exclusive. The city
31 treasurer shall promptly report all such notices to the city council for

1 such action as may be proper. No court shall entertain any complaint that
2 the party was authorized to make and did not make to the city council,
3 sitting as a board of equalization, nor any complaint not specified in
4 ~~such said~~ notice fully enough to advise the city of the exact nature
5 thereof, nor any complaint that does not go to the groundwork, equity,
6 and justness of such tax. The burden of proof to show such tax or part
7 thereof invalid, inequitable, and unjust shall rest upon the party who
8 brings the suit.

9 Sec. 104. Section 16-646, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 16-646 In every case of the levy of special taxes, the special taxes
12 ~~same~~ shall be a lien on the property on which levied from date of levy
13 and shall be due and payable to the city treasurer thirty days after such
14 levy when not otherwise provided. At ; ~~and, at~~ the time of the next
15 certification for general revenue purposes to the county clerk, if not
16 previously paid, the special taxes, except paving, repaving, graveling,
17 macadamizing, and curbing or curbing and guttering shall be certified to
18 the county clerk, ~~and by him be~~ placed upon the tax list, ~~and be~~
19 collected as other real estate taxes are collected, and ~~be~~ paid over to
20 the city treasurer. Paving ; ~~and paving,~~ repaving, graveling,
21 macadamizing, and curbing, or curbing and guttering taxes may be so
22 certified and collected by the county treasurer at the option of such
23 ~~said~~ city.

24 Sec. 105. Section 16-647, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 16-647 It shall be sufficient in any case to describe the lot or
27 piece of ground as it ~~the same~~ is platted and recorded although the lot
28 or piece of ground ~~same~~ belongs to several persons. If ; ~~but, in case~~ any
29 lot or piece of ground belongs to different persons, the owner of any
30 part thereof may pay his or her portion of the tax on such lot or piece
31 of ground, and his or her proper share may be determined by the city

1 treasurer.

2 Sec. 106. Section 16-649, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 16-649 All improvements of any streets, avenues, or alleys in the
5 city for which, or any part thereof, a special tax shall be levied, shall
6 be done by contract with the lowest responsible bidder to be determined
7 by the city council.

8 Sec. 107. Section 16-650, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 16-650 When any improvement is completed according to contract, it
11 shall be the duty of the city engineer to carefully inspect the
12 improvement same; and, if the improvement is found to be properly done,
13 such engineer shall accept the improvement same, and forthwith report his
14 or her acceptance thereof to the board of public works or mayor, who
15 shall report the same to the city council with recommendation that the
16 same be approved or disapproved. The ; and the city council may confirm
17 or reject such acceptance. When the ordinance levying the tax makes the
18 same due as the improvement is completed in front of or along any block
19 or piece of ground, the city engineer may accept the same in sections
20 from time to time, if found to be done according to the contract,
21 reporting his or her acceptance as in other cases.

22 Sec. 108. Section 16-651, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 16-651 Whenever the owners of lots and lands abutting upon any
25 street or alley, or part thereof, within the city, representing two-
26 thirds of the feet front abutting upon such part of street or alley
27 desired to be graded, shall petition the city council to grade such
28 street or alley, or part thereof, without cost to the city, the mayor and
29 city council shall order the grading done and assess the costs thereof
30 against the property abutting upon such street or alley or such part
31 thereof so graded. For this purpose the mayor and city council shall

1 create suitable grading districts, which shall be consecutively numbered.

2 Sec. 109. Section 16-653, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 16-653 For the purpose of paying the costs of grading the streets
5 and alleys in a grading ~~such~~ district, exclusive of the intersection of
6 streets and spaces opposite alleys therein, the mayor and city council
7 shall have power, and may, by ordinance, cause to be issued bonds of the
8 city, to be called District Grading Bonds of District No., payable
9 in not exceeding five years from date and to bear interest, payable
10 annually or semiannually, with interest coupons attached, and that as
11 nearly as possible an equal amount of the bonds shall be made to mature
12 each year, and in such case shall also provide that such special taxes
13 and assessments shall constitute a sinking fund for the payment of such
14 ~~said~~ bonds and interest. The ; ~~Provided,~~ the entire cost of grading any
15 such street or alley properly chargeable to any lots or lands within any
16 such grading district, according to feet front thereof, may be paid by
17 the owner of such lots or lands within fifty days from the levy of such
18 special taxes or assessments. Upon payment, such ; ~~and thereupon such~~ lot
19 or land shall be exempt from any lien or charge therefor.

20 Sec. 110. Section 16-654, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 16-654 Whenever the owner of lots and lands abutting upon any street
23 or avenue, alley, or lane, or part thereof, representing three-fourths of
24 the feet front abutting upon any such street, ~~or~~ avenue, alley, or lane,
25 or part thereof, shall petition the mayor and city council to grade the
26 street, avenue, alley, or lane same, including the intersections of
27 streets, avenues, or lanes and spaces opposite alleys and lanes, without
28 cost to the city, and to assess the entire cost of grading such street,
29 avenue, alley, or lane or part thereof, including the intersections of
30 streets, avenues, or lanes and spaces opposite alleys or lanes, against
31 the lots and lands abutting upon such street, avenue, alley, or lane, or

1 part thereof, so graded, thereupon the mayor and city council shall
2 create grading districts, make assessments, issue bonds, and proceed in
3 the same manner as in cases of grading ~~hereinbefore~~ provided in sections
4 16-651 and 16-653. Bonds ; ~~Provided,~~ bonds shall be issued to cover the
5 entire cost of grading both the streets, avenues, or alleys, and the
6 intersections of streets or avenues and spaces opposite alleys.

7 Sec. 111. Section 16-655, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 16-655 The aggregate amount of ~~such~~ bonds issued under sections
10 16-653 and 16-654 in any one year shall not exceed fifty thousand
11 dollars, and shall not be sold for less than their par value. If any
12 assessment or part thereof shall fail or for any reason be invalid, the
13 mayor and city council may make such further assessments upon such said
14 lots or lands, as may be required, and collect from the owners the cost
15 of any grading properly chargeable. ~~No thereto, as herein provided;~~
16 ~~Provided,~~ no street, avenue, alley, or lane shall be so graded until the
17 damages to property owners, if any, shall be ascertained by three
18 disinterested property owners freeholders to be appointed by the mayor
19 and city council and the proceedings to be the same in all respects as
20 provided in section 16-615 for cases of change of grade.

21 Sec. 112. Section 16-661, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 16-661 The mayor and city council may construct and repair, or cause
24 and compel the construction and repair, of sidewalks in such city of such
25 material and in such manner as they may deem necessary.

26 Sec. 113. Section 16-662, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 16-662 In case the owner or owners of any lot, lots, or lands
29 abutting on any street or avenue, or part thereof, shall fail to
30 construct or repair any sidewalk in front of his, her, or their lot,
31 lots, or lands within the time and in the manner as directed and

1 requested by the mayor and city council, after having received due notice
2 to do so, they shall be liable for all damages or injury occasioned by
3 reason of the defective or dangerous condition of any sidewalk, ~~and~~ and the
4 mayor and city council shall have power to cause such sidewalk to be
5 constructed or repaired and assess the cost thereof against such
6 property.

7 Sec. 114. Section 16-664, Revised Statutes Supplement, 2015, is
8 amended to read:

9 16-664 The mayor and city council may provide for the laying of
10 permanent sidewalks. Upon the petition of any property owner ~~freeholder~~
11 who desires to build such a permanent sidewalk, the mayor and city
12 council may order the sidewalk to be built, the cost of the sidewalk
13 until paid shall be a perpetual lien upon the real estate along which the
14 property owner ~~freeholder~~ desires such sidewalk to be constructed, and
15 the city council may assess and levy the costs of the sidewalk against
16 such real estate as a special assessment. The total cost of the building
17 of the permanent sidewalk shall be levied at one time upon the property
18 along which such permanent sidewalk is to be built, and become delinquent
19 as follows: One-seventh of the total cost shall become delinquent in ten
20 days after such levy; one-seventh in one year; one-seventh in two years;
21 one-seventh in three years; one-seventh in four years; one-seventh in
22 five years; and one-seventh in six years. Each of such installments,
23 except the first, shall draw interest at a rate of not exceeding the rate
24 of interest specified in section 45-104.01, as such rate may from time to
25 time be adjusted by the Legislature, from the time of the levy, until the
26 installment becomes delinquent. If the installment becomes delinquent,
27 interest at the rate specified in section 45-104.01, as such rate may
28 from time to time be adjusted by the Legislature, shall be paid thereon
29 as in the case of other special assessments. The city council shall pay
30 for the building of such permanent sidewalk out of the general fund. The
31 mayor and city council may pass an ordinance to carry into effect this

1 section.

2 Sec. 115. Section 16-665, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 16-665 The mayor and city council may provide for the laying of
5 permanent sidewalks and of temporary plank sidewalks upon the natural
6 surface of the ground without regard to the grade, on streets not
7 permanently improved, and provide for the assessment of the cost therein
8 on the property in front of which such sidewalks ~~the same~~ shall be laid.

9 Sec. 116. Section 16-666, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 16-666 Assessments made under sections 16-250 and 16-665 shall be
12 made and assessed in the following manner:

13 (1) Such assessments shall be made by the city council at any
14 meeting by a resolution fixing the costs of the construction or repair of
15 such work along the lot adjacent thereto as a special assessment thereon,
16 the amount charged against the same, which, with the vote thereon by yeas
17 and nays, shall be recorded in spread at length upon the minutes, ~~;~~ and
18 notice of the time of holding such meeting and the purpose for which it
19 is to be held shall be published in a legal ~~some~~ newspaper in or
20 ~~published and~~ of general circulation in the city at least ten days before
21 the same shall be held, or in lieu thereof, personal service may be had
22 upon persons owning or occupying property to be assessed;

23 (2) All such assessments shall be known as special assessments for
24 improvements, and with the cost of notice shall be levied and collected
25 as a special tax, in addition to the taxes for general revenue purposes,
26 subject to the same penalties and collected in like manner as other city
27 taxes, ~~;~~ but such special assessment shall draw interest at a rate not to
28 exceed the rate of interest specified in section 45-104.01, as such rate
29 may from time to time be adjusted by the Legislature, ~~;~~ and the same
30 shall be certified to the county clerk at the same time as the next
31 certification for general revenue purposes.

1 Sec. 117. Section 16-667, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 16-667 A city of the first class ~~The city~~ may, by ordinance, lay
4 off the city into suitable districts for the purpose of establishing one
5 or more systems ~~therein a system~~ of sewerage, and drainage, or ~~and~~ water
6 service; ~~to~~ provide such sewerage, drainage, and water systems and
7 regulate the construction, repair, and use of such systems ~~the same~~; ~~to~~
8 compel all proper connections therewith and branches from other streets,
9 avenues, and alleys, and from private property; and ~~to~~ provide a penalty
10 not to exceed one hundred dollars for any obstruction or injury to any
11 sewer, ~~or~~ drain, or water main or part thereof, or for failure to comply
12 with the regulations therefor prescribed.

13 Sec. 118. Section 16-667.01, Reissue Revised Statutes of Nebraska,
14 is amended to read:

15 16-667.01 Upon formation by city ordinance of sewerage, drainage,
16 and water service districts as described by section 16-667, the city
17 shall mail copies of such city ordinance and this section to the owners
18 of the record title of any property abutting upon the streets, avenues,
19 or alleys, or parts thereof, which are within such district within twenty
20 calendar days of the passage of the ordinance. The owners of the record
21 title representing more than fifty percent of the front footage of the
22 property abutting upon the streets, avenues, or alleys, or parts thereof
23 which are within such a proposed district may, by petition, stop
24 formation of such a district. Such written protest shall be submitted to
25 the city council or city clerk within thirty calendar days after
26 publication of notice concerning the ordinance in a legal newspaper in or
27 of general circulation in the city. Publication of such notice shall
28 follow within ten calendar days after passage of such an ordinance. The
29 mailing notice requirement of this section shall be satisfied by mailing
30 a copy of the ordinance and this section by United States mail to the
31 last-known address of the owners of the record title.

1 Sec. 119. Section 16-667.02, Reissue Revised Statutes of Nebraska,
2 is amended to read:

3 16-667.02 Upon formation of a district as provided in section
4 16-667.01, the mayor and city council may order sewer, drainage, or water
5 systems and mains to be laid and constructed in such district and the
6 costs, to the extent of the special benefit, assessed against the lots
7 and parcels of real estate in such district. The cost of sewer, drainage,
8 or water systems or mains in excess of collections from special
9 assessments under this section may be paid out of the sewer fund or water
10 fund, or, if money in such fund is insufficient, out of the general fund
11 of the city.

12 Sec. 120. Section 16-667.03, Reissue Revised Statutes of Nebraska,
13 is amended to read:

14 16-667.03 If, after ten days' notice by certified mail or
15 publication in a legal newspaper in or of general circulation in the
16 city, a property owner fails to make such connections and comply with
17 such regulations as the city council may order in accordance with section
18 16-667.02, the city council may order such connection be made, and assess
19 the cost thereof against the property so benefited.

20 Sec. 121. Section 16-669, Revised Statutes Supplement, 2015, is
21 amended to read:

22 16-669 (1) Except as provided in subsection (2) of this section,
23 special assessments for sewer, drainage, or water improvements in a
24 district created pursuant to section 16-667 shall be levied at one time
25 and shall become delinquent in equal annual installments over a period of
26 years equal to the number of years for which the bonds for such project
27 were issued pursuant to section 16-670. The first installment becomes
28 delinquent fifty days after the making of such levy. Each installment,
29 except the first, shall draw interest from the time of such levy until
30 such installment becomes delinquent. After an installment becomes
31 delinquent, interest at the rate specified in section 45-104.01, as such

1 rate may from time to time be adjusted by the Legislature, shall be paid
2 thereon until such installment is collected and paid. Such special
3 assessments shall be collected and enforced as in cases of other special
4 assessments and shall be a lien on such real estate from and after the
5 date of the levy thereof. If three or more installments are delinquent
6 and unpaid on the same property, the city council may by resolution
7 declare all future installments on such delinquent property to be due on
8 a future fixed date. The resolution shall set forth the description of
9 the property and the names of its record title owners and shall provide
10 that all future installments shall become delinquent upon the date fixed.
11 A copy of such resolution shall be published one time each week for not
12 less than twenty days in a legal newspaper in or of general circulation
13 ~~published~~ in the city and after the fixed date such future installments
14 shall be deemed to be delinquent and the city may proceed to enforce and
15 collect the total amount due and all future installments.

16 (2) If the city incurs no new indebtedness pursuant to section
17 16-670 for sewer or water improvements in a district, special assessments
18 for sewer or water improvements shall be levied at one time and shall
19 become delinquent in equal annual installments over such period of years
20 as the city council determines at the time of making the levy to be
21 reasonable and fair.

22 Sec. 122. Section 16-670, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 16-670 For the purpose of paying the cost of any ~~such~~ sewer,
25 drainage, or water improvements in any ~~such~~ district created pursuant to
26 section 16-667, the city council shall have the power and may by
27 ordinance cause bonds of the city to be issued called District Sewer
28 ~~(Water)~~ Bonds of District No., District Drainage Bonds of District
29 No., or District Water Bonds of District No., payable in not
30 exceeding twenty years from date and to bear interest payable annually or
31 semiannually with interest coupons attached. All special assessments

1 which may be levied upon properties specially benefited by such work or
2 improvements shall, when collected, be set aside and constitute a sinking
3 fund for the payment of the interest and principal of such bonds. The
4 cost of such sewer, drainage, or water improvements chargeable by special
5 assessment to the private property within such district may be paid by
6 the owners of such property within fifty days from the levy of such
7 special assessments, and thereupon such property shall be exempt from any
8 lien for the special assessment. Such bonds shall not be sold for less
9 than their par value and if any assessment or any part thereof fails or
10 for any reason is invalid, the city council may make such other and
11 further assessments on such lots or lands as may be required to collect
12 from the lots or lands the cost of any such sewer, drainage, or water
13 improvements properly chargeable to the lots or lands as provided in this
14 section. If such assessments or any part thereof fails or for any reason
15 is invalid, the city council may, without further notice, make such other
16 and further assessments on such lots or lands as may be required to
17 collect from the lots or lands the cost of such improvement properly
18 chargeable to the lots or lands as provided in this section. Nothing in
19 this section shall be construed to prevent a city from paying the cost of
20 sewer, drainage, or water improvements from revenue bonds as otherwise
21 provided by law. When revenue bonds are issued to pay the cost of sewer,
22 drainage, or water improvements, the city council may provide that the
23 collections from any related special assessment district shall be
24 allocated to the gross revenue of the appropriate utility system.

25 Sec. 123. Section 16-671, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 16-671 For the purpose of paying the cost of construction of such
28 sewer, drainage, ~~mains~~ or water systems or mains, or any or all of such
29 sewer, drainage, or water systems or mains ~~both~~, the mayor and city
30 council shall have power to issue warrants in amounts not to exceed the
31 total sum of the special assessments ~~above~~ provided for in section

1 ~~16-670~~, which ~~such said~~ warrants shall bear interest at such rate as the
2 mayor and city council shall order. When there are no funds immediately
3 available for the payment thereof, ~~such said~~ warrants shall be registered
4 in the manner provided for the registration of other warrants, and called
5 and paid whenever there are funds available for the purpose in the manner
6 provided for the calling and paying of other warrants. For the purpose of
7 paying ~~such said~~ warrants and the interest thereon from the time of their
8 registration until paid, the special assessments pursuant to section
9 ~~16-670 above provided for~~ shall be kept as they are paid and collected in
10 a fund to be designated and known as the Sewer and Water Extension Fund
11 into which all money levied for such improvements shall be paid as
12 collected, and out of which all warrants issued for such purposes shall
13 be paid.

14 Sec. 124. Section 16-672, Revised Statutes Supplement, 2015, is
15 amended to read:

16 16-672 Special assessments may be levied by the mayor and city
17 council for the purpose of paying the cost of constructing sewers,
18 drainage, or water systems or mains ~~drains~~ within the city. Such
19 assessment shall be levied on the real estate lying and being within the
20 sewerage, drainage, or water service district in which such improvements
21 ~~sewers or drains~~ may be situated to the extent of benefits to such
22 property by reason of such improvement. The benefits to such property
23 shall be determined by the city council sitting as a board of
24 equalization, after notice to property owners is provided as in other
25 cases of special assessment. If the city council, sitting as such board
26 of equalization, shall find such benefits to be equal and uniform, such
27 levy may be according to the front foot of the lots or real estate within
28 such sewerage district, according to such other rule as the city council
29 sitting as such board of equalization may adopt for the distribution or
30 adjustment of such cost upon the lots or real estate in such district
31 benefited by such improvement. All assessments made for sewerage, ~~or~~

1 drainage, or water purposes shall be collected as special assessments and
2 shall be subject to the same penalty as other special assessments. If
3 sewers, drainage, or water systems or mains are constructed and any
4 assessments to cover the costs thereof shall be declared void, or doubts
5 exist as to the validity of such assessment, the mayor and city council,
6 for the purpose of paying the cost of such improvement, may make a
7 reassessment of such costs on lots and real estate lying and being within
8 the ~~sewerage~~ district in which such improvements ~~sewer~~ may be situated,
9 to the extent of the benefits to such property by reason of such
10 improvements ~~improvement~~. Such reassessment shall be made substantially
11 in the manner provided for making original special assessments as
12 provided in this section. Any sums which may have been paid toward such
13 improvement upon any lots or real estate included in such assessment
14 shall be applied under the direction of the city council to the credit of
15 the persons and property on account of which the sums were paid. If the
16 credits exceed the sum reassessed against such persons and property, the
17 city council shall cause such excess, with lawful interest, to be
18 refunded to the party who made payment thereof. The sums so reassessed
19 and not paid under a prior special assessment shall be collected and
20 enforced in the same manner and be subject to the same penalty as other
21 special assessments.

22 Sec. 125. Section 16-672.01, Reissue Revised Statutes of Nebraska,
23 is amended to read:

24 16-672.01 Supplemental to any existing law on the subject, whenever
25 the mayor and city council of any city of the first class ~~in Nebraska,~~
26 shall deem it advisable or necessary to construct storm water sewers and
27 appurtenances in any section of the city and the extraterritorial zoning
28 jurisdiction of the city as established pursuant to section 16-901
29 ~~16-902~~, together with outlets for such storm water sewers or
30 appurtenances ~~the same~~, the advisability and necessity thereof shall be
31 declared in a proposed ordinance, which ~~ordinance~~ shall state the kinds

1 of pipe proposed to be used, and shall include ~~ement~~ concrete pipe and
2 vitrified clay pipe and any other material deemed suitable and shall
3 state the size or sizes and kinds of sewers proposed to be constructed
4 and shall designate the location and terminal points thereof. The
5 ordinance shall refer to the plans and specifications thereof which shall
6 have been made and filed with the city ~~municipal~~ clerk by the city
7 engineer before publication of such ordinance. ~~The~~ ~~Such~~ city engineer
8 shall also make and file, prior to the publication of such ordinance, an
9 estimate of the total cost of the proposed improvement, which shall be
10 stated in the ordinance. The mayor and city council shall have power to
11 assess, to the extent of special benefits, the cost of such portions of
12 the improvements as are local improvements, upon properties found
13 specifically benefited. ~~The~~ ~~thereby;~~ ~~and~~ the ordinance shall state the
14 outer boundaries of the district or districts in which it is proposed to
15 make special assessments.

16 Sec. 126. Section 16-672.02, Reissue Revised Statutes of Nebraska,
17 is amended to read:

18 16-672.02 Notice of the time when any ~~such~~ ordinance as provided in
19 section 16-672.01 shall be set for consideration before the mayor and
20 city council shall be given by at least two publications in a legal
21 newspaper ~~published in or the city, or published in the county in which~~
22 ~~said city is located~~ and of general circulation in such ~~said~~ city, which
23 publication shall state the entire wording of the ordinance. The last
24 publication shall be not less than five days nor more than two weeks
25 prior to the time set for the hearing of objections to the passage of any
26 such ordinance, at which hearing the owners of real property located in
27 such ~~said~~ improvement district and which might become subject to
28 assessment for the cost of the contemplated improvement may appear and
29 make objections to the improvement. Thereafter the ordinance may be
30 amended and passed or passed as proposed.

31 Sec. 127. Section 16-672.03, Reissue Revised Statutes of Nebraska,

1 is amended to read:

2 16-672.03 If a written protest signed by owners of the property
3 located in ~~an said~~ improvement district provided in section 16-672.01 and
4 representing a majority of the front footage which may become subject to
5 assessment for the cost of the improvement is ~~be~~ filed with the city
6 ~~municipal~~ clerk within three days before the date of the meeting for the
7 consideration of such ordinance, such ordinance shall not be passed.

8 Sec. 128. Section 16-672.04, Reissue Revised Statutes of Nebraska,
9 is amended to read:

10 16-672.04 Upon compliance with sections 16-672.01 to 16-672.03, the
11 mayor and city council may, by ordinance, order the making and
12 construction of the improvements provided for in section 16-672.01. To
13 adopt such ordinance, a majority of the whole number of members elected
14 to the city council shall be required. If ~~;~~ ~~Provided,~~ ~~that~~ ~~if~~ the vote is
15 ~~be~~ a tie, the mayor may vote to break such tie.

16 Sec. 129. Section 16-672.05, Reissue Revised Statutes of Nebraska,
17 is amended to read:

18 16-672.05 After ordering ~~any such~~ improvements as provided in
19 section 16-672.01, the mayor and city council may enter into a contract
20 for the construction of the improvements ~~same~~ in one or more contracts,
21 but no work shall be done or contract let, if the estimated cost of the
22 improvements, as determined by the city engineer, is in excess of two
23 thousand dollars, until notice to contractors has been published once
24 each week for three weeks in a legal newspaper ~~published in or of general~~
25 circulation in the city, ~~or if there be no newspaper published in said~~
26 ~~city, then in some newspaper of general circulation published in the~~
27 ~~county wherein such city is located.~~ The notice shall state the extent of
28 the work, and the kind of materials to be bid upon, including in such
29 notice all kinds of material mentioned in the ordinance specified in
30 section 16-672.01, and the time when bids will be received, and may set
31 forth the amount of the engineer's estimate of the cost of such

1 improvements. The work provided for in sections 16-672.01 to 16-672.11,
2 shall be done under a written contract with the lowest responsible bidder
3 on the material selected after the bids are opened and in accordance with
4 the requirements of the plans and specifications. The mayor and city
5 council may reject any or all bids received and advertise for new bids in
6 accordance with this section ~~herewith~~.

7 Sec. 130. Section 16-672.06, Reissue Revised Statutes of Nebraska,
8 is amended to read:

9 16-672.06 After the completion of ~~any such~~ work in the construction
10 of ~~said~~ public improvements as provided in section 16-672.05, the city
11 engineer shall file with the city ~~municipal~~ clerk a certificate of
12 acceptance, which acceptance shall be approved by the mayor and city
13 council by ordinance. The mayor and city council shall then require the
14 city engineer to make a complete statement of all the costs of such
15 improvement and a plat of the property in the storm water sewer district
16 and a schedule of the amount proposed to be assessed against each
17 separate parcel of real property in such district, which shall be filed
18 with the city ~~municipal~~ clerk within ten days from the date of the
19 acceptance of the work. The mayor and city council shall then order the
20 clerk to give notice that the ~~said~~ plat and schedules are on file in his
21 or her office and that all objections thereto, or to prior proceedings on
22 account of errors, irregularities, or inequalities, not made in writing
23 and filed with the city ~~municipal~~ clerk within twenty days after the
24 first publication of the ~~said~~ notice shall be deemed to have been waived.
25 Such notice shall be given by two publications in a legal newspaper
26 ~~published in or said city or if there be no newspaper published in said~~
27 ~~city then in some newspaper~~ of general circulation ~~published in the~~
28 ~~county wherein the city is located~~, and by notices posted in three
29 conspicuous places in such ~~said~~ storm water sewer district. Such ~~Said~~
30 notice shall state the time and place where objections, filed as ~~herein~~
31 provided in this section, shall be considered by the mayor and city

1 council.

2 Sec. 131. Section 16-672.07, Reissue Revised Statutes of Nebraska,
3 is amended to read:

4 16-672.07 The hearing on the proposed assessments shall be held by
5 the mayor and city council sitting as a board of adjustment and
6 equalization, at the time and place specified in such notice which shall
7 not be less than twenty days nor more than thirty days after the date of
8 the first publication, unless adjourned. Such session may be adjourned,
9 with provisions for proper notice of such adjournment. At such meeting,
10 the proposed assessment shall be adjusted and equalized with reference to
11 benefits resulting from the improvement and shall not exceed such
12 benefits. If ; ~~Provided,~~ if any special assessment is ~~be~~ payable in
13 installments, each installment shall draw interest payable annually or
14 semiannually from the date of levy until due. Any delinquent installments
15 shall draw interest at the rate specified in section 45-104.01, as such
16 rate may from time to time be adjusted by the Legislature, from the date
17 of delinquency until paid.

18 Sec. 132. Section 16-672.08, Reissue Revised Statutes of Nebraska,
19 is amended to read:

20 16-672.08 After the equalization of ~~such~~ special assessments as
21 ~~herein~~ required under section 16-672.07, the special assessments ~~same~~
22 shall be levied by the mayor and city council upon all lots or parcels of
23 real property within the storm water sewer district, specifically
24 benefited by reason of the said improvement. The special assessment ~~same~~
25 may be ~~releved~~ if, for any reason, the levy thereof is void or not
26 enforceable and in an amount not exceeding the previous levy. Such levy
27 shall be enforced as special assessments for street improvements are
28 enforced in cities of the first class, and any payments thereon, made
29 under previous levies, shall be credited to the property involved. All
30 assessments made for such purposes shall be collected in the same manner
31 as general taxes and shall be subject to the same penalties.

1 Sec. 133. Section 16-672.11, Reissue Revised Statutes of Nebraska,
2 is amended to read:

3 16-672.11 For the purpose of paying the cost of the public
4 improvements as provided in sections 16-672.01 to 16-672.11, the mayor
5 and city council of any ~~such~~ city of the first class, after such
6 improvements have been completed and accepted, shall have the power to
7 issue negotiable bonds of the ~~any such~~ city to be called storm water
8 sewer district bonds, payable in not exceeding twenty years and bearing
9 interest payable annually, which may either be sold by the city or
10 delivered to the contractor in payment for the work, but in either case
11 for not less than their par value. For the purpose of making partial
12 payments as the work progresses, warrants may be issued by the mayor and
13 city council upon certificates of the engineer in charge, showing the
14 amount of work completed and materials necessarily purchased and
15 delivered for the orderly and proper continuance of the project, in a sum
16 not exceeding ninety-five percent of the cost thereof, and upon the
17 completion and acceptance of the work, a final warrant may be issued for
18 the balance due the contractor, which warrants shall be redeemed and paid
19 upon the sale of the bonds issued and sold as provided in this section.
20 The city shall pay to the contractor interest at the rate of eight
21 percent per annum on the amounts due on partial and final payments
22 beginning forty-five days after the certification of the amounts due by
23 the engineer in charge and approval by the city council ~~governing body~~
24 and running until the date that the warrant is tendered to the
25 contractor. All special assessments which may be levied upon property
26 specially benefited by such work or improvements in any such storm water
27 sewer district shall, when collected, be set aside and placed in a
28 sinking fund for the payment of the interest and principal of the bonds.
29 There shall be levied annually upon all of the taxable property in the
30 city a tax which, together with such sinking fund derived from special
31 assessments collected, shall be sufficient to meet payments of interest

1 and principal on the bonds as the same become due. Such tax shall be
2 known as the storm water sewer tax, shall be payable annually, shall be
3 collected in the same manner as general taxes, and shall be subject to
4 the same penalties.

5 Sec. 134. Section 16-676, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 16-676 Where the amount of money which would be raised by the tax
8 levy provided for in section 16-675 would be insufficient to establish or
9 pay for a system of waterworks, gas, electric, or other light works, or
10 heating or power system, the mayor and city council may borrow money and
11 pledge the property and credit of the city upon its negotiable bonds or
12 otherwise to an amount not exceeding two hundred and fifty thousand
13 dollars for the purpose of establishing, constructing, extending,
14 enlarging, or paying for, or maintaining the utilities named in this
15 section. ~~No ; Provided, that~~ no such bonds shall be issued by the city
16 council until the question of issuing the bonds same shall have been
17 submitted to the electors of the city at an election held for such
18 purpose, notice of which shall have been given by publication once each
19 week for three successive weeks prior thereto in a legal newspaper
20 ~~published~~ in or of general circulation in such city, and a majority of
21 the electors voting upon the proposition shall have voted in favor of
22 issuing such bonds. However, no election shall be called until a petition
23 signed by at least fifty resident property owners ~~freeholders~~ shall be
24 presented to the mayor and city council asking that an election be called
25 for the purpose ~~herein~~ specified in this section.

26 Sec. 135. Section 16-677, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 16-677 When ~~such~~ bonds shall have been issued by the city as
29 provided under section 16-676, the mayor and city council shall have
30 power to levy annually upon all taxable property of the city such tax as
31 may be necessary for a sinking fund for the payment of accruing interest

1 on such bonds and the principal thereof at maturity, and to provide for
2 the office of water commissioner, power commissioner, light commissioner,
3 or heat commissioner, and to prescribe the powers and duties of such
4 officers.

5 Sec. 136. Section 16-678, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 16-678 Nothing contained in sections 16-673 to 16-677 shall change
8 or in any way affect existing franchises or existing contracts between
9 any city and any company, corporation, or individual for furnishing the
10 city or its inhabitants with light, power, heat, or water. The mayor and
11 city council shall levy a sufficient tax to pay for such light, power,
12 heat, or water supply in accordance with the terms of such existing
13 contracts, not exceeding four and nine-tenths cents on each one hundred
14 dollars upon the taxable value of all the taxable property in such city
15 in any one year for any one of the purposes.

16 Sec. 137. Section 16-679, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 16-679 The mayor and city council shall have power (1) to require
19 every individual or private corporation operating such works or plants,
20 subject to reasonable rules and regulations, to furnish any person
21 applying therefor, along the line of its pipes, mains, wires, or other
22 conduits, with gas, water, power, light, or heat, and to supply such said
23 city with water for fire protection, and with gas, water, power, light,
24 or heat, for other necessary public or private purposes, (2) ÷ to
25 regulate and fix the rents or rates of water, power, gas, electric light,
26 or heat, ÷ and (3) to regulate and fix the charges for water meters,
27 power meters, gas meters, electric light, or heat meters, or other device
28 or means necessary for determining the consumption of water, power, gas,
29 electric light, or heat. These powers shall not be abridged by ordinance,
30 resolution, or contract.

31 Sec. 138. Section 16-680, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 16-680 The mayor and city council shall have power to borrow money
3 and pledge the property and credit of the city upon its negotiable bonds
4 or otherwise in an amount not exceeding in the aggregate four hundred
5 thousand dollars for the purpose of constructing or aiding in the
6 construction of a system of sewerage. The city ~~They~~ may borrow money and
7 pledge the property and credit of the city upon its negotiable bonds or
8 otherwise in any amount, not exceeding in the aggregate seven hundred
9 fifty thousand dollars, for the purpose of constructing culverts and
10 drains for the purpose of deepening, widening, straightening, walling,
11 filling, covering, altering, or changing the channel of any watercourse
12 or any natural or artificial surface waterway or any creek, branch,
13 ravine, ditch, draw, basin, or part thereof flowing or extending through
14 or being within the limits of the city and for the purpose of
15 constructing artificial channels or covered drains sufficient to carry
16 the water theretofore flowing in such watercourse and divert it from the
17 natural channel and conduct the water ~~same~~ through such artificial
18 channel or covered drain and fill the old channel. The city ~~They~~ may
19 borrow money and pledge the property and credit of the city upon its
20 negotiable bonds or otherwise in an amount not exceeding in the aggregate
21 two hundred fifty thousand dollars for the purpose of constructing,
22 maintaining, and operating a system of waterworks for the city. No such
23 bonds shall be issued by the city council until the question of issuing
24 the bonds ~~same~~ has been submitted to the electors of the city at an
25 election called and held for that purpose, notice of which shall be given
26 by publication in a legal ~~some~~ newspaper in or of general circulation
27 ~~published~~ in the city at least thirty days before the date of the
28 election, and a majority of the electors voting upon the proposition have
29 voted in favor of issuing such bonds. When any such bonds have been
30 issued by the city, the city ~~they~~ may levy annually upon all taxable
31 property of the city such tax as may be necessary for a sinking fund for

1 the payment of the accruing interest upon the bonds and the principal
2 thereof at maturity. The city They may provide for the office of sewer
3 commissioner or water commissioner and prescribe the duties and powers of
4 such offices.

5 Sec. 139. Section 16-681, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 16-681 Any city of the first class ~~Such city~~ owning, operating or
8 maintaining its own gas, water, power, light, or heat system, shall
9 furnish any person applying therefor, along the line of its pipes, mains,
10 wires, or other conduits, subject to reasonable rules and regulations,
11 with gas, water, power, light, or heat. Such city ~~It~~ shall regulate and
12 fix the rental or rate for gas, water, power, light, or heat, and
13 regulate and fix the charges for water meters, power meters, gas meters,
14 light meters, or heat meters or other device or means necessary for
15 determining the consumption of gas, water, power, light, or heat. Such
16 city ~~It~~ shall require water meters, gas meters, light meters, power
17 meters, or heat meters to be used, or other device or means necessary for
18 determining the consumption of gas, water, power, light, or heat.

19 Sec. 140. Section 16-682, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 16-682 Any city of the first class operating a municipal utility
22 under section 16-681 ~~Such cities~~ shall have the right and power to tax,
23 assess, and collect from the inhabitants of the city thereof such rent or
24 rents for the use and benefit of water, gas, power, light, or heat used
25 or supplied to them by such waterworks, mains, pump, or extension of any
26 system of waterworks, or water supply, or by such gas, light, or heat
27 system, as the city council shall by ordinance deem just or expedient.
28 With respect to water rates, taxes, or rents only, such water rates,
29 taxes, or rents, when delinquent, shall be a lien upon the premises or
30 real estate upon or for which the water same is used or supplied, and
31 such water taxes, rents, or rates shall be paid and collected and such

1 lien enforced in such manner as the city council ~~or commission, as the~~
2 ~~case may be,~~ shall by ordinance direct and provide. Any delinquent water
3 rentals which remain unpaid for a period of three months after they
4 become due may be, by resolution of the city ~~said council or commission,~~
5 assessed against such ~~said~~ real estate as a special assessment, which
6 ~~said~~ special assessment shall be certified by the city clerk to the
7 county clerk of the county in which the ~~said~~ city is situated. The ~~Said~~
8 county clerk shall ~~thereupon~~ place such special assessments ~~same~~ on the
9 tax rolls for collection, subject to the same penalties and to be
10 collected in like manner as other city taxes. The ~~;~~ ~~Provided, that the~~
11 ~~local governing body of said city~~ council shall notify in writing
12 nonoccupying owners of premises or their agents whenever their tenants or
13 lessees are sixty days delinquent in the payment of water rent.
14 Thereafter, if the owner of such ~~said~~ real estate or his or her agent
15 within the ~~such~~ city shall notify the city council ~~or commission~~ in
16 writing to discontinue water service to the ~~said~~ real estate or the
17 occupants thereof, it shall be the duty of the officer in charge of the
18 water department promptly to discontinue such ~~said~~ service, ; and rentals
19 for any water furnished to the occupants of such ~~said~~ real estate in
20 violation of such ~~said~~ notice shall not be a lien thereon.

21 Sec. 141. Section 16-683, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 16-683 Before submitting any proposition for borrowing money for any
24 ~~either~~ of the purposes mentioned in sections 16-673, 16-674, and 16-680,
25 the mayor and city council shall determine upon and adopt a system of
26 sewerage, waterworks, heating, lighting, or power, as the case may be,
27 and shall determine upon and adopt a plan for constructing drains or
28 culverts, or for doing other work upon or in connection with watercourses
29 or waterways as authorized in section 16-680. The mayor and city council
30 ~~They~~ shall procure from the city engineer an estimate of the actual cost
31 of such system, an estimate of the cost of so much thereof as the mayor

1 and city council may propose to construct with the amount proposed to be
2 borrowed, and plans of such system. The estimate shall be placed and
3 remain in the hands of the city clerk, subject to public inspection
4 during all the times such proposition to borrow money shall be pending.
5 After a system shall have been adopted, no other system or plan shall be
6 adopted in lieu thereof unless authorized by a vote of the people. After
7 construction of any such systems, works, or improvements as are
8 authorized in ~~said~~ sections 16-673, 16-674, and 16-680, the city may by
9 vote of the people issue bonds to construct extensions, additions, or
10 enlargements thereof, but not to exceed one hundred twenty-five thousand
11 dollars in any one year, and the total amount of outstanding bonded
12 indebtedness of any such city for the initial construction of any such
13 systems, works, or improvements and for the construction of extensions,
14 additions, and enlargements thereof shall not exceed the respective
15 aggregate limitations of amount imposed under section 16-680.

16 Sec. 142. Section 16-684, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 16-684 When a the system of waterworks or sewerage, power, heating,
19 lighting, or drainage shall have been adopted as provided under sections
20 16-680 to 16-683, ~~and the people shall have voted to borrow money to aid~~
21 ~~in the construction as aforesaid~~, the mayor and city council may erect
22 and construct and maintain such system of waterworks or sewerage or power
23 plant, lighting, heating, or drainage, either within or without the
24 corporate limits of the city, make all needful rules and regulations
25 concerning their use, and do all acts necessary for their the
26 construction, completion, ~~and~~ management, and control ~~of same~~ not
27 inconsistent with law, including the taking of private property for the
28 public use for their the construction and operation ~~of the same~~. The
29 procedure to condemn property shall be exercised in the manner set forth
30 in sections 76-704 to 76-724, except as to property specifically excluded
31 by section 76-703 and as to which sections 19-701 to 19-707 are

1 applicable.

2 Sec. 143. Section 16-684.01, Reissue Revised Statutes of Nebraska,
3 is amended to read:

4 16-684.01 After the establishment of a system of waterworks in any
5 city of the first class, the mayor and city council may expend any
6 accumulated reserve funds in its water department for the purpose of
7 laying and relaying water mains and the installation of water equipment
8 for fire protection. The city shall have the power and authority to
9 employ the necessary labor therefor without the necessity of advertising
10 for bids or of letting a contract or contracts therefor.

11 Sec. 144. Section 16-686, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 16-686 Any said city of the first class is hereby authorized and
14 empowered, for the purpose of carrying out the provisions of sections
15 16-684 and 19-2701, to construct, maintain, and operate the necessary
16 rural transmission and distribution lines for a distance of eighteen
17 miles from the corporate limits of such said city upon, along, and across
18 any of the public highways of this state under the conditions and
19 provisions prescribed by law for the construction of electric
20 transmission and distribution lines to persons, firms, associations, or
21 corporations. Before the construction of any such rural electric
22 transmission or distribution lines shall be undertaken, such city shall
23 enter into contracts for electric service with persons, firms,
24 associations, or corporations to be served at rates which will produce an
25 annual gross revenue to such city equal to not less than fifteen percent
26 of the cost of such said construction. Such city shall thereafter adjust
27 such rates when necessary to produce such gross revenue.

28 Sec. 145. Section 16-686.01, Reissue Revised Statutes of Nebraska,
29 is amended to read:

30 16-686.01 Any city of the first class owning and operating a natural
31 gas distribution system within such city, and owning and operating its

1 own lateral supply line from its distribution system to a natural gas
2 pipeline source of supply, may by ordinance, where such lateral supply
3 line is so located with reference to any cities of the second class
4 ~~second-class cities~~ or villages within twenty miles of such city not then
5 being supplied with natural gas and having no other source of gas supply
6 available, make gas service available at retail to such municipalities
7 and for that purpose construct, operate, and maintain connecting lines to
8 and natural gas distribution systems in the municipalities. Such ;
9 ~~Provided, that such~~ city prior to the construction of such facilities and
10 the rendering of such service, shall secure from the respective
11 municipalities to be served a natural gas franchise as provided by law.

12 Sec. 146. Section 16-687, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 16-687 If bonds to finance the construction or acquisition of
15 waterworks, gas, electric, or other light works, or heating or power
16 system, by the city are not approved under section 16-676 or sections
17 16-680 to 16-683, or if the city fails ~~In case such aids shall not be~~
18 ~~voted by the people in the manner aforesaid, or having voted bonds and~~
19 ~~constructed a system of waterworks and having failed~~ to obtain an
20 adequate supply of good water, then the mayor and city council may
21 contract with and procure individuals or corporations to construct and
22 maintain a system of waterworks, power, heating, or lighting plant in
23 such city for any time not exceeding twenty years from the date of the
24 contract, with a reservation to the city of the right to purchase such
25 waterworks, lighting, heating, or power plant at any time after the lapse
26 of ten years from the date of the contract upon payment to such
27 individuals or corporations of any amount to be determined from the
28 contract, not exceeding the cost of the construction of such waterworks,
29 power, lighting, or heating plant. In other respects such contract may be
30 on such terms as may be agreed upon by a two-thirds vote of the city
31 council. No , ~~entered upon the minutes; Provided, that no~~ such contract

1 shall be made unless authorized by a majority vote of the legal voters of
2 such city at a special election called for that purpose, notice of which
3 shall be given by publication once each week for three successive weeks
4 prior thereto in a legal newspaper ~~published~~ in or of general circulation
5 in such city.

6 Sec. 147. Section 16-688, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 16-688 When any city of the first class has approved ~~voted~~ bonds and
9 constructed a system of waterworks and obtained an adequate supply of
10 water but the water ~~same~~ is turbid or unwholesome during the whole or a
11 portion of the year, the mayor and city council may without having
12 previously made an appropriation therefor, when authorized by a majority
13 vote of the electors voting on the question, which may be submitted at
14 either a special or a general city election, construct, purchase, or
15 enter into a contract for the construction or purchase of and install,
16 establish, operate, and maintain a system of settling reservoirs, ~~or~~ a
17 system of filters, or both ~~of such systems of settling reservoirs and~~
18 ~~filters~~, for the purpose of clarifying and purifying such water. Notice
19 of such election shall be given by publication once each week three
20 successive weeks prior thereto in a legal newspaper ~~published~~ in or of
21 general circulation in such city. The city may levy taxes on all taxable
22 property of such city, not to exceed three and five-tenths cents on each
23 one hundred dollars upon the taxable value thereof in any one year for
24 the payment of the cost thereof.

25 Sec. 148. Section 16-691, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 16-691 The mayor and city council may by ordinance confer upon the
28 board of public works the active direction and supervision of the city's
29 ~~such~~ system of waterworks, power plant, or sewerage, heating, or lighting
30 plant and the erection and construction of such system or plant ~~the same~~.
31 The board may provide that such duties be performed by such employee or

1 employees as it may direct. The city council shall approve the budget of
2 each proprietary function as provided in the Municipal Proprietary
3 Function Act. The board shall make reports to the mayor and city council
4 as often as the mayor and city council may require. In like manner the
5 mayor and city council may confer upon such board the active direction
6 and supervision of the system of streets and alleys.

7 The mayor and city council may, by ordinance, authorize and empower
8 the board of public works to employ necessary laborers and clerks, to
9 purchase material for the operation and maintenance of the systems, and
10 to draw its orders on the several funds in the hands of the city
11 treasurer to the credit of the various systems in payment of salaries,
12 labor, and material. The mayor and city council shall establish the
13 dollar amount for all extensions and projects above which the board of
14 public works must obtain the approval of the mayor and city council
15 before expending funds. The mayor and city council may, by ordinance,
16 authorize and empower the board of public works to cooperate and
17 participate in a plan of insurance designed and intended for the benefit
18 of the employees of any public utility operated by the city. For that
19 purpose the board of public works may make contributions to pay premiums
20 or dues under such plan, authorize deductions from salaries of employees,
21 and take such other steps as may be necessary to effectuate such plan of
22 insurance. All orders for the disbursement of funds shall be signed by
23 the chairperson and secretary of the board or by any two members of the
24 board who have previously been designated for that purpose by a
25 resolution duly adopted by such board and shall be paid by the city
26 treasurer, except that payroll checks only may be signed by any one
27 member of the board who has previously been designated for that purpose
28 by a resolution duly adopted by the board. Facsimile signatures of board
29 members may be used to sign such orders and checks.

30 Sec. 149. Section 16-691.01, Reissue Revised Statutes of Nebraska,
31 is amended to read:

1 16-691.01 Any surplus funds remaining in the hands of the city
2 treasurer, to the credit of such said various funds, may be invested by
3 the board of public works, with the approval of the mayor and city
4 council, in accordance with the provisions of sections 16-712, 16-713,
5 and 16-715, in interest-bearing securities of the State of Nebraska or
6 any political subdivision thereof, in certificates of deposit of banks
7 which are members of the Federal Deposit Insurance Corporation, or in
8 interest-bearing securities of the United States upon an order for that
9 purpose drawn by the board of public works upon the city treasurer. Such
10 securities may be purchased, sold, or hypothecated by the board of public
11 works with the approval of the mayor and city council, at their fair
12 market value, and the interest earned by such securities shall be
13 credited to the account of the utility from which the funds paid for the
14 securities were originally drawn. In ; ~~Provided, in~~ cities which have not
15 conferred upon any board of public works the active direction and
16 supervision of the city's ~~such~~ system of waterworks, power plant,
17 sewerage, and heating or lighting plant, the powers and duties hereby
18 conferred upon the board of public works as to the purchase, sale, and
19 hypothecation of such said securities shall be exercised by the city
20 treasurer ~~of such city~~. Securities so purchased shall be held by the city
21 treasurer, who shall provide adequate bond for their safekeeping. When
22 sold, the treasurer shall deliver such securities ~~the same~~ to the
23 purchaser and collect the sale price.

24 Sec. 150. Section 16-691.02, Reissue Revised Statutes of Nebraska,
25 is amended to read:

26 16-691.02 The mayor and city council of any city of the first class
27 may, by resolution, direct and authorize the city treasurer to dispose of
28 the surplus electric light, water, or natural gas distribution system
29 funds, or the funds arising from the sale of electric light and water
30 properties, by the payment of outstanding electric light, water, or
31 natural gas distribution system warrants or bonds then due and by the

1 payment of all current amounts required in any revenue bond ordinance in
2 which any part of the earnings of the electric light or water utility or
3 natural gas distribution system are pledged. The excess, if any, after
4 such payments, may be transferred to the general fund of such city at the
5 conclusion of the fiscal year.

6 Sec. 151. Section 16-692, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 16-692 No member of the city council or the mayor shall be eligible
9 to the office of water commissioner during the term for which he or she
10 shall be elected.

11 Sec. 152. Section 16-693, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 16-693 When any bonds shall have been issued by the city for the
14 purpose of constructing or aiding in the construction of a system of
15 waterworks, power plant, sewerage, heating, lighting, or drainage, there
16 shall thereafter be levied annually upon all taxable property of such
17 ~~said~~ city a tax not exceeding seven cents on each one hundred dollars for
18 every twenty thousand dollars of bonds so issued, which shall be known as
19 the waterworks tax, power tax, sewerage tax, heat tax, light tax, or
20 drainage tax, as the case may be, and shall be payable only in money. The
21 proceeds of such tax, together with all income received by the city from
22 the payment and collection of water, power, heat, or light, rent, taxes,
23 and rates of assessments, shall first be applied to the payment of the
24 current expenses of waterworks, power plant, heating, or lighting, to
25 improvements, extensions, and additions thereto, and interest on money
26 borrowed and bonds issued for their construction. The surplus, if any,
27 shall be retained for a sinking fund for the payment of such loan or
28 bonds at maturity.

29 Sec. 153. Section 16-694, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 16-694 After the establishment of a system of sewerage in any city

1 of the first class, the mayor and city council may, at the time of
2 levying other taxes for city purposes, levy an annual tax of not more
3 than three and five-tenths cents on each one hundred dollars upon the
4 taxable value of all the taxable property in such city for the purpose of
5 creating a fund to be used exclusively for the maintenance and repairing
6 of any sewers in such city. In lieu of the levy of a tax, the mayor and
7 city council may establish, by ordinance, such rates for such sewer
8 service as may be deemed by them to be fair and reasonable, to be
9 collected from either the owner or the person, firm, or corporation
10 requesting the service at such times, either monthly, quarterly, or
11 otherwise, as may be specified in the ordinance. All such sewer charges
12 shall be a lien upon the premises or real estate for which the sewer
13 service same is used or supplied. Such lien shall be enforced in such
14 manner as the city council ~~local governing body~~ provides by ordinance.
15 The charges thus made, when collected, shall be placed in a separate fund
16 and used exclusively for the purpose of maintenance and repairs of any
17 sewers in such city.

18 Sec. 154. Section 16-695, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 16-695 The mayor and city council of any city of the first class are
21 hereby authorized to acquire by purchase or otherwise and hold in the
22 name of the city, lands, lots, or grounds within or without the limits of
23 the city to be used and improved for parks, parkways, or boulevards. To
24 pay for and improve such lands, lots, or grounds, the mayor and city
25 ~~council of such city~~ are authorized to issue bonds for such purposes,
26 except that no such bonds shall be issued until the question of issuing
27 such bonds ~~the same~~ shall have been submitted to the electors of the
28 city, at a general election therein, or at a special election appointed
29 and called by the mayor and city council for such purposes, and a
30 majority of electors voting at such election shall have voted in favor of
31 issuing the bonds. Notice of such election shall be given by publication

1 once each week for three successive weeks prior thereto in a legal
2 newspaper ~~published~~ in or of general circulation in such city. Such bonds
3 shall be payable in not to exceed twenty years from the date of issuance
4 thereof, and shall bear interest payable annually or semiannually, with
5 interest coupons attached to the bonds. The mayor and city council may at
6 their discretion construct in any park a swimming pool, stadium, or other
7 facilities for public use and recreation and pay for such facilities ~~the~~
8 ~~same~~ out of the proceeds ~~avails~~ of such bonds.

9 Sec. 155. Section 16-696, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 16-696 (1) In each ~~such~~ city of the first class ~~τ~~ which acquires
12 land for a park or parks, there may be a board of park commissioners, who
13 shall have charge of all the parks belonging to the city, with power to
14 establish rules for the management, care, and use of the same. The board
15 of park commissioners shall be composed of not less than three members,
16 but the total number shall be evenly divisible by three, who shall be
17 residents of the city. In the event of a tie vote, the motion under
18 consideration shall fail to be adopted. They shall be appointed by the
19 mayor and city council at their first regular meeting in January each
20 year except for the original board which may be appointed any time. At
21 the time of the first appointment, one-third of the number to be
22 appointed shall be appointed for a term of one year, one-third for a term
23 of two years, and the rest shall be appointed for a term of three years,
24 which term shall be computed from the first meeting in the preceding
25 January. After the appointment of the original board it shall be the duty
26 of the mayor and city council to appoint or reappoint one-third of the
27 board each year for a term of three years to commence at the time of
28 appointment at the first meeting in January. Each member shall serve
29 until his or her successor is appointed and qualified. A vacancy
30 occurring on such board by death, resignation, or disqualification of a
31 member shall be filled for the remainder of such term at the next regular

1 meeting of the city council. A majority of all the members of the board
2 of park commissioners shall constitute a quorum. It shall be the duty of
3 the board of park commissioners to lay out, improve, and beautify all
4 grounds owned or acquired for public parks, and employ helpers and
5 laborers as may be necessary for the proper care and maintenance of such
6 parks, and the improvement and beautification thereof, to the extent that
7 funds may be provided for such purposes. The members of the board, at its
8 first meeting in each year, shall elect one of their own members as
9 chairperson of such board. Before entering upon his or her duties each
10 member of the board shall take an oath, to be filed with the city clerk,
11 that he or she will faithfully perform the duties of the office and will
12 not in any manner be actuated or influenced therein by personal or
13 political motives.

14 (2) The board of park commissioners may also be constituted by the
15 mayor and city council as an ex officio recreation board. When so
16 constituted, such recreation board shall have the duty and authority to
17 promote, manage, supervise, and control all recreation activities
18 supported financially by such city to the extent funds are available.

19 (3) The mayor and city council ~~of such city~~ may abolish the board of
20 park commissioners, if one has been appointed as provided in this
21 section, and may establish a board of park and recreation commissioners,
22 who shall have charge of all parks belonging to the city and all
23 recreational activities supported financially by the city, with power to
24 establish rules for the management, care, supervision, and use of such
25 parks. The board of park and recreation commissioners shall be appointed
26 to such terms of office and in such numbers as provided in this section
27 for appointment of a board of park commissioners. It shall be the duty of
28 the board of park and recreation commissioners to lay out, improve,
29 beautify, and design all grounds, bodies of water, and buildings owned or
30 acquired for public parks and recreational facilities, and employ such
31 persons as may be necessary for the proper direction, care, maintenance,

1 improvement, and beautification thereof, and for program planning and
2 leadership of recreational activities, to the extent that funds may be
3 provided for such purposes. The board shall also have the duty of
4 continued study and promotion of the needs of such city for additional
5 park and recreational facilities. Members of the board of park and
6 recreation commissioners at its first meeting in each year shall elect
7 one of its own members as chairperson of the board. Before entering upon
8 his or her duties each member of the board shall take an oath, to be
9 filed with the city clerk, that he or she will faithfully perform the
10 duties of the office and will not in any manner be actuated or influenced
11 therein by personal or political motives.

12 Sec. 156. Section 16-697, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 16-697 (1) For the purpose of (a) providing funds for amusements and
15 recreation, (b) providing funds for laying out, purchasing, improving,
16 and beautifying parks and public grounds, and (c) providing for the
17 payment of the salaries and wages of employees of the such board of park
18 commissioners or the board of park and recreation commissioners, the
19 mayor and city council shall, each year at the time of making the levy
20 for general city purposes, make a levy upon the taxable value of all the
21 taxable property in such city. Such levy shall be collected and paid into
22 the city treasury and shall constitute the park fund or park and
23 recreation fund as the case may be.

24 (2) All accounts against the park fund or park and recreation fund
25 of such city, provided for by subsection (1) of this section, for
26 salaries and wages of the employees and all other expenses of such parks
27 or recreational facilities shall be audited and allowed by the park or
28 park and recreation commissioners. All warrants thereon shall be drawn
29 only by the chairperson of the commissioners. Warrants so drawn shall be
30 paid by the city treasurer out of such fund.

31 (3) The park or park and recreation commissioners of such city, as

1 the case may be, shall enter into any contracts of any nature involving
2 an expenditure in accordance with the policies of the city council.

3 (4) The chairperson of the board of park or park and recreation
4 commissioners shall, on January 1 and July 1 of each year, file with the
5 city clerk an itemized statement of all the expenditures of the board.

6 Sec. 157. Section 16-697.01, Reissue Revised Statutes of Nebraska,
7 is amended to read:

8 16-697.01 Any city of the first class is hereby authorized and
9 empowered to take land in fee, within or without its corporate limits, by
10 donation, gift, devise, purchase, or appropriation, and to hold, improve
11 and control such land for parks, recreational facilities, and public
12 grounds. The jurisdiction and police power of the mayor and city council
13 of any city that shall acquire any such real estate shall be at once
14 extended over such real estate ~~the same~~. The mayor and city council shall
15 have power to enact bylaws, rules, and ordinances for the protection,
16 preservation, and control of any real estate acquired under this section
17 ~~as herein contemplated,~~ and provide suitable penalties for the violation
18 of any such bylaws, rules, or ordinances.

19 Sec. 158. Section 16-697.02, Reissue Revised Statutes of Nebraska,
20 is amended to read:

21 16-697.02 The mayor and city council of any ~~first-class~~ city of the
22 first class shall have power to borrow money and pledge the property and
23 credit of the city upon its negotiable bonds or otherwise, for the
24 purpose of purchasing and improving land for parks, recreational
25 facilities, and public grounds, authority therefor having first been
26 obtained by a majority vote of the qualified electors of the city voting
27 on such question at any general city election of such city or at an
28 election called for that purpose, upon a proposition or propositions
29 submitted in the manner provided by law for the submission of
30 propositions to aid in the construction of railroads and other works of
31 internal improvement.

1 Sec. 159. Section 16-698, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 16-698 ~~Any~~ The city of the first class may, by ordinance, (1)
4 purchase and hold grounds for and erect and establish market houses and
5 market places, and regulate and govern such market houses and market
6 places ~~the same~~, (2) ~~and also~~ contract with any person or persons or ~~r~~
7 companies or corporations~~r~~, for the erection and regulation of such market
8 houses and market places on such terms and conditions and in such manner
9 as the city council may prescribe, and (3) raise all necessary revenue
10 for the purposes provided in this section ~~therefor as herein provided~~.
11 The city council may provide for the erection of all other useful and
12 necessary buildings for the use of the city~~r~~, and for the protection and
13 safety of all property owned by the city, in connection with such market
14 houses and places. It may locate such market houses, ~~and~~ market places,
15 and buildings ~~aforsaid~~ on any street, alley, or public grounds, or on
16 any land purchased for such purposes, and establish, alter, and change
17 the channel of streams and watercourses within the city, and bridge such
18 streams and watercourses. ~~Any the same; Provided, that any~~ such
19 improvement costing in the aggregate a sum greater than two thousand
20 dollars shall not be authorized until the ordinance providing for the
21 improvement ~~therefor~~ shall first be submitted to and ratified by a
22 majority of the legal voters of such city voting thereon, notice of which
23 shall be given by publication once each week for three successive weeks
24 in a legal newspaper ~~published~~ in or of general circulation in such city.

25 Sec. 160. Section 16-699, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 16-699 No charge or assessment of any kind shall be made or levied
28 on any ~~wagon or other vehicle, or the horses thereto attached~~, or on the
29 owner of any vehicle bringing produce or provisions to any market place
30 in the city, or standing in or occupying a place in any of the market
31 places of the city, or in the street contiguous to such market places

1 ~~thereto on market days. The and evening previous thereto; but the mayor~~
2 and city council shall have full power to ~~prevent forestalling,~~
3 ~~prohibit or regulate huckstering in the streets,~~ to prescribe the kind
4 and description of articles which may be sold, and the stand or place to
5 be occupied by the vendors, and may authorize the immediate seizure, and
6 arrest and removal from the markets of any person violating the ~~their~~
7 regulations as established by ordinance, together with any article of
8 produce in his or her possession, and the immediate seizure and
9 destruction of tainted or unsound meat, provisions, or other articles of
10 food.

11 Sec. 161. Section 16-6,100, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 16-6,100 The mayor and city council shall have the power to borrow
14 money and pledge the property and credit of the city upon its negotiable
15 bonds or otherwise for the purpose of acquiring, by purchasing or
16 constructing, including site acquisition, or aiding in the acquiring of a
17 city hall, jail, auditorium, buildings for the fire department, and other
18 public buildings, including the acquisition of buildings authorized to be
19 acquired by Chapter 72, article 14, and including acquisition of
20 buildings to be leased in whole or in part by the city to any other
21 political or governmental subdivision of the State of Nebraska authorized
22 by law to lease such buildings. No such bonds shall be issued until after
23 the same have been authorized by a majority vote of the electors of the
24 city voting on the proposition of their issuance at an election called
25 for the submission of such proposition and of which election notice of
26 the time and place thereof shall have been given by publication in a
27 legal ~~some~~ newspaper in or ~~printed and~~ of general circulation in the city
28 three successive weeks prior thereto. If ; ~~Provided, that where~~ the
29 building to be acquired is to be used by the State of Nebraska or its
30 agency or agencies under a lease authorized by Chapter 72, article 14, or
31 the building is to be leased by any other political or governmental

1 subdivision of the State of Nebraska or other governmental agencies and
2 ~~if where~~ the combined area of the building to be leased by the state or
3 its agency or agencies and the political or governmental subdivision of
4 the State of Nebraska is more than fifty percent of the area of the
5 building and ~~if where~~ the cost of acquisition does not exceed two million
6 dollars, no such vote of the electors will be required.

7 Sec. 162. Section 16-6,100.03, Reissue Revised Statutes of Nebraska,
8 is amended to read:

9 16-6,100.03 The amount of indebtedness authorized to be incurred by
10 any county or city of the first class for the payment of principal and
11 interest for the bonds authorized by the provisions of sections
12 16-6,100.01 to 16-6,100.07 shall be in addition to and over and above any
13 limits provided ~~now fixed~~ by law.

14 Sec. 163. Section 16-6,100.05, Reissue Revised Statutes of Nebraska,
15 is amended to read:

16 16-6,100.05 The building commission shall cause to be prepared
17 building plans and specifications for the joint city-county building, and
18 may employ architects, engineers, draftsmen, and such clerical help as
19 may be deemed necessary for the purpose of preparing such plans and
20 specifications. The compensation of such personnel shall be fixed by the
21 commission and shall be paid in the same proportion as is determined for
22 defraying the cost as set forth in section 16-6,100.02. The contract for
23 erecting the building, for the equipment, and for furnishings shall be
24 let by the commission in the same manner as for other public buildings.
25 The members of the commission shall receive no compensation for their
26 services as members of the commission.

27 Sec. 164. Section 16-6,101, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 16-6,101 Supplemental to any existing law on the subject and in lieu
30 of the issuance of general obligation bonds, or the levying of taxes upon
31 property, as by law provided, any city of the first class may construct,

1 purchase, or otherwise acquire a waterworks plant or a water system, or a
2 gas plant or a gas system, including a natural or bottled gas plant, gas
3 distribution system, or gas pipelines, either within or without the
4 corporate limits of such ~~said~~ city, and real and personal property needed
5 or useful in connection therewith, and pay the cost thereof by pledging
6 and hypothecating the revenue and earnings of any waterworks plant or
7 water system, or a gas plant or a gas system, including a natural or
8 bottled gas plant, gas distribution system, or gas pipelines, owned or to
9 be owned by such city. In the exercise of the authority ~~herein~~ granted in
10 this section, any city may issue and sell revenue bonds or debentures and
11 enter into such contracts in connection therewith as may be proper and
12 necessary. Such revenue bonds or debentures shall be a lien only upon the
13 revenue and earnings of the waterworks plant or water system, or a gas
14 plant or a gas system, including a natural or bottled gas plant, gas
15 distribution system, or gas pipelines, owned or to be owned by such city.
16 No such city shall pledge or hypothecate the revenue and earnings of any
17 waterworks plant or water system, or a gas plant or a gas system,
18 including a natural or bottled gas plant, gas distribution system, or gas
19 pipelines, nor issue revenue bonds or debentures, as ~~herein~~ authorized in
20 this section, until the proposition relating thereto has been submitted
21 in the usual manner to the qualified voters of such city at a general or
22 special election and approved by a majority of the electors voting on the
23 proposition submitted. Such ; ~~Provided, such~~ proposition shall be
24 submitted whenever requested, within thirty days after a sufficient
25 petition signed by the qualified voters of such city equal in number to
26 twenty percent of the vote cast at the last general municipal election
27 held therein, shall be filed with the city clerk. Three weeks' notice of
28 the submission of the proposition shall be given by publication in a ~~some~~
29 legal newspaper ~~published in or~~ and of general circulation in such city,
30 ~~or, if no legal newspaper is published therein, then by posting in five~~
31 ~~or more public places therein.~~ The requirement ~~herein~~ for a vote of the

1 electors, however, shall not apply when such city seeks to pledge or
2 hypothecate such revenue or earnings or issues revenue bonds or
3 debentures solely for the maintenance, extension, or enlargement of any
4 waterworks plant or water system, or a gas plant or a gas system,
5 including a natural or bottled gas plant, gas distribution system, or gas
6 pipelines, owned by such city.

7 Sec. 165. Section 16-6,102, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 16-6,102 In addition to any other provision of state law
10 ~~Supplemental to any existing law on the subject~~, whenever the mayor and
11 city council of any city of the first class shall deem it necessary and
12 advisable to construct sanitary sewer mains or water mains, the mayor and
13 city council ~~such municipal officials~~ may, by ordinance passed by not
14 less than three-fourths of all members of the city council, create a
15 district or districts to be known as sanitary sewer connection districts
16 or water connection districts ~~as the case may be, for such purposes~~ and
17 such district or districts may include properties within the corporate
18 limits of the city and within the city's extraterritorial zoning
19 jurisdiction ~~municipality and one mile beyond the same~~. Such ordinance
20 shall state the size and kind of sewer mains or water mains proposed to
21 be constructed in such district and shall designate the outer boundaries
22 of the district or districts in which it is proposed to construct the
23 sewer mains or water mains.

24 Sec. 166. Section 16-6,103, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 16-6,103 After ~~the~~ sanitary sewer mains or water mains have been
27 constructed in the districts as provided under section 16-6,102, the cost
28 thereof shall be reported to the city council and the city council,
29 sitting as a board of equalization, shall determine benefits to abutting
30 property. The special benefits as determined by the board of equalization
31 shall not be levied as special assessments against the property within

1 the district but shall be certified in a resolution of the city council
2 to the register of deeds of the county in which the improvement district
3 is constructed. A connection fee in the amount of the benefit accruing to
4 the property in the district shall be paid to the city at the time such
5 property becomes connected to the sewer main or water main. The city
6 shall provide that no property thus benefited by sanitary sewer or water
7 main improvements shall be connected to the sanitary sewer or water mains
8 until the connection fee is paid.

9 Sec. 167. Section 16-6,104, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 16-6,104 For the purpose of paying the cost of any ~~such~~ sanitary
12 sewer mains or water mains constructed in a any such connection district
13 created under section 16-6,102, the mayor and city council may spend
14 funds accumulated in any sanitary sewer or water department surplus funds
15 of the ~~such~~ city. The connection fees collected by any such city for
16 properties connecting to such sanitary sewer mains or water mains shall
17 be paid into the sanitary sewer or water department surplus fund to
18 replenish such funds for the construction costs.

19 Sec. 168. Section 16-6,105, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 16-6,105 As an alternative to spending surplus funds as provided in
22 section 16-6,104, or to pay for part of the any such construction of
23 sanitary sewer mains or water mains, the mayor and city council may issue
24 revenue bonds. Such revenue bonds shall not impose any general liability
25 upon the city municipality but shall be secured by the revenue received
26 by the city municipality for the operation of the sanitary sewer system
27 or waterworks system, and the amount of connection fees collected by the
28 city municipality for connections to such sanitary sewer mains or water
29 mains. Such revenue bonds shall be sold for not less than par and bear
30 interest at a rate not to exceed the rate of interest specified in
31 section 45-104.01, as such rate may from time to time be adjusted by the

1 Legislature. The amount of such revenue bonds, either issued or
2 outstanding, shall not be included in computing the maximum amount of
3 bonds which the city municipality may be authorized to issue under its
4 charter or any statute of this state.

5 Sec. 169. Section 16-6,107, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 16-6,107 For carrying out the purposes and powers set forth in
8 section 16-6,106, including payment of the cost thereof, the city may:

9 (1) Borrow money and issue its negotiable general obligation bonds
10 upon such terms and conditions as the mayor and city council may
11 determine, without a vote of the electors;

12 (2) Levy a tax upon all taxable property in the city to pay such
13 bonds and interest thereon and establish a sinking fund for such payment;

14 (3) Issue warrants to contractors and others furnishing services or
15 materials or in satisfaction of other obligations created under section
16 16-6,106, such warrants to be issued in such amounts and on such terms
17 and conditions as the mayor and city council shall determine, which
18 warrants shall be redeemed and paid upon the sale of bonds or receipt of
19 other funds available for such purpose;

20 (4) Receive gifts, grants, and funds from any source, including, but
21 not limited to, state, federal, or private sources; and

22 (5) Cooperate and contract with any other government, governmental
23 agency, or political subdivision, whether state or federal, and any
24 person or organization providing funds for the purposes covered by
25 sections 16-6,106 to 16-6,109.

26 Sec. 170. Section 16-6,108, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 16-6,108 The powers granted by sections 16-6,106 to 16-6,109 may be
29 exercised in whole or in part and from time to time as the city council
30 may in its discretion determine but before general obligation bonds are
31 issued for the purposes of sections 16-6,106 to 16-6,109, the city

1 council shall hold a public hearing after three weeks' notice published
2 in a legal newspaper in or of general circulation in such city, and the
3 referendum provisions of sections 18-2501 to 18-2536 shall apply to any
4 ordinance or resolution authorizing issuance of such bonds. The program
5 for implementation of the plan may be adopted and carried out in parts,
6 sections, or stages.

7 Sec. 171. Section 16-6,109, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 16-6,109 The powers granted by sections 16-6,106 to 16-6,109 are
10 independent of and in addition to all other grants of powers on the same
11 or related subjects but may be exercised jointly with or supplemented by
12 the powers granted by existing state law legislation, including, but not
13 limited to, sections 16-667 to 16-672.11, 16-680, 16-683, 16-693, 18-401
14 to 18-411, 18-501 to 18-512, 19-1305, 23-320.07 to 23-320.13, and 31-501
15 to 31-553 and the Combined Improvement Act.

16 Sec. 172. Section 16-701, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 16-701 ~~The In 1995, the fiscal period of each city of the first~~
19 ~~class commences on August 1, 1995, and extends through September 30,~~
20 ~~1996. Thereafter, the fiscal year of each city of the first class and of~~
21 any public utility of a city of the first class commences on October 1
22 and extends through the following September 30 except as provided in the
23 Municipal Proprietary Function Act.

24 Sec. 173. Section 16-702, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 16-702 (1) Subject to the limits in section 77-3442, the mayor and
27 city council shall have power to levy and collect taxes for all municipal
28 purposes on the taxable property within the corporate limits of the city.
29 All city taxes, except special assessments otherwise provided for, shall
30 become due on the first day of December of each year.

31 (2) At the time provided for by law, the city council shall cause to

1 be certified to the county clerk the amount of tax to be levied for
2 purposes of the adopted budget statement on the taxable property within
3 the city corporation for the year then ensuing, as shown by the
4 assessment roll for such year, including all special assessments and
5 taxes assessed as ~~hereinbefore~~ provided by law. The county clerk shall
6 place the same on the proper tax list to be collected in the manner
7 provided by law for the collection of county taxes in the county where
8 such city is situated.

9 (3) In all sales for delinquent taxes for municipal purposes, if
10 there are other delinquent taxes due from the same person or lien on the
11 same property, the sales shall be for all the delinquent taxes. Such
12 sales and all sales made under and by virtue of this section or the
13 provisions of law ~~herein~~ referred to in this section shall be of the same
14 validity and, in all respects, shall be deemed and treated as though such
15 sale had been made for the delinquent county taxes exclusively.

16 (4) The maximum amount of tax which may be certified, assessed, and
17 collected for purposes of the adopted budget statement shall not require
18 a tax levy in excess of eighty-seven and five-tenths cents on each one
19 hundred dollars upon the taxable value of the taxable property within
20 such city municipality. Any special assessments, special taxes, amounts
21 assessed as taxes, and such sums as may be authorized by law to be levied
22 for the payment of outstanding bonds and debts may be made by the city
23 council in addition to the levy of eighty-seven and five-tenths cents on
24 each one hundred dollars upon the taxable value of the taxable property
25 within such city municipality. The city council may certify a further
26 amount of tax to be levied which shall not require a tax levy in excess
27 of seven cents on each one hundred dollars upon the taxable value of the
28 taxable property within such city for the purpose of establishing the
29 sinking fund or sinking funds authorized by sections 19-1301 to 19-1304,
30 and in addition thereto, when required by section 18-501, a further levy
31 of ten and five-tenths cents on each one hundred dollars upon the taxable

1 value of the taxable property within such city may be imposed.

2 (5) Nothing in this section shall be construed to authorize an
3 increase in the amounts of levies for any specific municipal purpose or
4 purposes elsewhere limited by law, whether limited in specific sums or by
5 tax levies.

6 Sec. 174. Section 16-704, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 16-704 Each city of the first class ~~The city~~ shall adopt a budget
9 statement pursuant to the Nebraska Budget Act, to be termed "The Annual
10 Appropriation Bill", in which the city ~~corporate~~ ~~authorities~~ may
11 appropriate such sums of money as may be deemed necessary to defray all
12 necessary expenses and liabilities of such city ~~corporations~~.

13 Sec. 175. Section 16-706, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 16-706 The mayor and city ~~council~~ shall not have power to
16 appropriate, issue, or draw any order or warrant on the city ~~treasurer~~
17 for money, unless the order or warrant ~~same~~ has been appropriated or
18 ordered by ordinance or the claim for the payment of which such order or
19 warrant is issued has been allowed according to sections 16-726 to
20 16-729, and a fund has been provided in the adopted budget statement out
21 of which such claim is payable. Any transfer or diversion of the money or
22 credits from any of the funds to another fund or to a purpose other and
23 different from that for which proposed, except as provided in section
24 16-721, shall render any city council member voting therefor or any
25 officer of the city ~~corporation~~ participating therein guilty of a
26 misdemeanor, and any person shall, upon conviction thereof, be fined
27 twenty-five dollars for each offense, together with costs of prosecution.
28 Should any judgment be obtained against the city ~~corporation~~, the mayor
29 and finance committee, with the sanction of the city council, may borrow
30 a sufficient amount to pay the judgments ~~same~~, for a period of time not
31 to extend beyond the close of the next fiscal year, which sum and

1 interest thereon shall, in like manner, be added to the amount authorized
2 to be raised in the general tax levy of the next year and embraced
3 therein.

4 Sec. 176. Section 16-707, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 16-707 The mayor and city council shall meet as a board of
7 equalization each year at such times as they shall determine to be
8 necessary, giving notice of any such sitting at least ten days prior
9 thereto by publication in a legal newspaper in or of ~~having~~ general
10 circulation in the city. When so assembled they shall have power to
11 equalize all special assessments, not herein otherwise provided for, and
12 to supply any omissions in the assessments ~~same~~; and at such meeting the
13 assessments shall be finally levied by them. A majority of all the
14 members elected to the city council shall constitute a quorum for the
15 transaction of any business properly brought before them, but a less
16 number may adjourn from time to time and compel the attendance of absent
17 members. When sitting as a board of equalization on special taxes, the
18 city council may adopt such reasonable rules as to the manner of
19 presenting complaints and applying for remedies and relief as shall seem
20 just. It shall not invalidate or prejudice the proceedings of the board
21 that a majority of the members thereof do not, after organization by a
22 majority, continue present during the advertised hours of sitting so long
23 as the city clerk or some member of the board shall be present to receive
24 complaints and applications and give information. No final action shall
25 be taken by the board except by a majority of all the members elected to
26 the city council comprising the same, and in open session. All the
27 special taxes herein authorized shall be levied and assessed on all lots,
28 parts of lots, lands, and real estate to the extent of the special
29 benefit to such lots, parts of lots, lands, and real estate, by reason of
30 such improvement, such benefits to be determined by the city council
31 sitting as a board of equalization, or as otherwise herein provided,

1 after publication and notice to property owners herein provided. In cases
2 where the city council sitting as a board of equalization shall find such
3 benefits to be equal and uniform, such assessments may be according to
4 the feet frontage and may be prorated and scaled back from the line of
5 such improvement according to such rules as the board of equalization may
6 consider fair and equitable; and all such assessments and findings of
7 benefits shall not be subject to review in any equitable or legal action
8 except for fraud, injustice, or mistake.

9 Sec. 177. Section 16-708, Revised Statutes Supplement, 2015, is
10 amended to read:

11 16-708 Whenever any special assessment upon any lot or lots or lands
12 or parcels of land in a city of the first class is found to be invalid
13 and uncollectible, shall be adjudged to be void by a court of competent
14 jurisdiction, or is paid under protest and recovered by suit, because of
15 any defect, irregularity, or invalidity in any of the proceedings or on
16 account of the failure to observe and comply with any of the conditions,
17 prerequisites, and requirements of any statute or ordinance, the mayor
18 and city council may relevy or reassess the special assessment upon the
19 lot or lots or lands or parcels of land in the same manner as other
20 special assessments are levied, without regard to whether the
21 formalities, prerequisites, or conditions prior to equalization have been
22 had or not.

23 Sec. 178. Section 16-709, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 16-709 In cases of any omission, mistake, defect, or irregularity in
26 the preliminary proceedings on any special assessment in a city of the
27 first class, the city council shall have power to correct such mistake,
28 omission, defect, or irregularity, and levy or relevy, as the case may
29 be, a special assessment on any or all property in the district, in
30 accordance with the special benefits received and damages sustained to
31 the property on account of such improvement as found by the city council

1 sitting as a board of equalization. The city council shall deduct from
2 the benefits and allow as a credit, before such relevy, an amount equal
3 to the sum of the installments paid in the original levy.

4 Sec. 179. Section 16-711, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 16-711 All money arising from the levying of a road tax against or
7 upon property in a said city of the first class shall belong to such the
8 city and shall be expended upon the streets and grades in such city;
9 ~~Provided, this section shall not apply and has not heretofore applied to~~
10 ~~the disposition of money collected by levy of county road tax; and~~
11 ~~provided further, that all money which was collected before March 11,~~
12 ~~1935, by any county under township organization from the levy of county~~
13 ~~road tax against or upon the property in said city and which has not been~~
14 ~~paid to said city shall belong to the county, and no part thereof need be~~
15 ~~paid to said city; Provided further, that section 49-301 shall not apply~~
16 ~~to preserve to any city any right which said city may have had or claimed~~
17 ~~with respect to said money heretofore collected by any county under~~
18 ~~township organization from the levy of county road tax against or upon~~
19 ~~the property in said city and which has not been paid to said city ; and~~
20 ~~provided further, that the provisions of this section shall be held and~~
21 ~~taken to apply to any case brought in any court in this state.~~

22 Sec. 180. Section 16-712, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 16-712 The city treasurer shall deposit, and at all times keep on
25 deposit, for safekeeping, in banks, capital stock financial institutions,
26 or qualifying mutual financial institutions of approved and responsible
27 standing, all money collected, received, or held by him or her as city
28 treasurer. Such deposits shall be subject to all regulations imposed by
29 law or adopted by the city council for the receiving and holding thereof.
30 The fact that a stockholder, director, or other officer of such bank,
31 capital stock financial institution, or qualifying mutual financial

1 institution shall also be serving as mayor, as a member of the city
2 council, as a member of a board of public works, or as any other officer
3 of such city municipality shall not disqualify such bank, capital stock
4 financial institution, or qualifying mutual financial institution from
5 acting as a depository for such city municipal funds. Section 77-2366
6 shall apply to deposits in capital stock financial institutions. Section
7 77-2365.01 shall apply to deposits in qualifying mutual financial
8 institutions.

9 Sec. 181. Section 16-713, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 16-713 The city treasurer may, upon resolution of the mayor and city
12 council authorizing the action same, purchase certificates of deposit
13 from and make time deposits in banks, capital stock financial
14 institutions, or qualifying mutual financial institutions selected as
15 depositories of city funds under the provisions of sections 16-712,
16 16-714, and 16-715. The certificates of deposit purchased and time
17 deposits made shall bear interest and shall be secured as set forth in
18 sections 16-714 and 16-715, except that the penal sum of such bond or the
19 sum of such security shall be reduced in the amount of the time deposit
20 or certificate of deposit insured or guaranteed by the Federal Deposit
21 Insurance Corporation. Section 77-2366 shall apply to deposits in capital
22 stock financial institutions. Section 77-2365.01 shall apply to deposits
23 in qualifying mutual financial institutions.

24 Sec. 182. Section 16-714, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 16-714 For the security of the fund so deposited, the city treasurer
27 shall require each depository to give bond for the safekeeping and
28 payment of such deposits and the accretions thereof, which bond shall run
29 to the city and be approved by the mayor. Such bond shall be conditioned
30 that such a depository shall, at the end of every quarter, render to the
31 city treasurer a statement in duplicate, showing the several daily

1 balances, the amount of money of the city held by it during the quarter,
2 the amount of the accretion thereto, and how credited. The bond shall
3 also be conditioned that the depository shall generally do and perform
4 whatever may be required by the provisions of sections 16-712 to 16-715
5 and faithfully discharge the trust reposed in such depository. Such bond
6 shall be as nearly as practicable in the form provided in section
7 77-2304. No person in any way connected with any depository as an officer
8 or stockholder shall be accepted as a surety on any bond given by the
9 depository of which he or she is an officer or stockholder. Such bond
10 shall be deposited with the city clerk. Section 77-2366 shall apply to
11 deposits in capital stock financial institutions. Section 77-2365.01
12 shall apply to deposits in qualifying mutual financial institutions.

13 Sec. 183. Section 16-716, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 16-716 The city treasurer shall not have on deposit in any bank,
16 capital stock financial institution, or qualifying mutual financial
17 institution at any time more than the amount insured or guaranteed by the
18 Federal Deposit Insurance Corporation plus the maximum amount of the bond
19 given by the bank, capital stock financial institution, or qualifying
20 mutual financial institution if the bank, capital stock financial
21 institution, or qualifying mutual financial institution gives a surety
22 bond, nor in any bank, capital stock financial institution, or qualifying
23 mutual financial institution giving a personal bond, more than the amount
24 insured or guaranteed by the Federal Deposit Insurance Corporation plus
25 one-half of the amount of the bond of such bank, capital stock financial
26 institution, or qualifying mutual financial institution, and the amount
27 so on deposit any time with any such bank, capital stock financial
28 institution, or qualifying mutual financial institution shall not in
29 either case exceed the amount insured or guaranteed by the Federal
30 Deposit Insurance Corporation plus the paid-up capital stock and surplus
31 of such bank, capital stock financial institution, or qualifying mutual

1 financial institution.

2 The city treasurer shall not be liable for any loss sustained by
3 reason of the failure of any such bonded depository whose bond has been
4 duly approved by the mayor as provided in section 16-714 or which has, in
5 lieu of a surety bond, given security as provided in section 16-715.

6 Sec. 184. Section 16-717, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 16-717 The city treasurer shall receive all money belonging to the
9 city, and the city clerk and city treasurer shall keep their books and
10 accounts in such a manner as the mayor and city council shall prescribe.
11 The city treasurer shall keep a daily cash book, which shall be footed
12 and balanced daily, \div and such books and accounts shall always be subject
13 to inspection of the mayor, members of the city council, and such other
14 persons as they may designate.

15 Sec. 185. Section 16-718, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 16-718 Upon allowance of a claim by the city council, the order for
18 the payment thereof shall specify the particular fund out of which it is
19 payable as specified in the adopted budget statement, and no order or
20 warrant shall be drawn in excess of eighty-five percent of the current
21 levy for the purpose for which it is drawn unless there shall be
22 sufficient money in the treasury to the credit of the proper fund for its
23 payment, and no claim shall be audited or allowed except an order or
24 warrant for the payment thereof may legally be drawn. All warrants drawn
25 upon the treasury must be signed by the mayor and countersigned by the
26 city clerk, and shall state the particular fund to which the same is
27 chargeable, the person to whom payable, and for what particular object.
28 No money shall be otherwise paid than upon such warrant so drawn. Such
29 warrants may be delivered immediately when so drawn.

30 Sec. 186. Section 16-719, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 16-719 The city treasurer shall keep all money in his or her hands
2 belonging to the city separate and distinct from his or her own money. He
3 or she ; ~~and he is hereby~~ expressly prohibited from using, either
4 directly or indirectly, the city ~~corporation~~ money or warrants in his or
5 her custody and keeping for his or her own use and benefit or that of any
6 other person ~~whomsoever~~. Any violation of this section ~~provision~~ shall
7 subject him or her to immediate removal from office by the city council,
8 and the council ~~it~~ may declare such office vacant. The mayor shall
9 appoint a successor, who shall be confirmed by the city council, to hold
10 office for the remainder of the term.

11 Sec. 187. Section 16-720, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 16-720 The city treasurer shall report to the mayor and city council
14 annually, and more often if required, at such times as may be prescribed
15 by ordinance, giving a full and detailed account of the receipts and
16 expenditures during the preceding fiscal year, and the state of the
17 treasury. He or she shall also keep a register of all warrants redeemed
18 and paid during the year, describing such warrants, their date, amount,
19 number, time of payment, the fund from which paid, and the person to whom
20 paid. All such warrants shall be examined by the finance committee at the
21 time of making such annual report.

22 Sec. 188. Section 16-721, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 16-721 Each fund created under Chapter 16 ~~by this chapter~~ shall be
25 strictly devoted to the purpose for which it was created and shall not be
26 diverted therefrom. When ; ~~Provided, however, when~~ the city council by a
27 three-fourths vote of the members thereof, shall declare the expenditure
28 of any fund for the purpose for which it was created to be unwise and
29 impracticable or where the purpose thereof has been fully accomplished
30 and the whole fund or an unexpired balance thereof remains, and no
31 indebtedness has been incurred on account of such fund which has not been

1 fully paid, such fund may be transferred to any other fund of the city by
2 the affirmative vote of three-fourths of all the members of the city
3 council.

4 Sec. 189. Section 16-722, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 16-722 The mayor and city council shall cause to be published
7 semiannually a statement of the receipts of the city and an itemized
8 account of the expenditures of the city.

9 Sec. 190. Section 16-723, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 16-723 All taxes levied for the purpose of raising money to pay the
12 interest or to create a sinking fund for the payment of the principal of
13 any funded or bonded debt of the city shall be payable in money only.
14 Except as otherwise expressly provided, no money so obtained shall be
15 used for any other purpose than the payment of the interest or debt for
16 the payment of which it shall have been raised. Such ; ~~Provided,~~ such
17 sinking fund may, under the direction of the mayor and city council, be
18 invested in any of the unmatured bonds issued by the city, provided they
19 can be procured by the city treasurer at such rate or premium as shall be
20 prescribed by ordinance. Any due or overdue bond or coupon shall be a
21 sufficient warrant or order for the payment of the same by the city
22 treasurer out of any fund especially created for that purpose without any
23 further order or allowance by the mayor or city council.

24 Sec. 191. Section 16-727, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 16-727 When the claim of any person against the city, except a tort
27 claim as defined in section 13-903, is disallowed in whole or in part by
28 the city council, such person may appeal from the decision of the city
29 council to the district court of the same county by causing a written
30 notice to be served on the city clerk within twenty days after making
31 such decision and executing a bond to such city, with good and sufficient

1 sureties to be approved by the city clerk, conditioned for the faithful
2 prosecution of such appeal and the payment of all costs that may be
3 adjudged against the appellant.

4 Sec. 192. Section 16-728, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 16-728 Any taxpayer may ~~likewise~~ appeal from the allowance of any
7 claim against the city, except a tort claim as defined in section 13-903,
8 by serving a written notice upon the city clerk within ten days from such
9 ~~said~~ allowance and giving bond as similar to that provided for in section
10 16-727. ~~When ; Provided, when~~ the city council, by ordinance, provides
11 for the publication of the list of the claims allowed, giving the amounts
12 allowed and the names of the persons to whom allowed, in a legal
13 newspaper in or ~~printed and published~~ and of general circulation in such
14 city, such appeal may be taken by a taxpayer by serving a notice thereof
15 within such time after such publication as may be fixed by such
16 ordinance, and giving bond for such appeal within ten days after such
17 allowance.

18 Sec. 193. Section 16-729, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 16-729 The city clerk, upon an such appeal being taken under section
21 16-727 or 16-728 and being paid the proper fees therefor, including fees
22 for filing the same in the district court, shall make out a transcript of
23 the proceedings of the city council, mayor, and other officers as relate
24 to the presentation and allowance or disallowance of such claim and shall
25 file it with the clerk of the district court within thirty days after the
26 decision allowing or disallowing the claim and paying the proper
27 commencement fees. Such appeal shall be entered on the docket of the
28 court, tried, and determined and costs awarded thereon in the manner
29 provided in sections 25-1901 to 25-1937. No appeal bond shall be required
30 of the city by any court in the case of an appeal by the city, and
31 judgment shall be stayed pending such appeal.

1 Sec. 194. Section 16-801, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 16-801 The Legislature finds and declares that the great increase
4 in the number of motor vehicles, buses, and trucks in Nebraska has
5 created hazards to life and property in cities of the first class in the
6 state ~~State recognition is hereby given to the hazard created in the~~
7 ~~streets of cities of the first class of Nebraska by the great increase in~~
8 ~~the number of motor vehicles, buses, and trucks.~~ In order to remove or
9 reduce such ~~the~~ hazards to life and property and the inconvenience of
10 congested traffic on the streets in such cities in this state, it is
11 hereby deemed necessary and of general benefit to the entire State of
12 Nebraska to provide means for such cities in Nebraska to own offstreet
13 vehicle parking facilities exclusively for the parking of motor vehicles.

14 Sec. 195. Section 16-802, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 16-802 Any city of the first class ~~in Nebraska~~ is hereby authorized
17 to own, purchase, construct, equip, lease, or operate within such city
18 offstreet motor vehicle parking facilities for the use of the general
19 public. This ~~The grant of power herein~~ does not include the power to
20 engage, directly or indirectly, in the sale of gasoline, oil, or other
21 merchandise or in the furnishing of any service other than that of
22 parking motor vehicles as provided in this section ~~herein~~. Such ~~Any such~~
23 city shall have the authority to acquire by grant, contract, or purchase
24 or through the condemnation of property, as provided by law for such
25 acquisition, all real or personal property, including a site or sites on
26 which to construct the facilities necessary or convenient in the carrying
27 out of this grant of power. Before any such city may commence a program
28 to construct, purchase, or acquire by other means a proposed offstreet
29 parking facility or facilities, notice shall be given, by publication in
30 a legal newspaper in or of general circulation in the city ~~once each week~~
31 for not less than three weeks, inviting application for private ownership

1 and operation of offstreet parking facilities. If no application or
2 applications have been received or, if received, the application or
3 applications ~~same~~ have been disapproved by the ~~governing body of such~~
4 city council within ninety days from the first date of publication, then
5 such city may proceed in the exercise of the powers ~~herein~~ granted under
6 this section.

7 Sec. 196. Section 16-803, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 16-803 In order to pay the cost required by any purchase,
10 construction, lease, or condemnation of property and equipping of such
11 facilities, or the enlargement of presently owned facilities, or to pay a
12 portion of the cost of such facilities purchased or constructed pursuant
13 to the Offstreet Parking District Act, a city of the first class sections
14 ~~19-3301 to 19-3326~~, the city may issue revenue bonds to provide the funds
15 for such improvements. Such revenue bonds shall not be payable from any
16 general tax upon the issuing city municipality, but shall be a lien only
17 upon the revenue and earnings of the parking facilities. Such revenue
18 bonds may be issued at an interest cost to maturity set by the city
19 council and shall mature in not to exceed forty years but may be optional
20 prior to maturity at a premium as provided in the authorizing resolution
21 or ordinance. Any such revenue bonds which may be issued shall not be
22 included in computing the maximum amount of bonds which the issuing city
23 of the first class may be authorized to issue under its charter or any
24 statute of this state. Such revenue bonds may be issued and sold or
25 delivered to the contractor at par and accrued interest for the amount of
26 work performed. If any city has installed or installs onstreet parking
27 meters, it may pledge all or any part of the revenue of such parking
28 meters, not previously pledged, as security for the bonds ~~herein~~
29 authorized in this section.

30 Sec. 197. Section 16-804, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 16-804 Before the issuance of any revenue bonds as provided under
2 section 16-803, the city of the first class shall have an independent and
3 qualified firm of engineers prepare plans and specifications for such
4 improvements. In the preparation of the plans and specifications, the
5 independent engineer shall collaborate and counsel with any city
6 engineering or traffic departments so as to coordinate the program with
7 the program for the control of traffic within such ~~respective~~ city.

8 Sec. 198. Section 16-805, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 16-805 The city council ~~The governing body of any such city of the~~
11 ~~first class~~ shall make all necessary rules and regulations governing the
12 use, operation, and control of the improvements as provided in sections
13 16-801 to 16-811 thereof. In the exercise of the grant of power as
14 provided in sections 16-801 to 16-811 ~~herein set forth~~, the city of the
15 first class may make contracts with ~~other~~ departments of the city, or
16 others, if such contracts are necessary and needed for the payment of the
17 revenue bonds authorized in section 16-803 ~~herein~~ and for the successful
18 operation of the parking facilities. The city council ~~governing board~~
19 shall also establish and maintain equitable rates or charges for such
20 services sufficient in amount to pay for the cost of operation, repair,
21 and upkeep of the facilities to be purchased, acquired, or leased, and
22 the principal of and interest on any revenue bonds issued pursuant to ~~the~~
23 ~~provisions of~~ sections 16-801 to 16-811. The city council ~~governing body~~
24 may also make any other agreements with the purchasers of the bonds for
25 the security of the issuing city and the purchasers of such bonds not in
26 contravention with ~~the provisions of~~ sections 16-801 to 16-811.

27 Sec. 199. Section 16-806, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 16-806 The mayor and city council of a city of the first class may
30 adopt by ordinance the proposition to make such purchase or to erect such
31 facility or facilities as set forth in section 16-802, and before the

1 purchase can be made or facility created, the city council shall publish
2 in a legal newspaper in or of ~~having a~~ general circulation in the city
3 the location of the proposed offstreet motor vehicle parking facility or
4 facilities, the proposed cost, and the total amount of the bonds to be
5 issued. If the electors of such city, equal in number to five percent of
6 the electors of such city voting at the last preceding general municipal
7 election, file a written objection or objections to the proposed issuance
8 of revenue bonds within sixty days after the adoption of such ordinance,
9 the city council ~~governing body~~ must submit the question to the electors
10 of such city at a general municipal election or at a special ~~an~~ election
11 ~~duly~~ called for that purpose and be approved by a majority of the
12 electors voting on such question. If the question is submitted at a
13 special election, the vote for the purchase or acquisition of such real
14 estate or the purchase or erection of such facility or facilities shall
15 equal at least a majority of the votes cast at the last preceding general
16 election. Notice of the time and place of the election shall be given by
17 publication in a some legal newspaper ~~printed and in or of~~ general
18 circulation in such city three successive weeks prior thereto.

19 Sec. 200. Section 16-807, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 16-807 On the creation of a such motor vehicle parking facility as
22 provided under section 16-802 for the use of the general public, the city
23 may ~~if it desires~~ lease such facility to one or more operators to provide
24 for the efficient operation of the facility. Such lease shall be let on a
25 competitive basis and no lease shall run for a period in excess of ten
26 years. In granting any lease, the city shall retain such control of the
27 facility as may be necessary to insure that the facility will be properly
28 operated in the public interest and that the prices charged are
29 reasonable. The provisions of sections 16-801 to 16-811 shall not be
30 construed to authorize the city or the lessee of the facility to engage
31 in the sale of any commodity, product, or service, or to engage in any

1 business other than the purposes set forth in section 16-802.

2 Sec. 201. Section 16-809, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 16-809 The provisions of sections 16-801 to 16-811 and of any
5 ordinance authorizing the issuance of bonds under the provisions of
6 sections 16-801 to 16-811 shall constitute a contract with the holders of
7 such bonds, and any holder of a bond or bonds or any of the coupons of
8 any bond or bonds of such city municipality, issued under the provisions
9 of sections 16-801 to 16-811, may either in law or in equity, by suit,
10 action, mandamus, or other proceedings, enforce and compel the
11 performance of all duties required by the provisions of sections 16-801
12 to 16-811 or by the ordinance authorizing the bonds, including the making
13 and collection of sufficient charges and fees for service and the use
14 thereof, and the application of income and revenue thereof.

15 Sec. 202. Section 16-810, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 16-810 Any city of the first class is authorized to use any or all
18 of the revenue from onstreet parking meters for the purpose set forth in
19 section 16-802 if such revenue has not been pledged for the payment of
20 revenue bonds authorized in section 16-803 herein.

21 Sec. 203. Section 16-901, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 16-901 (1) Except as provided in section 13-327 and subsection (2)
24 of this section, the extraterritorial zoning jurisdiction of a city of
25 the first class shall consist of the unincorporated area two miles beyond
26 and adjacent to its corporate boundaries.

27 (2) For purposes of sections 70-1001 to 70-1020, the
28 extraterritorial zoning jurisdiction of a city of the first class shall
29 consist of the unincorporated area one mile beyond and adjacent to its
30 corporate boundaries.

31 (3) Any Except as provided in section 13-327, any city of the first

1 class may apply by ordinance any existing or future zoning regulations,
2 property use regulations, building ordinances, electrical ordinances,
3 plumbing ordinances, and ordinances authorized by section 16-240 within
4 its extraterritorial zoning jurisdiction ~~to the unincorporated area two~~
5 ~~miles beyond and adjacent to its corporate boundaries~~ with the same force
6 and effect as if such ~~outlying~~ area were within the corporate limits of
7 ~~the such~~ city, except that no such ordinance shall be extended or applied
8 so as to prohibit, prevent, or interfere with the conduct of existing
9 farming, livestock operations, businesses, or industry. ~~For purposes of~~
10 ~~sections 70-1001 to 70-1020, the zoning area of a city of the first class~~
11 ~~shall be one mile beyond and adjacent to the corporate area.~~ The fact
12 that the extraterritorial zoning jurisdiction ~~such unincorporated area~~ is
13 located in a different county or counties than some or all portions of
14 the municipality shall not be construed as affecting the powers of the
15 city to apply such ordinances.

16 Sec. 204. Section 16-902, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 16-902 (1) Except as provided in section 13-327, a city of the first
19 class may designate by ordinance the portion of the territory located
20 within its extraterritorial zoning jurisdiction ~~two miles of the~~
21 ~~corporate limits of the city~~ and outside of any other organized city or
22 village within which the designating city will exercise the powers and
23 duties granted by sections 16-902 to 16-904 or section 19-2402.

24 (2) No owner of any real property located within the area designated
25 by a city pursuant to subsection (1) of this section or section 13-327
26 may subdivide, plat, or lay out such real property in building lots,
27 streets, or other portions of the same intended to be dedicated for
28 public use or for the use of the purchasers or owners of lots fronting
29 thereon or adjacent thereto without first having obtained the approval of
30 the city council of such city or its agent designated pursuant to section
31 19-916 and, when applicable, having complied with sections 39-1311 to

1 39-1311.05. The fact that such real property is located in a different
2 county or counties than some or all portions of the city shall not be
3 construed as affecting the necessity of obtaining the approval of the
4 city council of such city or its designated agent.

5 (3) In counties that (a) have adopted a comprehensive development
6 plan which meets the requirements of section 23-114.02 and (b) are
7 enforcing subdivision regulations, the county planning commission shall
8 be provided with all available materials on any proposed subdivision
9 plat, contemplating public streets or improvements, which is filed with a
10 city of the first class municipality in that county, when such proposed
11 plat lies partially or totally within the portion of that city's
12 extraterritorial zoning subdivision jurisdiction where the powers and
13 duties granted by sections 16-902 to 16-904 are being exercised by that
14 city municipality in such county. The commission shall be given four
15 weeks to officially comment on the appropriateness of the design and
16 improvements proposed in the plat. The review period for the commission
17 shall run concurrently with subdivision review activities of the city
18 municipality after the commission receives all available material for a
19 proposed subdivision plat.

20 Sec. 205. Section 16-905, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 16-905 An ordinance of any city of the first class designating the
23 extraterritorial zoning its jurisdiction over territory outside of the
24 corporate limits of the city under section 16-901 or 16-902 shall
25 describe such territory by metes and bounds or by reference to an
26 official map.

27 Sec. 206. Section 16-1014, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 16-1014 A retirement committee shall be established to supervise the
30 general operation of the retirement system established pursuant to the
31 Police Officers Retirement Act. The governing body of the city council

1 shall continue to be responsible for the general administration of such
2 retirement system unless specific functions or all functions with regard
3 to the administration of the retirement system are delegated, by
4 ordinance, to the retirement committee. Whenever duties or powers are
5 vested in the city or the retirement committee under the act or whenever
6 the act fails to specifically allocate the duties or powers of
7 administration of the retirement system, such powers or duties shall be
8 vested in the city unless such powers or duties have been delegated by
9 ordinance to the retirement committee. The city and the retirement
10 committee shall have all powers which are necessary for or appropriate to
11 establishing, maintaining, managing, and administering the retirement
12 system.

13 Sec. 207. Section 16-1034, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 16-1034 A retirement committee shall be established to supervise the
16 general operation of the retirement system. The ~~governing body of the~~
17 city council shall be responsible for the general administration of such
18 retirement system unless specific functions or all functions with regard
19 to the administration of the retirement system are delegated, by
20 ordinance, to the retirement committee. All costs incurred with regard to
21 the administration of the retirement system shall be paid by the city
22 from the unallocated employer account as provided in section 16-1036.01.

23 The city and retirement committee shall have all powers which are
24 necessary for or appropriate to establishing, maintaining, managing, and
25 administering the retirement system. Whenever sections 16-1020 to 16-1042
26 fail to address the allocation of duties or powers in the administration
27 of the retirement system, such powers or duties shall be vested in the
28 city unless such powers or duties have been delegated by ordinance to the
29 retirement committee.

30 Sec. 208. Section 16-1035, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 16-1035 Each retirement committee established pursuant to section
2 16-1034 shall consist of six members of which four members shall be
3 selected by the active paid firefighters excluding firefighters
4 identified in section 16-1039. Two members shall be designated by the
5 city council. The members who are not participants in such retirement
6 system shall have a general knowledge of retirement plans. Members of the
7 city council ~~governing body of such city~~, active members of the fire
8 department, and members of the general public may serve on the retirement
9 committee. The committee members shall be appointed to four-year terms.
10 Vacancies shall be filled for the remainder of the term by a person with
11 the same representation as his or her predecessor. Members of the
12 retirement committee shall, subject to approval by the city council, be
13 reimbursed for their actual and necessary expenses incurred in carrying
14 out their duties.

15 Sec. 209. Section 18-132, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 18-132 (1) The city council of any city or village board of any
18 village legislative bodies of all cities and villages may adopt by
19 ordinance the conditions, provisions, limitations, and terms of a
20 plumbing code, an electrical code, a fire prevention code, a building or
21 construction code, and any other standard code which contains rules and
22 regulations printed as a code in book or pamphlet form, by reference to
23 such code, or portions thereof, alone, without setting forth in the
24 ordinance the conditions, provisions, limitations, and terms of such
25 code. When any such code, or portion thereof, has been incorporated by
26 reference into such ~~any~~ ordinance, as provided in this section, it shall
27 have the same force and effect as though it had been written in its
28 entirety spread at large in such ordinance without further or additional
29 ~~posting or~~ publication thereof.

30 (2) Not less than one copy of such standard code, or portion
31 thereof, shall be kept filed for use and examination by the public in the

1 office of the city or village clerk of such city or village prior to the
2 adoption thereof and as long as such standard code is in effect in such
3 city or village . ~~The adoption of any such standard code by reference~~
4 ~~shall be construed to incorporate such amendments thereto as may be made~~
5 ~~in such standard code from time to time, if the copy of such standard~~
6 ~~code so filed is at all times kept current in the office of the clerk of~~
7 ~~such city or village.~~

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

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

17 Sec. 210. Section 19-922, Revised Statutes Cumulative Supplement,
18 2014, is amended to read:

19 19-922 ~~The legislative body of any city of the first or second~~
20 ~~class or any village may adopt by ordinance, which shall have the force~~
21 ~~and effect of law, the conditions, provisions, limitations, and terms of~~
22 ~~a building code, a plumbing code, an electrical code, a fire prevention~~
23 ~~code, or any other code relating to building or relating to the erection,~~
24 ~~construction, reconstruction, alteration, repair, conversion,~~
25 ~~maintenance, placing, or using of any building, structure, automobile~~
26 ~~trailer, house trailer, or cabin trailer. The local legislative body~~
27 ~~shall, before such ordinance takes effect, cause such ordinance setting~~
28 ~~forth the code to be published one time in book or pamphlet form or in a~~
29 ~~legal newspaper published in and of general circulation in the~~
30 ~~municipality or, if none is published in the municipality, in a legal~~
31 ~~newspaper of general circulation in the municipality. The legislative~~

1 ~~body may by ordinance, which shall have the force and effect of law,~~
2 ~~amend such code so adopted.~~

3 ~~For this purpose, the local legislative body may adopt any standard~~
4 ~~code which contains rules or regulations printed as a code in book or~~
5 ~~pamphlet form, by reference to such code, or portions thereof, alone~~
6 ~~without setting forth in such ordinance the conditions, provisions,~~
7 ~~limitations, or terms of such code. When such code or any such standard~~
8 ~~code, or portion thereof, shall be incorporated by reference into any~~
9 ~~ordinance pursuant to this section, it shall have the same force and~~
10 ~~effect as though it has been spread at large in such ordinance without~~
11 ~~further or additional publication. At least one copy of such code or such~~
12 ~~standard code, or portion thereof, shall be filed for use and examination~~
13 ~~by the public in the office of the clerk of such municipality prior to~~
14 ~~its adoption.~~

15 Any code adopted and approved by a city or village ~~the local~~
16 ~~legislative body~~ as provided in this section 18-132 and the building
17 permit requirements or occupancy permit requirements imposed by any such
18 code or by section 19-913 shall apply to all of the city or village and
19 within the unincorporated area where a city or village has been granted
20 zoning jurisdiction and is exercising such jurisdiction.

21 Sec. 211. Section 19-2402, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 19-2402 (1) Whenever the city council of any city of the first or
24 second class or the board of trustees of a village deems it necessary and
25 advisable to extend municipal water service or municipal sanitary sewer
26 service to territory beyond the existing systems, such municipal
27 officials may, by ordinance, create a district or districts to be known
28 as sanitary sewer extension districts or water extension districts for
29 such purposes, and such district or districts may include properties
30 within the corporate limits of the municipality and the extraterritorial
31 zoning jurisdiction as established pursuant to section 16-901 ~~16-902~~ or

1 17-1002.

2 (2) The owners of lots and lands abutting upon a street, avenue, or
3 alley, or part thereof, may petition the council or board to create a
4 sanitary sewer extension district or a water extension district. The
5 petition shall be signed by owners representing at least two-thirds of
6 the front footage abutting upon the street, avenue, or alley, or part
7 thereof, within the proposed district, which will become subject to an
8 assessment for the cost of the improvement.

9 (3) If creation of the district is not initiated by petition, a vote
10 of at least three-fourths of all the members of the council or board
11 shall be required to adopt the ordinance creating the district.

12 (4) Such ordinance shall state the size and kind of sewer mains or
13 water mains proposed to be constructed in such district and shall
14 designate the location and terminal points thereof. Such ordinance shall
15 also refer to the plans and specifications for such utility extensions
16 which shall have been made and filed with the municipal clerk by the
17 municipal engineer prior to the introduction of the ordinance, and the
18 city or village engineer at the time of filing such plans and
19 specifications shall make and file an estimate of the total cost of the
20 proposed utility extension. The ordinance shall also state the outer
21 boundaries of the district or districts in which it is proposed to make
22 special assessments.

23 (5) Upon creation of an extension district, whether by vote of the
24 governing body or by petition, the council or board shall order the sewer
25 extension main or water extension main laid and, to the extent of special
26 benefit, assess the cost thereof against the property which abuts upon
27 the street, avenue, or alley, or part thereof, which is located in the
28 district.

29 Sec. 212. Section 23-172, Revised Statutes Cumulative Supplement,
30 2014, is amended to read:

31 23-172 (1) The county board may adopt by resolution, which shall

1 have the force and effect of law, the conditions, provisions,
2 limitations, and terms of a building or construction code, a plumbing
3 code, an electrical code, a fire prevention code, or any other code
4 relating to building or relating to the erection, construction,
5 reconstruction, alteration, repair, conversion, maintenance, placing, or
6 using of any building, structure, automobile trailer, house trailer, or
7 cabin trailer. For this purpose, the county board may adopt any standard
8 code which contains rules or regulations printed as a code in book or
9 pamphlet form by reference to such code or portions thereof without
10 setting forth in the resolution the conditions, provisions, limitations,
11 or terms of such code. When such code or any such standard code or
12 portion thereof is incorporated by reference into such ~~any~~ resolution, it
13 shall have the same force and effect as though it had ~~has~~ been written in
14 its entirety ~~spread at large~~ in such resolution without further or
15 additional publication.

16 (2) Not less than one ~~One~~ copy of such code or such standard code or
17 portion thereof shall be kept ~~filed~~ for use and examination by the public
18 in the office of the clerk of such county prior to the adoption thereof
19 and as long as such standard code is in effect in such county ~~its~~
20 ~~adoption~~.

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

23 (4) If there is no county resolution adopting a plumbing code in
24 effect for such county, the 2009 Uniform Plumbing Code accredited by the
25 American National Standards Institute shall apply to all buildings.

26 (5) Any code adopted and approved by the county board, as provided
27 in this section, or if there is no county resolution adopting a plumbing
28 code in effect for such county, the 2009 Uniform Plumbing Code accredited
29 by the American National Standards Institute, and the building permit
30 requirements or occupancy permit requirements imposed by such code or by
31 sections 23-114.04 and 23-114.05, shall apply to all of the county except

1 within the limits of any incorporated city or village and except within
2 an unincorporated area where a city or village has been granted zoning
3 jurisdiction and is exercising such jurisdiction.

4 (6) Nothing in this section shall be interpreted as creating an
5 obligation for the county to inspect plumbing work done within its
6 jurisdiction to determine compliance with the plumbing code.

7 Sec. 213. Section 71-6404, Revised Statutes Cumulative Supplement,
8 2014, is amended to read:

9 71-6404 (1) For purposes of the Building Construction Act, component
10 means a portion of the state building code adopted by reference pursuant
11 to section 71-6403.

12 (2) The state building code shall be the building and construction
13 standard within the state and shall be applicable:

14 (a 1) To all buildings and structures owned by the state or any
15 state agency; and

16 (b 2) In each county, city, or village ~~political subdivision~~ which
17 elects to adopt the state building code or any component or combination
18 of components of the state building code.

19 Sec. 214. Section 71-6406, Revised Statutes Supplement, 2015, is
20 amended to read:

21 71-6406 (1) Any county, city, or village ~~political subdivision~~ may
22 enact, administer, or enforce a local building or construction code if or
23 as long as such county, city, or village: ~~political subdivision~~

24 (a) Adopts ~~adopts~~ the state building code; ~~or . The political~~
25 ~~subdivision shall regularly update its code. For purposes of this~~
26 ~~section, a code shall be deemed to be regularly updated if the most~~
27 ~~recently enacted state building code is adopted by the political~~
28 ~~subdivision within two years. No political subdivision may adopt or~~
29 ~~enforce a local building or construction code other than as provided by~~
30 ~~this section.~~

31 ~~(2) A political subdivision may amend its local building or~~

1 ~~construction code if the amendment:~~

2 (b) Adopts a building or construction code that conforms ~~(a)~~
3 ~~Conforms generally with the state building code.~~

4 (2) A building or construction code shall be deemed to conform
5 generally with the state building code if it:

6 (a ~~b~~) Adopts a special or differing building standard by amending,
7 modifying, or deleting any portion of the state building code in order to
8 reduce unnecessary costs of construction, increase safety, durability, or
9 efficiency, establish best building or construction practices within the
10 county, city, or village, or address special local conditions within the
11 county, city, or village its jurisdiction;

12 (b ~~e~~) Adopts any supplement, new edition, appendix, or component or
13 combination of components of the state building code; ~~or~~

14 (c ~~d~~) Adopts chapter 13 of the 2012 edition of the International
15 Building Code, chapter 11 of the 2012 edition of the International
16 Residential Code, or section R313 of the 2012 edition of the
17 International Residential Code; ~~or~~

18 (d) Adopts a plumbing code, an electrical code, a fire prevention
19 code, or any other standard code as authorized under section 14-419,
20 15-905, 18-132, or 23-172; or

21 (e) Adopts a lighting and thermal efficiency ordinance, resolution,
22 code, or standard as authorized under section 81-1618.

23 (3) A local building or construction code which includes a prior
24 edition of any component or combination of components of the state
25 building code shall not be deemed to conform generally with the state
26 building code.

27 (4) A county, city, or village shall not adopt or enforce a local
28 building or construction code other than as provided by this section.

29 (5) A county, city, or village which adopts or enforces a local
30 building or construction code under this section shall regularly update
31 its code. For purposes of this section, a code shall be deemed to be

1 regularly updated if the most recently enacted state building code or a
2 code that conforms generally with the state building code is adopted by
3 the county, city, or village within two years after an update to the
4 state building code.

5 ~~(6 3) A county, city, or village political subdivision may adopt and~~
6 ~~promulgate amendments for the proper administration and enforcement of~~
7 ~~its local building or construction code including organization of~~
8 ~~enforcement, qualifications of staff members, examination of plans,~~
9 ~~inspections, appeals, permits, and fees. Any amendment adopted pursuant~~
10 ~~to this section shall be published separately from the local building or~~
11 ~~construction code. Fees, if any, for services which monitor a builder's~~
12 ~~application of codes shall be negotiable between the political~~
13 ~~subdivisions involved, but such fees shall not exceed the actual expenses~~
14 ~~incurred by the political subdivision doing the monitoring.~~

15 (7) A county, city, or village which adopts one or more standard
16 codes as part of its local building or construction code under this
17 section shall keep at least one copy of each adopted code, or portion
18 thereof, for use and examination by the public in the office of the clerk
19 of the county, city, or village prior to the adoption of the code and as
20 long as such code is in effect.

21 (8 4) Notwithstanding the provisions of the Building Construction
22 Act, a public building of any a political subdivision shall be built in
23 accordance with the applicable local building or construction code. Fees,
24 if any, for services which monitor a builder's application of codes shall
25 be negotiable between the political subdivisions involved, but such fees
26 shall not exceed the actual expenses incurred by the county, city, or
27 village doing the monitoring.

28 Sec. 215. Original sections 14-419, 16-102, 16-103, 16-104, 16-105,
29 16-117, 16-119, 16-120, 16-122, 16-124, 16-125, 16-126, 16-127, 16-128,
30 16-129, 16-202, 16-206, 16-212, 16-213, 16-214, 16-217, 16-218, 16-219,
31 16-220, 16-221, 16-222, 16-225, 16-226, 16-227, 16-229, 16-231, 16-232,

1 16-233, 16-236, 16-238, 16-239, 16-241, 16-246, 16-247, 16-249, 16-251,
2 16-253, 16-302.01, 16-304, 16-305, 16-306, 16-308, 16-309, 16-310,
3 16-312, 16-314, 16-319, 16-320, 16-321, 16-322, 16-323, 16-324, 16-325,
4 16-326, 16-327, 16-401, 16-402, 16-403, 16-404, 16-405, 16-406, 16-501,
5 16-502, 16-503, 16-606, 16-607, 16-609, 16-613, 16-617, 16-618, 16-619,
6 16-620, 16-621, 16-622, 16-623, 16-624, 16-625, 16-626, 16-627, 16-628,
7 16-632, 16-633, 16-634, 16-635, 16-636, 16-637, 16-646, 16-647, 16-649,
8 16-650, 16-651, 16-653, 16-654, 16-655, 16-661, 16-662, 16-665, 16-666,
9 16-667, 16-667.01, 16-667.02, 16-667.03, 16-670, 16-671, 16-672.01,
10 16-672.02, 16-672.03, 16-672.04, 16-672.05, 16-672.06, 16-672.07,
11 16-672.08, 16-672.11, 16-676, 16-677, 16-678, 16-679, 16-680, 16-681,
12 16-682, 16-683, 16-684, 16-684.01, 16-686, 16-686.01, 16-687, 16-688,
13 16-691, 16-691.01, 16-691.02, 16-692, 16-693, 16-694, 16-695, 16-696,
14 16-697, 16-697.01, 16-697.02, 16-698, 16-699, 16-6,100, 16-6,100.03,
15 16-6,100.05, 16-6,101, 16-6,102, 16-6,103, 16-6,104, 16-6,105, 16-6,107,
16 16-6,108, 16-6,109, 16-701, 16-702, 16-704, 16-706, 16-707, 16-709,
17 16-711, 16-712, 16-713, 16-714, 16-716, 16-717, 16-718, 16-719, 16-720,
18 16-721, 16-722, 16-723, 16-727, 16-728, 16-729, 16-801, 16-802, 16-803,
19 16-804, 16-805, 16-806, 16-807, 16-809, 16-810, 16-901, 16-902, 16-905,
20 16-1014, 16-1034, 16-1035, 18-132, and 19-2402, Reissue Revised Statutes
21 of Nebraska, sections 15-905, 16-313, 16-317, 16-318, 19-922, 23-172, and
22 71-6404, Revised Statutes Cumulative Supplement, 2014, and sections
23 16-207, 16-230, 16-240, 16-243, 16-250, 16-615, 16-630, 16-631, 16-664,
24 16-669, 16-672, 16-708, and 71-6406, Revised Statutes Supplement, 2015,
25 are repealed.