

LEGISLATIVE BILL 74

Approved by the Governor April 8, 1977

Introduced by S. Marsh, 29

AN ACT relating to cities of the primary class; to permit the removal of garbage, refuse, and other solid waste material as prescribed; to provide for an assessment against the property for such removal; and to declare an emergency.

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

Section 1. (1) Any city of the primary class may provide for the collection and removal of garbage or refuse found upon any lot, lots, or land within the corporate limits of such city or within the three-mile jurisdictional limit of the city, or upon the streets, roads, or alleys abutting such lot, lots, or land, which constitutes a public nuisance. The city may require the owner, owners, duly authorized agent, or tenant of such lot, lots, or land to remove the garbage or refuse therefrom and from the streets, roads, or alleys abutting thereon.

(2) Notice that removal of garbage or refuse is necessary shall be given to (a) (i) the owner or owners, or (ii) the duly authorized agent, and (b) the tenant. Such notice shall be provided by personal service or by certified mail. After providing such notice, the city through its proper offices shall, in addition to other proper remedies, remove the garbage or refuse, or cause it to be removed, from such lot, lots, or land, and streets, roads, or alleys abutting thereon.

(3) If the mayor of such city shall declare that the accumulation of such garbage or refuse upon any lot, lots, or land constitutes an immediate nuisance and hazard to public health and safety, the city shall remove the garbage or refuse from such lot, lots, or land twenty-four hours after notice by personal service in accordance with subsection (2) of this act if such garbage or refuse has not been removed.

Sec. 2. Whenever any city of the primary class removes any garbage or refuse from any lot, lots, or land pursuant to section 1 of this act, it shall, after a hearing before and conducted by the city council, assess the cost of the removal against such lot, lots, or land.

Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.