

LEGISLATIVE BILL 649

Approved by the Governor April 17, 2002

Introduced by D. Pederson, 42

AN ACT relating to municipal improvements; to amend section 19-2403, Reissue Revised Statutes of Nebraska, and section 19-2402, Revised Statutes Supplement, 2001; to change provisions relating to sanitary sewer extension districts and water extension districts; and to repeal the original sections.

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

Section 1. Section 19-2402, Revised Statutes Supplement, 2001, is amended to read:

19-2402. (1) Whenever the ~~mayer and~~ city council of any city of the first or second class, or the ~~chairperson and~~ board of trustees of a village ~~in Nebraska, shall deem~~ deems it necessary and advisable to extend municipal water service or municipal sanitary sewer service to territory beyond the existing systems, such municipal officials may, by ordinance, create a district or districts to be known as sanitary sewer extension districts or water extension districts, ~~as the case may be,~~ for such purposes, and such district or districts may include properties within the corporate limits of the municipality and the extraterritorial zoning jurisdiction as established pursuant to section 16-902 or 17-1002.

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

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

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

(5) Upon creation of an extension district, whether by vote of the governing body or by petition, the council or board shall order the sewer extension main or water extension main laid and, to the extent of special benefit, assess the cost thereof against the property which abuts upon the street, avenue, or alley, or part thereof, which is located in the district. When such extension of the utility service involved is completed, the municipality shall compel all proper connections therewith of occupied properties in such utility district, and may provide a penalty for failure to comply with regulations of the municipality pertaining to such utility districts.

Sec. 2. Section 19-2403, Reissue Revised Statutes of Nebraska, is amended to read:

19-2403. (1) When the extension of the sewer or water service involved in an extension district created pursuant to section 19-2402 is completed, the municipality shall compel all proper connections of occupied properties in the district with the extension and may provide a penalty for failure to comply with regulations of the municipality pertaining to the district.

(2) In case any property owner shall neglect or fail neglects or fails, for ten days, after notice, either by personal service or by publication in some newspaper published and of general circulation in the municipality, to comply with municipal regulations pertaining to municipal water service or municipal sanitary service extensions or to make connections of his or her property with such utility service, the ~~mayer and~~ city council or ~~chairman and~~ board of trustees, ~~as the case may be,~~ shall have power to may cause the same to be done, ~~and~~ assess the cost thereof against the property,

and collect the same in the manner provided for the collection of general municipal taxes. Unless the owners of lots and lands abutting upon any street, avenue, or alley, or part thereof, within said extension district, representing not less than two-thirds of the front footage abutting upon said street, avenue, or alley, or part thereof, which will become subject to an assessment for the cost of the improvement, shall petition the municipality to lay a sewer extension main or water extension main or both therein, and assess the cost thereof to the abutting lands and lots, such improvement shall not be made until not less than three-fourths of all of the members of the mayor and council, or chairman and board of trustees, as the case may be, by vote, assent to the making of the same, whereupon, upon such petition or by such vote by the governing body, the said governing body shall order such sewer extension main or water extension main laid and, to the extent of special benefit, assess the cost thereof against the property abutting upon such street, avenue, or alley or part thereof, and which is located within the utility district within which such sewer extension main or water extension main has been so placed.

Sec. 3. Original section 19-2403, Reissue Revised Statutes of Nebraska, and section 19-2402, Revised Statutes Supplement, 2001, are repealed.