

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 108

Introduced by Karpisek, 32.

Read first time January 10, 2013

Committee:

A BILL

1 FOR AN ACT relating to political subdivisions; to amend sections
2 14-102, 14-109, 15-203, 15-208, 15-215, 15-217, 15-220,
3 16-205, 16-206, 16-226, 16-233, 16-237, 17-120, 17-132,
4 17-133, 17-134, 17-207, 17-505, 17-525, 17-526, 23-808,
5 and 23-813, Reissue Revised Statutes of Nebraska; to
6 prohibit credentialing of professions and occupations as
7 prescribed; to provide exceptions; to harmonize
8 provisions; and to repeal the original sections.
9 Be it enacted by the people of the State of Nebraska,

1 Section 1. (1) No county, city, or village is authorized
2 to require any person to be credentialed to conduct business or
3 engage in any profession or occupation within its jurisdiction.

4 (2) For purposes of this section, (a) credential includes
5 license, certificate, registration, permit, and any other approval
6 required by the state to engage in a specific profession or
7 occupation, and (b) credential does not include any general approval
8 required of businesses such as a sales and use tax collection permit
9 or a business or occupation tax certificate.

10 (3) This section does not apply to licensure of plumbers
11 pursuant to sections 18-1901 to 18-1920 or certification of air
12 conditioning air distribution contractors pursuant to sections
13 18-2301 to 18-2315.

14 Sec. 2. Section 14-102, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 14-102 In addition to the powers granted in section
17 14-101 and subject to section 1 of this act, cities of the
18 metropolitan class shall have power by ordinance:

19 Taxes, special assessments.

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

22 Corporate seal.

23 (2) To provide a corporate seal for the use of the city,
24 and also any official seal for the use of any officer, board, or
25 agent of the city, whose duties under this act or under any ordinance

1 require an official seal to be used. Such corporate seal shall be
2 used in the execution of municipal bonds, warrants, conveyances, and
3 other instruments and proceedings as this act or the ordinances of
4 the city require;

5 Regulation of public health.

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

11 Appropriations for debts and expenses.

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

14 Protection of strangers and travelers.

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

18 Concealed weapons, firearms, fireworks, explosives.

19 (6) To punish and prevent the carrying of concealed
20 weapons, except the carrying of a concealed handgun in compliance
21 with the Concealed Handgun Permit Act, and the discharge of firearms,
22 fireworks, or explosives of any description within the city, other
23 than the discharge of firearms at a shooting range pursuant to the
24 Nebraska Shooting Range Protection Act;

25 Sale of foodstuffs.

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

4 Official bonds.

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

10 Official reports of city officers.

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

14 Cruelty to children and animals.

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

17 Dogs; taxes and restrictions.

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

1 Cleaning sidewalks.

2 (12) To provide for keeping sidewalks clean and free from
3 obstructions and accumulations, to provide for the assessment and
4 collection of taxes on real estate and for the sale and conveyance
5 thereof, and to pay the expenses of keeping the sidewalk adjacent to
6 such real estate clean and free from obstructions and accumulations
7 as herein provided;

8 Planting and trimming of trees; protection of birds.

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

20 Naming and numbering streets and houses.

21 (14) To provide for, regulate, and require the numbering
22 or renumbering of houses along public streets or avenues; to care for
23 and control and to name and rename streets, avenues, parks, and
24 squares within the city;

25 Weeds.

1 (15) To require weeds and worthless vegetation growing
2 upon any lot or piece of ground within the city to be cut and
3 destroyed so as to abate any nuisance occasioned thereby, to prohibit
4 and control the throwing, depositing, or accumulation of litter on
5 any lot or piece of ground within the city and to require the removal
6 thereof so as to abate any nuisance occasioned thereby, and if the
7 owner fails to cut and destroy weeds and worthless vegetation or
8 remove litter, or both, after notice as required by ordinance, to
9 assess the cost thereof upon the lots or lands as a special
10 assessment. The notice required to be given may be by publication in
11 the official newspaper of the city and may be directed in general
12 terms to the owners of lots and lands affected without naming such
13 owners;

14 Animals running at large.

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

23 Use of streets.

24 (17) To regulate the transportation of articles through
25 the streets, to prevent injuries to the streets from overloaded

1 vehicles, and to regulate the width of wagon tires and tires of other
2 vehicles;

3 Playing on streets and sidewalks.

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

11 Combustibles and explosives.

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

15 Public sale of chattels on streets.

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

20 Signs and obstruction in streets.

21 (21) To regulate and prevent the use of streets,
22 sidewalks, and public grounds for signs, posts, awnings, awning
23 posts, scales, or other like purposes; to regulate and prohibit the
24 exhibition or carrying or conveying of banners, placards,
25 advertisements, or the distribution or posting of advertisements or

1 handbills in the streets or public grounds or upon the sidewalks;

2 Disorderly conduct.

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

9 Vagrants and tramps.

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

17 Disorderly houses, gambling, offenses against public
18 morals.

19 (24) To prohibit, restrain, and suppress tippling shops,
20 houses of prostitution, opium joints, gambling houses, prize
21 fighting, dog fighting, cock fighting, and other disorderly houses
22 and practices, all games and gambling and desecration of the Sabbath,
23 commonly called Sunday, and all kinds of indecencies; to regulate and
24 license or prohibit the keeping and use of billiard tables, ten pins
25 or ball alleys, shooting galleries except as provided in the Nebraska

1 Shooting Range Protection Act, and other similar places of amusement;
2 and to prohibit and suppress all lotteries and gift enterprises of
3 all kinds under whatsoever name carried on, except that nothing in
4 this subdivision shall be construed to apply to bingo, lotteries,
5 lotteries by the sale of pickle cards, or raffles conducted in
6 accordance with the Nebraska Bingo Act, the Nebraska Lottery and
7 Raffle Act, the Nebraska Pickle Card Lottery Act, the Nebraska Small
8 Lottery and Raffle Act, or the State Lottery Act;

9 Police regulation in general.

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

21 Fast driving on streets.

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

25 Libraries, art galleries, and museums.

1 (27) To establish and maintain public libraries, reading
2 rooms, art galleries, and museums and to provide the necessary
3 grounds or buildings therefor; to purchase books, papers, maps,
4 manuscripts, works of art, and objects of natural or of scientific
5 curiosity, and instruction therefor; to receive donations and
6 bequests of money or property for the same in trust or otherwise and
7 to pass necessary bylaws and regulations for the protection and
8 government of the same;

9 Hospitals, workhouses, jails, firehouses, etc.; garbage
10 disposal.

11 (28) To erect, designate, establish, maintain, and
12 regulate hospitals or workhouses, houses of correction, jails,
13 station houses, fire engine houses, asphalt repair plants, and other
14 necessary buildings; and to erect, designate, establish, maintain,
15 and regulate plants for the removal, disposal, or recycling of
16 garbage and refuse or to make contracts for garbage and refuse
17 removal, disposal, or recycling, or all of the same, and to charge
18 equitable fees for such removal, disposal, or recycling, or all of
19 the same, except as hereinafter provided. The fees collected pursuant
20 to this subdivision shall be credited to a single fund to be used
21 exclusively by the city for the removal, disposal, or recycling of
22 garbage and refuse, or all of the same, including any costs incurred
23 for collecting the fee. Before any contract for such removal,
24 disposal, or recycling is let, the city council shall make
25 specifications therefor, bids shall be advertised for as now provided

1 by law, and the contract shall be let to the lowest and best bidder,
2 who shall furnish bond to the city conditioned upon his or her
3 carrying out the terms of the contract, the bond to be approved by
4 the city council. Nothing in this act, and no contract or regulation
5 made by the city council, shall be so construed as to prohibit any
6 person, firm, or corporation engaged in any business in which garbage
7 or refuse accumulates as a byproduct from selling, recycling, or
8 otherwise disposing of his, her, or its garbage or refuse or hauling
9 such garbage or refuse through the streets and alleys under such
10 uniform and reasonable regulations as the city council may by
11 ordinance prescribe for the removal and hauling of garbage or refuse;

12 Market places.

13 (29) To erect and establish market houses and market
14 places and to provide for the erection of all other useful and
15 necessary buildings for the use of the city and for the protection
16 and safety of all property owned by the city; and such market houses
17 and market places and buildings aforesaid may be located on any
18 street, alley, or public ground or on land purchased for such
19 purpose;

20 Cemeteries, registers of births and deaths.

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

1 Plumbing, etc., inspection.

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

6 Fire limits and fire protection.

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

1 competent jurisdiction;

2 Building regulations.

3 (33) To regulate the construction, use, and maintenance
4 of party walls, to prescribe and regulate the thickness, strength,
5 and manner of constructing stone, brick, wood, or other buildings and
6 the size and shape of brick and other material placed therein, to
7 prescribe and regulate the construction and arrangement of fire
8 escapes and the placing of iron and metallic shutters and doors
9 therein and thereon, and to provide for the inspection of elevators
10 and hoist-way openings to avoid accidents; to prescribe, regulate,
11 and provide for the inspection of all plumbing, pipefitting, or sewer
12 connections in all houses or buildings now or hereafter erected; to
13 regulate the size, number, and manner of construction of halls,
14 doors, stairways, seats, aisles, and passageways of theaters,
15 tenement houses, audience rooms, and all buildings of a public
16 character, whether now built or hereafter to be built, so that there
17 may be convenient, safe, and speedy exit in case of fire; to prevent
18 the dangerous construction and condition of chimneys, fireplaces,
19 hearths, stoves, stovepipes, ovens, boilers, and heating appliances
20 used in or about any building or a manufactory and to cause the same
21 to be removed or placed in safe condition when they are considered
22 dangerous; to regulate and prevent the carrying on of manufactures
23 dangerous in causing and promoting fires; to prevent the deposit of
24 ashes in unsafe places and to cause such buildings and enclosures as
25 may be in a dangerous state to be put in a safe condition; to prevent

1 the disposing of and delivery or use in any building or other
2 structure, of soft, shelly, or imperfectly burned brick or other
3 unsuitable building material within the city limits and provide for
4 the inspection of the same; to provide for the abatement of dense
5 volumes of smoke; to regulate the construction of areaways,
6 stairways, and vaults and to regulate partition fences; to enforce
7 proper heating and ventilation of buildings used for schools,
8 workhouses, or shops of every class in which labor is employed or
9 large numbers of persons are liable to congregate;

10 Warehouses and street railways.

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

15 Lighting railroad property.

16 (35) To require the lighting of any railway within the
17 city, the cars of which are propelled by steam, and to fix and
18 determine the number, size, and style of lampposts, burners, lamps,
19 and all other fixtures and apparatus necessary for such lighting and
20 the points of location for such lampposts; and in case any company
21 owning or operating such railways shall fail to comply with such
22 requirements, the council may cause the same to be done and may
23 assess the expense thereof against such company, and the same shall
24 constitute a lien upon any real estate belonging to such company and
25 lying within such city and may be collected in the same manner as

1 taxes for general purposes;

2 City publicity.

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

6 Offstreet parking.

7 (37) To erect, establish, and maintain offstreet parking
8 areas on publicly owned property located beneath any elevated segment
9 of the National System of Interstate and Defense Highways or portion
10 thereof, or public property title to which is in the city on May 12,
11 1971, or property owned by the city and used in conjunction with and
12 incidental to city-operated facilities, and to regulate parking
13 thereon by time limitation devices or by lease;

14 Public passenger transportation systems.

15 (38) To acquire, by the exercise of the power of eminent
16 domain or otherwise, lease, purchase, construct, own, maintain,
17 operate, or contract for the operation of public passenger
18 transportation systems, excluding taxicabs and railroad systems,
19 including all property and facilities required therefor, within and
20 without the limits of the city, to redeem such property from prior
21 encumbrance in order to protect or preserve the interest of the city
22 therein, to exercise all powers granted by the Constitution of
23 Nebraska and laws of the State of Nebraska or exercised by or
24 pursuant to a home rule charter adopted pursuant thereto, including
25 but not limited to receiving and accepting from the government of the

1 United States or any agency thereof, from the State of Nebraska or
2 any subdivision thereof, and from any person or corporation
3 donations, devises, gifts, bequests, loans, or grants for or in aid
4 of the acquisition, operation, and maintenance of such public
5 passenger transportation systems and to administer, hold, use, and
6 apply the same for the purposes for which such donations, devises,
7 gifts, bequests, loans, or grants may have been made, to negotiate
8 with employees and enter into contracts of employment, to employ by
9 contract or otherwise individuals singularly or collectively, to
10 enter into agreements authorized under the Interlocal Cooperation Act
11 or the Joint Public Agency Act, to contract with an operating and
12 management company for the purpose of operating, servicing, and
13 maintaining any public passenger transportation systems any city of
14 the metropolitan class shall acquire under the provisions of this
15 act, and to exercise such other and further powers as may be
16 necessary, incident, or appropriate to the powers of such city; and
17 Regulation of air quality.

18 (39) In addition to powers conferred elsewhere in the
19 laws of the state and notwithstanding any other law of the state, to
20 implement and enforce an air pollution control program within the
21 corporate limits of the city under subdivision (23) of section
22 81-1504 or subsection (1) of section 81-1528, which program shall be
23 consistent with the federal Clean Air Act, as amended, 42 U.S.C. 7401
24 et seq. Such powers shall include without limitation those involving
25 injunctive relief, civil penalties, criminal fines, and burden of

1 proof. Nothing in this section shall preclude the control of air
2 pollution by resolution, ordinance, or regulation not in actual
3 conflict with the state air pollution control regulations.

4 Sec. 3. Section 14-109, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 14-109 (1)(a) ~~The~~ Except as otherwise provided in this
7 section and section 1 of this act, the city council of a city of the
8 metropolitan class shall have power to tax for revenue, license, and
9 regulate any person within the limits of the city by ordinance.
10 ~~except as otherwise provided in this section.~~ Such tax may include
11 both a tax for revenue and license. The city council may raise
12 revenue by levying and collecting a tax on any occupation or business
13 within the limits of the city. The occupation tax shall be imposed in
14 the manner provided in section 18-1208, except that section 18-1208
15 does not apply to an occupation tax subject to section 86-704. All
16 such taxes shall be uniform in respect to the class upon which they
17 are imposed. All scientific and literary lectures and entertainments
18 shall be exempt from taxation, as well as concerts and all other
19 musical entertainments given exclusively by the citizens of the city.
20 It shall be the duty of the city clerk to deliver to the city
21 treasurer the certified copy of the ordinance levying such tax, and
22 the city clerk shall append thereto a warrant requiring the city
23 treasurer to collect such tax.

24 (b) For purposes of this subsection, limits of the city
25 does not include the extraterritorial zoning jurisdiction of such

1 city.

2 (2)(a) Except as otherwise provided in subdivision (c) of
3 this subsection, the city council shall also have power to require
4 any individual whose primary residence or person who owns a place of
5 business which is within the limits of the city and that owns and
6 operates a motor vehicle within such limits to annually register such
7 motor vehicle in such manner as may be provided and to require such
8 person to pay an annual motor vehicle fee therefor and to require the
9 payment of such fee upon the change of ownership of such vehicle. All
10 such fees which may be provided for under this subsection shall be
11 credited to a separate fund of the city, thereby created, to be used
12 exclusively for constructing, repairing, maintaining, or improving
13 streets, roads, alleys, public ways, or parts thereof or for the
14 amortization of bonded indebtedness when created for such purposes.

15 (b) No motor vehicle fee shall be required under this
16 subsection if (i) a vehicle is used or stored but temporarily in such
17 city for a period of six months or less in a twelve-month period,
18 (ii) an individual does not have a primary residence or a person does
19 not own a place of business within the limits of the city and does
20 not own and operate a motor vehicle within the limits of the city, or
21 (iii) an individual is a full-time student attending a postsecondary
22 institution within the limits of the city and the motor vehicle's
23 situs under the Motor Vehicle Certificate of Title Act is different
24 from the place at which he or she is attending such institution.

25 (c) After December 31, 2012, no motor vehicle fee shall

1 be required of any individual whose primary residence is or person
2 who owns a place of business within the extraterritorial zoning
3 jurisdiction of such city.

4 (d) For purposes of this subsection, limits of the city
5 includes the extraterritorial zoning jurisdiction of such city.

6 (3) For purposes of this section, person includes bodies
7 corporate, societies, communities, the public generally, individuals,
8 partnerships, limited liability companies, joint-stock companies,
9 cooperatives, and associations. Person does not include any federal,
10 state, or local government or any political subdivision thereof.

11 Sec. 4. Section 15-203, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 15-203 A city of the primary class shall have power to
14 raise revenue by levying and collecting a license or occupation tax
15 on any person, partnership, limited liability company, corporation,
16 or business within the limits of the city and regulate the same by
17 ordinance except as otherwise provided in this section and in section
18 15-212 and section 1 of this act. The occupation tax shall be imposed
19 in the manner provided in section 18-1208, except that section
20 18-1208 does not apply to an occupation tax subject to section
21 86-704. All such taxes shall be uniform in respect to the class upon
22 which they are imposed. All scientific and literary lectures and
23 entertainments shall be exempt from such taxation as well as concerts
24 and all other musical entertainments given exclusively by the
25 citizens of the city.

1 Sec. 5. Section 15-208, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 15-208 ~~A primary city~~ Except as otherwise provided in
4 section 1 of this act, a city of the primary class shall have power
5 to prevent and remove all encroachments on streets, avenues, alleys,
6 and other city property; prevent and punish horseracing, fast driving
7 or riding in the streets, highways, alleys, bridges, or places in the
8 city, and all games, practices, or amusements therein likely to
9 result in damage to any person or property; to regulate the riding,
10 driving, or passing along any street of the city, and to regulate,
11 prevent, and punish the riding, driving, or passing of horses, mules,
12 oxen, cattle, or teams, or any vehicle drawn thereby over, upon, or
13 across sidewalks; to regulate and prevent the use of streets,
14 sidewalks, and public grounds for signs, signposts, awnings,
15 telegraph, telephone, or other poles, racks, bulletin boards, and the
16 posting of handbills and advertisements; to regulate traffic and
17 sales upon the streets; to prohibit and punish cruelty to animals;
18 and to regulate and prevent the moving of buildings through or upon
19 the streets.

20 Sec. 6. Section 15-215, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 15-215 ~~A primary city~~ Except as otherwise provided in
23 section 1 of this act, a city of the primary class shall have power
24 to regulate, license, or suppress halls, opera houses, churches,
25 places of amusement, entertainment, or instruction, or other

1 buildings used for the assembly of citizens. It may cause them to be
2 provided with sufficient and ample means of exit and entrance, and to
3 be supplied with necessary and appropriate appliances for the
4 extinguishment of fires and for escape from such places in case of
5 fire. It may prevent overcrowding and regulate the placing of seats,
6 chairs, benches, scenery, curtains, blinds, screens, or other
7 appliances therein. It may provide that for any violation of any such
8 regulation a penalty of not to exceed two hundred dollars shall be
9 imposed, and that upon the conviction of any violation of any
10 ordinance regulating such places, the license of such place shall be
11 revoked by the mayor and council. Whenever the mayor or council shall
12 by resolution declare any such place to be unsafe, the license
13 thereof shall be thereby revoked; and the council may provide that in
14 any case where they have so revoked the license, any owner,
15 proprietor, manager, lessee, or person, opening, using, or permitting
16 such place to be opened or used, involving the assembling of more
17 than twelve persons, shall upon conviction thereof be deemed guilty
18 of a misdemeanor and fined in any sum not exceeding two hundred
19 dollars.

20 Sec. 7. Section 15-217, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 15-217 ~~A-Except as otherwise provided in section 1 of~~
23 this act, a city of the primary class shall have power to regulate,
24 license, or prohibit the sale of domestic animals, goods, wares, and
25 merchandise at public auction in the streets, alleys, highways, or

1 any public grounds within the city, and to regulate or license the
2 auctioneering of goods, wares, and merchandise. If the applicant is
3 an individual, an application for a license shall include the
4 applicant's social security number.

5 Sec. 8. Section 15-220, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 15-220 ~~A primary city~~ Except as otherwise provided in
8 section 1 of this act, a city of the primary class shall have power
9 to regulate, license, or prohibit the running at large of dogs and
10 other animals and guard against injuries or annoyances therefrom, and
11 to authorize the destruction of the same when running at large
12 contrary to the provisions of any ordinance. Any licensing provision
13 shall comply with subsection (2) of section 54-603 for service
14 animals.

15 Sec. 9. Section 16-205, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 16-205 ~~A~~ Except as otherwise provided in section 1 of
18 this act, a city of the first class may raise revenue by levying and
19 collecting a license or occupation tax on any person, partnership,
20 limited liability company, corporation, or business within the limits
21 of the city and to regulate same by ordinance. The occupation tax
22 shall be imposed in the manner provided in section 18-1208, except
23 that section 18-1208 does not apply to an occupation tax subject to
24 section 86-704. All such taxes shall be uniform in respect to the
25 class upon which they are imposed. All scientific and literary

1 lectures and entertainments shall be exempt from such taxation as
2 well as concerts and all other musical entertainments given
3 exclusively by the citizens of the city.

4 Sec. 10. Section 16-206, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 16-206 ~~A-Except as otherwise provided in section 1 of~~
7 this act, a city of the first class may collect a license tax from
8 the owners and harborers of dogs and other animals in an amount which
9 shall be determined by the governing body of such city and enforce
10 the same by appropriate penalties. Any licensing provision shall
11 comply with subsection (2) of section 54-603 for service animals. The
12 city may cause the destruction of any dog or other animal, for which
13 the owner or harborer shall refuse or neglect to pay such license
14 tax. ~~It-Except as otherwise provided in section 1 of this act, the~~
15 city may regulate, license, or prohibit the running at large of dogs
16 and other animals and guard against injuries or annoyances therefrom
17 and authorize the destruction of the same when running at large
18 contrary to the provisions of any ordinance.

19 Sec. 11. Section 16-226, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 16-226 ~~A-Except as otherwise provided in section 1 of~~
22 this act, a city of the first class by ordinance may regulate,
23 prohibit, and suppress unlicensed tippling shops, billiard tables,
24 and bowling alleys, may restrain houses of prostitution, opium
25 joints, dens, and other disorderly houses and practices, games,

1 gambling houses, desecration of the Sabbath day, commonly called
2 Sunday, and may prohibit all public amusements, shows, exhibitions,
3 or ordinary business pursuits upon such day, all lotteries, all
4 fraudulent devices and practices for the purpose of obtaining money
5 or property, all shooting galleries except as provided in the
6 Nebraska Shooting Range Protection Act, and all kinds of public
7 indecencies, except that nothing in this section shall be construed
8 to apply to bingo, lotteries, lotteries by the sale of pickle cards,
9 or raffles conducted in accordance with the Nebraska Bingo Act, the
10 Nebraska Lottery and Raffle Act, the Nebraska Pickle Card Lottery
11 Act, the Nebraska Small Lottery and Raffle Act, or the State Lottery
12 Act.

13 Sec. 12. Section 16-233, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 16-233 ~~A-Except as otherwise provided in section 1 of~~
16 this act, a city of the first class may regulate, license, or
17 suppress halls, opera houses, places of amusement, entertainment, or
18 instruction, or other buildings except churches and schools used for
19 the assembly of citizens, and cause them to be provided with
20 sufficient and ample means of exit and entrance, and to be supplied
21 with necessary and appropriate appliances for the extinguishment of
22 fire and for escape from such places in case of fire, and prevent
23 overcrowding; and regulate the placing and use of seats, chairs,
24 benches, scenery, curtains, blinds, screens, or other appliances
25 therein. It may provide that for any violation of any such regulation

1 a penalty of two hundred dollars shall be imposed, and upon
2 conviction of any such licensees of any violation of any ordinance
3 regulating such places, the license of any such place shall be
4 revoked by the mayor and council. Whenever the mayor and council
5 shall by resolution declare any such place to be unsafe, the license
6 thereof shall be thereby revoked; and the council may provide that in
7 any case where they have so revoked a license, any owner, proprietor,
8 manager, lessee, or person opening, using, or permitting such place
9 to be opened or used for any purpose involving the assemblage of more
10 than twelve persons, shall upon conviction thereof be deemed guilty
11 of a misdemeanor, and fined in any sum not exceeding two hundred
12 dollars.

13 Sec. 13. Section 16-237, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 16-237 ~~A-Except as otherwise provided in section 1 of~~
16 this act, a city of the first class by ordinance may regulate,
17 license, or prohibit the sale of domestic animals or of goods, wares,
18 and merchandise at public auction on the streets, alleys, highways,
19 or any public grounds within the city; and regulate or license the
20 auctioneering of goods, wares, domestic animals, and merchandise. If
21 the applicant is an individual, an application for a license shall
22 include the applicant's social security number.

23 Sec. 14. Section 17-120, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 17-120 ~~A-Except as otherwise provided in section 1 of~~

1 this act, a city of the second class shall have power to restrain,
2 prohibit, and suppress houses of prostitution and unlicensed tippling
3 shops, gambling and gambling houses, and other disorderly houses and
4 practices, and all kinds of public indecencies, and all lotteries or
5 fraudulent devices and practices for the purpose of obtaining money
6 or property, except that nothing in this section shall be construed
7 to apply to bingo, lotteries, lotteries by the sale of pickle cards,
8 or raffles conducted in accordance with the Nebraska Bingo Act, the
9 Nebraska Lottery and Raffle Act, the Nebraska Pickle Card Lottery
10 Act, the Nebraska Small Lottery and Raffle Act, or the State Lottery
11 Act. ~~It~~ Except as otherwise provided in section 1 of this act, a city
12 of the second class may license, regulate, or prohibit billiard halls
13 and billiard tables, pool halls and pool tables, and bowling alleys.

14 Sec. 15. Section 17-132, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 17-132 ~~A second class city~~ Except as otherwise provided
17 in section 1 of this act, a city of the second class shall have power
18 to regulate, license, tax, and suppress places of amusement, and to
19 revoke the licenses therefor when such places are not provided with
20 sufficient and ample means of exit and entrance, and when the same
21 are not safe for such uses, or when the licensee has been convicted
22 of any violation of the ordinances in relation to such places, and to
23 declare from time to time when such place or places are unsafe for
24 such uses.

25 Sec. 16. Section 17-133, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 17-133 ~~A second class city~~ Except as otherwise provided
3 in section 1 of this act, a city of the second class shall have power
4 to license, tax, and regulate runners for stages, cars, hotels,
5 public buildings, or other things or persons.

6 Sec. 17. Section 17-134, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 17-134 ~~A second class city~~ Except as otherwise provided
9 in section 1 of this act, a city of the second class shall have power
10 to license, tax, suppress, regulate, and prohibit hawkers, peddlers,
11 pawnbrokers, keepers of ordinaries, theatrical and other exhibitions,
12 shows, and other amusements, and to revoke such licenses at pleasure.

13 Sec. 18. Section 17-207, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 17-207 ~~The~~ Except as otherwise provided in section 1 of
16 this act, the board of trustees shall have power to pass ordinances
17 to prevent and remove nuisances; to restrain and prohibit gambling;
18 to provide for licensing and regulating theatrical and other
19 amusements within such village; to prevent the introduction and
20 spread of contagious diseases; to establish and regulate markets; to
21 erect and repair bridges; to erect, repair, and regulate wharves and
22 the rates of wharfage; to regulate the landing of watercraft; to
23 provide for the inspection of building materials to be used or
24 offered for sale in such village; to govern the planting and
25 protection of shade trees in the streets and the building of

1 structures projecting upon or over and adjoining, and all excavations
2 through and under, the sidewalks of such village; and in addition to
3 the special powers herein conferred and granted, to maintain the
4 peace, good government, and welfare of the town or village and its
5 trade, commerce, and manufactories, and to enforce all ordinances by
6 inflicting penalties upon inhabitants or other persons, for the
7 violation thereof, not exceeding five hundred dollars for any one
8 offense, recoverable with costs. Nothing in this section shall be
9 construed to apply to bingo, lotteries, lotteries by the sale of
10 pickle cards, or raffles conducted in accordance with the Nebraska
11 Bingo Act, the Nebraska Lottery and Raffle Act, the Nebraska Pickle
12 Card Lottery Act, the Nebraska Small Lottery and Raffle Act, or the
13 State Lottery Act.

14 Sec. 19. Section 17-505, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 17-505 ~~In~~ Except as otherwise provided in section 1 of
17 this act, in addition to their special powers, cities of the second
18 class and villages shall have the power to make all such ordinances,
19 bylaws, rules, regulations, and resolutions, not inconsistent with
20 the laws of the state, as may be expedient for maintaining the peace,
21 good government, and welfare of the corporation and its trade,
22 commerce, and manufactories, and to enforce all ordinances by
23 inflicting fines or penalties for the breach thereof, not exceeding
24 five hundred dollars for any one offense, recoverable with costs.

25 Sec. 20. Section 17-525, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 ~~17-525 Second-class cities~~ Except as otherwise provided
3 in section 1 of this act, cities of the second class and villages
4 shall have power to raise revenue by levying and collecting a license
5 tax on any occupation or business within the limits of the city or
6 village, and regulate the same by ordinance. The occupation tax shall
7 be imposed in the manner provided in section 18-1208, except that
8 section 18-1208 does not apply to an occupation tax subject to
9 section 86-704. All such taxes shall be uniform in respect to the
10 classes upon which they are imposed. All scientific and literary
11 lectures and entertainments shall be exempt from such taxation, as
12 well as concerts and other musical entertainments given exclusively
13 by the citizens of the city or village.

14 Sec. 21. Section 17-526, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 ~~17-526 Second-class cities~~ Except as otherwise provided
17 in section 1 of this act, cities of the second class and villages
18 may, by ordinance entered at large on the proper journal or record of
19 proceedings of such municipality, impose a license tax in an amount
20 which shall be determined by the governing body of such ~~second-class~~
21 city or village for each dog or other animal, on the owners and
22 harborers of dogs and other animals, and enforce the same by
23 appropriate penalties, and cause the destruction of any dog or other
24 animal, for which the owner or harborer shall refuse or neglect to
25 pay such license tax. Any licensing provision shall comply with

1 subsection (2) of section 54-603 for service animals. ~~Such~~ Except as
2 otherwise provided in section 1 of this act, such municipality may
3 regulate, license, or prohibit the running at large of dogs and other
4 animals and guard against injuries or annoyances therefrom and
5 authorize the destruction of the same when running at large contrary
6 to the provisions of any ordinance.

7 Sec. 22. Section 23-808, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 23-808 ~~No~~ Except as otherwise provided in section 1 of
10 this act, no person hereafter shall conduct or operate any pool or
11 billiard hall or bowling alley outside the limits of any incorporated
12 city or village without having first obtained a license from the
13 county board of the county in which the same is to be operated. Any
14 person, corporation, or association violating the provisions of this
15 section shall be guilty of a Class V misdemeanor. Every day in which
16 the pool or billiard hall or bowling alley shall be operated without
17 ~~said the~~ license shall constitute a new offense.

18 Sec. 23. Section 23-813, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 23-813 ~~No~~ Except as otherwise provided in section 1 of
21 this act, no person, association, firm, or corporation shall conduct
22 or operate any roadhouse, dance hall, carnival, show, amusement park,
23 or other place of public amusement, outside the limits of any
24 incorporated city or village in the State of Nebraska, without first
25 having obtained a license from the county board of the county in

1 which the same is to be operated. If the applicant is an individual,
2 the application shall include the applicant's social security number.
3 Any person, corporation, or association violating the provisions of
4 this section shall be guilty of a Class V misdemeanor. No license
5 shall be required for a dance in an inhabited private home to which
6 no admission or other fee is charged.

7 Sec. 24. Original sections 14-102, 14-109, 15-203,
8 15-208, 15-215, 15-217, 15-220, 16-205, 16-206, 16-226, 16-233,
9 16-237, 17-120, 17-132, 17-133, 17-134, 17-207, 17-505, 17-525,
10 17-526, 23-808, and 23-813, Reissue Revised Statutes of Nebraska, are
11 repealed.