

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 68

Introduced by Hilgers, 21; Brewer, 43; Ebke, 32; Geist, 25; Groene, 42;
Kolterman, 24; Larson, 40; Lindstrom, 18; Lowe, 37;
Murante, 49; Watermeier, 1.

Read first time January 05, 2017

Committee:

- 1 A BILL FOR AN ACT relating to firearms; to amend sections 15-255, 17-556,
- 2 and 18-1703, Reissue Revised Statutes of Nebraska, and sections
- 3 14-102, 16-227, and 23-187, Revised Statutes Cumulative Supplement,
- 4 2016; to prohibit certain regulation of firearms, ammunition, and
- 5 firearm accessories by cities, villages, and counties as prescribed;
- 6 and to repeal the original sections.
- 7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 14-102, Revised Statutes Cumulative Supplement,
2 2016, is amended to read:

3 14-102 In addition to the powers granted in section 14-101, cities
4 of the metropolitan class shall have power by ordinance:

5 Taxes, special assessments.

6 (1) To levy any tax or special assessment authorized by law;
7 Corporate seal.

8 (2) To provide a corporate seal for the use of the city, and also
9 any official seal for the use of any officer, board, or agent of the
10 city, whose duties require an official seal to be used. Such corporate
11 seal shall be used in the execution of municipal bonds, warrants,
12 conveyances, and other instruments and proceedings as required by law;

13 Regulation of public health.

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

18 Appropriations for debts and expenses.

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

21 Protection of strangers and travelers.

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

25 ~~Firearms~~ ~~Concealed weapons,~~ firearms, fireworks, explosives.

26 (6) To punish and prevent ~~the carrying of concealed weapons,~~ except
27 ~~the carrying of a concealed handgun in compliance with the Concealed~~
28 ~~Handgun Permit Act,~~ and the discharge of firearms, fireworks, or
29 explosives of any description within the city, other than the discharge
30 of firearms at a shooting range pursuant to the Nebraska Shooting Range
31 Protection Act;

1 Sale of foodstuffs.

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

5 Official bonds.

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

10 Official reports of city officers.

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

14 Cruelty to children and animals.

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

17 Dogs; taxes and restrictions.

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

25 Cleaning sidewalks.

26 (12) To provide for keeping sidewalks clean and free from
27 obstructions and accumulations, to provide for the assessment and
28 collection of taxes on real estate and for the sale and conveyance
29 thereof, and to pay the expenses of keeping the sidewalk adjacent to such
30 real estate clean and free from obstructions and accumulations as herein
31 provided;

1 Planting and trimming of trees; protection of birds.

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

12 Naming and numbering streets and houses.

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

17 Weeds.

18 (15) To require weeds and worthless vegetation growing upon any lot
19 or piece of ground within the city or its three-mile zoning jurisdiction
20 to be cut and destroyed so as to abate any nuisance occasioned thereby,
21 to prohibit and control the throwing, depositing, or accumulation of
22 litter on any lot or piece of ground within the city or its three-mile
23 zoning jurisdiction and to require the removal thereof so as to abate any
24 nuisance occasioned thereby, and if the owner fails to cut and destroy
25 weeds and worthless vegetation or remove litter, or both, after notice as
26 required by ordinance, to assess the cost thereof upon the lots or lands
27 as a special assessment. The notice required to be given may be by
28 publication in the official newspaper of the city and may be directed in
29 general terms to the owners of lots and lands affected without naming
30 such owners;

31 Animals running at large.

1 (16) To prohibit and regulate the running at large or the herding or
2 driving of domestic animals, such as hogs, cattle, horses, sheep, goats,
3 fowls, or animals of any kind or description within the corporate limits
4 and provide for the impounding of all animals running at large, herded,
5 or driven contrary to such prohibition; and to provide for the forfeiture
6 and sale of animals impounded to pay the expense of taking up, caring
7 for, and selling such impounded animals, including the cost of
8 advertising and fees of officers;

9 Use of streets.

10 (17) To regulate the transportation of articles through the streets,
11 to prevent injuries to the streets from overloaded vehicles, and to
12 regulate the width of wagon tires and tires of other vehicles;

13 Playing on streets and sidewalks.

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

20 Combustibles and explosives.

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

23 Public sale of chattels on streets.

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

27 Signs and obstruction in streets.

28 (21) To regulate and prevent the use of streets, sidewalks, and
29 public grounds for signs, posts, awnings, awning posts, scales, or other
30 like purposes; to regulate and prohibit the exhibition or carrying or
31 conveying of banners, placards, advertisements, or the distribution or

1 posting of advertisements or handbills in the streets or public grounds
2 or upon the sidewalks;

3 Disorderly conduct.

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

9 Vagrants and tramps.

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

16 Disorderly houses, gambling, offenses against public morals.

17 (24) To prohibit, restrain, and suppress tippling shops, houses of
18 prostitution, opium joints, gambling houses, prize fighting, dog
19 fighting, cock fighting, and other disorderly houses and practices, all
20 games and gambling and desecration of the Sabbath, commonly called
21 Sunday, and all kinds of indecencies; to regulate and license or prohibit
22 the keeping and use of billiard tables, ten pins or ball alleys, shooting
23 galleries except as provided in the Nebraska Shooting Range Protection
24 Act, and other similar places of amusement; and to prohibit and suppress
25 all lotteries and gift enterprises of all kinds under whatsoever name
26 carried on, except that nothing in this subdivision shall be construed to
27 apply to bingo, lotteries, lotteries by the sale of pickle cards, or
28 raffles conducted in accordance with the Nebraska Bingo Act, the Nebraska
29 Lottery and Raffle Act, the Nebraska Pickle Card Lottery Act, the
30 Nebraska Small Lottery and Raffle Act, or the State Lottery Act;

31 Police regulation in general.

1 (25) To make and enforce all police regulations for the good
2 government, general welfare, health, safety, and security of the city and
3 the citizens thereof in addition to the police powers expressly granted
4 herein; and in the exercise of the police power, to pass all needful and
5 proper ordinances and impose fines, forfeitures, penalties, and
6 imprisonment at hard labor for the violation of any ordinance, and to
7 provide for the recovery, collection, and enforcement thereof; and in
8 default of payment to provide for confinement in the city or county
9 prison, workhouse, or other place of confinement with or without hard
10 labor as may be provided by ordinance;

11 Fast driving on streets.

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

15 Libraries, art galleries, and museums.

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

23 Hospitals, workhouses, jails, firehouses, etc.; garbage disposal.

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

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

18 Market places.

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

25 Cemeteries, registers of births and deaths.

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

31 Plumbing, etc., inspection.

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

5 Fire limits and fire protection.

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

25 Building regulations.

26 (33) To regulate the construction, use, and maintenance of party
27 walls, to prescribe and regulate the thickness, strength, and manner of
28 constructing stone, brick, wood, or other buildings and the size and
29 shape of brick and other material placed therein, to prescribe and
30 regulate the construction and arrangement of fire escapes and the placing
31 of iron and metallic shutters and doors therein and thereon, and to

1 provide for the inspection of elevators and hoist-way openings to avoid
2 accidents; to prescribe, regulate, and provide for the inspection of all
3 plumbing, pipefitting, or sewer connections in all houses or buildings
4 now or hereafter erected; to regulate the size, number, and manner of
5 construction of halls, doors, stairways, seats, aisles, and passageways
6 of theaters, tenement houses, audience rooms, and all buildings of a
7 public character, whether now built or hereafter to be built, so that
8 there may be convenient, safe, and speedy exit in case of fire; to
9 prevent the dangerous construction and condition of chimneys, fireplaces,
10 hearths, stoves, stovepipes, ovens, boilers, and heating appliances used
11 in or about any building or a manufactory and to cause the same to be
12 removed or placed in safe condition when they are considered dangerous;
13 to regulate and prevent the carrying on of manufactures dangerous in
14 causing and promoting fires; to prevent the deposit of ashes in unsafe
15 places and to cause such buildings and enclosures as may be in a
16 dangerous state to be put in a safe condition; to prevent the disposing
17 of and delivery or use in any building or other structure, of soft,
18 shelly, or imperfectly burned brick or other unsuitable building material
19 within the city limits and provide for the inspection of the same; to
20 provide for the abatement of dense volumes of smoke; to regulate the
21 construction of areaways, stairways, and vaults and to regulate partition
22 fences; to enforce proper heating and ventilation of buildings used for
23 schools, workhouses, or shops of every class in which labor is employed
24 or large numbers of persons are liable to congregate;

25 Warehouses and street railways.

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

30 Lighting railroad property.

31 (35) To require the lighting of any railway within the city, the

1 cars of which are propelled by steam, and to fix and determine the
2 number, size, and style of lampposts, burners, lamps, and all other
3 fixtures and apparatus necessary for such lighting and the points of
4 location for such lampposts; and in case any company owning or operating
5 such railways shall fail to comply with such requirements, the council
6 may cause the same to be done and may assess the expense thereof against
7 such company, and the same shall constitute a lien upon any real estate
8 belonging to such company and lying within such city and may be collected
9 in the same manner as taxes for general purposes;

10 City publicity.

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

13 Offstreet parking.

14 (37) To erect, establish, and maintain offstreet parking areas on
15 publicly owned property located beneath any elevated segment of the
16 National System of Interstate and Defense Highways or portion thereof, or
17 public property title to which is in the city on May 12, 1971, or
18 property owned by the city and used in conjunction with and incidental to
19 city-operated facilities, and to regulate parking thereon by time
20 limitation devises or by lease;

21 Public passenger transportation systems.

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

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

16 Regulation of air quality.

17 (39) In addition to powers conferred elsewhere in the laws of the
18 state and notwithstanding any other law of the state, to implement and
19 enforce an air pollution control program within the corporate limits of
20 the city under subdivision (23) of section 81-1504 or subsection (1) of
21 section 81-1528, which program shall be consistent with the federal Clean
22 Air Act, as amended, 42 U.S.C. 7401 et seq. Such powers shall include
23 without limitation those involving injunctive relief, civil penalties,
24 criminal fines, and burden of proof. Nothing in this section shall
25 preclude the control of air pollution by resolution, ordinance, or
26 regulation not in actual conflict with the state air pollution control
27 regulations.

28 Sec. 2. Section 15-255, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 15-255 A city of the primary class may prohibit riots, routs, noise,
31 or disorderly assemblies; prevent the discharge use of firearms, rockets,

1 powder, fireworks, or other dangerous and combustible material; ~~prohibit~~
2 ~~carrying of concealed weapons, except the carrying of a concealed handgun~~
3 ~~in compliance with the Concealed Handgun Permit Act;~~ arrest, punish,
4 fine, or set at work on streets or elsewhere vagrants and persons found
5 without visible means of support or legitimate business; regulate and
6 prevent the transportation of gunpowder or combustible articles, tar,
7 pitch, resin, coal oil, benzine, turpentine, hemp, cotton,
8 nitroglycerine, dynamite, petroleum or its products, or other explosives
9 or inflammables; regulate the use of lights in stables, shops, or other
10 places and the building of bonfires; and regulate and prohibit the piling
11 of building material or any excavation or obstruction of the streets.

12 Sec. 3. Section 16-227, Revised Statutes Cumulative Supplement,
13 2016, is amended to read:

14 16-227 A city of the first class may (1) prevent and restrain riots,
15 routs, noises, disturbances, breaches ~~breach~~ of the peace, or disorderly
16 assemblies in any street, house, or place in the city, (2) regulate,
17 punish, and prevent the discharge of firearms, rockets, powder,
18 fireworks, or any other dangerous combustible material in the streets,
19 lots, grounds, and alleys or about or in the vicinity of any buildings,
20 ~~(3) regulate, prevent, and punish the carrying of concealed weapons,~~
21 ~~except the carrying of a concealed handgun in compliance with the~~
22 ~~Concealed Handgun Permit Act,~~ (3 4) arrest, regulate, punish, or fine
23 vagabonds, (4 5) regulate and prevent the transportation or storage of
24 gunpowder or other explosive or combustible articles, tar, pitch, resin,
25 coal oil, benzine, turpentine, hemp, cotton, nitroglycerine, dynamite,
26 petroleum or any other productions thereof, and other materials of like
27 nature, the use of lights in stables, shops, or other places, and the
28 building of bonfires, and (5 6) regulate and prohibit the piling of
29 building material or any excavation or obstruction in the street.

30 Sec. 4. Section 17-556, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 17-556 Cities of the second class and villages shall have power to
2 prevent and restrain riots, routs, noises, disturbances, or disorderly
3 assemblages; to regulate, prevent, restrain, or remove nuisances in
4 residential parts of municipalities and to designate what shall be
5 considered a nuisance; to regulate, punish, and prevent the discharge of
6 firearms, rockets, powder, fireworks, or any other dangerous combustible
7 material in the streets, lots, grounds, alleys, or about or in the
8 vicinity of any buildings; ~~to regulate, prevent, and punish the carrying~~
9 ~~of concealed weapons, except the carrying of a concealed handgun in~~
10 ~~compliance with the Concealed Handgun Permit Act;~~ and to arrest,
11 regulate, punish, fine, or set at work on the streets or elsewhere all
12 vagrants and persons found without means of support or some legitimate
13 business.

14 Sec. 5. Section 18-1703, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 18-1703 (1)(a) Cities and villages do shall not have the power to
17 regulate the ownership, possession, or transportation, carrying,
18 registration, transfer, or storage of firearms, ammunition, or firearm
19 accessories except as provided in this section of a concealed handgun, as
20 such ownership, possession, or transportation is authorized under the
21 Concealed Handgun Permit Act, except as expressly provided by state law,
22 and shall not have the power to require registration of a concealed
23 handgun owned, possessed, or transported by a permit holder under the act.
24 Any existing city or village ordinance, permit, or regulation regulating
25 the ownership, possession, or transportation of a concealed handgun, as
26 such ownership, possession, or transportation is authorized under the
27 act, except as expressly provided under state law, and any existing city
28 or village ordinance, permit, or regulation requiring the registration of
29 a concealed handgun owned, possessed, or transported by a permit holder
30 under the act, is declared to be null and void as against any
31 permit holder possessing a valid permit under the act.

1 (b) This section does not prohibit:

2 (i) A law enforcement agency from enacting and enforcing regulations
3 pertaining to firearms, ammunition, or firearm accessories issued to or
4 used by a peace officer in the course of his or her official duties;

5 (ii) Zoning ordinances that encompass firearms businesses along with
6 other businesses, except that zoning ordinances that are designed for the
7 purpose of restricting or prohibiting the sale, purchase, transfer, or
8 manufacture of firearms, ammunition, or firearm accessories as a method
9 of regulating such items are in conflict with subdivision (1)(a) of this
10 section and are prohibited;

11 (iii) Any city or village from regulating or prohibiting by
12 ordinance the carrying of firearms or ammunition by an employee of the
13 city or village during and in the course of the employee's official
14 duties except as provided in section 69-2441; or

15 (iv) A court or hearing officer from hearing and resolving any case
16 or controversy or issuing any opinion or order on a matter within the
17 jurisdiction of that court or agency.

18 (2)(a) A person adversely affected by an ordinance, a measure, an
19 enactment, a rule, or a policy adopted or enforced by a city or village
20 that violates this section may file an action in a court of competent
21 jurisdiction against the city or village for:

22 (i) Declaratory and injunctive relief; and

23 (ii) Actual and consequential damages attributed to the violation.

24 (b) A person is adversely affected for purposes of subdivision (2)
25 (a) of this section if:

26 (i) The person is an individual who may legally possess a firearm
27 under the laws of Nebraska and the individual is or was subject to the
28 ordinance, measure, enactment, rule, or policy of the city or village. An
29 individual is or was subject to the ordinance, measure, enactment, rule,
30 or policy of the city or village if the individual is or was physically
31 present within the boundaries of the city or village for any reason at

1 any time after the adoption of such ordinance, measure, enactment, rule,
2 or policy; or

3 (ii) The person is a membership organization that:

4 (A) Includes two or more individuals described in subdivision (2)(b)

5 (i) of this section; and

6 (B) Is dedicated in whole or in part to protecting the rights of
7 persons to possess, own, or use firearms for competitive, sporting,
8 defensive, or other lawful purposes.

9 (3) A prevailing plaintiff in an action under this section is
10 entitled to recover from the city or village:

11 (a) Actual damages, including consequential damages;

12 (b) Court costs; and

13 (c) Reasonable attorney's fees.

14 (4) For purposes of this section:

15 (a) Ammunition means ammunition or cartridge cases, primers,
16 bullets, or propellant powder designed for use in any firearm;

17 (b) Firearm has the same meaning as in section 28-1201; and

18 (c) Firearm accessory means any item intended for use with a
19 firearm.

20 Sec. 6. Section 23-187, Revised Statutes Cumulative Supplement,
21 2016, is amended to read:

22 23-187 (1) In addition to the powers granted by section 23-104, a
23 county may, in the manner specified by sections 23-187 to 23-193,
24 regulate the following subjects by ordinance:

25 (a) Parking of motor vehicles on public roads, highways, and rights-
26 of-way as it pertains to snow removal for and access by emergency
27 vehicles to areas within the county;

28 (b) Motor vehicles as defined in section 60-339 that are abandoned
29 on public or private property;

30 (c) Low-speed vehicles as described and operated pursuant to section
31 60-6,380;

1 (d) Golf car vehicles as described and operated pursuant to section
2 60-6,381;

3 (e) Graffiti on public or private property;

4 (f) False alarms from electronic security systems that result in
5 requests for emergency response from law enforcement or other emergency
6 responders;

7 (g) Violation of the public peace and good order of the county by
8 disorderly conduct, lewd or lascivious behavior, or public nudity;

9 (h) Peddlers, hawkers, or solicitors operating for commercial
10 purposes. If a county adopts an ordinance under this subdivision, the
11 ordinance shall provide for registration of any such peddler, hawker, or
12 solicitor without any fee and allow the operation or conduct of any
13 registered peddler, hawker, or solicitor in all areas of the county where
14 the county has jurisdiction and where a city or village has not otherwise
15 regulated such operation or conduct; and

16 (i) Operation of vehicles on any highway or restrictions on the
17 weight of vehicles pursuant to section 60-681.

18 (2) For the enforcement of any ordinance authorized by this section,
19 a county may impose fines, forfeitures, or penalties and provide for the
20 recovery, collection, and enforcement of such fines, forfeitures, or
21 penalties. A county may also authorize such other measures for the
22 enforcement of ordinances as may be necessary and proper. A fine enacted
23 pursuant to this section shall not exceed five hundred dollars for each
24 offense.

25 (3) A county shall not regulate by ordinance the ownership,
26 possession, transportation, carrying, registration, transfer, or storage
27 of firearms, ammunition, or firearm accessories.

28 (4) For purposes of this section:

29 (a) Ammunition means ammunition or cartridge cases, primers,
30 bullets, or propellant powder designed for use in any firearm;

31 (b) Firearm has the same meaning as in section 28-1201; and

1 (c) Firearm accessory means any item intended for use with a
2 firearm.

3 Sec. 7. Original sections 15-255, 17-556, and 18-1703, Reissue
4 Revised Statutes of Nebraska, and sections 14-102, 16-227, and 23-187,
5 Revised Statutes Cumulative Supplement, 2016, are repealed.