

ONE HUNDRED THIRD LEGISLATURE - SECOND SESSION - 2014

COMMITTEE STATEMENT

LB801

Hearing Date: Tuesday January 21, 2014
Committee On: Urban Affairs
Introducer: Urban Affairs
One Liner: Change procedures relating to declarations of nuisances in certain cities

Roll Call Vote - Final Committee Action:

Advanced to General File with amendment(s)

Vote Results:

Aye: 6 Senators Ashford, Coash, Crawford, Karpisek, Krist, McGill
Nay:
Absent: 1 Senator Lautenbaugh
Present Not Voting:

Proponents:

Laurie Holman
Greg Butcher
Gary Krumland

Representing:

Urban Affairs Committee
City of Beatrice
League of Nebraska Municipalities

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

Bill Summary:

LB 801 establishes in statute a procedure for a property owner or occupant to appeal a nuisance citation in a city of the first class, second class, or village. Current law allows for an appeal, but does not specify the appeal procedure. Last year the legislature enacted LB 643 which established an appeal procedure for grass (weeds) and litter nuisance citations. This bill would extend the same appeal procedure to other nuisance citations.

Comments/Analysis:

Section one amends Neb.Rev.Stat. 16-207 by adding new language that requires the city to establish the method of notice of a nuisance to a resident by ordinance. If that notice is to be given by first class mail, the mail must be conspicuously marked as to its importance. It also allows the owner or occupant of the lot receiving notice of a nuisance five (5) days within which to request a hearing with the city to appeal the decision by filing a written appeal with the city clerk. A hearing on the appeal must be held within fourteen (14) days after the filing of the appeal and must be conducted by an elected or appointed officer as designated in the city ordinance. The hearing officer is required to render a decision on the appeal within five (5) business days after the hearing is concluded.

Section two amends Neb.Rev.Stat 17-555 to add this same new language to create this same method of notice and appeal in cities of the second class and villages.

Explanation of amendments:

The amendment changes the current language in both sections of the bill that provides a citizen five days after receipt of notice of a nuisance violation to appeal by requesting a hearing with the city or village by lengthening it to "five business

days."

Amanda McGill, Chairperson