

LEGISLATIVE BILL 136

Approved by the Governor May 22, 1979

Introduced by Rumery, 42

AN ACT to amend sections 16-617, 17-149, and 17-509, Reissue Revised Statutes of Nebraska, 1943, relating to cities and villages; to provide for certain improvements beyond the corporate limits; to repeal the original sections; and to declare an emergency.

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

Section 1. That section 16-617, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

16-617. The mayor and council shall have power to make improvements of any street, streets, alley, alleys, or any part of any street, streets, alley or alleys, in said city, a street which divides the city corporate area and the area adjoining the city, or within a county industrial area as defined in section 19-2501 contiguous to such city, and for that purpose to create suitable improvement districts, which shall be consecutively numbered; and such work shall be done under contract. Such districts may include properties within the corporate limits, adjoining the corporate limits, and within county industrial areas as defined in section 19-2501 contiguous to such cities.

Sec. 2. That section 17-149, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

17-149. The mayor and council of any second-class city, or the board of trustees of any village, are hereby authorized to lay off such city and the territory one mile beyond its corporate limits into suitable districts for the purpose of establishing a system of sewerage and drainage. They may (1) provide such system; (2) regulate the construction, repairs, and use of sewers and drains and of all proper house connections and branches; (3) compel all proper connections therewith and branches from other streets, avenues, and alleys, and from private property; and (4) provide penalties for any obstruction of or injury to any sewer or part thereof, or failure to make connections therewith.

Sec. 3. That section 17-509, Reissue Revised Statutes of Nebraska, 1943, be amended to read as

follows:

17-509. The governing body of any city of the second class or village shall have power to grade, partially, or to an established grade, change grade, curb, recurb, gutter, regutter, pave, gravel, regravell, macadamize, remacadamize, widen or narrow streets or roadways, resurface or relay existing pavement, or otherwise improve any street, streets, alley, alleys, public grounds, public way or ways, or parts thereof, a street which divides the city or village corporate area and the area adjoining the city or village, construct or reconstruct pedestrian walks, plazas, malls, landscaping, outdoor sprinkler systems, fountains, decorative water ponds, lighting systems, and permanent facilities used in connection therewith, construct sidewalks, and improve the sidewalk space, at public cost, or by levy of special assessments on the property especially benefited thereby, proportionate to benefits, and by ordinance to create paving, repaving, grading, curbing, recurring, resurfacing, graveling or improvement districts therefor, to be consecutively numbered, which may include two or more connecting or intersecting streets, alleys or public ways, and may include two or more of said improvements in one proceeding; Provided, that none all of the improvements hereinbefore named shall be ordered except as provided in sections 17-510 to 17-512, unless the governing body improves a street which divides the city or village corporate area and the area adjoining the city or village. Whenever the governing body of any city of the second class or village improves any street which divides the city or village corporate area and the area adjoining the city or village, the governing body shall determine the sufficiency of petition as set forth in section 17-510 by the owners of the record title representing more than sixty per cent of the front footage of the property directly abutting upon the street to be improved, rather than sixty per cent of the resident owners. Whenever the governing body shall deem it necessary to make any of the improvements named in section 17-509 on a street which divides the city or village corporate area and the area adjoining the city or village, the governing body shall by ordinance create the improvement district pursuant to section 17-511 and the right of remonstrance shall be limited to owners of record title, rather than resident owners.

Sec. 4. Supplemental to any existing law on the subject, any first or second-class city or village may, when creating a sewer or paving district, include land adjacent to such city or village. The city council or board of trustees shall have power to assess, to the extent of special benefits, the costs of such

improvements upon the properties found especially benefited thereby.

Sec. 5. That original sections 16-617, 17-149, and 17-509, Reissue Revised Statutes of Nebraska, 1943, are repealed.

Sec. 6. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.