

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 295

Introduced by Scheer, 19.

Read first time January 15, 2015

Committee: Urban Affairs

1 A BILL FOR AN ACT relating to municipalities; to amend sections
2 14-102.01, 15-237, 16-246, and 17-505, Reissue Revised Statutes of
3 Nebraska; to require approval of a county board before enforcing
4 ordinances in an extraterritorial zoning jurisdiction; and to repeal
5 the original sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 14-102.01, Reissue Revised Statutes of Nebraska,
2 is amended to read:

3 14-102.01 (1) A city of the metropolitan class may make within its
4 corporate limits and its extraterritorial zoning jurisdiction, all such
5 ordinances, bylaws, rules, regulations, and resolutions not inconsistent
6 with the general laws of the state, as may be necessary or expedient, in
7 addition to the special powers otherwise granted by law, for maintaining
8 the peace, good government, and welfare of the city and for preserving
9 order, securing persons or property from violence, danger, and
10 destruction, for protecting public and private property, for promoting
11 the public health, safety, convenience, comfort, morals, and general
12 interests, and welfare of the inhabitants of the city.

13 (2) Before a city of the metropolitan class may enforce any
14 ordinances, bylaws, rules, regulations, and resolutions in its
15 extraterritorial zoning jurisdiction, including the erection of new
16 structures, the city shall receive approval of the county board in which
17 the extraterritorial zoning jurisdiction of such city is located unless
18 otherwise provided by law.

19 Sec. 2. Section 15-237, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 15-237 (1) A ~~primary~~ city of the primary class shall have power to
22 regulate in the area which is within the city or within the three miles
23 of its extraterritorial zoning jurisdiction ~~the city~~ and outside the
24 zoning jurisdiction of any organized city or village in order to secure
25 the general health; to provide rules for the prevention, abatement and
26 removal of nuisances, including the pollution of air and water; to make
27 and prescribe regulations for the construction, location and regulation
28 of all slaughterhouses, stockyards, warehouses, commercial feed lots,
29 stables or other places where offensive matter is kept, or is likely to
30 accumulate.

31 (2) Before a city of the primary class may regulate within its

1 extraterritorial zoning jurisdiction, including the erection of new
2 structures, the city shall receive approval of the county board in which
3 the extraterritorial zoning jurisdiction of such city is located unless
4 otherwise provided by law.

5 Sec. 3. Section 16-246, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 16-246 (1) A city of the first class may make all such ordinances,
8 bylaws, rules, regulations, and resolutions not inconsistent with the
9 general laws of the state as may be necessary or expedient, in addition
10 to the special powers otherwise granted by law, for maintaining the
11 peace, good government, and welfare of the city and its trade, commerce,
12 and manufactures, for preserving order and securing persons or property
13 from violence, danger, and destruction, for protecting public and private
14 property, and for promoting the public health, safety, convenience,
15 comfort, and morals and the general interests and welfare of the
16 inhabitants of the city. It may impose fines, forfeitures, penalties, and
17 imprisonment at hard labor for the violation of any ordinance; provide
18 for the recovery, collection, and enforcement of such fines, forfeitures,
19 or penalties; and, in default of payment, provide for confinement in the
20 city or county prison, workhouse, or other place of confinement with or
21 without hard labor as may be provided by ordinance. The jurisdiction of
22 the city to enforce such ordinances, bylaws, rules, regulations, and
23 resolutions shall extend over the city and over all places within the two
24 miles of its extraterritorial zoning jurisdiction ~~the corporate limits of~~
25 ~~the city.~~

26 (2) Before the city may enforce such ordinances, bylaws, rules,
27 regulations, and resolutions within its extraterritorial zoning
28 jurisdiction, including the erection of new structures, the city shall
29 receive approval of the county board in which the extraterritorial zoning
30 jurisdiction of such city is located unless otherwise provided by law.

31 Sec. 4. Section 17-505, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 17-505 (1) In addition to their special powers, cities of the
3 second class and villages shall have the power within its corporate
4 limits or its extraterritorial zoning jurisdiction to make all such
5 ordinances, bylaws, rules, regulations, and resolutions, not inconsistent
6 with the laws of the state, as may be expedient for maintaining the
7 peace, good government, and welfare of the corporation and its trade,
8 commerce, and manufactories, and to enforce all ordinances by inflicting
9 fines or penalties for the breach thereof, not exceeding five hundred
10 dollars for any one offense, recoverable with costs.

11 (2) Before the city of the second class or village may enforce such
12 ordinances, bylaws, rules, regulations, and resolutions within the city's
13 or village's extraterritorial zoning jurisdiction, including the erection
14 of new structures, the city or village shall receive approval of the
15 county board in which the extraterritorial zoning jurisdiction of such
16 city or village is located unless otherwise provided by law.

17 Sec. 5. Original sections 14-102.01, 15-237, 16-246, and 17-505,
18 Reissue Revised Statutes of Nebraska, are repealed.