

LEGISLATURE OF NEBRASKA  
ONE HUNDRED NINTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 951**

Introduced by Ballard, 21.

Read first time January 09, 2026

Committee: Government, Military and Veterans Affairs

1 A BILL FOR AN ACT relating to extraterritorial zoning jurisdiction; to  
2 amend sections 14-201.03, 14-419, and 15-901, Reissue Revised  
3 Statutes of Nebraska, section 32-553, Revised Statutes Cumulative  
4 Supplement, 2024, and sections 16-901 and 17-1001, Revised Statutes  
5 Supplement, 2025; to provide for inclusion of the extraterritorial  
6 zoning jurisdiction in municipality governing board districts as  
7 provided; to include electors residing in the extraterritorial  
8 zoning jurisdiction as electors of a municipality as provided; and  
9 to repeal the original sections.

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

1       **Section 1.** Section 14-201.03, Reissue Revised Statutes of Nebraska,  
2 is amended to read:

3       14-201.03 (1) The election commissioner in any county in which is  
4 situated a city of the metropolitan class shall divide the city into  
5 seven city council districts of compact and contiguous territory. Such  
6 districts shall be numbered consecutively from one to seven. One city  
7 council member shall be elected from each district. The city council  
8 shall be responsible for redrawing the city council district boundaries  
9 pursuant to section 32-553.

10       (2) Beginning when the city council of a city of the metropolitan  
11 class redraws the city council districts pursuant to subsection (3) of  
12 section 35-553, the seven city council districts of such city shall  
13 include the extraterritorial zoning jurisdiction of the city.

14       **Sec. 2.** Section 14-419, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

16       14-419 (1) The extraterritorial zoning jurisdiction of a city of the  
17 metropolitan class shall consist of the unincorporated area three miles  
18 beyond and adjacent to its corporate boundaries.

19       (2) The city council, in cities of the metropolitan class, shall  
20 have the power by ordinance to regulate, within the corporate limits of  
21 the city or within the extraterritorial zoning jurisdiction of the city,  
22 except as to construction on farms for farm purposes, (a) the minimum  
23 standards of construction of buildings, dwellings, and other structures,  
24 in order to provide safe and sound condition of such buildings,  
25 dwellings, and other structures for the preservation of health, safety,  
26 security, and general welfare, and as to electric wiring, heating,  
27 plumbing, pipefitting, sewer connections, ventilation, size of habitable  
28 rooms, and the method of constructing buildings, and to provide for  
29 inspection of such buildings, dwellings, and other structures and  
30 building permits, (b) the removal and tearing down of buildings,  
31 dwellings, and other structures in such areas which constitute nuisances

1 because of the dilapidated, unsafe, or rundown condition or conditions,  
2 and (c) except as to the United States of America, the State of Nebraska,  
3 any county of the state, or any other city or village in the state, the  
4 nature, kind, and manner of constructing streets, alleys, sidewalks,  
5 curbing or abridging curbs, driveway approaches constructed on public  
6 rights-of-way, and sewers.

7 (3) A city of the metropolitan class shall have the authority to  
8 regulate land use within the extraterritorial zoning jurisdiction of such  
9 city as may be provided by law in addition to those powers provided in  
10 this section.

11 (4) Any building or construction code implemented under this section  
12 shall be adopted and enforced as provided in section 71-6406.

13 (5) Electors residing in the extraterritorial zoning jurisdiction of  
14 a city of the metropolitan class shall be considered electors of such  
15 city.

16 **Sec. 3.** Section 15-901, Reissue Revised Statutes of Nebraska, is  
17 amended to read:

18 15-901 (1) Except as provided in section 13-327, the  
19 extraterritorial zoning jurisdiction of a city of the primary class shall  
20 consist of the unincorporated area three miles beyond and adjacent to its  
21 corporate boundaries.

22 (2) No owner of real estate located within the corporate limits of  
23 any city of the primary class or within the extraterritorial zoning  
24 jurisdiction of any city of the primary class, when such real estate is  
25 located in the same county as the city and outside of any incorporated  
26 city or village, shall be permitted to subdivide, plat, or lay out the  
27 real estate in building lots and streets, or other portions of the real  
28 estate intended to be dedicated for public use or for the use of the  
29 purchasers or owners of lots fronting thereon or adjacent thereto,  
30 without first having obtained approval by the city planning commission  
31 and, when applicable, having complied with sections 39-1311 to

1 39-1311.05. No plat or subdivision of such real estate shall be recorded  
2 in the office of the register of deeds or have any force or effect unless  
3 such plat or subdivision is approved by the city planning commission. A  
4 city of the primary class shall have the authority within its corporate  
5 limits and extraterritorial zoning jurisdiction to regulate the  
6 subdivision of land for the purpose, whether immediate or future, of  
7 transferring ownership or building development, except that the city  
8 shall have no power to regulate subdivision in those instances where the  
9 smallest parcel created is more than ten acres in area. A city of the  
10 primary class shall have the authority within its corporate limits and  
11 extraterritorial zoning jurisdiction to prescribe standards for laying  
12 out subdivisions in harmony with the comprehensive plan; to require the  
13 installation of improvements by the owner, by the creation of public  
14 improvement districts, or by requiring a good and sufficient bond  
15 guaranteeing installation of such improvements; and to require the  
16 dedication of land for public purposes.

17 (3) For purposes of this section, subdivision shall mean the  
18 division of a lot, tract, or parcel of land into two or more lots, sites,  
19 or other divisions of land for the purpose, whether immediate or future,  
20 of ownership or building development, except that the division of land  
21 shall not be considered to be subdivision when the smallest parcel  
22 created is more than ten acres in area.

23 (4) Subdivision plats in a city of the primary class shall be  
24 approved by the city planning commission on recommendation by the city  
25 planning director and public works and utilities department. The city  
26 planning commission may withhold approval of a plat until the public  
27 works and utilities department has certified that the improvements  
28 required by the regulations have been satisfactorily installed, until a  
29 sufficient bond guaranteeing installation of the improvements has been  
30 posted, or until public improvement districts are created. The city  
31 council may provide procedures in land subdivision regulations for appeal

1 by any person aggrieved by any action of the city planning commission or  
2 city planning director on any plat.

3 (5) Electors residing in the extraterritorial zoning jurisdiction of  
4 a city of the primary class shall be considered electors of such city.

5 **Sec. 4.** Section 16-901, Revised Statutes Supplement, 2025, is  
6 amended to read:

7 16-901 (1) Except as provided in section 13-327 and subsection (2)  
8 of this section, the extraterritorial zoning jurisdiction of a city of  
9 the first class shall consist of the unincorporated area two miles beyond  
10 and adjacent to its corporate boundaries.

11 (2) For purposes of sections 70-1001 to 70-1020, the  
12 extraterritorial zoning jurisdiction of a city of the first class shall  
13 consist of the unincorporated area one mile beyond and adjacent to its  
14 corporate boundaries.

15 (3) Any city of the first class may apply by ordinance any existing  
16 or future zoning regulations, property use regulations, building  
17 ordinances, electrical ordinances, plumbing ordinances, and ordinances  
18 authorized by section 16-240 within its extraterritorial zoning  
19 jurisdiction with the same force and effect as if such area were within  
20 the corporate limits of the city, except that no such ordinance shall be  
21 extended or applied so as to prohibit, prevent, or interfere with the  
22 conduct of existing farming, livestock operations, businesses, or  
23 industry. The fact that the extraterritorial zoning jurisdiction is  
24 located in a different county or counties than some or all portions of  
25 the municipality shall not be construed as affecting the powers of the  
26 city to apply such ordinances.

27 (4)(a) Any city of the first class may exempt from application of  
28 its zoning regulations, property use regulations, building ordinances,  
29 electrical ordinances, plumbing ordinances, and ordinances authorized by  
30 section 16-240 within its extraterritorial zoning jurisdiction, by action  
31 of the board of adjustment pursuant to sections 19-907 to 19-915 and any

1 applicable ordinance, certain farm buildings when such structures are  
2 consistent with the comprehensive development plan, including anticipated  
3 long-range future growth based upon documented population and economic  
4 projections, as required by sections 19-907 to 19-915.

5 (b) For purposes of this subsection, farm building means a building  
6 utilized for agricultural purposes as defined in section 77-1359 on a  
7 farmstead of twenty acres or more which produces one thousand dollars or  
8 more of farm products each year.

9 (5)(a) A city of the first class shall provide written notice to the  
10 county board of the county in which the city's extraterritorial zoning  
11 jurisdiction is located when proposing to adopt or amend a zoning  
12 ordinance which affects the city's extraterritorial zoning jurisdiction  
13 within such county. The written notice of the proposed change to the  
14 zoning ordinance shall be sent to the county board or its designee at  
15 least thirty days prior to the final decision by the city. The county  
16 board may submit comments or recommendations regarding the change in the  
17 zoning ordinance at the public hearings on the proposed change or  
18 directly to the city within thirty days after receiving such notice. The  
19 city may make its final decision (i) upon the expiration of the thirty  
20 days following the notice or (ii) when the county board submits comments  
21 or recommendations, if any, to the city prior to the expiration of the  
22 thirty days following the notice.

23 (b) Subdivision (5)(a) of this section does not apply to a city of  
24 the first class (i) located in a county with a population in excess of  
25 one hundred thousand inhabitants as determined by the most recent federal  
26 decennial census or the most recent revised certified count by the United  
27 States Bureau of the Census or (ii) if the city and the county have a  
28 joint planning commission or joint planning department.

29 (6) Electors residing in the extraterritorial zoning jurisdiction of  
30 a city of the first class in areas shall be considered electors of such  
31 city.

1       **Sec. 5.** Section 17-1001, Revised Statutes Supplement, 2025, is  
2 amended to read:

3       17-1001 (1) Except as provided in section 13-327 and subsection (2)  
4 of this section, the extraterritorial zoning jurisdiction of a city of  
5 the second class or village shall consist of the unincorporated area one  
6 mile beyond and adjacent to its corporate boundaries.

7       (2) For purposes of sections 70-1001 to 70-1020, the  
8 extraterritorial zoning jurisdiction of a city of the second class or  
9 village shall consist of the unincorporated area one-half mile beyond and  
10 adjacent to its corporate boundaries.

11       (3) Any city of the second class or village may apply by ordinance  
12 any existing or future zoning regulations, property use regulations,  
13 building ordinances, electrical ordinances, and plumbing ordinances  
14 within its extraterritorial zoning jurisdiction, with the same force and  
15 effect as if such area was within its corporate limits. No such ordinance  
16 shall be extended or applied so as to prohibit, prevent, or interfere  
17 with the conduct of existing farming, livestock operations, businesses,  
18 or industry. The fact that the extraterritorial zoning jurisdiction or  
19 part thereof is located in a different county or counties than some or  
20 all portions of the municipality shall not be construed as affecting the  
21 powers of the city or village to apply such ordinances.

22       (4)(a) Any city of the second class or village may exempt from  
23 application of its zoning regulations, property use regulations, building  
24 ordinances, electrical ordinances, and plumbing ordinances within its  
25 extraterritorial zoning jurisdiction, by action of the board of  
26 adjustment pursuant to sections 19-907 to 19-915 and any applicable  
27 ordinance, certain farm buildings when such structures are consistent  
28 with the comprehensive development plan, including anticipated long-range  
29 future growth based upon documented population and economic projections,  
30 as required by sections 19-907 to 19-915.

31       (b) For purposes of this subsection, farm building means a building

1 utilized for agricultural purposes as defined in section 77-1359 on a  
2 farmstead of twenty acres or more which produces one thousand dollars or  
3 more of farm products each year.

4 (5)(a) A city of the second class or village shall provide written  
5 notice to the county board of the county in which the extraterritorial  
6 zoning jurisdiction of the city or village is located when proposing to  
7 adopt or amend a zoning ordinance which affects the extraterritorial  
8 zoning jurisdiction of the city or village within such county. The  
9 written notice of the proposed change to the zoning ordinance shall be  
10 sent to the county board or its designee at least thirty days prior to  
11 the final decision by the city or village. The county board may submit  
12 comments or recommendations regarding the change in the zoning ordinance  
13 at the public hearings on the proposed change or directly to the city or  
14 village within thirty days after receiving such notice. The city or  
15 village may make its final decision (i) upon the expiration of the thirty  
16 days following the notice or (ii) when the county board submits comments  
17 or recommendations, if any, to the city or village prior to the  
18 expiration of the thirty days following the notice.

19 (b) Subdivision (5)(a) of this section does not apply to a city of  
20 the second class or a village (i) located in a county with a population  
21 in excess of one hundred thousand inhabitants as determined by the most  
22 recent federal decennial census or the most recent revised certified  
23 count by the United States Bureau of the Census or (ii) if the city or  
24 village and the county have a joint planning commission or joint planning  
25 department.

26 (6) Electors residing in the extraterritorial zoning jurisdiction of  
27 a city of the second class or village shall be considered electors of  
28 such city or village.

29 **Sec. 6.** Section 32-553, Revised Statutes Cumulative Supplement,  
30 2024, is amended to read:

31 32-553 (1)(a) When any political subdivision except a public power

1 district nominates or elects members of the governing board by districts,  
2 such districts shall be substantially equal in population as determined  
3 by the most recent federal decennial census.

4 (b) Any such political subdivision that has districts in place on  
5 the date the census figures used in drawing district boundaries for the  
6 Legislature are required to be submitted to the state by the United  
7 States Department of Commerce, Bureau of the Census, shall, if necessary  
8 to maintain substantial population equality as required by this  
9 subsection, have new district boundaries drawn within six months after  
10 the passage and approval of the legislative bill providing for  
11 reestablishing legislative districts. Any such political subdivision in  
12 existence on the date the census figures used in drawing district  
13 boundaries for the Legislature are required to be submitted to the state  
14 by the United States Department of Commerce, Bureau of the Census, and  
15 which has not established any district boundaries shall establish  
16 district boundaries pursuant to this section within six months after such  
17 date.

18 (c) If the deadline for drawing or redrawing district boundary lines  
19 imposed by this section is not met, the procedures set forth in section  
20 32-555 shall be followed.

21 (2) The governing board of each such political subdivision shall be  
22 responsible for drawing its own district boundaries and shall, as nearly  
23 as possible, follow the precinct lines created by the election  
24 commissioner or county clerk after each federal decennial census, except  
25 that the election commissioner of any county in which a Class IV or V  
26 school district is located shall draw district boundaries for such school  
27 district as provided in this section and section 32-552.

28 (3) On or before January 1, 2027, any city or village that elects  
29 members of its governing board by district shall redraw such district  
30 boundaries to include the extraterritorial zoning jurisdiction of such  
31 city or village. Thereafter, when a city or village is required to redraw

1    such district boundaries, such city or village shall include the  
2    extraterritorial zoning jurisdiction of the city or village.

3       **Sec. 7.**   Original sections 14-201.03, 14-419, and 15-901, Reissue  
4   Revised Statutes of Nebraska, section 32-553, Revised Statutes Cumulative  
5   Supplement, 2024, and sections 16-901 and 17-1001, Revised Statutes  
6   Supplement, 2025, are repealed.