

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.