

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 132

Introduced by Urban Affairs Committee: Wayne, 13, Chairperson; Crawford, 45; Hansen, 26; Howard, 9; Larson, 40; Quick, 35; Riepe, 12.

Read first time January 06, 2017

Committee: Urban Affairs

1 A BILL FOR AN ACT relating to cities of the first class; to amend
2 sections 16-622, 16-623, 16-901, and 16-902, Revised Statutes
3 Cumulative Supplement, 2016; to change provisions relating to
4 improvement districts and extraterritorial zoning jurisdictions; and
5 to repeal the original sections.

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

1 Section 1. Section 16-622, Revised Statutes Cumulative Supplement,
2 2016, is amended to read:

3 16-622 The cost of making improvements of the streets and alleys
4 within any improvement district created pursuant to section 16-619 or
5 16-624 shall be assessed upon the lots and lands in such districts
6 specially benefited thereby in proportion to such benefits. The amounts
7 thereof shall, except as provided in sections 19-2428 to 19-2431, be
8 determined by the mayor and city council under section 16-615. The
9 assessment of the special tax for the cost of such improvements, except
10 as provided in this section, shall be levied at one time and shall become
11 delinquent in equal annual installments over such period of years, not to
12 exceed twenty, as the mayor and city council may determine at the time of
13 making the levy, the first such installment to become delinquent in fifty
14 days after the date of such levy. Each installment, including those for
15 graveling and the construction and replacement of pedestrian walks,
16 plazas, malls, landscaping, lighting systems, and permanent facilities
17 used in connection therewith as provided in this section, except the
18 first, shall draw interest at a rate established by the mayor and city
19 council not exceeding the rate of interest specified in section
20 45-104.01, as such rate may from time to time be adjusted by the
21 Legislature, from the time of levy until the levy becomes delinquent.
22 After the levy becomes delinquent, interest at the rate specified in
23 section 45-104.01, as such rate may from time to time be adjusted by the
24 Legislature, shall be paid thereon. Should there be three or more
25 installments delinquent and unpaid on the same property the mayor and
26 city council may by resolution declare all future installments on such
27 delinquent property to be due on a future fixed date. The resolution
28 shall set forth the description of the property and the names of its
29 record title owners and shall provide that all future installments shall
30 become delinquent upon the date fixed. A copy of such resolution shall be
31 published one time each week for not less than twenty days in a legal

1 newspaper in or of general circulation in the city and after the fixed
2 date such future installments shall be deemed to be delinquent and the
3 city may proceed to enforce and collect the total amount due and all
4 future installments. For assessments for graveling alone and without
5 guttering or curbing, one-third of the total amount assessed against each
6 lot or parcel of land shall become delinquent in fifty days after the
7 date of the levy of the same, one-third in one year, and one-third in two
8 years.

9 Sec. 2. Section 16-623, Revised Statutes Cumulative Supplement,
10 2016, is amended to read:

11 16-623 For the purpose of paying the cost of improving the streets,
12 avenues, or alleys in an improvement district created pursuant to section
13 16-619 or 16-624, exclusive of intersections of streets or avenues, or
14 spaces opposite alleys therein, the mayor and city council shall have
15 power and may, by ordinance, cause to be issued bonds of the city, to be
16 called Street Improvement Bonds of District No., payable in not
17 exceeding twenty years from date, and bearing interest, payable either
18 annually or semiannually, with interest coupons attached. In such cases
19 they shall also provide that the special taxes and assessments shall
20 constitute a sinking fund for the payment of the bonds. The entire cost
21 of improving any such street, avenue, or alley, properly chargeable to
22 any lot or land within any such improvement district according to the
23 front footage thereof, may be paid by the owners of such lots or lands
24 within fifty days from the levying of such special taxes, and thereupon
25 such lot or lands shall be exempt from any lien or charge therefor.

26 Sec. 3. Section 16-901, Revised Statutes Cumulative Supplement,
27 2016, is amended to read:

28 16-901 (1) Except as provided in section 13-327 and subsection (2)
29 of this section, the extraterritorial zoning jurisdiction of a city of
30 the first class shall consist of the unincorporated area two miles beyond
31 and adjacent to its corporate boundaries.

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

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

17 (4)(a) A city of the first class shall provide written notice to the
18 county board of the county in which the city's ~~two-mile~~ extraterritorial
19 zoning jurisdiction is located when proposing to adopt or amend a zoning
20 ordinance which affects the city's ~~two-mile~~ extraterritorial zoning
21 jurisdiction within such county. The written notice of the proposed
22 change to the zoning ordinance shall be sent to the county board or its
23 designee at least thirty days prior to the final decision by the city.
24 The county board may submit comments or recommendations regarding the
25 change in the zoning ordinance at the public hearings on the proposed
26 change or directly to the city within thirty days after receiving such
27 notice. The city may make its final decision (i) upon the expiration of
28 the thirty days following the notice or (ii) when the county board
29 submits comments or recommendations, if any, to the city prior to the
30 expiration of the thirty days following the notice.

31 (b) Subdivision (4)(a) of this section does not apply to a city of

1 the first class (i) located in a county with a population in excess of
2 one hundred thousand inhabitants or (ii) if the city and the county have
3 a joint planning commission or joint planning department.

4 Sec. 4. Section 16-902, Revised Statutes Cumulative Supplement,
5 2016, is amended to read:

6 16-902 (1) Except as provided in subsection (4) of this section, a
7 city of the first class may designate by ordinance the portion of the
8 territory located within its extraterritorial zoning jurisdiction and
9 outside of any other organized city or village within which the
10 designating city will exercise the powers and duties granted by sections
11 16-902 to 16-904 or section 19-2402.

12 (2) No owner of any real property located within the area designated
13 by a city pursuant to subsection (1) or (4) of this section may
14 subdivide, plat, or lay out such real property in building lots, streets,
15 or other portions of the same intended to be dedicated for public use or
16 for the use of the purchasers or owners of lots fronting thereon or
17 adjacent thereto without first having obtained the approval of the city
18 council of such city or its agent designated pursuant to section 19-916
19 and, when applicable, having complied with sections 39-1311 to
20 39-1311.05. The fact that such real property is located in a different
21 county or counties than some or all portions of the city shall not be
22 construed as affecting the necessity of obtaining the approval of the
23 city council of such city or its designated agent.

24 (3) In counties that (a) have adopted a comprehensive development
25 plan which meets the requirements of section 23-114.02 and (b) are
26 enforcing subdivision regulations, the county planning commission shall
27 be provided with all available materials on any proposed subdivision
28 plat, contemplating public streets or improvements, which is filed with a
29 city of the first class in that county, when such proposed plat lies
30 partially or totally within the portion of that city's extraterritorial
31 zoning jurisdiction where the powers and duties granted by sections

1 16-902 to 16-904 are being exercised by that city in such county. The
2 commission shall be given four weeks to officially comment on the
3 appropriateness of the design and improvements proposed in the plat. The
4 review period for the commission shall run concurrently with subdivision
5 review activities of the city after the commission receives all available
6 material for a proposed subdivision plat.

7 (4) If a city of the first class receives approval for the cession
8 and transfer of additional extraterritorial zoning jurisdiction under
9 section 13-327, such city may designate by ordinance the portion of the
10 territory located within its extraterritorial zoning jurisdiction ~~two~~
11 ~~miles of the corporate limits of the city~~ and outside of any other
12 organized city or village within which the designating city will exercise
13 the powers and duties granted by sections 16-902 to 16-904 or section
14 19-2402 and shall include territory ceded under section 13-327 within
15 such designation.

16 Sec. 5. Original sections 16-622, 16-623, 16-901, and 16-902,
17 Revised Statutes Cumulative Supplement, 2016, are repealed.