

ORDINANCE NO. 1181

AN ORDINANCE OF THE CITY OF GENEVA, FILLMORE COUNTY, NEBRASKA, TO AMEND CITY CODE PROVISION TO MAKE REFERENCE TO A MASTER FEE SCHEDULE; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR PUBLICATION; AND TO SET AN EFFECTIVE DATE

BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF GENEVA, FILLMORE COUNTY, NEBRASKA:

Section 1. Section 32.20 the Geneva City Code is hereby amended as follows:

32.20 Water Department; Operation And Funding

The municipality owns and operates the water department through the City Council or its authorized agent. The City Council, for the purpose of defraying the cost of the care, management, and maintenance of the water department may each year levy a tax not exceeding the maximum limit prescribed by state law, on the taxable value of all taxable property within the corporate limits that is subject to taxation. The revenue from the tax shall be known as the water fund and shall remain in the custody of the Municipal Treasurer. The City Council or its authorized agent shall have the direct management and control of the water department. The City Council shall have the authority to adopt rules and regulations for the sanitary and efficient management of the water department. The City Council shall set the rates to be charged for services rendered by ordinance resolution and shall file a copy of the rates in the office of the Municipal Clerk for public inspection at any reasonable time.

("84 Code, § 3-101) (amended by Ord 1181 passed 8/4/2025)

Statutory references:

Waterworks acquisition and construction authorized, see Neb. RS 17-531

Bonds, interest, and taxing authority, see Neb. RS 17-534

Public utility extension and improvements, see Neb. RS 19-1305

Cross-reference:

Water regulations, see Chapter 51

Section 12. Section 32.21 the Geneva City Code is hereby amended as follows:

32.21 Sewer Department; Operation And Funding

- A. The municipality owns and operates the municipal sewer system through the City Council or its authorized agent.
- B. For the purpose of defraying the cost of the maintenance and repairing of any sewer or water utilities in the municipality, the City Council may each year levy a tax not exceeding the maximum limit prescribed by state law on the taxable value of all the taxable property in the municipality. The revenue from the tax shall be known as the water and sewer maintenance fund and shall be used exclusively for the purpose of maintenance and repairs of the water and sewer system.
- C. The City Council or its authorized agent shall have the direct management and control of the Sewer Department, shall faithfully carry out the duties of the office, and shall have the authority to adopt rules and regulations for the sanitary and efficient management of the department subject to the supervision and review of the

City Council. The City Council shall set the rates to be charged for services rendered by ~~ordinance~~ resolution and shall file a copy of the rates in the office of the Municipal Clerk for public inspection at any reasonable time.

('84 Code, § 3-201) (Ord. 745, passed 7-6-99) (amended by Ord. 1181 passed 8/4/2025)

Statutory references:

Sewage and drainage districts; authority to regulate, see Neb. RS 17-149 17-574

Taxing authority, see Neb. RS 17-925.01

Cross-references:

Sewer regulations, see Chapter 52

Section 3. Section 32.50 of the Geneva City Code is hereby amended as follows:

32.50 Fire Investigation

It shall be the duty of the Fire Department to investigate or cause to be investigated the cause, origin, and circumstances of every fire occurring in the municipality in which property has been destroyed or damaged ~~in excess of \$50~~. All fires of unknown origin shall be reported, and such officers shall especially make an investigation and report as to whether such fire was the result of carelessness, accident, or design. Such investigation shall be begun within two days of the occurrence of such fire and the State Fire Marshal shall have the right to supervise and direct the investigation whenever he or she deems it expedient or necessary. The officer making the investigation of fires occurring within the municipality shall immediately notify the State Fire Marshal and shall within one week of the occurrence of the fire furnish him or her with a written statement of all the facts relating to the cause and origin of the fire, and such further information as he or she may call for.

('84 Code, § 3-315) (amended by Ord. 1181 passed 8/4/2025)

Statutory references:

Investigation and report required, see Neb. RS 81-506

Section 4. Section 35.13 the Geneva City Code is hereby amended as follows:

35.13 Debt Collection; Authority To Contract With Collection Agency

- A. The municipality may contract to retain a collection agency licensed pursuant to Neb. RS 45-601 through 45-622, within or without this state, for the purpose of collecting public debts owed by any person to the municipality.
- B. No debt owed pursuant to division (A) of this section may be assigned to a collection agency unless:
 1. There has been an attempt to advise the debtor by first-class mail, postage prepaid, at the last known address of the debtor:
 - a. Of the existence of the debt;
 - b. That the debt may be assigned to a collection agency for collection if the debt is not paid; and
 2. At least 30 days have elapsed from the time the notice was sent.
- C. A collection agency which is assigned a debt under this section shall have only those remedies and powers which would be available to it as an assignee of a private creditor.

- D. For purposes of this section, debt shall include all delinquent fees or payments except delinquent property taxes or real estate. In the case of debt arising as a result of an order or judgment of a court in a criminal or traffic matter, a collection fee may be added to the debt. The collection fee shall be the \$25 or 4 1/2% of the debt, whichever is greater **maximum amount allowed by state statute**. The collection fee shall be paid by the person who owes the debt directly to the person or agency providing the collection service.
 (Neb. RS 45-623) ('84 Code, § 1-820) (Ord. 557, passed 7-5-94)
 (amended by Ord 1181 passed 8/4/2025)

Section 5. Section 53.09 the Geneva City Code is hereby repealed in its entirety:

53.09 Non-Resident Fees

- A. ~~It shall be unlawful for any nonresident of the municipality to dump any matter in the Municipal Dumping Grounds without payment of the following fees:~~

Minimum load delivered by person or automobile	\$2
Load delivered by two wheel trailer or pick up truck	5
Load delivered by dual wheel truck or larger vehicle	15

- B. ~~All fees shall be paid to the attendant in charge of the dumping grounds before unloading the vehicle.~~
 ('84 Code, § 4-211) (repealed by Ord 1181 passed 8/4/2025)
 Penalty, see § 10.99

Section 6. Section 72.52 the Geneva City Code is hereby amended as follows:

72.52 Violations Bureau

- A. There is hereby established a Violations Bureau within the City of Geneva, Nebraska, for the handling of nonmoving traffic violations as hereinafter defined and violations of police regulations hereinafter set forth. The office of the City Clerk shall be the office of the Violations Bureau, which officer shall collect all fees for the violations and remit such fees monthly to the City Treasurer for remittance to School District No. 75.
- B. Nonmoving traffic violations are hereby defined as all violations set forth in this chapter.
- C. The enforcement of this section and violation of the provisions thereof shall be under the police jurisdiction of the city, and its duly designated officers.
- D. A fee of \$5 in an amount set by resolution shall be assessed for each separate violation of the terms of this section and if the fee is not paid within five days after the date of violation to the Violations Bureau, a complaint will be filed against such violator in the County Court of Fillmore County, Nebraska.
 ('84 Code, § 5-421) (Ord. 374, passed 4-21-75)
 (amended by Ord 1181 passed 8/4/2025)

Statutory references:

Bureau of Violations authorized, see Neb. RS 18-1729

Section 7. Section 94.01 the Geneva City Code is hereby amended as follows:

94.01 Animal Running At Large

It shall be unlawful for the owner, keeper or harbinger of any animal, or any person or entity having the charge, custody, or control thereof, to permit a cat, horse, mule, cow, sheep, goat, swine or other animal to be driven or run at large on any of the public ways and property, or upon the property of another.

A. It shall be unlawful for any person or entity owning, harboring or controlling any animals in the city to permit animals to run at large at any time in the city.

RUNNING AT LARGE shall mean not confined upon an appropriate leash or not confined within the premise of the owner, keeper, or harbinger thereof or not confined within a fenced or caged area, which the animal cannot escape.

B. The Police Department upon apprehending any animal hereunder shall impound the animal and shall make a complete registry, entering the breed, color, sex of the animal and the name of the licensed owner and license number. No impounded animal shall be released until the above fine, court costs and any other veterinarian fees or kennel fees are paid.

C. Any person reclaiming an animal after the same has been impounded shall pay a reclamation fee of \$10 for the first offense in any calendar year that the owner, keeper, or harbinger of an animal has had to reclaim the animal, \$25 for the second offense in any calendar year that the owner, keeper or harbinger of an animal has had to reclaim the animal and \$50 for the third and subsequent offenses in any calendar year that the owner, keeper or harbinger of an animal has had to reclaim the animal as set by resolution, plus any veterinary or kennel fees for the impounding.

D. Any impounded animal not reclaimed within 48 hours after impoundment shall be destroyed.

Any animal running at large may be immediately destroyed by the Police Department if in the opinion of the Police Department impoundment would be difficult and it would be in the best interest of the community to destroy the animal. ('84 Code, § 6-201) (Ord. passed 6-18-73; Am. Ord. 405, passed 4-3-78; Am. Ord. 485, passed 9-21-87; Am. Ord. 816, passed 10-1-01) (amended by Ord. 1181 passed 8/4/2025) Penalty, see § 10.99

Statutory references:

Authority, see Neb. RS 17-547 Cross-reference: Dogs running at large, see § 94.031

Section 8. Section 94.31 the Geneva City Code is hereby amended as follows:

94.31 Dog Running At Large

Dogs running at large licensed or unlicensed are hereby declared a public nuisance.

A. It shall be unlawful for any person or entity owning, harboring or controlling any dog in the city to permit a dog to run at large at any time in the city. **RUNNING AT LARGE** shall mean not confined upon an appropriate leash or not confined within the premise of the owner, keeper, or harbinger thereof or not confined within a fenced or caged area, from which the dog cannot escape.

- B. The Municipal Police Department upon apprehending any dog hereunder shall impound the dog and shall make a complete registry, entering the breed, color, sex of the dog and the name of the licensed owner and license number. No unlicensed dog so impounded shall be released until properly licensed as provided by law. No impounded dog shall be released until the above fine, court costs and any other veterinarian fees or kennel fees are paid.
- C. Any person reclaiming a dog after the same has been impounded shall pay a reclamation fee of \$10 dollars for the first offense in any calendar year that the owner, keeper, or harbinger of a dog has had to reclaim the dog, \$25 for the second offense in any calendar year that the owner, keeper or harbinger of a dog has had to reclaim the dog and \$50 for the third and subsequent offenses in any calendar year that the owner, keeper or harbinger of a dog has had to reclaim the dog as set by resolution, plus any veterinary or kennel fees for the impounding.
- D. Any impounded unlicensed dog not reclaimed within 48 hours after impoundment shall be destroyed. Any licensed dog not reclaimed within 96 hours after impoundment shall be destroyed. The Municipal Police Department shall attempt within the 96 hours to contact the registered owner by telephone, personal contact or mail.
- E. Any unlicensed dog running at large may be immediately destroyed by the Municipal Police Department if in the opinion of the Municipal Police Department impoundment would be difficult and it would be in the best interest of the community to destroy the dog.
(’84 Code, § 6-107) (Ord. passed 6-18-73; Am. Ord. 405, passed 4-3-78; Am. Ord. 485, passed 9-21-87; Am. Ord. 807, passed 10-1-01) (amended by Ord 1181 passed 8/4/2025) Penalty, see § 10.99

Section 9. Section 94.34 the Geneva City Code is hereby amended as follows:

94.34 Dog Bites

- A. Any dog, which has bitten any person and caused an abrasion of the skin, shall be seized and impounded under the supervision of the Police Department for a period of not less than ten days. If upon examination by a veterinarian, the dog has no clinical signs of rabies at the end of such impoundment, it may be released to the owner, or, in the case of an unlicensed dog, or rabid dog it shall be destroyed.
- B. Any person or entity reclaiming a licensed dog after the same has been impounded under this section shall pay a reclamation fee of \$50 as set by resolution and any and all veterinary and kennel fees for the dog during the impoundment period.
(’84 Code, § 6-117) (Ord. 813, passed 10-1-01) (amended by Ord 1181 passed 8/4/2025) Penalty, see § 10.99

Statutory references:

Authority, see Neb. RS 71-4406

Section 10. Section 94.50 the Geneva City Code is hereby amended as follows:

94.50 License Required

- A. Any person who owns, keeps, or harbors a dog over the age of six months within the municipality shall license the dog annually between January 1 and December 31 of each year. Any person or entity who acquires a dog over the age of six months during

the year shall license the dog within 30 days. Any dog that obtains the age of six months during the year shall be licensed by its owner, keeper or harbinger within 30 days after the dog obtains the age of six months.

- B. The applicant shall state at the time the application is made and upon printed forms provided for such purpose, the owner's name, address and telephone number and the name, breed, color, and sex of each dog to be licensed. If the owner is a minor the parent or guardian's name, address and phone number shall be shown on the application. If the owner is incapacitated the guardian's name, address, and phone number shall be shown on the application. If there are multiple owners of dogs at the same residence, the eldest resident's name, address, and phone number shall be shown on the application. A certificate that the dog has had a rabies shot, effective for the ensuing year of the license, shall be presented when the license is applied for and no license shall be issued without the certificate.
- C. Licenses shall be issued by the Municipal Clerk or approved veterinarian upon the application of the owner, keeper or harbinger of each dog. The license fee shall be as follows set by resolution. The license shall not be transferable.

1. ~~One dog: Free.~~
2. ~~Two dogs: \$10.~~
3. ~~Three dogs: \$50.~~
4. ~~Four dogs: \$100.~~

('84 Code, § 6-101) (Ord. 614, passed 10-6-95; Am. Ord. 800, passed 10-1-01; Am. Ord. 924, passed 2-5-07) (amended by Ord 1181 passed 8/4/2025)

Statutory references:

Authority, see Neb. RS 17-256, 54-603, 71-4412

Section 11. Section 110.01 of the Geneva City Code is hereby amended as follows:

110.01 Tobacco; License For Sale

Every person, partnership, limited liability company, or corporation desiring a license to sell tobacco at retail shall file with the Municipal Clerk a written application on forms provided by the municipality, stating the name of the person, partnership, limited liability company, or corporation for whom the license is desired and the exact location of the place of business and shall deposit with the application a license fee in ~~the amount of \$10~~ **the maximum amount set by state statute**. If the applicant is an individual, the application shall include the applicant's social security number.

(Neb. RS 28-1422, 28-1423) ('84 Code, § 10-801) (Ord. 737, passed 7-6-99) (amended by Ord 1181 passed 8/4/2025)

Section 12. Section 111.10 of the Geneva City Code is hereby amended as follows:

110.10 Amount

1. For the purpose of raising revenue an occupation tax is hereby levied on the following businesses:

Liquor licensee	50% 200% of the annual state license fee with a minimum of \$25 <u>\$50</u>
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	(Neb. Rev. Stat. 53-132(5))
Special designated liquor licensee or catering license	\$50 per day per premise \$5
Auctioneers. Local auctioneers and those sponsored by local organization are exempt	Per company per day \$25-Per company per year \$100
Bankrupt stock removed to this city and sold as such, or any merchandise removed to this city from some other place and sold or offered for sale in the city under advertisement or announcement that the same is to be sold within a limited time or at a reduced price and not as the regularly conducted permanent business in the city. Provided, however, this occupation tax is hereby waived for any person residing in the county or any company with its principal place of business in the county.	\$200
Circus and carnivals. Those sponsored by local organizations are exempt	Per day \$25
Itinerant merchant as defined by Neb. RS 75-323	Per vehicle \$200
Magazine sales at retail, door to door. Local merchants and local organizations are exempt	Per person, per day \$25 Per person, per year \$100
Photographs, or enlargements or photographs, soliciting orders for, or delivering or collecting for finished work. Local merchants and local organizations are exempt	Per person, per day \$25 Per person, per year \$100
Retail sellers of goods and merchandise (a salesperson) not otherwise classified, whether the goods and merchandise are sold by sample or by taking orders for future delivery, from truck, automobile or other vehicle. Local merchants and local organizations are exempt	Per person, per day \$25 Per person, per year \$100

2. It is hereby declared that the provisions of this section shall not extend to nor affect individuals selling their own labor, brooms, farm products, fruit, livestock, meat,

poultry, butter, eggs, vegetables, hay or grain, if raised or produced by the vendors; provided, that the sale or offering for sale of the products and commodities, above excepted, in the municipality shall be prima facie evidence that the same were not raised or produced by the vendors until such vendors shall satisfy the Municipal Clerk or the Chief of Police by sufficient proof that they are entitled to the exceptions above mentioned; and provided further, the Municipal Clerk or Chief of Police may, in any case of such vendor claiming exemption hereunder, require the vendor to accompany the Municipal Clerk or Chief of Police to a notary public or any other officer authorized to take acknowledgments under oath and then and there to make affidavit with respect to the matter concerning the raising or production of the specific products or commodities sold or offered for sale by such vendor.

3. All scientific and literary lectures and entertainments shall be exempt from such taxation as well as concerts and other entertainments given exclusively by the citizens of this city or their employees.
(84 Code, § 10-601) (Ord. 452, passed 1-17-83; Am. Ord. 492, passed 5-16-88; Am. Ord. 616, passed 10-6-95) (amended by Ord. 1181 passed 8/4/2025)
Penalty, see § 10.99

Section 13. Section 110.22 the Geneva City Code is hereby amended as follows:

110.22 License Fee

The license for an itinerant merchant residing outside of Fillmore County pursuant to § 110.21 shall be ~~\$25 per person per day and \$100 per person per year set by resolution~~. The license fee for an itinerant merchant residing inside of Fillmore County is hereby waived for the purpose of goodwill within the county and to promote interaction between the communities within the county. The payment of this license shall not waive itinerant merchants from any additional occupation tax.

(84 Code, § 10-204) (Ord. 489, passed 5-2-88; Am. Ord. 615, passed 10-6-95; Am. Ord. 976, passed 1-18-10) (amended by Ord. 1181 passed 8/4/2025)

Section 14. Section 110.26 the Geneva City Code is hereby repealed in its entirety:

110.26 Bond

~~In the event that the information obtained at the time the license application is applied for discloses that the applicant is merely taking order for the sale of articles within the purview of this subchapter which are to be delivered in interstate commerce; and thereby, the applicant is exempt from the payment of such license fees, the Clerk shall, before issuing a license, communicate with the employer of the applicant and ascertain whether or not the applicant is authorized to represent said company; and the applicant shall further give bond with an approved surety company guaranteeing to all citizens of the city that all money paid as a down payment for any goods ordered from the applicant will be accounted for and be applied according to the representations of the applicant, and further guaranteeing to any citizen of the city who may do business with said applicant that the property purchased will be delivered according to the representations of the applicant. The bond shall be in the principal sum of \$500 per licensee.~~

(Ord. 981, passed 1-18-10) (repealed by Ord. 1181 passed 8/4/2025)

Section 15. Section 134.20 of the Geneva City Code is hereby repealed in its entirety:

134.20 Use Of Tobacco By Minors

It shall be unlawful for any person under the age of 18 years to smoke cigarettes or cigars or to use tobacco in any form whatever. Any minor so charged with the violation of this section may be free from prosecution when the minor shall have furnished evidence for the conviction of the person or persons selling or giving him or her the cigarettes, cigars, or tobacco.

(Neb. RS 28-1418) ('84 Code, § 6-309) Penalty, see § 134.99
(repealed by Ord 1181 passed 8/9/2025)

Section 16. Section 152.15 the Geneva City Code is hereby amended as follows:

152.15 Zoning And Permit Fees (Section 152.15)

Applicable fees for building permits, zoning permits, and other permits issued under this chapter shall be set by the City Council by resolution.

Building Permits

New Home:

(Single family detached & duplexes, with or without garages)

Minimum fee of \$100 for up to 2,000 square feet (including 1st & 2nd floor, excluding attached garage)

\$.05 additional cost per square foot of excess square footage total

Multi Family Residential and Commercial:

Minimum fee of \$200 for up to 2,000 square feet (including 1st & 2nd floor, excluding attached garage)

\$.05 additional cost per square foot of excess square footage total

Residential Additions, Garages & Storage Buildings Over 150 Square Feet:

Minimum fee of \$50 for up to 750 square feet

\$.05 additional cost per square foot of excess square footage total

Commercial Additions:

Minimum fee of \$100 for up to 2,000 square feet

\$.05 additional cost per square foot of excess square footage total

Accessory Buildings of 150 square feet or less:

\$35

Other Permit Fees:

- ~~Administrative Subdivision \$50~~
- ~~Fence \$35~~
- ~~Deck, Patio, Porch, or Pergola \$35~~
- ~~Signs \$50~~
- ~~Lot Split \$100~~
- ~~Stop Sign Removal or Addition \$50~~
- ~~Rezoning \$150~~

- ~~Zoning Exception/Variance \$150~~
- ~~Alley or Street Vacate \$150~~
- ~~Drill Well Application \$50~~
- ~~Cell Tower Permit \$750~~
- ~~Dismantle Permit:

 - ~~Professional mover/dismantler must provide proof of bond over \$5,000~~
 - ~~Applicant deposit (\$1,000 house/\$250 garage or shed) to be returned upon satisfactory final inspection~~~~
- ~~Move In Permit:

 - ~~Must obtain \$50 building permit~~
 - ~~Professional mover bonded must provide proof of bond over \$5,000~~
 - ~~Professional mover not bonded must provide \$2,000 deposit check~~
 - ~~Owner/self mover deposit check (\$1,000 house/\$250 garage or shed) to be returned upon satisfactory final inspection~~~~
- ~~Move Out Permit

 - ~~Professional mover bonded must provide proof of bond over \$5,000~~
 - ~~Professional mover not bonded must provide \$2,000 deposit check~~
 - ~~Owner/self mover deposit check (\$1,000 house/\$250 garage or shed) to be returned upon satisfactory final inspection~~~~

(Ord 1147, passed November 15, 2021; amended by Ord 1152, passed July 5, 2022);
 (amended by Ord 1181 passed 8/4/2025)

Section 17. Section 153.99 of the Geneva City Code is hereby amended as follows:

153.99 Penalty

1. Violation of the provisions of this chapter or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be ~~finned not more than \$50~~ subject to a fine, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.
2. Nothing herein contained shall prevent the City Council or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. 883, passed 8-2-04) (amended by Ord 1181 passed 8/4/2025)
Penalty, see § 10.99

Section 18. The initial “Master Fee Schedule” attached as Exhibit A is hereby adopted. It may be revised and re-approved by the City Council by resolution in the future.

Section 19. All conflicting provisions in the Code of Geneva are hereby repealed. All other provisions of the Code of Geneva shall remain in full force and effect except as set forth herein.

Section 20. This ordinance shall be published **one (1) time** in the **Nebraska Signal** within fifteen (15) days. Thereafter this ordinance shall be in full force and take effect **immediately** after its passage, approval, and publication according to law.

SUSPEND
READINGS _____
(3/4 VOTE)

FIRST READING July 7, 2025

SECOND READING July 21, 2025

THIRD READING August 4, 2025

PASSED AND APPROVED THIS 4th DAY OF August 2025



Cody Lightwine, Mayor

ATTESTED AND PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION OR IN BOOK OR PAMPHLET FORM WITHIN FIFTEEN (15) DAYS OF PASSAGE PER SECTION 30.45 OF THE GENEVA CITY CODE.



Regan Fisher, City Clerk