

ORDINANCE NO. 1174

AN ORDINANCE OF THE CITY OF GENEVA, FILLMORE COUNTY, NEBRASKA, TO AMEND CITY CODE SECTIONS 152.90 AND 152.92 TO CHANGE THE NUMBER OF WEEKS THAT NOTICE OF A PUBLIC HEARING CONCERNING A ZONING AMENDMENT IS REQUIRED TO BE PUBLISHED; TO REPEAL CONFLICTING ORDINANCES; AND TO PROVIDE AN EFFECTIVE DATE

WHEREAS for any proposed change to a zoning map or regulation, Neb. Rev. Stat. 19-905 requires public hearings before both the Planning Commission and the City Council; and

WHEREAS Neb. Rev. Stat. 19-904 requires that notice of such public hearings must be published in a legal newspaper of general circulation at least one (1) time at least ten (10) days prior to each public hearing; and

WHEREAS Geneva City Code sections 152.90 and 152.92 are inconsistent with and more burdensome than state law, in that they require publication of notice for two (2) successive calendar weeks, with the first publication at least fifteen (15) days prior to the public hearing; and

WHEREAS in compliance with the current City Code, public hearings on this proposed amendment were held before both the Planning Commission and City Council, with notice published as required by law; and

WHEREAS to improve the efficiency of government and make City Code consistent with state law, the City Council finds it is in the best interests of the City of Geneva to adopt this change to the City's zoning regulations;

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

**Section 1.** Section 152.90 of the Geneva City Code is hereby amended as follows:

**152.90 Generally**

This chapter, including the official zoning map, may be amended from time to time, but no amendments shall become effective unless they shall have been proposed by, or shall first have been submitted to, the Planning Commission for review and recommendation. The Planning Commission shall have 30 days within which to submit its report to the City Council. If the Planning Commission fails to submit a report within the 30 days, it shall be deemed to have approved the proposed amendment. A public hearing shall be held by the City Council before adoption of any proposed amendment to this chapter. A notice of the time and place of such public hearing shall be given by publication thereof in a legal newspaper in or of general circulation in the municipality at least one time ten days prior to such hearing. ~~once a week for two successive calendar weeks in a newspaper of general circulation in the municipality, the notice to be published the first time not less than 15 days prior to the date established for the public hearing.~~

(Neb. RS 19-904) ('84 Code, § 11-701) (amended Ord. 1174 passed 11/18/2024)

**Section 2.** Section 152.92 of the Geneva City Code is hereby amended as follows:

**152.92 Public Hearing**

Before enacting an amendment to this chapter, the City Council shall hold a public hearing thereon. A notice of the time and place of such public hearing shall be given by publication thereof in a legal newspaper in or of general circulation in the municipality at least one time ten days prior to such hearing. ~~once a week for two successive calendar weeks in a newspaper of general circulation in the municipality. The notice to be published the first time not less than 15 days prior to the date established for the public hearing.~~ If the record title owners of any lots included in such proposed change are nonresidents of the municipality, then a written notice of such hearing shall be mailed by certified mail to them addressed to their last known addresses at least ten days prior to such hearing. In addition to the publication of notice, a notice in compliance with Neb. Rev. Stat. 19-905 shall be posted in a conspicuous place on or near the property on which action is pending; provided such requirement shall not be necessary in the event the proposed change affects the entire area of an existing zoning district or the entire municipality.  
(Neb. RS 19-905) ('84 Code, § 11-703), (Ord. 499, passed 9-19-88) (amended by Ord. 1174, passed 11/18/2024).

**Section 3.** 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.

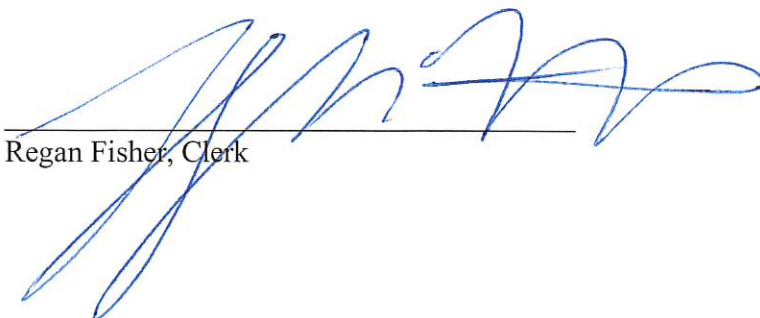
**Section 4.** This ordinance shall be published in book or pamphlet form within fifteen (15) days of passage. This ordinance shall be in full force and take effect immediately after its passage, approval, and publication according to law.

SUSPEND READINGS (3/4 VOTE)	_____		FIRST READING <u>October 21, 2024</u>
			SECOND READING <u>November 4, 2024</u>
			THIRD READING <u>November 18, 2024</u>

PASSED AND APPROVED THIS 18th DAY OF November, 2024

  
Cody Lightwine, Mayor

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

  
Regan Fisher, Clerk