

## **CHAPTER 5 – BUSINESS REGULATIONS**

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## CHAPTER 5 – BUSINESS REGULATIONS

### Article 1 – Alcoholic Beverages

#### SECTION 5-101: DEFINITIONS

All words and phrases herein used shall have the definitions applied thereto as defined in the Liquor Control Act of the State of Nebraska. (Neb. Rev. Stat. §53-103)

#### SECTION 5-102: ACQUISITION AND POSSESSION

It shall be unlawful for any person to purchase, receive, acquire, accept, or possess any alcoholic liquor acquired from any other person other than one duly licensed to handle alcoholic liquor under the Nebraska Liquor Control Act. Nothing in this section shall prevent:

A. The possession of alcoholic liquor for the personal use of the possessor and his or her family and guests, so long as the quantity of alcoholic liquor transported, imported, brought, or shipped into the state does not exceed nine liters in any one calendar month;

B. The making of wine, cider, or other alcoholic liquor by a person from fruits, vegetables, or grains or the products thereof by simple fermentation and without distillation, if made solely for the use of the maker and his or her family and guests;

C. Any duly licensed practicing physician or dentist from possessing or using alcoholic liquor in the strict practice of his or her profession, any hospital or other institution caring for sick and diseased persons from possessing and using alcoholic liquor for the treatment of bona fide patients of such hospital or other institution, or any drug store employing a licensed pharmacist from possessing or using alcoholic liquor in compounding of prescriptions of licensed physicians;

D. The possession and dispensation of wine by an authorized representative of any church for the purpose of conducting any bona fide rite or religious ceremony conducted by such church;

E. Persons who are 16 years old or older from carrying alcoholic liquor from licensed establishments when they are accompanied by a person not a minor;

F. Persons who are 16 years old or older from handling alcoholic liquor containers and alcoholic liquor in the course of their employment;

G. Persons who are 16 years old or older from removing and disposing of alcoholic liquor containers for the convenience of the employer and customers in the course of their employment; or

H. Persons who are 19 years old or older from serving or selling alcoholic liquor in the course of their employment.

(Neb. Rev. Stat. §§53-168.06, 53-175, 53-194.03)

### **SECTION 5-103: DRINKING ON PUBLIC PROPERTY; POSSESSION OF OPEN ALCOHOLIC BEVERAGE CONTAINER**

A. Except when the Nebraska Liquor Control Commission has issued a license as provided in Neb. Rev. Stat. §53-186(2), it is unlawful for any person to consume alcoholic liquor upon property owned or controlled by the state or any governmental subdivision thereof unless authorized by the governing body having jurisdiction over such property. (Neb. Rev. Stat. §53-186[1])

B. It is unlawful for any person in the passenger area of a motor vehicle to possess an open alcoholic beverage container while the motor vehicle is located in a public parking area or on any highway in this village.

C. Except as provided in Neb. Rev. Stat. §53-186, it is unlawful for any person to consume an alcoholic beverage (1) in a public parking area or on any highway in this village or (2) inside a motor vehicle while in a public parking area or on any highway in this village.

D. For purposes of this division:

1. "Alcoholic beverage" means (a) beer, ale porter, stout, and other similar fermented beverages, including sake or similar products, of any name or description containing one-half of one percent or more of alcohol by volume, brewed or produced from malt, wholly or in part, or from any substitute therefor; (b) wine of not less than one-half of one percent of alcohol by volume; or (c) distilled spirits, which is that substance known as ethyl alcohol, ethanol, or spirits of wine in any form, including all dilutions and mixtures thereof from whatever source or by whatever process produced. "Alcoholic beverage" does not include trace amounts not readily consumable as a beverage;
2. "Highway" means a road or street including the entire area within the right-of-way;
3. "Open alcoholic beverage container" means any bottle, can, or other receptacle that (a) contains any amount of alcoholic beverage and (b) is open or has a broken seal or (c) the contents of which are partially removed; and
4. "Passenger area" means the area designed to seat the driver and passengers while the motor vehicle is in operation and any area that is readily accessible to the driver or a passenger while in their seating positions,

including any compartments in such area. "Passenger area" does not include the area behind the last upright seat of such motor vehicle if the area is not normally occupied by the driver or a passenger and the motor vehicle is not equipped with a trunk.

(Neb. Rev. Stat. §60-6,211.08)

#### **SECTION 5-104: CONSUMPTION IN PUBLIC PLACES; LICENSE**

It is unlawful for any person owning, operating, managing, or conducting any dance hall, restaurant, café, club, or any place open to the general public to permit or allow any person to consume alcoholic liquor upon the premises except as permitted by a license issued for such premises pursuant to the Nebraska Liquor Control Act. It is unlawful for any person to consume alcoholic liquor in any dance hall, restaurant, café, club, or any place open to the general public except as permitted by a license issued for such premises pursuant to the act. This division does not apply to a retail licensee while lawfully engaged in the catering of alcoholic beverages. (Neb. Rev. Stat. §53-186.01)

#### **SECTION 5-105: LICENSE REQUIRED**

It shall be unlawful for any person to manufacture for sale, sell, keep for sale, or to barter any alcoholic liquors within the village unless said person shall have in full force and effect a license as provided by the Nebraska Liquor Control Act. (Neb. Rev. Stat. §53-168.06)

#### **SECTION 5-106: VILLAGE POWERS AND DUTIES**

A. The Village Board is authorized to regulate by ordinance, not inconsistent with the Nebraska Liquor Control Act, the business of all retail, craft brewery, and microdistillery licensees carried on within the corporate limits of the village.

B. During the period of 45 days after the date of receiving from the Nebraska Liquor Control Commission an application for a new license to sell alcoholic liquor at retail or a craft brewery or microdistillery license, the Village Board may make and submit to the commission recommendations relative to the granting or refusal to grant such license to the applicant.

C. The Village Board, with respect to licenses within the corporate limits of the village, has the following powers, functions, and duties with respect to retail, craft brewery, and microdistillery licenses:

1. To cancel or revoke for cause retail, craft brewery, and microdistillery licenses to sell or dispense alcoholic liquor issued to persons for premises within its jurisdiction, subject to the right of appeal to the commission.
2. To enter or authorize any law enforcement officer to enter at any time upon any premises licensed under the Nebraska Liquor Control Act ("the act") to determine whether any provision of the act, any rule or regulation

adopted and promulgated pursuant to the act, or any ordinance, resolution, rule, or regulation adopted by the Village Board has been or is being violated and at such time examine the premises of such licensee in connection with such determination.

3. To receive a signed complaint from any citizen within its jurisdiction that any provision of the act, any rule or regulation adopted and promulgated pursuant to the act, or any ordinance, resolution, rule, or regulation relating to alcoholic liquor has been or is being violated and to act upon such complaints in the manner provided in the act.
4. To receive retail, craft brewery, and microdistillery license fees as provided in Neb. Rev. Stat. §§53-124 and 53-124.01 and pay the same to the village treasurer after the license has been delivered to the applicant.
5. To examine or cause to be examined any applicant or any retail, craft brewery, or microdistillery licensee upon whom notice of cancellation or revocation has been served as provided in the act, to examine or cause to be examined the books and records of any applicant or licensee and to hear testimony and to take proof for its information in the performance of its duties. For purposes of obtaining any of the information desired, the Village Board may authorize its agent or attorney to act on its behalf.
6. To cancel or revoke on its own motion any license if, upon the same notice and hearing as provided in Neb. Rev. Stat. §53-134.04, it determines that the licensee has violated any of the provisions of the act or any valid and subsisting ordinance, resolution, rule, or regulation duly enacted, adopted, and promulgated relating to alcoholic liquor. Such order of cancellation or revocation may be appealed to the commission within 30 days after the date of the order by filing a notice of appeal with the commission, which shall handle the appeal in the manner provided for hearing on an application in Neb. Rev. Stat. §53-133.
7. Upon receipt from the commission of the notice and copy of application as provided in Neb. Rev. Stat. §53-131, to fix a time and place for a hearing at which the Village Board shall receive evidence, either orally or by affidavit from the applicant and any other person, bearing upon the propriety of the issuance of a license. Notice of the time and place of such hearing shall be published in a legal newspaper in or of general circulation in the village one time not less than seven and not more than 14 days before the time of the hearing. Such notice shall include but not be limited to a statement that all persons desiring to give evidence before the Village Board in support of or in protest against the issuance of such license may do so at the time of the hearing. Said hearing shall be held not more than 45 days after the date of receipt of the notice from the commission. After such hearing the Village Board shall cause to be recorded in the minute record of its

proceedings a resolution recommending either issuance or refusal of such license. The village clerk shall mail to the commission by first class mail, postage prepaid, a copy of the resolution, which shall state the cost of the published notice, except that failure to comply with this provision shall not void any license issued by the commission. If the commission refuses to issue such a license, the cost of publication of notice shall be paid by the commission from the security for costs.

D. When the Nebraska Liquor Control Commission mails or delivers to the village clerk a license issued or renewed by it, the clerk shall deliver the license to the licensee upon proof of payment of (1) the license fee if, by the terms of Neb. Rev. Stat. §53-124(5), the fee is payable to the village treasurer; (2) any fee for publication of notice of hearing before the Village Board upon the application for license; and (3) the fee for publication of notice of renewal, if applicable, as provided in Neb. Rev. Stat. §53-135.01.

(Neb. Rev. Stat. §§53-131, 53-132, 53-134)

#### **SECTION 5-107: LICENSEE REQUIREMENTS**

No liquor license shall be issued to any person unless he or she: is a resident of Nebraska; is a person of good character and reputation in the community; is a U.S. citizen; has never been convicted of or pled guilty to a felony under the laws of this state, any other state, or the United States; has never been convicted of or pled guilty to any Class I misdemeanor pursuant to Neb. Rev. Stat. §53-125; has never had a liquor license revoked for cause; and meets other requirements as provided in Neb. Rev. Stat. §53-125. (Neb. Rev. Stat. §53-125)

#### **SECTION 5-108: LOCATION**

It shall be unlawful for any person to own, maintain, manage, or hold open to the public any establishment for the purpose of selling at retail any alcoholic liquor within 150 feet of any church, school, hospital, or home for aged or indigent persons or for veterans, their wives, or children. This prohibition does not apply to any location within such distance when the said establishment has been licensed by the Nebraska Liquor Control Commission at least two years and to hotels offering restaurant service, to regularly organized clubs, restaurants, food shops, or other places where the selling of alcoholic liquors is not the principal business carried on, if the business was licensed and in operation prior to May 24, 1935. No alcoholic liquor other than beer shall be sold for consumption on the premises within 300 feet from the campus of any college within the village. (Neb. Rev. Stat. §53-177)

#### **SECTION 5-109: ACCESS TO DWELLINGS**

Except in the case of hotels and clubs, no alcoholic liquor shall be sold at retail upon any premises having any access which leads from such premises to any other portion of the same building used for dwelling or lodging purposes and which is permitted to be used or kept accessible for use by the public. Nothing herein shall prevent any

connection with such premises and such other portion of the building that is used only by the licensee, his or her family, or personal guests. (Neb. Rev. Stat. §53-178)

**SECTION 5-110: SANITARY CONDITIONS**

It shall be unlawful to open for public use any retail liquor establishment that is not in a clean and sanitary condition. Toilet facilities shall be adequate and convenient for customers and patrons and said licensed premises shall be subject to any health inspections which the Village Board or the village law enforcement may make or cause to be made. All applications for liquor licenses shall be viewed in part from the standpoint of the sanitary conditions, and a report concerning the said sanitary conditions shall be made at all hearings concerning the application for or renewal of a liquor license. (Neb. Rev. Stat. §53-118)

**SECTION 5-111: CATERING LICENSE**

A. The holder of a Class C, Class D, or Class I license issued under Neb. Rev. Stat. §53-124(5) or a craft brewery license may obtain an annual catering license by filing an application and license fee with the Nebraska Liquor Control Commission. (Neb. Rev. Stat. §53-124.12[1])

B. Upon receipt from the commission of the notice and copy of the application as provided in Neb. Rev. Stat. §53-124.12, the Village Board shall process the application in the same manner as provided in Section 5-106 (Village Powers and Duties). (Neb. Rev. Stat. §53-124.12)

**SECTION 5-112: DISPLAY OF LICENSE**

Every licensee under the Nebraska Liquor Control Act shall cause his or her license to be framed and hung in plain public view in a conspicuous place on the licensed premises. (Neb. Rev. Stat. §53-148)

**SECTION 5-113: HOURS OF SALE**

A. For the purposes of this section:

1. "On sale" shall be defined as alcoholic beverages sold by the drink for consumption on the premises of the licensed establishment.
2. "Off sale" shall be defined as alcoholic beverages sold at retail in the original container for consumption off the premises of the licensed establishment.

B. It shall be unlawful for any licensed person or persons or their agents to sell at retail or dispense any alcoholic beverages within the village except during the hours provided herein:

<b>Alcoholic Liquors (except Beer and Wine)</b>	
Monday through Saturday	
On and Off Sale	6:00 a.m. to 1:00 a.m.
Sunday	
On and Off Sale	12:00 noon to 1:00 a.m.
<b>Beer and Wine</b>	
Daily	
On and Off Sale	6:00 a.m. to 1:00 a.m.

C. Such limitations shall not apply after 12:00 noon on Sunday to a licensee which is a nonprofit corporation and the holder of a Class C or Class I license.

D. It shall be unlawful on property licensed to sell alcoholic liquor at retail to allow alcoholic liquor in open containers to remain or be in possession or control of any person for purposes of consumption between 15 minutes after the closing hour applicable to the licensed premises and 6:00 a.m. on any day.

E. Nothing in this section shall be construed to prohibit licensed premises from being open for other business on days and hours during which this section prohibits the sale or dispensing of alcoholic beverages.  
 (Neb. Rev. Stat. §53-179) (Am. Ord. No. 91-09, 9/4/91)

**SECTION 5-114: INSPECTIONS**

The Liquor Control Commission and Village Board shall cause frequent inspections to be made on the premises of all retail licensees and if it is found that any such licensee is violating any provision of the Nebraska Liquor Control Act or the rules and regulations of the commission adopted and promulgated under the act or is failing to observe in good faith the purposes of the act, the license may be suspended, canceled, or revoked after the licensee is given an opportunity to be heard in his or her defense.  
 (Neb. Rev. Stat. §53-116.01)

**SECTION 5-115: OWNER OF PREMISES**

The owner of any premises used for the sale at retail of alcoholic beverages shall be deemed guilty of a violation of these laws to the same extent as the said licensee if the owner shall knowingly permit the licensee to use the said licensed premises in violation of any municipal code section or Nebraska statute. (Neb. Rev. Stat. §53-1,101)

**SECTION 5-116: EMPLOYER**

The employer of any officer, director, manager, or employee working in a retail liquor establishment shall be held to be liable and guilty of any act or omission or violation of any law or ordinance. Each such act or omission shall be deemed and held to be the act of the employer and will be punishable in the same manner as if the said act or omission had been committed by him or her personally. (Neb. Rev. Stat. §53-1,102)

**SECTION 5-117: HIRING MINORS**

It shall be unlawful for any person to hire minors under the age of 19 years to serve or dispense alcoholic liquors, including beer, in the course of their employment. (Neb. Rev. Stat. §53-168.06)

**SECTION 5-118: MINOR'S PRESENCE**

It shall be unlawful for any person or persons who own, manage, or lease an establishment selling alcoholic beverages at retail to allow any minor under the age of 18 years to frequent or otherwise remain in the said establishment unless the said minor is accompanied by a parent or legal guardian and unless said minor remains seated with and under the immediate control of the said parent or legal guardian. (Neb. Rev. Stat. §53-134.03)

**SECTION 5-119: MINORS AND INCOMPETENTS**

It shall be unlawful for any person or persons to sell, give away, dispose of, exchange, permit the sale of, or make a gift of any alcoholic liquors or to procure any such alcoholic liquors to or for any minor or any person who is mentally incompetent. (Neb. Rev. Stat. §53-180)

**SECTION 5-120: CREDIT SALES**

No person shall sell or furnish alcoholic liquor at retail to any person on credit, on a passbook, on an order on a store, in exchange for any goods, wares, or merchandise, or in payment for any services rendered. If any person extends credit for any such purpose, the debt thereby attempted to be created shall not be recoverable at law. Nothing in this section shall prevent any club holding a Class C license from permitting checks or statements for alcoholic liquor to be signed by members or guests of members and charged to the accounts of the said members or guests in accordance with the bylaws of any such club; and nothing in this section shall prevent any hotel or restaurant holding a retail alcoholic beverage license from permitting checks or statements for liquor to be signed by regular guests residing in the said hotel and charged to the accounts of such guests. (Neb. Rev. Stat. §53-183)

**SECTION 5-121: ORIGINAL PACKAGE**

It shall be unlawful for any person or persons who own, manage, or lease any premises in which the sale of alcoholic beverages is licensed to have in their possession for sale at retail any alcoholic liquors contained in bottles, casks, or other containers except in the original package. Nothing in this section shall prohibit the refilling of original packages of alcoholic liquor for strictly private use and not for resale. (Neb. Rev. Stat. §53-184)

**SECTION 5-122: CONDUCT PROHIBITED ON LICENSED PREMISES**

No licensee in this village shall engage in, allow, or suffer in or upon the licensed premises any disturbances, lewdness, immoral activities or displays, brawls, or unnecessary noise or allow, permit or suffer the licensed premises to be used in such a manner as to create public censure or become a nuisance, public or private.

**SECTION 5-123: AUTOMATIC LICENSE RENEWAL; PROTESTS**

A. An outstanding retail license issued by the commission may be automatically renewed by the commission without formal application upon payment of the renewal fee and license fee if payable to the commission prior to or within 30 days after the expiration of the license. The payment shall be an affirmative representation and certification by the licensee that all answers contained in an application, if submitted, would be the same in all material respects as the answers contained in the last previous application. The commission may at any time require a licensee to submit an application, and the commission shall at any time require a licensee to submit an application if requested in writing to do so by the Village Board. If a licensee files an application form in triplicate original upon seeking renewal of his or her license, the application shall be processed as set forth in Neb. Rev. Stat. §53-131.

B. Any licensed retail premises located in an area which is annexed by the village shall file a formal application for a license. While such application is pending, the licensee may continue all license privileges until the original license expires or is canceled or revoked. If such license expires within 60 days following the annexation date of such area, the license may be renewed by order of the commission for not more than one year.

C. The village clerk shall cause to be published in a legal newspaper in or of general circulation in the village one time between January 10 and January 30 each year individual notice of the right of automatic renewal of each retail liquor and beer license within the village in the form prescribed by law; provided, Class C license renewal notices shall be published between July 10 and July 30 each year. Upon the conclusion of any hearing required by this section, the Village Board may request a licensee to submit an application as provided in Neb. Rev. Stat. §53-135.

D. Written protests to the issuance of automatic renewal of a license may be filed by any resident of the village on or before February 10, 20...., or August 10, 20...., in the office of the village clerk and that in the event protests are filed by three or more such persons, hearing will be had to determine whether continuation of the license should be allowed.

(Neb. Rev. Stat. §§53-135, 53-135.01)

**SECTION 5-124: CITIZEN COMPLAINTS**

A. Any five residents of the village shall have the right to file a complaint with the Village Board stating that any retail licensee subject to the jurisdiction of the board

has been or is violating any provision of the Nebraska Liquor Control Act or the rules or regulations issued pursuant to the act. Such complaint shall be in writing in the form prescribed by the Village Board and shall be signed and sworn by the parties complaining. The complaint shall state the particular provision, rule, or regulation believed to have been violated and the facts in detail upon which belief is based.

B. If the Village Board is satisfied that the complaint substantially charges a violation and that from the facts alleged there is reasonable cause for such belief, it shall set the matter for hearing within ten days from the date of the filing of the complaint and shall serve notice upon the licensee of the time and place of such hearing and of the particular charge in the complaint. The complaint must in all cases be disposed of by the Village Board within 30 days from the date the complaint was filed by resolution thereof and said resolution shall be deemed the final order for purposes of appeal to the Nebraska Liquor Control Commission as provided in Neb. Rev. Stat. §53-1,115.

C. The following form is hereby prescribed for the use of residents of this village desiring to complain to the chairman and the Village Board that any licensee is violating any provision of the Nebraska Liquor Control Act, regulations prescribed by the Nebraska Liquor Control Commission, or any provision of this ordinance:

To the Chairman and Village Board of the Village of Beaver Crossing, Nebraska:

The undersigned respectfully state:

- 1. That each one is a resident of the Village of Beaver Crossing, Nebraska.
- 2. That they believe that \_\_\_\_\_, the holder of a Class \_\_\_\_ license in the aforesaid village, has violated Section \_\_\_\_\_ of (check one or more):
  - \_\_\_\_\_ the Nebraska Liquor Control Act.
  - \_\_\_\_\_ the regulations prescribed by the Nebraska Liquor Control Commission.
  - \_\_\_\_\_ the municipal code of the Village of Beaver Crossing, Nebraska.

3. That the aforesaid belief is based on the following facts, to-wit:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Name)

STATE OF NEBRASKA )  
 ) ss.  
COUNTY OF SEWARD )

Subscribed in my presence and sworn to before me by \_\_\_\_\_,  
\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_ this  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

My commission expires \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

(Neb. Rev. Stat. §53-134.04)

**SECTION 5-125: COMPLAINT INITIATED BY BOARD**

The Village Board may on its own motion by resolution fix the time and place for a hearing on whether a licensee has violated any section of the Nebraska Liquor Control Act, the regulations of the Nebraska Liquor Control Commission, or this code, which resolution shall state the section or sections in question. Said resolution shall be served in the same manner and within the same time as the initial resolution mentioned in Section 5-124 (Citizen Complaints), and insofar as possible the procedure shall be the same as is provided in that section. (Neb. Rev. Stat. §53-134)

**SECTION 5-126: REVOCATION OF LICENSE**

Whenever any licensee has been convicted by any court of a violation of the Nebraska Liquor Control Act, the licensee may, in addition to the penalties for such offense, incur a forfeiture of the license and all money that had been paid for the license. The Village Board may conditionally revoke the license subject to a final order of the Liquor Control Commission or the commission may revoke the license in an original proceeding brought before it for that purpose. (Neb. Rev. Stat. §53-116.02)

**SECTION 5-127: CHANGE OF PREMISES**

Any retailer licensee desiring to transfer his or her license from one premises to another shall file a written request for permission to do so with the village clerk and shall also file with said clerk a sworn statement showing that the premises to which removal is to be made comply in all respects with the requirements of the Nebraska Liquor Control Act, as amended. The village clerk shall present said application and statement to the Village Board at its next meeting and it shall by resolution approve or disapprove the transfer. If the transfer is approved, the said approval shall be endorsed on the license by the chairman and attested by the village clerk.

**SECTION 5-128: REMOVAL OF INTOXICATED PERSONS FROM PUBLIC OR QUASI-PUBLIC PROPERTY**

A. Village law enforcement, county sheriffs, officers of the Nebraska State Patrol, and any other such law enforcement officers with power to arrest for traffic violations may take a person who is intoxicated and in the judgment of the officer dangerous to himself, herself, or others or who is otherwise incapacitated from any public or quasi-public property. An officer removing an intoxicated person from public or quasi-public property shall make a reasonable effort to take such intoxicated person to his or her home or to place such person in any hospital, clinic, or alcoholism center or with a medical doctor as may be necessary to preserve life or to prevent injury. Such effort at placement shall be deemed reasonable if the officer contacts those facilities or doctors which have previously represented a willingness to accept and treat such individuals and which regularly do accept such individuals. If such efforts are unsuccessful or are not feasible, the officer may then place such intoxicated person in civil protective custody, except that civil protective custody shall be used only so long as is necessary to preserve life or to prevent injury and under no circumstances for longer than 24 hours.

B. The placement of such person in civil protective custody shall be recorded at the facility or jail to which he or she is delivered and communicated to his or her family or next of kin, if they can be located, or to such person designated by the person taken into civil protective custody.

C. The law enforcement officer who acts in compliance with this section shall be deemed to be acting in the course of his or her official duty and shall not be criminally or civilly liable for such actions.

D. The taking of an individual into civil protective custody under this section shall not be considered an arrest. No entry or other record shall be made to indicate that the person has been arrested or charged with a crime.

E. For purposes of this section, "public property" shall mean any public right of way, street, highway, alley, park, or other state-, county-, or village-owned property. "Quasi-public property" shall mean and include private or publicly owned property utilized for proprietary or business uses which invites patronage by the public or which invites public ingress and egress.

(Neb. Rev. Stat. §53-1,121)

## Article 2 – Trailer Camps

### SECTION 5-201: DEFINITIONS

For the purpose of this article, the following terms and definitions shall prevail:

“Camp” shall mean any tract of land upon which are located two or more trailers or other temporary enclosures used for living purposes whether a charge is made or not.

“Park” shall mean the locating of a trailer on any plot of ground for storage or living purposes.

“Trailer” shall mean any vehicle commonly designated as such and constructed to permit occupancy for sleeping, advertising or business purposes, so designed that it is or may be mounted on wheels and used as a conveyance on the public ways.

“Unit space” shall mean the ground space that is actually set aside in a trailer camp for the occupancy by and use of a trailer or other temporary dwelling.

### SECTION 5-202: CAMP; PERMIT REQUIRED

It shall be unlawful for any person to establish a trailer camp within the village or within one-half mile beyond the corporate limits until the owner or person in control of such trailer camp shall first obtain a permit for such purpose from the Village Board upon recommendation of the Planning Commission. Permit forms shall be furnished by the village for that purpose and shall require the name and address of the applicant; the name and residence of the manager of the premises; the location and size of the grounds; the plat of the camp showing the number and location of each unit space; the water service available; the toilet facilities available; the proposed means of disposing of garbage; the electrical current facilities available; and, the type of buildings proposed to be erected thereon. Upon the receipt of any such permit application, the village clerk shall notify the chairman and furnish him or her with a copy of the said application. The chairman shall then examine the premises involved and the proposed unit spaces for the purpose of determining whether the camp will violate any of the provisions of the municipal code or the laws of the State of Nebraska. The chairman’s findings shall then be submitted in writing to the village clerk.

### SECTION 5-203: PERMIT RENEWAL; TRANSFER; REVOCATION

A. The annual fee for such permit shall be set by resolution of the Village Board and shall be on file at the office of the village clerk. The same procedure shall apply for the renewal of a permit as was prescribed for the issuance of a permit in Section 5-202. No permit shall be issued for any period longer than one year.

B. It shall be unlawful to assign or transfer, without the written consent of the village clerk and the authorization of the Village Board, any permit issued by the village

for the purpose of allowing the operation of a trailer camp.

C. Any permit granted under the provisions herein shall be subject to revocation at any time by the Village Board. Notice shall be served by the village clerk upon the person holding such permit which shall set forth the manner in which the owner or operator of the camp has failed to comply with the provisions herein and allowing him or her an opportunity for a hearing before the Village Board at a day and hour therein specified. The said hearing shall be held not less than three days after the personal service of the said notice. The owner or operator shall then be required to show cause why the said permit should not be revoked. Any owner or operator allowed an appearance under the provisions herein shall have the right to be represented by counsel.

#### **SECTION 5-204: PRIVATE PROPERTY**

It shall hereafter be unlawful for the owner, lessee or occupant of any private property not designated and licensed as a public camp to park or permit the owner or occupant of any trailer or temporary enclosure used for living, business or advertising purposes to locate the same on private property without permission of the Village Board.

#### **SECTION 5-205: UNIT SPACES**

Each trailer home shall be located on a site not less than 1,000 square feet. No trailer home shall be parked closer than 5 feet to the lot lines of the trailer camp without the permission of the Village Board; provided, nothing herein shall be construed to allow any trailer to be parked or located in such a manner as to obstruct the traffic on any public way or to obstruct the use of any public property. In the event that the lot line is adjacent to the public ways and/or property, the trailer shall be parked not less than 10 feet therefrom. Each unit space shall abut a driveway of not less than 20 feet between the ends of the trailers located thereon and there shall be, on each trailer space, an additional parking space for one vehicle for each unit in the said camp.

#### **SECTION 5-206: DRAINAGE; PLUMBING FACILITIES; WASTE DISPOSAL**

A. Every trailer camp shall be located on a well-drained area and the premises of such shall be properly graded so as to prevent the accumulation of stagnant waters thereon.

B. The owner or operator of a trailer camp shall make available connections for the trailer homes thereon with the sewer system unless other arrangements are agreed to in writing by the Village Board.

C. Tight receptacles of the type permitted for use within the village shall be provided for each unit space within the trailer camp.

**SECTION 5-207: ELECTRICAL AND WATER SUPPLY**

A. Each unit space within the trailer camps shall be provided with an electric service outlet installed and maintained in accordance with the municipal code.

B. Water shall be supplied to each unit from the municipal water system through faucets located within a convenient distance from each unit space.

**SECTION 5-208: PARKING**

It shall be unlawful for any person to place, allow to be placed, or to occupy a trailer home within the village or within one-half mile beyond the corporate limits for any purpose unless the same shall be located within the boundaries of a duly established trailer camp. An exception may be made in writing by the chairman upon the approval of the Village Board, in which case a trailer may be located on property outside of the boundaries of a licensed trailer camp.

**SECTION 5-209: CONVERSION**

It shall be unlawful for any person to remove the wheels or transporting device from any trailer or to otherwise affix the said trailer to the ground without first obtaining a written permit from the Village Board; provided, the trailer so converted shall be subject to all rules and regulations prescribed for other habitable dwellings. Applications for said permit shall be obtained through the office of the village clerk.

**SECTION 5-210: EXCEPTIONS; LIMITATIONS; LIABILITY; INSPECTIONS**

A. Nothing herein shall be construed to prohibit the storage of any trailer home for any length of time when the said trailer is not used for living or business purposes, nor shall this article apply to any trailer homes located within the village at the time of the passage of this code; provided, in the event that the said trailer is moved to a different location, all the provisions of this article shall become immediately applicable thereof.

B. There shall be a limit of three trailer home camps which shall be licensed.

C. The owner of the property upon which any trailer or trailer camp is located shall be primarily liable for any of the violations of this article herein prescribed and shall also be primarily liable for the cost of any and all utility services provided by the village to the owner or occupant of a trailer located thereon.

D. It shall be the duty of the owner, manager or occupants of any public camp to allow any village officials to enter upon the premises for the purpose of inspection at any reasonable time.



## Article 3 – Games of Chance and Lotteries

### SECTION 5-301: OPERATION

A. *Definitions.* For the purposes of this section, the following definitions shall apply:

1. "Games of chance" or "lotteries" shall mean those forms of gambling authorized by the state pursuant to Article III, Section 24 of the Constitution of the State of Nebraska.
2. "Gambling device" shall mean any and all machines or devices used by a person engaged in the occupation of conducting games of chance and/or lotteries.
3. "Person engaged in the occupation of conducting games of chance and/or lotteries" shall mean any person who operates, owns, or is the lessee of a place of business where any game of chance and/or lottery activity is conducted, whether or not any other type of business is conducted on the premises; or any person who either directly controls or manages the games of chance and/or lotteries or owns any machine or device used to engage in the occupation of games of chance and/or lotteries but does not sell, lease, or deliver possession or custody of such a device to other persons.
4. "Distributor" shall mean any person who engages in the business of selling, leasing, or delivering possession or custody of gambling devices for consideration to a person engaged in the occupation of conducting games of chance and/or lotteries.

B. *License Required.* It shall be unlawful for any person to engage in the occupation of conducting games of chance or lottery activities without first obtaining a license to do so.

C. *License Application.* Every person desiring a license required by the provisions of this section shall make application to the village clerk. Accompanying each application shall be:

1. A sworn statement by each designated supervising member that such member will be responsible for compliance with rules and regulations for each occasion of games of chance and/or lotteries which he or she supervises.
2. A sworn statement by the member designated as responsible for the proper utilization of gross receipts that no commission, fee, rent, seller profits, compensation, reward, or recompense will be paid to any person

or organization not sanctioned by state laws and village ordinances; and that all profits will be spent for a lawful purpose.

D. *Display of License.* Every license issued under the provisions of this division shall be conspicuously displayed at the place where the game of chance and/or lottery activity is conducted at all times during the conduct thereof.

E. *License Fee.* The license fee for engaging in the occupation of conducting games of chance and lotteries within the village shall be as set by resolution of the Village Board and filed in the office of the village clerk for each location wherein such activity is conducted.

F. *Exemption.* Nonprofit organizations that desire to participate in games of chance and/or lotteries that are in compliance with the Small Lotteries and Raffles Act of the State of Nebraska are exempt from the provisions of this section.  
(Ord. No. 90-03, 11/1/90)

## **SECTION 5-302: PARTICIPATION; RESTRICTIONS**

A. *Definition.* For the purposes of this section, “immediate family of a member of the Village Board or a village official” shall mean a person who is related to the member or official by blood, marriage or adoption and resides in the same household; or a person who is claimed by the member or official or the spouse of the member or official as depended for federal income tax purposes.

B. No person under 19 years of age shall play or participate in any way in the lottery established and conducted by the village.

C. No owner or officer of a lottery operator with whom the village contracts to conduct its lottery shall play the lottery conducted by the village. No employee or agent of the village, lottery operator, or authorized sales outlet location shall play the lottery of the village for which he or she performs work during such time as he or she is actually working at such lottery or while on duty.

D. Nothing shall prohibit the following persons from playing the lottery conducted by the village as long as such person is 19 years of age or older:

1. Any member of the Village Board, a village official, or the immediate family of such member or official; or
2. An owner or officer of an authorized sales outlet location for the village.

E. No person or employee or agent of any person or village shall knowingly permit an individual under 19 years of age to play or participate in any way in the lottery conducted by the village.

(Neb. Rev. Stat. §9-646) (Ord. No. 14-07, 10/1/04)

**SECTION 5-303: SALES OUTLETS; QUALIFICATION**

A. The lottery operator with whom the Village Board contracts to conduct its lottery shall not operate the lottery at a sales outlet location other than the location of the lottery operator without the board's prior approval of the sales outlet location. The Village Board shall approve or disapprove each sales outlet location and individual, sole proprietorship, partnership, limited liability company, or corporation which desires to conduct the lottery at its sales outlet location solely on the basis of the qualification standards prescribed in subsection (B) herein.

B. Any individual, sole proprietorship, partnership, limited liability company, or corporation which seeks to have its location approved as an authorized sales outlet location shall:

1. Obtain a retail liquor license for consumption on the premises pursuant to Neb. Rev. Stat. Chapter 53, Article 1;
2. Not have been convicted of, forfeited bond upon a charge of, or pleaded guilty or *nolo contendere* to any offense or crime, whether a felony or a misdemeanor, involving any gambling activity or fraud, theft, willful failure to make required payments or reports, or filing false reports with a governmental agency at any level;
3. Not have been convicted of, forfeited bond upon a charge of, or pleaded guilty or *nolo contendere* to any felony other than those described in subsection (B)(2) within the 10 years preceding the filing of this application;
4. Not have had a gaming license revoked or canceled under the Nebraska Bingo Act, the Nebraska County and City Lottery Act, the Nebraska Lottery and Raffle Act, or the Nebraska Pickle Card Lottery Act;
5. Be fit, willing and able to properly provide the service proposed in conformance with all provisions and requirements of the Nebraska County and City Lottery Act and the rules and regulations adopted and promulgated pursuant to the Act.

C. If the applicant seeking to have its location approved as an authorized sales outlet location is a partnership, limited liability company, or corporation, the qualification standards shall apply to every partner of such partnership, every member of such limited liability company, every officer of such corporation and every stockholder owning more than 10% of the stock of such corporation.

(Neb. Rev. Stat. §9-642.01) (Ord. No. 14-06, 10/1/04)



## **Article 4 – Tobacco Licenses**

### **SECTION 5-401: APPLICATION; FEE**

It shall be unlawful for any person, partnership, or corporation to sell, keep for sale, or give away in the course of trade any cigars, tobacco, cigarettes, or cigarette material to anyone without first obtaining a license from the village clerk. Said applicant shall file a written application stating the name of the applicant and the exact location of the place of business and shall deposit with such application a license fee as set by resolution of the Village Board and placed on file in the village office. The said license shall then be issued by the village clerk who shall transfer the said fee amount to the local school district. (Neb. Rev. Stat. §§28-1422, 28-1423)



## Article 5 – Plumbers

### SECTION 5-501: PERMIT; BOND

Before a permit may be issued for excavating for plumbing in any public street, way or alley, the person applying for such permit shall have executed unto the village and deposited with the clerk a corporate surety in the sum of \$10,000.00 conditioned that he will perform faithfully all work with due care and skill and in accordance with the laws, rules, and regulations established under the authority or any ordinances of the village pertaining to plumbing. This bond shall state that the person will indemnify and save harmless the village and the owner of the premises against all damages, costs, expenses, outlays, and claims of every nature and kind arising out of unskillfulness or negligence on his part in connection with plumbing or excavating for plumbing as prescribed in this article. Such bond shall remain in force and must be executed for a period of one year except that on such expiration it shall remain in force as to all penalties, claims and demands that may have accrued thereunder prior to such expiration.



## **Article 6 – Penal Provision**

### **SECTION 5-601: VIOLATION; PENALTY**

Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this chapter, set forth at full length herein or incorporated by reference, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$500.00 for each offense. A new violation shall be deemed to have been committed every 24 hours of such failure to comply.