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## **CHAPTER 4 – BUSINESS REGULATIONS**

### **Article 1 – Electricians and Plumbers**

#### **SECTION 4-101: LICENSE REQUIRED**

No person shall install any electrical or plumbing apparatus in any building not owned by himself within the corporate limits without first having obtained a valid and unexpired electrician's or plumber's license issued by the State of Nebraska.

#### **SECTION 4-102: BOND REQUIRED**

Before any electrician or plumber may practice his trade on any property not owned by him, he shall execute and file with the village clerk a performance bond in the sum of \$2,000. Such performance bond shall be conditioned on the electrician or plumber indemnifying and holding harmless the Village from all liability caused by any negligent or intentional act arising from his electrical or plumbing work or violation of the National Plumbing or Electrical Code, and shall pay all fines imposed upon him for any such violation. Action may be maintained thereon by anyone injured by a breach of its conditions for a period of four years after the completion of any electrical or plumbing work.

#### **SECTION 4-103: EXCEPTIONS**

The provisions of this article shall not apply to any public utility company or companies serving the Village and its inhabitants under a franchise agreement with the Village or its agents and employees and shall not be construed as a limitation or restriction upon any franchises heretofore granted by the Village. (Neb. Rev. Stat. §18-1910, 81-592)



## Article 2 – Liquor Regulations

### SECTION 4-201: DEFINITIONS

Unless the context otherwise requires, the words and phrases defined in Nebraska statutes, shall be adopted for the purpose of construing this article; and said words and phrases are hereby incorporated by reference the same as though copied at full length herein. (Neb. Rev. Stat. §53-103)

### SECTION 4-202: PUBLIC PROPERTY; SPECIAL PERMIT

A. It shall be unlawful for any person to drink alcoholic liquor of any kind or to have in his or her possession or upon his or her person any bottle or receptacle containing alcoholic liquors which is open or has been opened, the seal of which has been broken, or the contents of which have been partially removed, while on the streets or alleys or upon property used or owned by the government of the United States or the State of Nebraska or any governmental subdivision thereof, or in theaters, dance halls or in any other place open to or frequented by the public within said village unless such premises are licensed for such purposes by the State of Nebraska or unless a special permit has been granted for the same by the Village Board.

B. Upon application for a special permit for the consumption of alcoholic liquor on public streets or other public places, the Village Board may permit such consumption on such terms and conditions as it may determine. For such permit to be issued, written application must be made to the village clerk and the same must be acted upon at a special or regular meeting of the board. The terms and conditions for issuance of a special permit shall be set forth in the minutes of the meeting at which such application is considered.

C. The following specific provisions shall be in effect in the Village:

1. No person shall sell, barter, transport, deliver, furnish, give away, consume or possess any alcoholic liquor for beverage purposes on property owned by the Village, except as specifically provided in the Nebraska Liquor Control Act and this ordinance.
2. Consumption and possession of alcoholic liquor is permitted within the limits of the village park and village hall but only when the possession of the alcoholic liquor was legally obtained as provided in the Nebraska Liquor Control Act and the consumption or possession is for the personal use of the possessor and his or her family and guests. Nothing in this section shall be construed to expand the permissible consumption or possession of alcoholic liquor beyond the exception found in Section 53-168.06(1) of the Nebraska Liquor Control Act, as amended.

3. No kegs of beer are allowed for any purpose at any time on property owned by the Village.
4. It shall be unlawful for any person or persons or his or her family and guests to consume or possess any alcoholic beverages within the limits of the village park or at the village hall from 12:00 midnight to 10:00 A.M. the following day of each day of the week.
5. Nothing in this section shall be construed to permit any person to sell, barter, transport, deliver, furnish, give away, consume or possess any alcoholic liquor for beverage purposes within the limits of the village park or at the village hall under circumstances where the consumption or possession of the alcoholic liquor for beverage purposes is open to the general public, except as permitted by a license issued for such purpose pursuant to the Nebraska Liquor Control Act and with the specific approval of the Village.

(Ord. No. 10-9-00, 10/9/00)

#### **SECTION 4-203: LICENSE REQUIRED**

No persons shall manufacture for sale, sell, keep for sale, barter, or exchange under any pretext any alcoholic liquor within the Village unless said person shall have in full force and effect a license as provided by the Nebraska Liquor Control Act, as amended. (Neb. Rev. Stat. §53-102)

#### **SECTION 4-204: LICENSE APPLICATION; LICENSING STANDARDS**

The Village Board adopts the following licensing standards and criteria for consideration by the Liquor Control Commission of any applicant for a retail alcoholic liquor license, for the upgrading of a license to sell alcoholic liquor, or for the expansion or change in location of the premises, in accordance with the Nebraska Liquor Control Act, Neb. Rev. Stat. §53-132(3)(a) and Section 7 of Legislative Bill 911, Eighty-Ninth Legislature, Second Session, 1986:

- A. The adequacy of existing law enforcement resources and services in the area.
- B. Existing motor vehicle and pedestrian traffic flow in the vicinity of the proposed licensed premises, potential traffic and parking problems, and the proximity and availability of on-street and off-street parking.
- C. Zoning restrictions.
- D. Sanitation or sanitary conditions on or about the proposed licensed premises.
- E. The existing population and projected growth, both village-wide and within



the area to be served.

F. Existing liquor licenses, the class of such licenses and the distance and time of travel to such licenses.

G. The nature and needs of the neighborhood or community where the proposed premises are located as well as its projected growth.

H. Whether the type of business or activity proposed to be operated in conjunction with the proposed license is and will be consistent with the public interest.

#### **SECTION 4-205: ACTION ON APPLICATION FOR LICENSE**

A. Upon receipt from the Nebraska Liquor Control Commission of the notice and copy of the application provided for in the Nebraska statutes, the village clerk shall present it to the chairman and the Village Board at their next meeting, and they shall fix a time and place by resolution at which a hearing will be had and evidence taken under oath from any person desiring to be heard on the propriety of the issuance of the license in question. Notice of the time and place of such hearing shall be published in a legal newspaper in this village one time, not less than three nor more than seven days before the time of hearing.

B. The hearing shall be held not more than 21 days after the date of receipt of the notice and copy of the application by the village clerk. After said hearing, the chairman and Board shall, by resolution, spread at large in the minute record of their proceedings, recommend either the issuance or the refusal of said license. The village clerk shall thereupon mail to the Nebraska Liquor Control Commission by first class mail, postage prepaid, a copy of the resolution which shall state the cost of the published notice.

#### **SECTION 4-206: PREREQUISITES TO DELIVERY OF LICENSE**

Retail licenses issued or renewed by the Nebraska Liquor Control Commission shall be delivered to said licensees by the village clerk but any such license shall not be delivered to a licensee who does not exhibit receipts showing payment of the license fee, payment of the publication fee for giving notice of the hearing before the Village Board on any application for license and, if a renewal, payment of the publication fee of the automatic renewal notice provided for in this code.

#### **SECTION 4-207: DISPLAY OF LICENSE**

Every licensee in this village shall cause his or her license to be framed and hung in plain view in a conspicuous place in the licensed premises. (Neb. Rev. Stat. §53-148)

**SECTION 4-208: LIQUOR LICENSE FEES**

Effective on and after July 1, 2005, the following fees shall be charged for liquor licenses within the Village:

Class B: Beer only, except for craft breweries, for consumption off the premises, sales in the original packages only	\$100.00
Class C: Alcoholic liquor for consumption on the premises and off the premises, sales in original packages only, except for farm winery or craft brewery sales outlets	300.00
Class D: Alcoholic liquor, including beer, for consumption off the premises, sales in the original packages only, except for farm winery or craft brewery sales outlets	200.00

(Ord. No. 2-14-05D, 2/14/05)

**SECTION 4-209: HOURS OF SALE**

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

<b><i>Alcoholic Liquors (except Beer and Wine)</i></b>	
Monday through Saturday	
Off Sale	6:00 A.M. to 1:00 A.M.
On Sale	6:00 A.M. to 1:00 A.M.
Sunday	
Off Sale	12:00 Noon to 10:00 P.M.
On Sale	12:00 Noon to 10:00 P.M.
<b><i>Beer and Wine</i></b>	
Monday through Saturday	
Off Sale	6:00 A.M. to 1:00 A.M.
On Sale	6:00 A.M. to 1:00 A.M.
Sunday	
Off Sale	9:00 A.M. to 10:00 P.M.
On Sale	9:00 A.M. to 10:00 P.M.

B. If July 3, July 4, December 31, or January 1 of any given year falls on a Sunday, then the hours of sale for alcoholic liquors on that Sunday, both on and off sale, shall be from 12:00 A.M. to 1:00 A.M. Monday, and the hours of sale for beer and wine, both on sale and off sale, shall be from 9:00 A.M. to 1:00 A.M. Monday.

C. Nothing in this section shall be construed to prohibit licensed premises from being open for other business on days and hours during which the sale or dispensing

of alcoholic beverages is prohibited by this section.

#### **SECTION 4-210: ENTRY OF PREMISES FOR INSPECTION**

The chairman, any member of the Village Board, a village police officer, or the village attorney shall have the right to enter any licensed premises at any time for the purpose of determining whether the licensee is violating any provision of the Nebraska Liquor Control Act or of this article and for that purpose to examine and inspect said premises.

#### **SECTION 4-211: 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 the board shall, by resolution, approve or disapprove the transfer. If it approves the transfer, the approval thereof shall be endorsed on the license by the chairman and attested by the village clerk.

#### **SECTION 4-212: SIGNS**

A. No retailer licensed in this village shall use an exterior sign describing or with reference to his or her liquor business larger than 600 square inches, and only one such sign shall be used at any time.

B. No retailer licensee shall use an interior sign describing or with reference to his or her liquor business larger than 28 square feet, including its frame, and no brand name included in said sign shall exceed 100 square inches.

C. All signs in or about any licensed retail premises shall be considered exterior signs when the same, in whole, at all times cannot be conveniently read by those within that portion of the licensed premises normally occupied by customers or the general public, exclusive of entryway or entry hall.

#### **SECTION 4-213: MINORS AND INCOMPETENTS**

A. No persons shall sell, give away, dispose of, exchange or deliver, or permit the sale, gift or procuring of any alcoholic liquor to or for any person who is physically or mentally incapacitated by the consumption of such liquors.

B. No minor shall have in his or her possession alcoholic liquor in any tavern, public place, street or alley in this village or inside a vehicle while upon any street, alley or public place in this village.

C. No minor shall obtain or attempt to obtain alcoholic liquor by misrepresentation of age or any other method in any tavern or other public place where liquor is sold in this village.

D. Any person violating subsection (A) of this section shall, on conviction thereof, be fined not less than \$50.00 nor more than \$100.00 and shall be assessed the court costs of prosecution. Any person violating subsections (B) or (C) of this section shall, on conviction thereof, be fined not less than \$25.00 nor more than \$100.00 and shall be assessed the court costs of prosecution.

(Neb. Rev. Stat. §53-180 and 53-180.01)

#### **SECTION 4-214: GAMBLING**

Except as authorized by the Village pursuant to the provisions of the Nebraska County and City Lottery Act or otherwise sanctioned by Nebraska law, no licensee in this village holding a license covering premises open to the public for the sale of intoxicating liquor or beer shall directly or indirectly permit gambling on or in the licensed premises nor shall he or she permit the operation or possession of any pay-off gambling device, slot machine or punchboard, mechanical or otherwise, whether pay-off is in cash or merchandise, in, on or about the licensed premises. (Am. by Ord. No. 7-12-04A, 7/12/04)

#### **SECTION 4-215: SALE FOR RESALE**

No retail licensee in this village shall engage, directly or indirectly, in any transaction including or conspiring as to the resale of any liquors owned by him or her as a licensee, nor shall such licensee so permit the sale or delivery of any such liquors in such quantities as would place a reasonable-minded person on notice that such liquor might be intended for resale.

#### **SECTION 4-216: TRANSPORTATION OF LIQUOR**

No retail licensee shall permit the transportation of alcoholic liquor from his or her licensed premises for storage purposes in any manner for any purpose, or to any location other than has been expressly authorized in writing by the Liquor Control Commission.

#### **SECTION 4-217: DELIVERY AFTER CLOSING HOURS PROHIBITED**

No retail licensee operating premises open to the public shall act as retainer or keeper of liquor for customers or other persons for the purpose of delivering or disposing of such liquor after closing hours as provided by state law, ordinance or resolution or on days when sales are prohibited.

#### **SECTION 4-218: RESTRICTIONS ON CONDUCT OF OTHER BUSINESS**

Retail licensees shall not maintain in their licensed premises any door opening into or

access leading into premises owned, used, or occupied by other persons; nor shall any retail licensee permit any other person to use his or her licensed premises for the purpose of carrying on within such licensed premises any business activity of such other persons in any of its phases, such as solicitation, sale, service, delivery, storage or otherwise.

#### **SECTION 4-219: CONDUCT PROHIBITED ON LICENSED PREMISES**

No licensee 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 4-220: ADVERTISEMENTS AND SALES**

Advertising by licensees shall not contain misrepresentation or misleading statements and no sales shall be promoted or made by any licensee by unlawful means. Alcoholic liquors shall not be offered, delivered or disposed of by any licensee as a prize.

#### **SECTION 4-221: SANITATION**

Sanitary conditions conducive to public health and welfare must be maintained at all times in or about licensed premises.

#### **SECTION 4-222: SALES FOR CASH ONLY**

No person shall sell or furnish alcoholic liquor at retail: (A) on credit or on a pass-book, (B) order on a store, (C) in exchange for any goods, wares or merchandise, or (D) in payment for any services rendered.

#### **SECTION 4-223: PROHIBITION OF EXPLOITATION OF HUMAN NUDITY**

A. It is the intent of the Village to prohibit the exploitation of human nudity for the purpose of advertising, selling, or otherwise promoting the economic interest of any type of business enterprise authorized to sell alcoholic liquor by the drink under the provisions of the Nebraska Liquor Control Act and the rules and regulations of the Nebraska Liquor Control Commission and the laws of the State of Nebraska. It is also the intent of the Village to further the government's interest in avoiding the harmful secondary effects of this type of activity such as prostitution, sexual assaults, criminal activity, degradation of women, and other activities which break down the family structure. This prohibition is not intended to extend to any expression of opinion or the performance of a bona fide play, ballet, or drama protected by the First Amendment to the Constitution of the United States or by Article I, Section 5 of the Constitution of the State of Nebraska.

B. It shall be unlawful for any person to intentionally expose his or her genitals,

pubic area, and/or buttocks with less than a full opaque covering or show the female breast with less than a full opaque covering of any portion thereof below the top of the nipple while employed in providing any service, product or entertainment in any business, commercial establishment, or premises authorized to sell alcoholic liquor by the drink under the provisions of the Nebraska Liquor Control Act, the rules and regulations of the Nebraska Liquor Control Commission and the laws of the State of Nebraska. It shall also be unlawful for anyone to aid, abet, assist or direct another person to intentionally expose his or her genitals, pubic area, and/or buttocks with less than a full opaque covering or show the female breast with less than a full opaque covering of any portion thereof below the top of the nipple while employed in providing any service, product, or entertainment in any business, commercial establishment, or premises authorized to sell alcoholic liquor by the drink under the provisions of the Nebraska Liquor Control Act, the rules and regulations of the Nebraska Liquor Control Commission and the laws of the State of Nebraska.

C. Any activity in violation of this section shall be deemed to be a nuisance and the Village may proceed by a suit in equity to enjoin, abate, and remove the same, temporarily and permanently, in the manner provided by law.

D. Any person, firm, association or corporation violating any of the provisions of this section, in addition to any equitable or injunctive relief, shall, upon conviction thereof, be deemed guilty of an offense and shall be fined in any sum not exceeding \$500.00 per violation, with costs of prosecution, and any other costs and expenses as allowed by law. A new violation shall be deemed to have been committed every 24 hours of failure to comply with the provisions of this section.

(Ord. No. 1-13-03-1, 1/13/03)

#### **SECTION 4-224: RENEWAL OF LICENSE**

A. The village clerk shall cause to be published in a legal newspaper in this village one time between February 20 and March 5 of each year individual notice of the right of automatic renewal of each retail liquor and beer license for which provisions are made in the Nebraska statutes, in the following form:

##### *NOTICE OF RENEWAL OF RETAIL LIQUOR LICENSE*

Notice is hereby given that pursuant to Nebraska law, the liquor license may be automatically renewed for one year from May 1, 20\_\_\_\_, for the following retail liquor licensee, to-wit: (Name of licensee and address of licensed premises).

Notice is hereby given that a written protest to the issuance of automatic renewal of license may be filed by any resident of the Village of Hadar on or before March 15, 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 said license should be allowed.

(Name)  
Village Clerk

B. The village clerk shall file or cause to be filed with the Nebraska Liquor Control Commission proof of publication of said notices on or before March 12 of each year.

**SECTION 4-225: PROTESTS AGAINST RENEWAL**

In the event written protests are filed with the village clerk by three or more residents of this village against the automatic renewal of a license, the village clerk shall present the same to the chairman and Village Board at their next meeting and they shall thereupon, by resolution, direct the licensee to submit an application in the same manner as he or she would be required to do for an original license. The village police officer shall forthwith serve said resolution on said licensee by delivering to him or her personally a true and certified copy thereof. Upon receipt of the notice and copy of the application by the village clerk from the Nebraska Liquor Control Commission, the same procedure shall be followed as is provided for in the case of an application for an original license.

**SECTION 4-226: FORM FOR CITIZEN COMPLAINT**

The following form is hereby prescribed for the use of residents of this village desiring to complain to 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 Board of the Village of Hadar, Nebraska.

The undersigned respectfully state:

- 1. That they are each a resident of the Village of Hadar, 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 Hadar, Nebraska.

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

STATE OF NEBRASKA )  
 ) ss  
COUNTY OF PIERCE )

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

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

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

**SECTION 4-227: COMPLAINT PROCEDURE**

A. The village clerk shall supply the forms prescribed herein and shall, on request, supply one to any resident of this village desirous of initiating a complaint thereon. Any complaint duly executed on the aforesaid form by five residents of this village and filed with the village clerk shall be presented by the clerk to the chairman and Village Board at their next meeting. If the chairman and the board are satisfied that the complaint substantially charges a violation and that from the facts alleged there is a reasonable cause for such belief, they shall, by resolution, set the matter for hearing within ten days from the filing of the complaint. Said resolution shall state the time and place of said hearing and shall direct the village police officer to serve the same on the licensee by delivering to him or her personally a true and certified copy thereof at least 72 hours prior to the time of hearing. Said resolution shall also state the section or sections of the Nebraska Liquor Control Act, the regulations prescribed by the Nebraska Liquor Control Commission or this code alleged to have been violated and the facts on which said allegations are based as stated in the complaint.

B. Present at said hearing shall be the village attorney and the licensee, who may be represented by counsel employed by him or her. The complainants shall be present and may be represented by counsel employed by them. The chairman and the Village Board shall, within 30 days from the date the complaint is filed, dispose of the complaint by resolution, which shall be deemed the final order for purposes of appeal to the Nebraska Liquor Control Commission.

**SECTION 4-228: 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 men-



tioned in Section 4-227 of this code, and insofar as possible the procedure shall be the same as is provided in that section.

**SECTION 4-229: REVOCATION OF LICENSE**

The chairman and the Board shall, by resolution and subject to the right of appeal to the Nebraska Liquor Control Commission, revoke the license of any licensee finally convicted of violating any provisions of this article.



### Article 3 – Occupation Taxes

#### SECTION 4-301: PURPOSE

For the purpose of raising revenue, there is hereby levied an occupation tax upon each and every occupation and business carried on within the corporate limits of this village as hereinafter specified and enumerated; and every person, firm, association or corporation carrying on the occupation or business herein specified within the limits of said village shall pay to the village treasury the sum hereinafter named as a tax upon such occupation or business. All money so collected shall be credited to the general fund of said village; the said money shall be and remain under the control of the Village Board for such use and purpose as other monies belonging to the general fund.

#### SECTION 4-302: OCCUPATIONS ENUMERATED; AMOUNT OF TAX; EXEMPTION

A. There is hereby levied an occupation tax upon each and every occupation and business within the corporate limits of the Village as hereinafter enumerated, in the several different amounts and upon the several respective occupations, professions and lines of business, as follows:

Magazines, non-residents engaged in soliciting subscriptions for, per person, per day	\$50.00
Insurance companies, non-residents engaged in soliciting for, per person, per day	50.00
Any stock of goods, wares or merchandise brought into the Village and sold at auction, per day	50.00
Tobacco vendors, per year	10.00
Telecommunication companies	See Sections 4-304 thru 4-307

B. The sale of farm produce locally grown and the sale of consigned goods at a community-wide consignment auction is exempted from this tax if prior approval of the Village Board is obtained for such sale activities.

#### SECTION 4-303: INTERSTATE OR GOVERNMENT BUSINESS

The license tax levied by this ordinance is not levied upon any business or occupation which is interstate or which is done or conducted by any department of the government of the United States, the State of Nebraska, or this village or the officers thereof, as such in the course of its or their official duties or by any county or subdivision of this state or its officers.

**SECTION 4-304: TELECOMMUNICATION COMPANIES; IMPOSITION OF TAX**

Commencing March 11, 2013, there is hereby levied upon every person, firm, partnership, corporation, or association engaged in the business of offering or providing telecommunication services to the public for hire in the Village an occupation tax as follows:

A. Six and one-fourth percent (6.25%) on the gross receipts resulting from any toll services and charges on basic local exchange services, inter-exchange services, mobile services and other telecommunication services as follows:

1. "Basic local exchange services" shall include the access and transmission of two-way switched communications within the Village, including local telephone and telecommunication services.
2. "Inter-exchange services" shall mean the access and transmission of communications between two or more local exchange areas, provided that such inter-exchange service either (a) originates from an end user within the Village or (b) terminates with an end user within the Village, and is charged to a service address within the Village regardless of where the charges are actually paid;
3. "Mobile services" shall include any radio or similar communication services provided pursuant to license or authority granted by the Federal Communications Commission, charged to a service address within the Village regardless of where the charges are actually paid, including cellular, radio paging, and mobile radio services; and
4. Any other similar telecommunication services involving any electronic or electromagnetic transmission of messages originating and terminating in the State and charged to a service address in the Village, regardless of where the charges are actually paid.

B. Gross receipts shall not include any toll services and charges as follows:

1. For interstate telecommunications between persons in this village and persons outside of this state.
2. For local carrier access charges, transmission facilities and switching services provided to telecommunications companies;
3. From accounts charged to the U. S. government or any of its departments or the State or any of its agencies, subdivisions or departments.

C. No part or portion of the tax provided for in this article shall be levied upon or assessed against or taken from any such gross receipts so excepted from the pro-

visions hereof. (Neb. Rev. Stat. §86-704) (Adopted 3/11/13)

**SECTION 4-305: TELECOMMUNICATION COMPANIES; PAYMENTS,  
PENALTIES FOR LATE PAYMENT, ETC.**

A. The payment of the occupation tax herein levied shall be in quarterly payments, using the calendar quarter year as a basis for determining and computing the amount of tax payable. Each quarterly payment shall be due 45 days after the termination of each calendar quarter year. All payments of tax made after the due date shall draw interest at the rate of 1% per month and after payment has been in default for six months, a penalty of 14% shall be added thereto in addition to the interest charges and shall be paid by the company or companies subject to this occupation tax. Each succeeding payment may make such adjustment to be shown on the report hereinafter provided for as may be necessary for uncollectables or any other matters which may have resulted in either an excess or deficiency in the amount of tax paid in any previous quarter.

B. The occupation tax herein levied shall be paid to the treasurer at the time provided in this division and he or she shall issue and deliver his or her receipt therefor on the payment thereon. The amount of payment shall be credited by the treasurer to the general fund or as otherwise directed by resolution.

(Adopted 3/11/13)

**SECTION 4-306: TELECOMMUNICATION COMPANIES; REPORTS AND  
INSPECTIONS**

A. All telephone companies at the same time as they make such quarterly payments of tax herein required shall file with the clerk a full, complete and detailed statement of the gross receipts subject to the occupation tax provided for in this ordinance. Said statement shall be duly verified and sworn to by the manager in charge of the business of the particular company in the Village or by a higher managerial employee of such company. The Village shall have the right at any time to inspect through its officers, agents or representatives the books and records of such company for the purpose of verifying such reports.

B. If the telephone company shall refuse, fail or neglect to furnish or file such reports at the time required by this division or shall fail or refuse to permit the Village to inspect the books and records of such company for the purpose of verifying such report or reports, then the occupation tax for the preceding quarter shall be \$25,000.00; said amount shall be paid within 45 days following the end of the calendar quarter as required by herein, and said amount shall draw 14% interest and penalties as further provided herein.

(Adopted 3/11/13)

**SECTION 4-307: TELECOMMUNICATION COMPANIES; LAWSUITS TO COLLECT**

In case any such company shall fail to make payment of the occupation tax as herein provided at the times herein specified, the Village shall have the right and may sue any such company or companies in any court of competent jurisdiction for the amount of the occupation tax due and payable under the terms and provisions of this division and may recover judgment against any such company or companies for the amount so due, together with 14% interest penalties, and may have execution thereon. (Adopted 3/11/13)

**SECTION 4-308: WHEN DUE**

On all occupations and businesses on which an occupation tax is levied at a yearly rate, the year for such tax shall be deemed to begin the first day of May following; and said tax for the year shall be due and payable in advance on the first day of May of every year and thereafter shall be delinquent. On all occupations or businesses on which said tax is levied at a daily rate, the tax shall be due and payable in advance before the business begins, for the number of days for which the occupation or business is to be carried on within the taxing year.

**SECTION 4-309: DUTIES OF PARTIES LIABLE**

It is hereby made the duty of each and every person, firm, association or corporation to pay the tax levied against him, her, them or it at the time the same becomes due as provided in the foregoing section.

**SECTION 4-310: PAID TO TREASURER; NOT ASSIGNABLE**

The tax herein levied shall be paid in cash to the village treasurer or other person designated by resolution of the Village Board which, upon the payment thereof, shall issue receipt therefor to the person, persons, partnership, firm or corporation paying the same, properly dated and specifying on behalf of whom and for what the sum is paid. The village treasurer's receipt shall be the warrant and proper authority of any person to carry on and conduct the business specified in said receipt and for which the money has been paid; provided, said receipt shall not be assignable.

**SECTION 4-311: DAILY OR YEARLY PAYMENTS; NO REFUND**

Every occupation tax levied at a daily or yearly rate must be paid in one payment, in advance, before the business is commenced, whether commenced at the beginning of the day or year or at any time thereafter. No person paying occupation tax shall be entitled to a refund of any part of the tax so paid.

**SECTION 4-312: VIOLATION; PENALTY**

Any person, firm, association or corporation who shall refuse or neglect to pay the occupation tax or taxes herein levied or who shall transact any such business or engage in any such occupation without having complied with the provisions of this article shall, upon conviction thereof, be fined in a sum not less than \$5.00 nor more than that amount permitted by Nebraska law for violation of a municipal ordinance and assessed the court costs of prosecution; provided, every suit brought under this section shall be in the name of the Village and may be commenced by a warrant and arrest of the person or persons against whom the suit is brought, or suit may be commenced by a common summons; and provided further, whenever any of the above-enumerated businesses or occupations shall be conducted by an agent for a corporation or a non-resident, such agent shall be subject to arrest and punishment under the provisions of this section if his or her principal shall not have complied with the provisions of this ordinance.





## **Article 4 – Building Regulations**

### **SECTION 4-401: BUILDING CODES**

The operative codes governing all buildings within the Village shall be: the International Building Code, 2006; the International Plumbing Code, 2006; the International Mechanical Code, 2006; the International Residential Code, 2006; and the International Property Maintenance Code, 2006. (Ord. Nos. 2-14-05A, 2/14/05; 031113A, 3/11/13)

### **SECTION 4-402: BUILDING INSPECTOR**

The Village Board may appoint an individual to serve as building inspector for the Village to regulate and inspect all construction, repairs and alterations for compliance with the Village's codes as set out in Section 4-401. The Village Board shall also have the power to contract said duties with another governmental subdivision whenever it deems the appointment of a resident inspector impractical. Said building inspector shall have the power to issue permits for construction, repairs and alterations within the Village and shall have the power and authority to order all work stopped on any construction, repair or alteration which violates any provision prescribed herein.

### **SECTION 4-403: BUILDING INSPECTOR; RIGHT OF ENTRY**

It shall be unlawful for any person to refuse to allow the building inspector entry into any building or structure where the work of construction, alteration, repair or relocation is taking place, for the purpose of making official inspections, at any reasonable hour.

### **SECTION 4-404: BUILDING PERMIT; PROCEDURE**

A. Any person desiring a building permit to commence or proceed to erect, construct, repair, relocate or destroy any building or dwelling or cause the same to be done, including but not limited to a lawful burning pursuant to Neb. Rev. Stat. §28-506, shall file with the village clerk an application in writing before proceeding with the work, on a form to be furnished by the village clerk. Every such application shall set forth the legal description of the land upon which the construction or other project is to take place, the nature of the use or occupancy, the principal dimensions, the estimated cost, the names of the owner, architect and contractor, and such other information as may be requested thereon.

B. Upon presentation of the application for building permit, an inspector designated by the Village Board shall physically view the property on which the building or other structure is to be erected to determine whether such structure or building will comply to the setback rules and regulations as set forth in the zoning and subdivision regulations of the Village. In the event that such setback rules and regulations are not complied with pursuant to the zoning and subdivision regulations previously adopted by the Village, such application shall be denied until the applicant complies with such

zoning and subdivision rules and regulations. Upon compliance with the same, the said applicant shall be issued a permit upon payment of the permit fee set by resolution of the Village Board. A majority vote of the board is needed to approve any building permit application. A duplicate building permit shall be sent to the county assessor for any improvement equal to or greater than \$1,000.00.

(Neb. Rev. Stat. §18-1743)

#### **SECTION 4-405: BUILDING PERMIT; LIMITATION**

If the work for which a permit has been issued shall not have started within 90 days of the date thereof or if the construction shall have been discontinued for a period of 90 days, the permit shall be void; and before such work can be resumed, a new permit shall be obtained in the same manner and form as an original permit.

#### **SECTION 4-406: BARRICADES AND LIGHTS**

It shall be the duty of the owner, lessee or tenant causing the construction or destruction of any building or improvement upon or near any public street, alley or sidewalk to have during such construction all excavations, building materials and debris protected by suitable guards or barricades by day and by warning lights at night. The failure, neglect or refusal of said persons to erect such guards shall constitute a violation of this section and the village police shall stop all work until guards are erected and maintained as required.

#### **SECTION 4-407: BOND REQUIREMENT**

It shall be the duty of the owner, lessee or tenant intending the destruction of any building or improvement to post a \$1,000.00 cash bond with the village clerk prior to such destruction. This bond will be refunded upon payment of all damages to village property occasioned by such destruction and any cleanup work resulting from such destruction. In the event that a nuisance remains on the building permit site for more than six months after issuance of the building permit, then the bond shall be forfeited and shall be applied to offset the cleanup by the Village.

#### **SECTION 4-408: BUILDING WITHOUT PERMIT; NUISANCE**

Every building or other structure hereafter erected, remodeled or moved into or within the Village without a permit as herein required or which is not constructed, remodeled or located in accordance with the permit granted and issued therefor shall be deemed and considered to be a public nuisance. Any person or business entity violating the terms of this provision shall be assessed a late fee of not less than \$50.00 nor more than \$100.00, and such structure may be abated or removed by the Village at the expense of the owner. (Am. by Ord. No. 4-12-99, 4/12/99)

#### **SECTION 4-409: APPEAL FROM DECISION**

A. In the event that it is claimed that (A) the true intent and meaning of this

chapter has been wrongly interpreted by the building inspector; (B) the time allowed for compliance with any order of the building inspector is too short; or (C) conditions peculiar to a particular building make it unreasonably difficult to meet the literal requirements prescribed by this chapter and the building inspector, the owner, his or her agent or the occupant may file a notice of appeal within ten days after the decision or order of the building inspector has been made.

B. The Village Board shall sit and act as the Village Board of Appeals and shall have the power and authority, when appealed to, to modify the decision or order of the building inspector. Such a decision shall be final, subject only to any remedy which the aggrieved person may have at law or equity. Applications for review shall be in writing and shall state the reasons why the variance should be made. A variance shall be granted only where it is evident that reasonable safety and sanitation is assured and may include conditions not generally specified by this code to achieve that end. A copy of any variance so granted shall be sent to the applicant.



## Article 5 – Moving Buildings

### SECTION 4-501: PERMIT AND BOND REQUIRED

A. It shall be unlawful for any person to move any building over or across any street or public way of the Village until a permit therefor has been issued by the Village Board chairman and all other provisions of this article complied with. The chairman is hereby authorized to issue such permit upon the written application of the owner of said building proposed to be removed, or his or her agent, showing the size and kind of building, its then location and its proposed location.

B. However, said permit shall not be issued until the owner of said building has furnished a bond with good and sufficient surety of \$10,000.00. Said bond is to be issued on condition, among other things, that said licensee will in all things strictly comply with all the provisions of the village ordinances relating to house moving and that said licensee will save, indemnify and keep the Village harmless from all liabilities, judgments, costs and expenses which may in any wise accrue against it in consequence of the granting of such license.

C. In addition, said licensee will pay to said village any and all damages which may be sustained by any pavement, curb, gutter, sidewalk, street or other village property through the moving of such building by said licensee, who shall pay the owner any and all damages caused in a like manner to any private property in said village. Said bond shall be approved in writing by the village chairman before such license is issued.

D. The chairman shall limit the time of removal in said permit and shall specify the route to be followed in moving said building over and across the streets and public ways of the Village, which shall be the route that least interferes with telephone and lighting systems under all circumstances. It shall be unlawful for any such licensee to vary from such time or specified route without permission or written consent of the chairman.

### SECTION 4-502: NOTICE TO PUBLIC SERVICE COMPANIES REQUIRED

Before moving any building, the licensee shall notify all public service companies whose wires or other appliances may obstruct the moving of such building of the time when such building will be moved, and request such public service companies to arrange for the passage of such building. Such licensee shall pay said public service companies the reasonable and actual cost and expense of the work required to be done.

### SECTION 4-503: CARE REQUIRED OF LICENSEE

It shall be unlawful for any licensee to make any openings or excavations in any street pavement or to set any stakes therein, and it is hereby made a duty of every

licensee to move any buildings in a careful manner and with the least possible injury to the public or private property. For every such injury or damage, he or she shall be liable on his or her bond. The estimate of the village chairman of any damage shall be final and conclusive upon said licensee.

**SECTION 4-504: VACATED BASEMENT**

In the event the vacated basement, foundation or portion thereof is not properly filled, covered or in a clean and sanitary condition, the Board of Trustees may apply the money deposited for the purpose of defraying the expense of correcting the conditions. If the expense of correcting the hazardous conditions is greater than the amount of the deposit set, as required herein, the board may recover such excess expense by civil suit or otherwise as prescribed by law.

**SECTION 4-505: REFUND OF BOND**

At such time as the building moving has been completed, the village police shall inspect the premises and report to the village clerk as to the extent of damages, if any, resulting from the said relocation and whether any village laws have been violated during the said operation. Upon a satisfactory report from the village police, the village clerk shall return the corporate surety bond, cash or check deposited by the applicant.

## Article 6 – Trailer Regulations

### SECTION 4-601: TERMS DEFINED

“Court” as used in this article shall mean and include 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.

“Trailer” as used in this article shall mean and include any vehicle commonly designated as such, 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, and does not comply with the village Building Code.

“Unit space” as used in this article shall mean and include the ground space that is actually set aside in a trailer court for the occupancy by and use of a trailer or other temporary dwelling.

### SECTION 4-602: TRAILER COURTS; PERMIT REQUIRED

A. It shall be unlawful for any person to establish a trailer court within the Village or within one-half mile beyond the corporate limits until he or she shall first obtain a permit for such purpose from the Village Board. The village clerk shall provide permit application forms, which shall require: the name and address of the applicant; the name and residence of the proposed manager of the premises; the location and size of the court; a plat of the court 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 sources available; and the type of buildings proposed to be erected thereon.

B. Upon receipt of any such permit application, the village clerk shall furnish the village chairman 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 proposed court will violate any of the provisions of the municipal code or state statutes. The chairman’s findings shall then be submitted in writing to the Village Board.

C. The board at its next regular meeting shall consider such application and if the members find that all of the provisions of this ordinance are complied with, shall issue a permit for the operation of the trailer court. In the event that any of the provisions of this ordinance shall not have been provided for in such permit application, then such trailer court permit shall not be issued until the Village Board receives assurances that all provisions of this ordinance have been complied with.

D. In the event that all of the terms and conditions of this ordinance have been complied with and the Village Board votes to permit such trailer court to exist, then the village clerk shall issue a permit to such applicant, which permit shall be for a

one-year period, to be renewed annually.

#### **SECTION 4-603: PERMIT RENEWAL**

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 heretofore prescribed for the issuance of a permit. No permit shall be issued for any period longer than one year.

#### **SECTION 4-604: ASSIGNMENT OR TRANSFER OF PERMIT PROHIBITED**

It shall be unlawful to assign or transfer any permit issued by the Village for the purpose of allowing the operation of a trailer court without the written consent of the village clerk and the authorization of the Village Board.

#### **SECTION 4-605: PERMIT REVOCATION**

Any permit granted under the provisions of this code 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, setting forth the manner in which the owner or operator of the court has failed to comply with the provisions of this code and allowing him or her an opportunity for a hearing before the Board of Trustees 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 4-606: 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 court 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 or the use of any public way or public property. In the event that the lot line is adjacent to the public ways and 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 in width and shall have unobstructed access to a public street or alley. There shall be an open space of at least 10 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 said court.

#### **SECTION 4-607: DRAINAGE**

Every trailer court 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 water.



**SECTION 4-608: PLUMBING FACILITIES**

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

**SECTION 4-609: WASTE DISPOSAL**

For garbage and refuse collection, tight receptacles of the type permitted for use within the Village shall be provided for each unit space within the trailer court.

**SECTION 4-610: ELECTRICAL SUPPLY**

Each unit space within the trailer court shall be provided with an electrical service outlet installed and maintained in accordance with the current edition of the National Electrical Code.

**SECTION 4-611: UNLAWFUL PARKING**

It shall hereafter be unlawful for any person to place, allow to be placed, or occupy for any purpose a trailer home within the Village or one-half mile beyond the corporate limits unless the same shall be located within the boundaries of a duly established trailer court. Any modular home shall not be subject to this prohibition if it has its towing tongue and axles removed and is placed on a permanent concrete or concrete block foundation.

**SECTION 4-612: CONVERSION; PERMIT REQUIRED**

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 herein for other habitable dwellings. Applications for such permits shall be made through the village clerk.

**SECTION 4-613: EXCEPTIONS**

Nothing in this code 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 it apply to any trailer home located within the Village at the time of the passage of this code; provided, in the event that such trailer is moved to a different location, all the provisions of this article shall become immediately applicable thereto.

**SECTION 4-614: TRAILER COURTS; LIMITED NUMBER**

There shall be a limit of three trailer home courts, which shall be licensed within the Village or within one-half mile beyond the corporate limits.

**SECTION 4-615: LIABILITY**

The owner of the property upon which any trailer or trailer court is located shall be primarily liable for any violations of the provisions of this article hereinbefore 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.

**SECTION 4-616: INSPECTIONS**

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

**Article 7 – Lottery and Keno**

**SECTION 4-701: LOTTERY; HOURS OF OPERATION**

It shall be unlawful for any person or entity, or their agents, to operate any lottery authorized under the provisions of the Nebraska County and City Lottery act within the Village during the following hours:

<i>Days</i>	<i>Hours</i>
Monday – Saturday	1:00 A.M. to 6:00 A.M.
Sunday	1:00 A.M. to 12:00 noon and 10:00 P.M. to 1:00 A.M. Monday

(Ord. No. 7-12-04B, 7/12/04)

**SECTION 4-702: LOTTERY; REGULATIONS**

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

B. No lottery operator with whom the Board of Trustees contracts to conduct its lottery nor his/her/its officers, employees, agents and their immediate family shall play in the lottery established and conducted by the Village.

C. No owner or officer of an authorized sales outlet location for the Village shall play any lottery conducted by the Village while such owner or officer is actually working at such lottery or while on duty.

D. No employee or agent of the Village or the authorized sales outlet location shall play the lottery established and conducted by the Village while such employee or agent is actually working at such lottery or while on duty.

E. Nothing herein shall prohibit any member of the Board of Trustees, village official, village employee, or the immediate family of such member, official or employee from playing in the lottery established and conducted by the Village, provided that such person is 19 years of age or older.

F. For purposes of this section, “immediate family” shall mean a person who is related to the member, official or operator by blood, marriage, or adoption and resides in the same household of the member, official or operator, or a person who is claimed by the member, official, operator or spouse of the member, official or operator as a dependent for federal income tax purposes.

(Ord. No. 7-12-04C, 7/12/04)

**SECTION 4-703: KENO; QUALIFICATION STANDARDS**

The following qualification standards are hereby established by the Village and shall

be met by any individual, sole proprietorship, partnership, limited liability company, or corporation seeking to have its location qualify as an authorized sales outlet location for conducting the Hadar Keno Lottery.

A. Each applicant for a keno sales outlet location shall submit to the Village:

1. A copy of the completed Nebraska Schedule II/Form 50g-County/City Lottery Sales Outlet Location application as required by the Division of Charitable Gambling of the Nebraska Department of Revenue.
2. A copy of the written agreement between the lottery operator and the sales outlet location, hereinafter referred to as "satellite location."
3. Any other information reasonably requested by the Village.

B. The Village shall be immediately notified of any interruption or cessation of operations at any keno satellite location. The Village Board shall approve all satellite locations subject to the procedures and criteria set forth herein by resolution prior to the licensing of said satellite location and the conducting of any keno operation there.

C. The direct or indirect transfer of any financial interest in the satellite location shall automatically terminate the Village's approval of said satellite location; provided, however, the satellite operator shall be permitted to remain in operation for a period not to exceed 120 days under an agency agreement with the prior existing satellite operator. During said 120-day period, the applicant shall diligently pursue the application process and procedure. Also during said 120-day period, the Village may revoke continued operation of the proposed application for due cause. Conduct of the keno lottery at said satellite location shall thereafter continue only upon application to the Village and approval thereof pursuant to the terms and conditions of this article.

D. Satellite keno location criteria:

1. All locations shall provide the number of off-street parking stalls required by the regulations of the Village.
2. All locations shall provide seating capacity sufficient to accommodate persons who may wish to come to the location to observe or play keno or to engage in any other activities conducted on the premises.
3. All locations shall have sufficient facilities to permit the sale of keno tickets.
4. All locations shall have a board or other monitor, clearly visible to players, on which the winning numbers are displayed.
5. All locations shall have proper security for the keno operations and as-

sociated activities.

6. All persons with any direct or indirect financial interest in the operation of keno at any location must be of good character and financially responsible.
7. The operation of the keno lottery at any satellite location must not create any undue impact on the surrounding neighborhood due to noise, congestion or other circumstances.
8. The lottery operator shall not be in material default under the lottery operator agreement at the time the application is acted upon by the Village Board.
9. All locations and operations at all locations must meet all requirements of applicable federal, state and local law.

(Ord. No. 7-12-04D, 7/12/04)



## Article 8 – Penal Provision

### SECTION 4-801: VIOLATION; PENALTY

A. 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.

B. Whenever a nuisance exists as defined by this chapter, the Village may proceed in a suit in equity to enjoin, abate and remove the same, temporarily and permanently, in the manner provided by law.

C. Whenever in any action it is established that a nuisance exists, the Court may, together with a fine or penalty, enter an order of abatement of the nuisance as part of the judgment in the case.

(Am. by Ord. No. 1-13-03-4, 1/13/03)