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# **CHAPTER 5 – BUSINESS REGULATIONS**

## **Article 1 – Alcoholic Beverages**

### **SECTION 5-101: 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 5-102: 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 bodies 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. This section does not apply to persons who are passengers of, but not drivers of, a limousine or bus being used in a charter or special party service as defined by rules and regulations adopted and promulgated by the state Public Service Commission and subject to Neb. Rev. Stat. Chapter 75, Article 3. Such passengers may possess open alcoholic beverage containers and may consume alcoholic beverages while such limousine or bus is in a public parking area or on any highway in this village if:

1. The driver of the limousine or bus is prohibited from consuming alcoholic liquor; and
2. Alcoholic liquor is not present in any area that is readily accessible to the driver while in the driver's seat, including any compartments in such area.

E. For purposes of this section:

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.
5. "Limousine" shall mean a luxury vehicle used to provide prearranged passenger transportation on a dedicated basis at a premium fare that has a seating

capacity of at least five and no more than fourteen persons behind the driver with a physical partition separating the driver's seat from the passenger compartment. "Limousine" does not include taxicabs, hotel or airport buses or shuttles, or buses.

(Neb. Rev. Stat. §60-6,211.08)

### **SECTION 5-103: LICENSE REQUIRED**

A. It is unlawful for any person owning, operating, or managing 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 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 or to limousines or buses operated under Neb. Rev. Stat. §60-6,211.08.

B. 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, 53-186.01)

### **SECTION 5-104: 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

## **Article 2 – Peddlers and Solicitors**

### **SECTION 5-201: REGISTRATION; ISSUANCE OF PERMIT**

A. All nonresident individuals going door to door in the Residential District with the intent to sell any goods, service, product or insurance, or to solicit money for any purpose shall, before doing business within the Village, make application for and be issued a license. Such registration and licensing is to prevent the sale of fraudulent, dangerous and unhealthful goods and services, to protect the public by maintaining records of the products sold and the persons and companies responsible for such sales, and for the purpose of raising revenue.

B. Application for a license shall be made to the village clerk upon a form supplied by the Village and shall contain all the necessary information and documents required for the protection of the residents of the Village.

C. Any person or persons granted a license shall be subject to any fees, occupation taxes and other rules and regulations which the Village Board deems appropriate for the purposes stated herein. Such fee and occupation tax amounts shall be as set by resolution by the board and kept on file in the office of the village clerk.

D. Any license so granted shall be subject to revocation in the event that the information provided is inaccurate or misleading.  
(Neb. Rev. Stat. §17-525)

### **SECTION 5-202: EXCEPTIONS**

Nothing herein shall be construed to apply to any person or persons selling produce raised within the county, to wholesale companies or their agents soliciting merchants directly, to residential route salespersons, or representatives of a non-profit or charity organization soliciting on behalf of that organization. (Ord. No. 2003-2, 1/7/03)

### **SECTION 5-203: HOURS**

It shall be unlawful to make calls as a solicitor or peddler to prospective customers before 8:00 a.m. or after 6:00 p.m. any day unless they have a previous appointment with the resident of the premises solicited. It shall be unlawful at any hour for any person to solicit without having a proper license on his or her person at all times. (Neb. Rev. Stat. §17-134)

## **Article 3 – Occupation Taxes**

### **SECTION 5-301: PURPOSE**

For the purpose of raising revenue, there is hereby levied an occupation tax upon such occupations and businesses carried on within the corporate limits of this village and in such amounts as set by ordinance and kept on file with the village clerk. Every person, firm, association or corporation carrying on the occupation or business specified within the limits of said village shall pay to the village treasury the sum named as a tax upon such occupation or business. All money so collected shall be credited to the general fund, except as provided in Section 5-302(B) as to fire insurance companies.

### **SECTION 5-302: LEVY AUTHORIZED**

A. The Village shall have power to raise revenue by levying and collecting a license tax on any occupation or business within the limits of the Village and regulate the same by ordinance. Any occupation tax imposed pursuant to this section shall make a reasonable classification of businesses, users of space, or kinds of transactions for purposes of imposing such tax, except that no occupation tax shall be imposed on any transaction which is subject to tax under Neb. Rev. Stat. §§53-160, 66-489, 66-489.02, 66-4,140, 66-4,145, 66-4,146, 77-2602, or 77-4008 or which is exempt from tax under Neb. Rev. Stat. §77-2704.24. The occupation tax shall be imposed in the manner provided in Neb. Rev. Stat. §18-1208, except that Neb. Rev. Stat. §18-1208 does not apply to an occupation tax subject to Neb. Rev. Stat. §86-704. All such taxes shall be uniform in respect to the classes upon which they are imposed. All scientific and literary lectures and entertainments shall be exempt from such taxation, as well as concerts and other musical entertainments given exclusively by the citizens of the Village.

B. The Village Board shall have authority, by ordinance, to impose an occupation tax of not more than \$5.00 per annum on each fire insurance corporation, company or association doing business in the Village for the use, support and benefit of the volunteer Fire Department. The village clerk shall collect with diligence the occupation tax so imposed. Upon the receipt of the tax, the clerk shall pay over the proceeds thereof to the village treasurer, who shall credit the same to a fund to be known as "special occupation tax fund" for the benefit of the Fire Department. Upon proper claim filed by the fire chief and allowed by the Village Board, the treasurer shall pay over the proceeds of the tax in the fund from time to time for the use of the Fire Department as hereinbefore provided.

C. Notwithstanding any ordinance or charter power to the contrary, the Village shall not impose an occupation tax on the business of any person, firm, or corporation licensed under the Nebraska Liquor Control Act and doing business within the corporate limits of the Village in any sum which exceeds two times the amount of the license fee required to be paid under the act to obtain such license.

(Neb. Rev. Stat. §§17-525, 35-106, 53-132)

### **SECTION 5-303: 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.

### **SECTION 5-304: DATE DUE**

On all occupations and businesses on which said tax is levied at a yearly rate, the year for such tax shall be deemed to begin May 1 following, and said tax for the year shall be due and payable in advance on May 1 each 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. Occupation taxes collected from Class C liquor licensees shall be due and payable on November 1.

### **SECTION 5-305: PAID TO TREASURER; NOT ASSIGNABLE; NO REFUND**

A. The tax herein levied shall be paid in cash to the village treasurer or other person designated by resolution of the chairman and Village Board who, upon the payment thereof, shall issue receipt therefor to the person(s), partnership, firm or corporation paying the same, properly dated and specifying on behalf of whom and for what the sum has been 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.

B. Every occupation tax levied at a daily or yearly rate must be paid in one pay-

ment, 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 5-306: INTERSTATE OR GOVERNMENT BUSINESS**

The license tax levied by this article 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, the Village or the officers thereof, as such in the course of its or their official duties or by any county or subdivision of the state or its officers.

### **SECTION 5-307: FAILURE TO PAY**

If any person, company, or corporation fails or neglects to pay the occupation taxes as provided in this article on the day they become due and payable, the Village shall then proceed by civil suit to collect the amount due. All delinquent taxes shall bear interest at the rate of 1% per month until paid.

### **SECTION 5-308: 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 as provided in Section 5-901 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 that 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 nonresident, 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 article.

## **Article 4 – Trailer Regulations**

### **SECTION 5-401: DEFINITIONS**

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

"Court" 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.

"Trailer" shall mean any vehicle commonly designated as such, also called "mobile home," 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, and which does not comply with the village Building Code.

"Unit space" shall mean 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 5-402: 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: (1) the name and address of the applicant; (2) the name and

residence of the proposed manager of the premises; (3) the location and size of the court; (4) a plat of the court showing the number and location of each unit space; (5) the water service available; (6) the toilet or sewer facilities available; (7) the proposed means of disposing of garbage; (8) the electrical current sources available; and (9) 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 the laws of the State of Nebraska. The chairman's findings shall then be submitted in writing to the Village Board.

C. The Village Board at its next regular meeting shall consider such application and, if the members find that all of the provisions of this article are complied with, shall issue a permit for the operation of the trailer court. In the event that any of the provisions of this article shall not be 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 article shall be complied with.

D. In the event that all of the terms and conditions of this article 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. Such permit shall be for a one-year period, to be renewed annually.

#### **SECTION 5-403: PERMIT RENEWAL**

The annual fee for a permit shall be set by resolution of the Village Board and shall be kept on file at the office of the village clerk. The same procedure shall apply for the renewal of a permit as was prescribed in Section 5-402 for the issuance of a permit. No permit shall be issued for any period longer than one year.

#### **SECTION 5-404: ASSIGNING PERMIT PROHIBITED**

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 court.

#### **SECTION 5-405: PERMIT REVOCATION**

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, setting forth the manner in which the owner or operator of the court has failed to comply with the provisions of this article and allowing him or her an opportunity for a hearing before the board at a day and hour therein specified. The hearing shall be held not less than three days after the personal service of the notice. The owner or operator shall then be required to show cause why the 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 5-406: 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 and, 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 5-407: 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 thereon.

#### **SECTION 5-408: 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 5-409: WASTE DISPOSAL**

For garbage and refuse collection, the Village Board will provide a village dumping station, where all residents may deposit their trash and debris, and shall provide for removal of such trash and debris from time to time as required.

#### **SECTION 5-410: 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 issue of the National Electrical Code as set forth in Section 9-403.

#### **SECTION 5-411: 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. Modular homes shall not be subject to this prohibition if they have their towing tongue and axles removed and are placed on a permanent concrete or concrete block foundation.

#### **SECTION 5-412: 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 herein for other habitable dwellings. Applications for such permits shall be made through the village clerk.

#### **SECTION 5-413: COURTS LIMITED**

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 5-414: 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 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 5-415: INSPECTIONS**

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

## **SECTION 5-416: NUISANCE; ABATEMENT**

Any trailer court, trailer, modular home, or mobile home located within one-half mile beyond the corporate limits of the Village in violation of any provision or requirement of this article is hereby declared a public nuisance. The abatement of such nuisance shall be governed by the procedures set forth in Chapter 3, Article 4 of this code. The owner or occupant of the trailer court, trailer, modular home, or mobile home maintained in violation of this article shall be liable to the Village for any and all removal and storage fees. Further, after due notice to its owner, the Village may sell the trailer, modular home, or mobile home and remit to the owner any sale proceeds after first deducting any and all removal and storage fees and expenses, expenses of sale, and any and all other expenses incidental to the abatement of the nuisance. (Ord. No. 2012-2, 4/2/12)

## **Article 5 – Games of Chance and Lotteries**

### **SECTION 5-501: 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, not including pickle cards, 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. *Occupation Tax.* An occupation tax is hereby imposed on each person engaged in the occupation of conducting games of chance and lottery activities or distributing gambling devices within the Village. Every person conducting games of chance and lottery activities within the Village shall pay the tax in the amount and manner specified in subsection (C).

C. *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.

D. *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.

E. *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.

F. *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.

G. *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.

## **Article 6 – Tobacco Sales**

### **SECTION 5-601: LICENSE; APPLICATION; FEE**

Every person, partnership, limited liability company, or corporation desiring a license to sell tobacco at retail shall (A) file with the village clerk a written application on a form provided by the Village, stating the name of the person, partnership, limited liability company, or corporation for whom the license is desired and the exact location of the place of business and (B) deposit with the application a license fee as set by resolution of the Village Board. If the applicant is an individual, the application shall include the applicant's social security number. (Neb. Rev. Stat. §§28-1422, 28-1423)

## **Article 7 – Railroads**

### **SECTION 5-701: SAFE CROSSING**

It shall be the duty of every railroad company doing business in or traveling through the Village to keep in a suitable and safe condition the crossings and right of way in the Village. If any such crossing shall at any time fall into disrepair and become unsafe or inconvenient for public travel, the Village Board may by resolution call upon the said company to make whatever repairs may be deemed necessary to correct the dangerous condition. Notice of the said resolution shall be served upon the local agent of the said company. In the event that the railroad shall fail or neglect to repair and correct the said condition as aforesaid within 48 hours, neglect for each 24 hours thereafter shall be deemed and is hereby made a separate and distinct offense against the provisions herein. (Neb. Rev. Stat. §§17-551, 17-552)

### **SECTION 5-702: SPEED**

It shall be unlawful for any railroad company, its employees, or agents to operate a railroad engine, locomotive, or other vehicle on its tracks within or through the Village at a speed in excess of 25 miles per hour. (Neb. Rev. Stat. §§17-551, 17-552)

### **SECTION 5-703: OBSTRUCTING TRAFFIC**

It shall be unlawful for any railroad company, its employees, or agents operating a railroad through the Village to obstruct traffic on any public street, except in the event of an emergency, for a longer period than five minutes at one time. (Neb. Rev. Stat. §§17-551, 17-552)

## **Article 8 – Penal Provision**

### **SECTION 5-801: 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.