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CHAPTER 5 – BUSINESS REGULATIONS

Article 1 – Alcoholic Beverages

SECTION 5-101: DEFINITIONS

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

SECTION 5-102: ACQUISITION AND POSSESSION

It shall be unlawful for any person to purchase, receive, acquire, accept, or possess any alcoholic liquor acquired from any other person other than one duly licensed to handle alcoholic liquor under the Nebraska Liquor Control Act. Nothing in this section shall prevent (A) the possession of alcoholic liquor for the personal use of the possessor and his or her family and guests, as long as the quantity of alcoholic liquor transported, imported, brought, or shipped into the state does not exceed nine liters in any one calendar month; (B) the making of wine, cider, or other alcoholic liquor by a person from fruits, vegetables, or grains or the products thereof by simple fermentation and without distillation, if made solely for the use of the maker and his or her family and guests; (C) any duly licensed practicing physician or dentist from possessing or using alcoholic liquor in the strict practice of his or her profession, any hospital or other institution caring for sick and diseased persons from possessing and using alcoholic liquor for the treatment of bona fide patients of such hospital or other institution or any drug store employing a licensed pharmacist from possessing or using alcoholic liquor in compounding of prescriptions of licensed physicians; (D) the possession and dispensation of wine by an authorized representative of any church for the purpose of conducting any bona fide rite or religious ceremony conducted by such church; (E) persons who are 16 years old or older from carrying alcoholic liquor from licensed establishments when they are accompanied by a person not a minor; (F) persons who are 16 years old or older from handling alcoholic liquor containers and alcoholic liquor in the course of their employment; (G) persons who are 16 years old or older from removing and disposing of alcoholic liquor containers for the convenience of the employer and customers in the course of their employment; or (H) persons who are 19 years old or older from serving or selling alcoholic liquor in the course of their employment. (Neb. Rev. Stat. §53-168.06, 53-175, 53-194.03)

SECTION 5-103: CONSUMPTION IN PUBLIC PLACES; LICENSE

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 owning, operating, managing, or conducting

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

SECTION 5-104: VILLAGE POWERS AND DUTIES

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

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

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

1. To cancel or revoke for cause retail, craft brewery, and microdistillery licenses to sell or dispense alcoholic liquor issued to persons for premises within its jurisdiction, subject to the right of appeal to the commission.
2. To enter or authorize any law enforcement officer to enter at any time upon any premises licensed under the Nebraska Liquor Control Act to determine whether any provision of the act, any rule or regulation adopted and promulgated pursuant to the act, or any ordinance, resolution, rule, or regulation adopted by the Village Board has been or is being violated and at such time examine the premises of such licensee in connection with such determination.
3. To receive a signed complaint from any citizen within its jurisdiction that any provision of the act, any rule or regulation adopted and promulgated pursuant to the act, or any ordinance, resolution, rule or regulation relating to alcoholic liquor has been or is being violated and to act upon such complaints in the manner provided in the act.
4. To receive retail, craft brewery, and microdistillery license fees as provided in Neb. Rev. Stat. §53-124 and 53-124.01 and pay the same to the village treasurer after the license has been delivered to the appli-

cant.

5. To examine or cause to be examined any applicant or any retail, craft brewery, or microdistillery licensee upon whom notice of cancellation or revocation has been served as provided in the act, to examine or cause to be examined the books and records of any applicant or licensee, and to hear testimony and to take proof for its information in the performance of its duties. For purposes of obtaining any of the information desired, the Village Board may authorize its agent or attorney to act on its behalf.
6. To cancel or revoke on its own motion any license if, upon the same notice and hearing as provided in Section 5-124 (Citizen Complaints), it determines that the licensee has violated any of the provisions of act or any valid and subsisting ordinance, resolution, rule, or regulation duly enacted, adopted, and promulgated relating to alcoholic liquor. Such order of cancellation or revocation may be appealed to the commission within 30 days after the date of the order by filing a notice of appeal with the commission, which shall handle the appeal in the manner provided for hearing on an application in Neb. Rev. Stat. §53-133.
7. Upon receipt from the commission of the notice and copy of application as provided in Neb. Rev. Stat. §53-131, to fix a time and place for a hearing at which the Village Board shall receive evidence, either orally or by affidavit from the applicant and any other person, bearing upon the propriety of the issuance of a license. Notice of the time and place of such hearing shall be published in a legal newspaper in or of general circulation in the Village one time not less than seven and not more than 14 days before the time of the hearing. Such notice shall include but not be limited to a statement that all persons desiring to give evidence before the Village Board in support of or in protest against the issuance of such license may do so at the time of the hearing.
8. The hearing shall be held not more than 45 days after the date of receipt of the notice from the commission, and after such hearing the Village Board shall cause to be recorded in the minute record of its proceedings a resolution recommending either issuance or refusal of such license. The village clerk shall mail to the commission by first class mail, postage prepaid, a copy of the resolution, which shall state the cost of the published notice, except that failure to comply with this provision shall not void any license issued by the commission. If the commission refuses to issue such a license, the cost of publication of notice shall be paid by the commission from the security for costs.

D. When the Nebraska Liquor Control Commission mails or delivers to the village clerk a license issued or renewed by it, the clerk shall deliver the license to the licensee upon proof of payment of (1) the license fee if, by the terms of Neb. Rev.

Stat. §53-124(5), the fee is payable to the village treasurer; (2) any fee for publication of notice of hearing before the Village Board upon the application for license; (3) the fee for publication of notice of renewal, if applicable, as provided in Neb. Rev. Stat. §53-135.01; and (4) occupation taxes, if any, imposed by the Village.

E. 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. §53-131, 53-132, 53-134)

SECTION 5-105: LICENSE REQUIRED

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

SECTION 5-106: LICENSEE REQUIREMENTS

It shall be unlawful for any person or persons to own an establishment that sells at retail any alcoholic beverages unless said person is a person of good character and reputation; is a citizen of the United States; has never been convicted of a felony or any Class I misdemeanor pursuant to Neb. Rev. Stat. Chapter 28, Article 3, 4, 7, 8, 10, 11, or 12, or any similar offense under a prior criminal statute or in another state; has never had a liquor license revoked for cause; and unless his or her premises for which a license is sought meet standards for fire safety as established by the state fire marshal. (Neb. Rev. Stat. §53-125)

SECTION 5-107: LOCATION

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

SECTION 5-108: ACCESS TO DWELLINGS

Except in the case of hotels and clubs, no alcoholic liquor shall be sold at retail upon any premises having any access which leads from such premises to any other portion of the same building used for dwelling or lodging purposes and which is permitted to be used by the public. Nothing herein shall prevent any connection with such premises and such other portion of the building used only by the licensee, his family, or personal guests. (Neb. Rev. Stat. §53-178)

SECTION 5-109: SANITARY CONDITIONS

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

SECTION 5-110: LICENSE DISPLAYED

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

SECTION 5-111: HOURS OF SALE

A. For the purposes of this section, "on sale" shall be defined as alcoholic beverages sold at retail by the drink for consumption on the premises of the licensed establishment; "off sale" shall be defined as alcoholic beverages sold at retail in the original container for consumption off the premises of the licensed establishment.

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

Alcoholic Liquors (except Beer and Wine)	
<i>Monday through Saturday</i>	
Off Sale	6:00 A.M. to 1:00 A.M.
On Sale	6:00 A.M. to 2:00 A.M.
<i>Sunday</i>	
Off Sale	12:00 noon to 1:00 A.M.
On Sale	12:00 noon to 2:00 A.M.

Beer and Wine	
<i>Daily</i>	
Off Sale	6:00 A.M. to 1:00 A.M.
On Sale	6:00 A.M. to 2:00 A.M.

C. Such limitations shall not apply after 12:00 noon on Sunday to a licensee which is a nonprofit corporation holding a Class C or Class 1 License.

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

E. Nothing in this section shall be construed to prohibit licensed premises from being open for business on days and hours during which the sale or dispensing of alcoholic beverages is prohibited by this section.

(Neb. Rev. Stat. §53-179) (Am. by Ord. No. 400, 6/29/10)

SECTION 5-112: KEG SALES; REGISTRATION; KEG IDENTIFICATION NUMBERS; PROHIBITED ACTS

A. When any person licensed to sell alcoholic liquor at retail sells beer for consumption off the premises in a container with a liquid capacity of five or more gallons or 18 and ninety-two hundredths or more liters, the seller shall record the date of sale, the keg identification number, the purchaser's name and address, and the number of the purchaser's motor vehicle operator's license, state identification card, or military identification, if such military identification contains a picture of the purchaser, together with the purchaser's signature. Such record shall be on a form prescribed by the Liquor Control Commission and shall be kept by the licensee at the retail establishment where the purchase was made for not less than six months.

B. Such records kept pursuant to this section shall be available for inspection by any law enforcement officer during normal business hours or at any other reasonable time. Any person violating this section shall be guilty of Class III misdemeanor.

C. Licensees shall place a label bearing a keg identification number on each keg at the time of retail sale. Any person who unlawfully tampers with, alters, or removes the keg identification number from a beer container after such container has been taken from the licensed premises pursuant to a retail sale and before its return to such licensed premises or other place where returned kegs are accepted shall be guilty of a Class III misdemeanor.

(Neb. Rev. Stat. §53-167.02, 53-167.03)

SECTION 5-113: CATERING LICENSE

A. The holder of a Class C, Class D, or Class I license issued under Neb. Rev.

Stat. §53-124(5) or a craft brewery license may obtain an annual catering license by filing an application and license fee with the Nebraska Liquor Control Commission. (Neb. Rev. Stat. §53-124.12(1))

B. Upon receipt from the commission of the notice and copy of the application as provided in Neb. Rev. Stat. §53-124.12, the Village Board shall process the application in the same manner as provided in Section 5-104 (Village Powers and Duties). (Neb. Rev. Stat. §53-124.12(3))

C. The Village Board, with respect to catering licensees within its liquor license jurisdiction, may cancel a catering license for cause for the remainder of the period for which such catering license is issued. Any person whose catering license is canceled may appeal to the district court. (Neb. Rev. Stat. §53-124.12(4))

SECTION 5-114: INSPECTIONS

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

SECTION 5-115: OWNER OF PREMISES

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

SECTION 5-116: EMPLOYER

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

SECTION 5-117: HIRING MINORS

It shall be unlawful for any person to hire a minor under the age of 19 years to serve or dispense alcoholic liquors, including beer, to said licensee's customers. (Neb. Rev. Stat. §53-102)

SECTION 5-118: MINOR'S PRESENCE

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

SECTION 5-119: MINORS AND INCOMPETENTS

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

SECTION 5-120: CREDIT SALES

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

SECTION 5-121: ORIGINAL PACKAGE

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

SECTION 5-122: CONDUCT PROHIBITED ON LICENSED PREMISES

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

SECTION 5-123: AUTOMATIC LICENSE RENEWAL

A. An outstanding retail license may be automatically renewed by the commission without formal application upon payment of the renewal fee and license fee if payable to the commission. The payment shall be an affirmative representation and certification by the licensee that all answers contained in an application, if submitted, would be the same in all material respects as the answers contained in the last previous application. The commission may at any time require a licensee to submit an application and it shall at any time require a licensee to submit an application if requested in writing to do so by the Village Board.

B. If a licensee files an application form in triplicate original upon seeking renewal of his or her license, the application shall be processed as set forth in Neb. Rev. Stat. §53-131.

C. The village clerk shall cause to be published in a legal newspaper in or of general circulation in such village, one time between January 10 and January 30 of each year, individual notice of the right of automatic renewal of each retail liquor and beer license, except that notice of the right of automatic renewal of Class C licenses shall be published between the dates of July 10 and July 30 of each year in substantially the following form:

NOTICE OF RENEWAL OF RETAIL LIQUOR LICENSE

Notice is hereby given pursuant to Neb. Rev. Stat. §53-135.01 that a liquor license may be automatically renewed for one year from May 1, 20__, or November 1, 20__, for the following retail liquor licensee):

(Name of licensee)
(Address of licensed premises)

Notice is hereby given that written protests to the issuance of automatic renewal of license may be filed by any resident of the Village on or before February 10, 20__, or August 10, 20__, in the office of the village clerk and that in the event protests are filed by ten persons who are residents, hearing will be held to determine whether continuation of the license should be allowed.

(Name)
Village Clerk

D. Upon the conclusion of any hearing required by this section, the Village Board may request a licensee to submit an application as provided herein.

E. Any licensee may renew his, her, or its license at the expiration thereof in the manner set forth in Neb. Rev. Stat. §53-135 if the licensee is then qualified to receive a license and the premises for which such renewal license is sought are the same premises licensed under the license to be renewed and are suitable for such

purpose. The renewal privilege provided for in this section shall not be construed as a vested right which shall in any case prevent the commission from decreasing the number of licenses to be issued within its jurisdiction.

(Neb. Rev. Stat. §53-135, 53-135.01)

SECTION 5-124: CITIZEN’S COMPLAINT

A. Any resident of the Village shall have the right to file a complaint with the Village Board stating that any retail licensee subject to the jurisdiction of the Village Board has been or is violating any provision of the Nebraska Liquor Control Act or the rules or regulations issued pursuant to the act. Such complaint shall be in writing in the form prescribed by the Village Board and shall be signed and sworn by the party complaining. The complaint shall state the particular provision, rule or regulation believed to have been violated and the facts in detail upon which belief is based.

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

(Neb. Rev. Stat. §53-134.04)

SECTION 5-125: FORM FOR CITIZEN’S COMPLAINT

The following form is hereby prescribed for the use of any resident 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 Village Board of the Village of Greenwood, Nebraska, the undersigned respectfully state:

A. That he or she is a resident of the Village of Greenwood, Nebraska.

B. That he or she believes 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 Greenwood, Nebraska.

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

_____.

(Name)

STATE OF NEBRASKA)
) ss.
COUNTY OF CASS)

Subscribed in my presence and sworn to before me by _____ on
this ____ day of _____, 20____. My commission expires _____.

Notary Public

SECTION 5-126: COMPLAINT INITIATED BY BOARD

The Village Board may on its own motion, by resolution, fix the time and place for a hearing on whether or not 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 resolution mentioned in Section 5-124 of this code, and insofar as possible the procedure shall be the same as provided in that section. (Neb. Rev. Stat. §53-134)

SECTION 5-127: REVOCATION OF LICENSE

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

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

A. Any law enforcement officer with the 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, 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 doctors or facilities 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 such custody shall be used only as long as necessary to preserve life or to prevent injury and under no circumstances longer than 24 hours. 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 that person designated by the person taken into civil protective custody.

B. 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. 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.

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

(Neb. Rev. Stat. §53-1,121)

Article 2 – Peddlers and Solicitors

SECTION 5-201: REGISTRATION; ISSUANCE OF PERMIT

To prevent the sale of fraudulent, dangerous, and unhealthful goods and services, and to protect the public by maintaining records of the products sold and persons and companies responsible for such sales, all solicitors and peddlers shall, before doing business within the Village, make application for and be issued a permit. Application for said permit shall be made to the village clerk on a form provided by the Village and shall contain all the necessary information and documents required for the protection of the residents of the Village. Any person or persons granted a solicitors and peddlers permit shall pay a fee in such amount as has been set by the Village Board and placed on file at the office of the village clerk, and shall also be subject to any occupation taxes and other rules and regulations which the Village Board deems appropriate for the purposes stated in this section Any permit so granted shall be subject to revocation for good and sufficient cause by the village police. (Neb. Rev. Stat. §17-134, 17-525)

SECTION 5-202: HOURS OF SOLICITATION

It shall be unlawful for any solicitor, salesman, or peddler to solicit any individual between the hours of 6:00 P.M. and 8:00 A.M. unless he or she has a previous appointment with the resident or residents of the premises solicited. It shall be unlawful at any hour for a solicitor, salesman, or peddler to solicit without a proper permit on his or her person at all times. (Neb. Rev. Stat. §17-134)

SECTION 5-203: EXCEPTIONS

Nothing herein shall be construed to apply to any person or persons selling produce, to wholesale salesmen soliciting merchants directly, or to a representative of a local non-profit or charity organization soliciting on behalf of that organization.

Article 3 – Contractors and Subcontractors

SECTION 5-301: REGULATIONS

It shall be unlawful for any contractor or subcontractor to do any work in the Village until such contractor or sub-contractor has given a certificate of insurance in the amount of \$1,000,000.00 to the Village. The contractor or subcontractor shall at all times be subject to the inspection and approval of the Village Board or its designated representative, and it shall be further unlawful to cover or conceal willingly any defective or unsatisfactory work. (Ord. No. 377, 3/28/06)

Article 4 – Tobacco Sales

SECTION 5-401: LICENSE REQUIRED; PROHIBITED SALES

A. It shall be unlawful for any person, partnership, limited liability company, or corporation to sell, keep for sale, or give away in course of trade, any cigars, tobacco, cigarettes, or cigarette material to anyone without first obtaining a license as provided in this article. It shall also be unlawful for any person, partnership, limited liability company, or corporation to purchase or receive, for purposes of resale, any cigars, tobacco, cigarettes, or cigarette material if such person, partnership, limited liability company, or corporation is not the recipient of a valid tobacco license to retail such tobacco products at the time the same are purchased or received.

B. The sale of cigarettes or cigarette materials that contain perfumes or drugs in any form is prohibited. Only cigarettes and cigarette material containing pure white paper and pure tobacco shall be licensed.

(Neb. Rev. Stat. §28-1420, 28-1421)

SECTION 5-402: LICENSE; APPLICATION; CONTENTS; FEE

Every person, partnership, limited liability company, or corporation desiring a license to sell tobacco at retail shall file with the village clerk a written application on a forms 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. Applicant shall also deposit with the application a license fee as set by the Village Board and placed on file in the office of the village clerk for public inspection. If the applicant is an individual, the application shall include the applicant's social security number. (Neb. Rev. Stat. §28-1422, 28-1423) (Am. by Ord. No. 340, 6/9/98)

SECTION 5-403: LICENSE ISSUANCE; TERM

Licenses for the sale of cigars, tobacco, cigarettes, and cigarette material to persons over the age of 18 years shall be issued to individuals, partnerships, limited liability companies, and corporations by the village clerk. The term for which such license shall run shall be from the date of filing such application and payment of such license fee as provided herein to and including December 31 of the calendar year in which application for such license is made. (Neb. Rev. Stat. §28-1421, 28-1423)

SECTION 5-404: RIGHTS OF LICENSEE

The license provided for in this article shall, when issued, authorize the sale of cigars, tobacco, cigarettes, and cigarette material by the licensee and employees to persons over the age of 18 years at the place of business described in such license for the term authorized, unless the same is forfeited as provided in Neb. Rev. Stat. §28-1425. (Neb. Rev. Stat. §28-1424)

Article 5 – Games of Chance and Lotteries

SECTION 5-501: 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. Every person desiring a license shall make application to the village clerk. Accompanying each application shall be:

A. 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.

B. A sworn statement by the member designated as responsible for the proper utilization of gross receipts that no commission, fee, rent, profits, compensation, reward, or recompense will be paid to any person or organization not sanctioned by the laws of the State of Nebraska and the Village of Greenwood and that all profits will be spent for a lawful purpose.

(Neb. Rev. Stat. §9-501 to 9-513)

SECTION 5-502: DISPLAY OF LICENSE

Every license issued under the provisions of this article 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. (Neb. Rev. Stat. §9-501 to 9-513)

SECTION 5-503: FEE

There shall be a license fee for engaging in the occupation of conducting games of chance and/or lotteries within the Village for each location at which such activity is conducted. Such fee shall be set by the Village Board and filed in the office of the village clerk for public inspection. (Neb. Rev. Stat. §9-501 to 9-513)

SECTION 5-504: EXEMPTION

Nonprofit organizations that desire to participate in games of chance and/or lotteries and are in compliance with the Nebraska Small Lottery and Raffle Act are exempt from the provisions of Sections 5-501 to 5-503. (Neb. Rev. Stat. §9-501 to 9-513)

SECTION 5-505: LOTTERY; OPERATION

A. The lottery operator with whom the Village Board contracts to conduct its lottery shall not operate the lottery at a sales outlet location other than the location of the lottery operator without prior approval of the sales outlet location by the Village Board. The said board shall approve or disapprove each sales outlet location and in-

dividual, sole proprietorship, partnership, limited liability company, or corporation which desires to conduct the lottery at its sales outlet location solely on the basis of the qualification standards prescribed in subsection (B) herein.

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

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

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

D. The Village shall notify the Department of Revenue of all approved lottery locations within 30 days of approval.

(Neb. Rev. Stat. §9-642.01) (Ord. No. 838, 1/29/08)

SECTION 5-506: LOTTERY; PARTICIPATION; RESTRICTIONS

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

C. Nothing shall prohibit any member of the Village Board, a municipal official, or the immediate family of such member or official from playing the lottery conducted by the Village as long as such person is 19 years of age or older.

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

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

(Neb. Rev. Stat. §9-646) (Am. by Ord. No. 339, 6/9/98)

Article 6 – Occupation Taxes

SECTION 5-601: LIQUOR

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. The occupation tax imposed shall be as set by the Village Board by resolution and filed in the office of the village clerk. The said tax shall be due at the time the license fee is due. (Neb. Rev. Stat. §53-132(4))

SECTION 5-602: 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. (Neb. Rev. Stat. §17-525)

Article 7 – Penal Provision

SECTION 5-701: 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 an offense 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.