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CHAPTER 5 – BUSINESS REGULATIONS

Article 1 – Liquor Regulations

SECTION 5-101: DEFINITIONS

Unless the context otherwise requires, the words and phrases used in this article shall have the meaning as defined in the Nebraska Liquor Control Act, Neb. Rev. Stat. §53-101 to 53-1,122. (Neb. Rev. Stat. §103)

SECTION 5-102: ACQUISITION OF ALCOHOLIC LIQUORS; EXCEPTIONS

No person shall manufacture, bottle, blend, sell, barter, transport, deliver, furnish, or possess any alcoholic liquor for beverage purposes except as specifically provided in the Nebraska Liquor Control Act. Nothing in the act shall prevent:

A. The possession of alcoholic liquor legally obtained as provided in the Act for the personal use of the possessor and his/her family and guests;

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/her family and guests;

C. Any duly licensed practicing physician or dentist from possessing or using alcoholic liquor in the strict practice of his/her profession, any hospital or other institution caring for the 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 the compounding of prescriptions of licensed physicians;

D. The possession and dispensation of alcoholic liquor by an authorized representative of any religion on the premises of a place of worship for the purpose of conducting any bona fide religious rite, ritual, or ceremony;

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)

SECTION 5-103: CONSUMPTION ON PUBLIC PROPERTY

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))

SECTION 5-104: VILLAGE POWERS

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 applicant.

5. To examine or cause to be examined any applicant or any retail, craft brewery, or microdistillery licensee upon whom notice of cancellation or revocation has been served as provided in the act, to examine or cause to be examined the books and records of any applicant or licensee, and to hear testimony and to take proof for its information in the performance of its duties. For purposes of obtaining any of the information desired, the Village Board may authorize its agent or attorney to act on its behalf.
6. To cancel or revoke on its own motion any license if, upon the same notice and hearing as provided in 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.

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: RESTRICTED CLASSES OF PERSONS

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 resident of the county in which the premises are located; 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/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: RESTRICTIONS ON LOCATION

No license shall be issued for the sale at retail of any alcoholic liquor within 150 feet of any church, school, hospital, or home for aged or indigent persons or for veterans, their wives or children; provided, this prohibition shall not apply to any location within such distance of 150 feet for which a license to sell alcoholic liquors at retail has been granted by the Nebraska Liquor Control Commission for two years continuously prior to making of application for license, and to hotels offering restaurant service, regularly organized clubs or to restaurants, food shops or other places where sale of alcoholic liquors is not the principal business carried on, if such place of business so exempted shall have been established for such purposes 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 or university in the State. (Neb. Rev. Stat §53-177)

SECTION 5-108: DISPLAY OF LICENSE

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

SECTION 5-109: CHANGE OF LICENSED PREMISES

Retail licenses issued hereunder apply only to the premises described in the application and in the license issued thereon and only one location shall be so described in each license. After such license has been granted for any particular premises, the Commission, with the approval of the Village Board and upon proper showing, may endorse upon the license permission to abandon the premises therein described and remove therefrom to other premises approved by him/her or it but in order to obtain such approval the retail licensee shall file with the Village Board a request in writing and a statement under oath which shall show that the premises to which removal is to be made comply in all respects with the requirements of this act. No such removal shall be made by any such licensee until his/her said license has been endorsed to that effect in writing both by the Village Board and the Commission. (Neb. Rev. Stat. §53-129)

SECTION 5-110: HOURS OF SALE

A. For the purposes of this section, "on-sale" shall be defined as alcoholic beverages sold by the drink for consumption on the premises of the licensed establishment

and "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 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, as follows:

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 1:00 A.M.
<i>Sunday</i>	
Off Sale	None
On Sale	None
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 1:00 A.M.
<i>Sunday</i>	
Off Sale	6:00 A.M. to 12:00 A.M.
On Sale	6:00 A.M. to 6:00 P.M.

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

D. It shall be unlawful on property licensed to sell alcoholic liquor at retail to allow alcoholic liquor in open containers to remain or be in possession or control of any person for purposes of consumption between fifteen minutes after the closing hour applicable to the licensed premises and 6 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) (Ord. No. 119, 07/13/79)

SECTION 5-111: NOTICE REQUIRED

Every licensee of a place where alcoholic liquor is sold shall display at all times in a prominent place a printed card with a minimum height of 20 inches and a width of 14 inches, with each letter to be a minimum of one-fourth inch in height, which shall read as follows:

**WARNING TO PERSONS UNDER 21:
 YOU ARE SUBJECT TO NOTIFICATION OF PARENTS OR GUARDIAN
 AND YOU ARE SUBJECT TO A PENALTY OF UP TO \$500 FINE,
 3 MONTHS IN JAIL OR BOTH IF YOU ARE UNDER 21
 AND YOU CONSUME, PURCHASE, ATTEMPT TO PURCHASE,
 OR HAVE IN YOUR POSSESSION ALCOHOLIC LIQUOR**

IN THIS ESTABLISHMENT

**WARNING TO ADULTS:
YOU ARE SUBJECT TO A PENALTY OF UP TO \$1000 FINE,
1 YEAR IN JAIL OR BOTH IF YOU ARE 21 OR OVER
AND YOU PURCHASE ALCOHOLIC LIQUOR
FOR A PERSON UNDER 21**

**WARNING TO PURCHASERS OF BEER KEGS:
PROPER IDENTIFICATION AND PURCHASER'S SIGNATURE
ARE REQUIRED**

– LAWS OF THE STATE OF NEBRASKA –

(Neb. Rev. Stat §53-180.04)

SECTION 5-112: ENTRY OF PREMISES FOR INSPECTION

The Commission and the Village Board shall cause frequent inspection 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/her defense. (Neb. Rev. Stat. §53-116.01)

SECTION 5-113: 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 5-114: 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/her personally. (Neb. Rev. Stat. §53-1,102)

SECTION 5-115: 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 5-116: 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 5-117: SALE TO MINORS AND INCOMPETENTS PROHIBITED

No person shall sell, give away, exchange or deliver, or permit the sale, gift or procuring of any alcoholic liquor to or for any minor, any person who is mentally incompetent. (Neb. Rev. Stat. §53-180)

SECTION 5-118: CREDIT SALES

No person shall sell or furnish alcoholic liquor at retail to any person on credit or on a passbook, or order on a store, or in exchange for any goods, wares or merchandise, or in payment for any services rendered; and if any person shall extend credit for such purpose, the debt thereby attempted to be created shall not be recoverable at law. Nothing herein contained shall be construed to prevent any club holding a class C liquor license from permitting checks or statements for alcoholic liquor to be signed by members or bona fide guests of members and charged to the account of such members or guests in accordance with the bylaws of such club; any hotel or restaurant holding a class C liquor license from permitting checks or statements for liquor to be signed by regular guests residing at such hotel or eating at such restaurant and charged to the accounts of such guests; and any licensed retailer engaged in the sale of wine from issuing wine-tasting cards to customers. (Neb. Rev. Stat. §53-183)

SECTION 5-119: ORIGINAL PACKAGES

No person, except a manufacturer, distributor or wholesaler shall fill or refill, in whole or in part, any original package of alcoholic liquor with the same or any other kind or quality of alcoholic liquor; and it shall be unlawful for any person to have in his/her possession for sale at retail any bottles, casks or other containers containing alcoholic liquor except in original packages. (Neb. Rev. Stat. §53-184)

SECTION 5-120: REMOVAL OF INTOXICATED PERSONS FROM PUBLIC OR QUASI-PUBLIC PROPERTY

A. Any law enforcement officer with the power of 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 semi-public

property. Any officer removing an intoxicated person from public or quasi-public property shall make a reasonable effort to take such intoxicated person to his/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 facilities or doctors who have previously represented a willingness to accept and treat such individuals and who 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 is 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/she is delivered and then communicated to his/her family or next of kin, if they can be located, or to such person designated by that 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/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)

SECTION 5-121: 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/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 three or more such persons, hearing will be had 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 5-122: CITIZEN COMPLAINTS

Any five residents of the Village shall have the right to file a complaint with the Village Board stating that any retail or bottle club 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 thereto. Such complaint shall be in writing in the form prescribed by the Village Board and shall be signed and sworn by the parties complaining. The complaint shall state the particular provision, rule, or regulation believed to have been violated and the facts in detail upon which belief is based. If the Village Board is satisfied that the complaint substantially charges a violation and that from the facts alleged there is reasonable cause for such belief, it shall set the matter for hearing within ten days from the date of the filing of the complaint and shall serve notice upon the licensee of the time and place of such hearing and of the particular charge in the complaint; provided, 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, which 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 5-123: COMPLAINTS; PROCEDURE

A. The village clerk shall supply the complaint forms prescribed herein and shall, on request, supply one to any resident of this village desirous of initiating a complaint against a liquor licensee. Any complaint duly executed on one of the aforesaid forms by five residents of this village and filed with the village clerk shall be presented by him/her to the chairman and 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 to serve the same on the licensee by delivering to him/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/her. The complainants shall be present and may be represented by counsel employed by them. Within 30 days from the date the complaint is filed, the chairman and the board shall by resolution dispose of the complaint, which resolution shall be deemed the final order for purposes of appeal to the Nebraska Liquor Control Commission.

SECTION 5-124: FORM FOR CITIZEN COMPLAINT

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

To the Chairman and Village Board of Trustees of the Village of Palmer, Nebraska: the undersigned respectfully state:

1. That they are each residents of the Village of Palmer, 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 Palmer, Nebraska.

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

(Name)

(Name)

(Name)

(Name)

(Name)

STATE OF NEBRASKA)
) ss.
COUNTY OF MERRICK)

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

My commission expires _____.

Notary Public

SECTION 5-125: 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 Commission, or the Commission may revoke the license in an original proceeding brought before it for that purpose. (Neb. Rev. Stat. §53-116.02)

Article 2 – Occupation Taxes

SECTION 5-201: PURPOSE

A. For the purpose of raising revenue, there is hereby levied an occupation tax upon certain businesses and professions within the Village of Palmer or doing business within the Village. Every person, firm association, or corporation carrying on any of the enumerated businesses hereinafter specified shall pay to the village clerk annually on or before June 1 of each year the sum hereinafter named as a tax upon the occupation and business. All money so collected shall be forthwith turned over to the treasurer and such money shall be and remain under the control of the Board of Trustees for such use and purpose as other moneys credited to the General Fund; provided, however, all moneys received from fire insurance companies shall be used exclusively for the use, support and maintenance of the Palmer Rural Fire Protection and shall be credited to a special fund designated for the maintenance of the Fire Department.

B. All occupation taxes shall be for a period of one year unless otherwise provided hereinafter. All occupation taxes shall be paid in advance before the business is commenced, whether the license is issued at the beginning of the day, year, month, quarter, or other time but no license shall be issued for any other period than is set forth in this article. No person paying an occupation tax shall be entitled to a refund or discount of any part of the tax paid or due. The clerk, upon the payment of any amount due and owing shall issue a receipt therefor which shall be in the possession of the person conducting the business at all times during the tax year.

(Neb. Rev. Stat. §17-525, 35-106)

SECTION 5-202: AMOUNTS

There is hereby levied a license tax upon each and every occupation or profession hereinafter set forth. Such taxes shall be set by the Village Board and filed in the office of the village clerk for public inspection during office hours. The occupation tax imposed by the Village on any liquor licensee shall not exceed two times the amount of the license fee required to be paid under the Liquor Control Act to obtain such license.

(Neb. Rev. Stat. §53-132)

<i>Alcoholic Beverages</i>
Manufacturer of alcohol and spirits
Manufacturer of beer
Manufacturer of wine
Alcoholic liquor distributor, except beer
Beer distributor
Retailer of beer only, consumption on the premises
Retailer of beer only, consumption off the premises
Retailer of alcoholic liquors, consumption on and off premises
Retailer of alcoholic liquors, consumption off the premises
Non-beverage user: Class 1, Class 2, Class 3, Class 4, Class 5
<i>Other Occupation Taxes</i>

Arborists/tree trimmers and cutters
Auctioneers
Electricians
Fire insurance companies
Gas companies
Solicitors, peddlers and transient vendors
Photographers
Plumbers
Telephone companies

Article 3 – Signs and Billboards

SECTION 5-301: RESTRICTIONS

It shall be unlawful for any person to place or hang any commercial or business sign or advertisement, whether illuminated or not, upon or in such manner as to project wholly or in part over any street, avenue, alley, or sidewalk or to permit any such sign owned by him/her to so remain except as hereinafter provided. It shall be unlawful for any person to construct, erect or allow to remain any billboard, signboard or similar structure in or upon any street space between lot lines or in or upon any alley. It shall be unlawful for any person to construct, erect or allow to remain any billboard, signboard or similar structure upon private property in such manner as to prevent the ordinary use of streets or alleys adjacent thereto or as to obstruct the view of or from any residence.

SECTION 5-302: PERMIT

Any person who desires to erect and maintain any awning or sign adjacent to or projecting wholly or in part over any street, avenue, alley or sidewalk or who desires to erect or construct any billboard or to allow it to remain on private property shall file in the office of the village clerk a written application for a permit to do so, giving full information as to size, weight, and character of the sign or awning and the distance it will project outside the lot line, together with drawings or other data showing the method of securing and fastening the same or giving general construction specifications of a description of the billboard. If the Village Board shall find that such sign is or will be of reasonable size, safe and secure and not a menace to the public passing along such thoroughfare and that the building to which it is or will be attached is of sufficient strength and size to support it safely and that the billboard or sign complies fully with Section 6-109 (Projecting Structures) of this code, then the Village Board shall approve and issue a permit. Any such permit shall be revocable at any time by the board for cause.

SECTION 5-303: INSPECTION

All signs or billboards, whether a permit has been issued or not, shall be periodically inspected by the street commissioner and if it appears any sign or billboard is unsecure or unsafe, then such sign or billboard shall be ordered by notice in writing to be made safe or removed forthwith by the person maintaining such sign or billboard. On such person's failure, refusal or neglect to comply with said order within ten days, the Village shall then cause the sign or billboard to be removed and the expense of such removal shall be charged to the person refusing to comply with such order of removal and may be collected from such person the same as any other debt or liability.

(Neb. Rev. Stat. §17-555; 17-207)

Article 4 – Solicitors, Peddlers, and Transient Vendors

SECTION 5-401: REGISTRATION; ISSUANCE OF PERMIT

A. It shall be unlawful for any door-to-door solicitor, peddler, itinerant merchant, or transient vendor, not having had a previous invitation or previous request to visit a particular residence, to go in or upon private residential property to solicit orders for the sale of goods or services without first registering with the village clerk and complying with all other requirements of this section.

B. Any person wishing to solicit sales door-to-door shall first register with the village clerk and shall fill out an application form. Said applicant shall, in addition thereto: (1) identify himself/herself fully to the satisfaction of the clerk; (2) identify fully the goods or services which he/she is in the business of soliciting orders for; (3) submit to the clerk a copy of such authorization as he/she may have entitling him/her to act as a representative of the person, firm, or corporation which he/she purports to represent; and (4) execute a document which shall appoint the village clerk as the authorized agent for himself/herself and the person, firm, or corporation which he/she purports to represent for purposes of service of legal process. Upon the receipt of any such service of process under the provisions of this section, the clerk shall forthwith, by certified mail, notify said salesperson and the company he/she purports to represent with a copy of the same.

C. The clerk shall require a permit fee to be paid in such amount as the Village Board shall, from time to time, prescribe, which shall be set by the Village Board and filed in the office of the village clerk for public inspection during office hours. If the salesperson is unable to fully answer the questions of the clerk, fully fill out the application form, adequately identify himself/herself, his/her employer or company which he/she purports to represent, fails to produce written authorization entitling him/her to represent the person, firm, or corporation which he/she purports to represent as his/her/its agent, fails to execute the document nominating the clerk as his/her and his/her principal's agent for the purpose of service of process, or fails to pay the required fee, no permit shall be issued and he/she shall not be entitled to engage in door-to-door solicitations.

D. It shall be unlawful for any solicitor, peddler or transient vendor to solicit any individual between the hours of 5:00 p.m. and 9:00 a.m. unless they have a previous appointment with the resident or residents of the premises solicited. It shall be unlawful at any hour for a solicitor, salesperson, or peddler to solicit without a proper permit on his/her person at all times. (Neb. Rev. Stat. §17-134)

E. In the event that he/she complies with each and every requirement of this section and the salesperson has not acquired a reputation in the community and with the village police as a con artist or a person habitually engaging in deceitful, shady, or unlawful dealings, the clerk shall issue a permit in writing which shall allow the bearer

to solicit door-to-door for the time period which he/she intends to remain in the community but in no event shall any permit be valid for in excess of 14 days. No such permit shall be transferable.

F. All permits shall be in the possession of the permittee at all times when he/she is engaged in his/her sales operation. Any permit may be revoked summarily by the village police in the event that any of the information provided to the clerk turns out to be false or it is learned that the permittee is or has engaged in deceitful, shady, or unlawful practices.

G. Upon the renewal of any permit, an additional permit fee shall be charged.

SECTION 5-402: EXCEPTIONS

This article shall not apply to:

A. The sale of baked goods, fruits and vegetables, or farm or garden products made, grown or raised within this state; or

B. Non-profit organizations canvassing village residents for religious, charitable, political, benevolent or other noncommercial purposes.

C. Salespersons contacting retail or wholesale businesses.

Article 5 – Plumbers

SECTION 5-501: REGISTRATION; BOND

A. It shall be unlawful for any person to be engaged in the occupation of plumber within the corporate limits of the Village without first complying with the provisions herein. The requirements of this section shall apply whether such plumber does plumbing work within the corporate limits for profit or otherwise.

B. Any person desiring to do plumbing work within the corporate limits shall first register with the clerk and shall:

1. Complete a registration form as provided by the Village;
2. Provide such information and documents or copies thereof as may be required, including a copy of a plumber's license issued by a political subdivision within the State of Nebraska requiring a bona fide examination testing his/her knowledge of plumbing work both in theory and his/her practical skills. A copy of a current license shall at all times be on file in the office of the clerk prior to such person engaging in plumbing work within the Village;
3. Pay any occupation tax set by the Village Board. Said plumber shall at all times have on his/her person a receipt showing payment of his/her occupation tax fee for doing plumbing work; and
4. Execute and deliver to the clerk a bond in a penal sum to be set by the Village Board with one or more sureties to be approved by the board or a cash bond or corporate bond which may be approved by the clerk, conditioned that all work done by said plumber will be in a good and workmanlike manner and in accordance with any and all of the laws of the Village and the State and that said bond will indemnify, hold and save the Village and any and all persons harmless and indemnified of and from any and all damages and costs caused by and negligent, unfaithful, inadvertent, inadequate or inefficient work done by him/her or under his/her direction, supervision, or control. In the event that the bond is executed on behalf of a plumbing firm, bona fide partners and employees of said firm shall be covered by a bond executed on behalf of the entire firm. Said bond shall at all times be up to date and shall be in all respects in full compliance with this section. (Neb. Rev. Stat. §18-1901 thru 18-1919)

C. Willful violation of the provisions of this section shall be grounds for a refusal by the Village Board to register any such plumber and authorize such plumber to do business within the corporate limits for a period not to exceed three years.
(Neb. Rev. Stat. §18-1901 thru 18-1919)

SECTION 5-502: RULES AND REGULATIONS

It shall be the duty of all registered plumbers doing work within the corporate limits to become familiar with the rules and regulations regarding job permits, inspections, and other matters relative to the doing of plumbing work prior to engaging in plumbing work, as set forth in the plumbing code as set forth in Section 9-203 and the provisions of Chapters 6 (Utilities) and 8 (Building Regulations) of the Palmer Municipal Code. (Neb. Rev. Stat. §18-1901 thru 18-1919)

SECTION 5-503: HOMEOWNERS

Nothing contained in this article shall be construed to prohibit a homeowner from personally performing work on his/her single-family dwelling or building in which he/she resides and he/she will not be required to register with the clerk or comply with the other registration requirements set forth in this article but he/she shall be required to take out such permits and submit to such inspections as are provided for in Chapters 6 (Utilities) and 8 (Building Regulations) of the Palmer Municipal Code. (Neb. Rev. Stat. §18-1901 thru 18-1919)

Article 6 – Electricians

SECTION 5-601: REGISTRATION; BOND

A. It shall be unlawful for any person to be engaged in the occupation of electrician within the corporate limits of the Village without first complying with the provisions herein. The requirements of this section shall apply whether such electrician does electrical work within the corporate limits for profit or otherwise.

B. Any person desiring to do electrical work within the corporate limits shall first register with the clerk and shall:

1. Complete such registration form as provided by the Village;
2. Provide such information and documents or copies thereof as may be required, including a copy of his/her state master electrician's or state journeyman electrician's license. A copy of a current license shall at all times be on file in the office of the clerk prior to such person engaging in electrical work within the Village;
3. Pay any occupation tax set by the Village Board. Such electrician shall at all times have on his/her person a receipt showing payment of his/her occupation tax fee for doing electrical work.
4. Execute and deliver to the clerk a bond in a penal sum to be set by the Village Board with one or more sureties to be approved by the board or a cash bond or corporate bond which may be approved by the clerk, conditioned that all work done by said electrician will be in good and workmanlike manner and in accordance with any and all of the laws of the Village and the State and that said bond will indemnify, hold and save the Village and any and all persons harmless and indemnified of and from any and all damages and costs caused by negligent, unlawful, inadvertent, inadequate or inefficient work done by them or under their direction, supervision, or control. In the event that the bond is executed on behalf of an electrical firm, bona fide partners and employees of said firm shall be covered by a bond executed on behalf of the entire firm. Said bond shall at all times be up to date and shall be in all respects in full compliance with this section. (Neb. Rev. Stat. §81-567)

C. Willful violation of the provisions of this section shall be grounds for a refusal by the Village Board to register any such electrician and authorize such electrician to do business within the corporate limits for a period not to exceed three years.
(Neb. Rev. Stat. §81-533 thru 81-570)

SECTION 5-602: RULES AND REGULATIONS

It shall be the duty of all registered electricians doing work within the corporate limits to become familiar with the rules and regulations regarding job permits, inspections, and other matters relative to doing electrical work prior to engaging in electrical work, as set forth in the electrical code as set forth in Section 9-202 and the provisions of Chapters 6 (Utilities) and 8 (Building Regulations) of the Palmer Municipal Code. (Neb. Rev. Stat. §81-553 thru 81-570)

SECTION 5-603: HOMEOWNERS

Nothing contained in this article shall be construed to prohibit a homeowner from personally performing work on his/her single-family dwelling or building in which he/she resides and he/she will not be required to register with the clerk or comply with the other registration requirements set forth in this article but he/she shall be required to take out such permits and submit to such inspections as are provided for in Chapters 6 (Utilities) and 8 (Building Regulations) of the Municipal Code. (Neb. Rev. Stat. §81-569)

Article 7 – Prohibited Businesses and Facilities

SECTION 5-701: PROHIBITED BUSINESSES; NUISANCE

A. It shall be unlawful for any person within the zoning jurisdiction of the Village to lease, use, operate, erect, construct or cause to be constructed or suffer to remain any building or premises now or hereafter erected or existing to be used as a:

1. Slaughter house,
2. Packing house,
3. Rendering establishment,
4. Soap factory,
5. Candle factory, or
6. As a factory or place for rendering any animal matter by the use of heat, steam, fire, chemicals, or otherwise.

B. Any violation of this section is hereby declared to constitute a public nuisance. (Neb. Rev. Stat. §17-207)

SECTION 5-702: PENS AND FEED LOTS; NUISANCE

No cattle, hog, sheep or other animal pen or feed lot may be erected or allowed to remain within the corporate limits of the Village or closer than 200 feet of any residence or dwelling house inhabited by any person not the owner or operator of such pen or lot. Any violation of this section is hereby declared to constitute a public nuisance. (Neb. Rev. Stat. §17-207)

Article 8 – Fair Housing

SECTION 5-801: NEBRASKA FAIR HOUSING ACT

It shall be the policy of the chairman and the Board of Trustees to oppose discriminating practices on the basis of race, color, religion, national origin, handicap, familial status, or sex in the acquisition, ownership, possession or enjoyment of housing in accordance with the Nebraska Fair Housing Act and Article 1, Section 25 of the Constitution of the State of Nebraska. The Board of Trustees shall assist aggrieved persons in filing complaints in regard to discriminatory housing practices by providing information on the Nebraska Fair Housing Act and the Nebraska Equal Opportunity Commission. (Ord. No. 178, 05/07/08)

Article 9 – Penal Provision

SECTION 5-901: VIOLATION; PENALTY

Any person, firm, association or corporation violating any of the provisions of the chapter herein for which no other penalty is imposed shall, upon conviction, be deemed guilty of a misdemeanor and fined in an amount of not more than \$500.00. Each day's maintenance of a misdemeanor shall constitute a separate offense.