

## CHAPTER 10

### BUSINESS REGULATIONS

#### ARTICLE 1. ALCOHOLIC BEVERAGES

**10-101 ALCOHOLIC BEVERAGES: 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. (Ref. 53-103 RS Neb.)

**10-102 ALCOHOLIC BEVERAGES: 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 Municipality unless said person shall have in full force and effect a license as provided by the Nebraska Liquor Control Act. (Ref. 53-102 RS Neb.)

**10-103 ALCOHOLIC BEVERAGES: 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 one hundred and fifty (150) feet of any church, school, hospital or home for aged or indigent persons or veterans, their wives or children; provided, 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 (2) 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 premise within three hundred (300) feet from the campus of any college within the Municipality.

**10-104 ALCOHOLIC BEVERAGES: DWELLINGS.** Except in the case of hotels and clubs, no alcoholic liquor shall be sold at retail upon any premise which has any access which leads from such premise 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 premise and such other portion of the building which is used only by the licensee, his family or personal guests. (Ref. 53-178 RS Neb.)

**10-105 ALCOHOLIC BEVERAGES: LICENSE DISPLAYED.** Every licensee under the Nebraska Liquor Control Act shall cause his license to be framed and hung in plain public view in a conspicuous place on the licensed premise. (Ref. 53-148 RS Neb.)

**10-106 ALCOHOLIC BEVERAGES: 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 resident of the county in which the premise is located, a person of good character and reputation; a citizen of the United States; a person who has never been convicted of a felony or any Class I misdemeanor pursuant to Chapter 28, Article 3, 4, 7, 8, 11, or 12. Reissue Revised Statutes of Nebraska, 1943, or any similar offense under a prior criminal Statute or in another state; a person who has never had a liquor license revoked for cause, a person whose

premises for which a license is sought meets standards for fire safety as established by the State Fire Marshall; or a person who has not acquired a beneficial interest in more than two (2) alcoholic beverage retail establishments since March 4, 1953; provided, the beneficial interest requirement in this Section shall not apply to the person applying for an additional license for use in connection with the operation of a hotel containing at least twenty-five (25) sleeping rooms or when the request is limited to on premises sale of beer only in a restaurant. (Ref. 53-124.03, 53-125 RS Neb.)

#### **10-107 ALCOHOLIC BEVERAGES: LIQUOR APPLICATION, MUNICIPAL**

**EXAMINATION.** Any person or persons desiring to obtain a license to sell alcoholic liquors at retail shall file an application with the Liquor Control Commission. The Commission shall then notify the Municipal Clerk/Treasurer by registered or certified mail. The Governing Body shall then meet and determine the desirability of the application and report its recommendation for approval or denial of the application in writing to the Nebraska Liquor Control Commission within forty-five (45) days of receipt from the Nebraska Liquor Control Commission. The Governing Body may examine or cause to be examined under oath any applicant; examine or cause to get examined the books and records of any such applicant; to hear testimony and to take proof for its information in the performance of its duties. For the purpose of obtaining any of the information desired, the Governing Body may authorize its agent, Municipal Clerk/Treasurer or the Municipal Attorney to act on its behalf. The Governing Body may conduct the examination and hold the hearing upon the receipt from the Commission of the notice and Copy of the application. The Governing Body shall fix a time and place at which a hearing will be held, and at which time the Governing Body shall receive evidence, under oath, either orally, or by affidavit, from the applicant and any other person concerning the propriety of the issuance of such license. Notice of the time and place of such hearing shall be published in a legal newspaper in or of general circulation in the Municipality one (1) time not less than seven (7) nor more than fourteen (14) days before the time of the hearing. Such notice shall include, but not be limited to, a statement that all persons desiring the given evidence before the local Governing Body in support of or in protest against the issuance of such license may do so at the time of the hearing. Such hearing shall be held not more than forty-five (45) days after the receipt of notice from the Commission. After such hearing, the Governing Body shall cause to be spread at large in the Minute Record of its proceedings a resolution recommending either issuance or refusal of such license. The Municipal Clerk/Treasurer shall thereupon mail or deliver to the commission a copy of the resolution. (Ref. 53-131, 53-132, 53-134, RS Neb.)

#### **10-108 ALCOHOLIC BEVERAGES: LIQUOR APPLICATION, NOTICE PROCEDURE.**

- A. NOTICE: notice of a hearing held pursuant to RS NEB 53-134 shall be given to the applicant by the Municipal Clerk/Treasurer and shall contain the date, time, and location of the hearing. Two (2) or more proceedings which are legally or factually related may be heard and considered together unless any part thereto makes a showing sufficient to satisfy the Governing Body that prejudice would result therefrom.

B. PROCEDURE: hearings will be informal and conducted by the Municipal Attorney. The intent is an inquiry into the facts, not an adversarial action. Each witness may present their testimony in narrative fashion or by question and answer. The Governing Body may order the hearing to be recorded by the Municipal Clerk/Treasurer, at the expense of the applicant(s). The Governing Body may admit and give probative effect to evidence which possesses probative value commonly accepted by reasonably prudent individuals. The Municipal Attorney may limit testimony where it appears incompetent, irrelevant, or unduly repetitious. If there is opposition to the application and such opposition desires the opportunity to present arguments and to cross-examine the applicant and any witness in favor of such application, they shall choose a spokesperson to perform such function who shall notify the Municipal Attorney of his/her representation prior to the start of the hearing.

The order of the proceedings is as follows:

1. Exhibits will be marked in advance by the Municipal Clerk/Treasurer and presented to the Municipal Attorney during the presentation.
2. Presentation of evidence, witnesses, and arguments by applicant.
3. Testimony of any other citizens in favor of such proposed license.
4. Examination of applicant, witnesses or citizens by Municipal Attorney, Governing Body, or duly appointed agent.
5. Examination of applicant, witnesses or citizens by spokesperson for opposition, if any...
6. Presentation of evidence and witnesses by opposition.
7. Testimony of any other citizens in opposition to such proposed license.
8. Presentation of evidence by Municipality administration and agent.
9. Cross-examination by applicant.
10. Rebuttal evidence by both parties, and by Municipality administration and agent.
11. Summation by applicant and opposition spokesperson, if any.

In all cases, the burden of proof and persuasion shall be on the party filing the application.

Any member of the Governing Body and the Municipal Attorney may question witnesses, call witnesses, or request information. All witnesses shall be sworn.

The Governing Body may make further inquiry and investigation following the hearing.

The Governing Body or the applicant may order the hearing to be recorded by the Municipal Clerk/Treasurer, at the expense of the applicant(s). (Ref. 53-134 RS Neb.)

**10-109 ALCOHOLIC BEVERAGES: LIQUOR APPLICATION, RETAIL LICENSING STANDARDS.** Local Governing Bodies shall only have authority to approve applications and deny licenses pursuant to the Nebraska Liquor Control Act. The Governing Body shall only consider the following licensing standards and criteria at the hearing and an evaluation of any applicant for a retail alcoholic liquor license, for the upgrading of a license to sell alcoholic liquor or for the expansion or change in location or the premises, and for the purpose of formulating a recommendation from the Governing Body to the Nebraska Liquor Control Commission in accordance with the Nebraska Liquor Control Act. THESE LICENSING STANDARDS ARE:

1. The adequacy of the law enforcement resources and services in the area
2. The recommendation of the local law enforcement agency or any other law agency.
3. Existing motor vehicle and pedestrian traffic flow and parking problems

4. Zoning restrictions and the local Governing Body's zoning and land use policies.
5. Sanitation or sanitary conditions on or about the proposed licensed premises.
6. The existence of a citizen's protest and similar evidence in support of or in opposition to the application.
7. The existing population and projected growth within the jurisdiction of the local Governing Body and within the area to be served.
8. The existing liquor licenses, the class of such license and the distance and times of travel between establishments that issued such licenses.
9. Whether the proposed license would be compatible with the neighborhood or community where the proposed premises are located.
10. Whether the type of business or activity proposed to be operated or presently operated in conjunction with the proposed license is and will be consistent with the public interest as declared in Section 53-101.1 RS Neb.
11. Whether the applicant can ensure that all alcoholic beverages, including beer and wine, will be handled in accordance with Section 53-102 RS Neb.
12. Whether the applicant has taken every precaution to protect against the possibility of shoplifting of alcoholic liquor, which alcoholic liquor shall be displayed and kept in and sold from an area which is reasonably secured.
13. Whether the applicant is fit, willing and able to properly provide the service proposed in conformance with all the provisions and requirements of rules and regulations adopted and promulgated pursuant to the act.
14. Whether the applicant has demonstrated that the type of management and control exercised over the licensed premises will be sufficient to ensure that the licensee can conform to all the provisions and requirements of an rules and regulations adopted and promulgated pursuant to the act.
15. The background information of the applicant established by information contained in the public records of the Commission and investigations conducted by law enforcement agencies.
16. Past evidence of discrimination involving the applicant as evidenced by findings of fact before any administrative board or agency of the local governing body, any other governmental board or agency of the local governing body, any other governmental unit or any court of law.
17. Whether the applicant or the applicant's representatives suppressed any fact or provided any inaccurate information to the Commission or local Governing Body or the employees of the Commission or local Governing Body or the employees of the Commission or local Governing Body in regard to the license application or liquor investigation. The applicant shall be required to cooperate in providing a full disclosure to the investigating agents of the local Governing Body.
18. Proximity of and impact upon schools, hospitals, libraries, parks, and public institutions.
19. Whether activities proposed to be conducted on the licensed premises or in adjacent related outdoor areas will create unreasonable noise or disturbance.



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**10-106 ALCOHOLIC BEVERAGES; CATERING LICENSE.** The holder of a Class C, Class D, or Class I liquor license issued under subdivision five (5) of Section 53-124, RS Neb., may obtain an annual catering license as prescribed in this Section. Any such licensee desiring to obtain a catering license shall file an application with the Liquor Control Commission.

Upon receipt from the Commission of the notice and copy of the application as provided in Section 53-124.12, RS Neb., the Governing Body shall fix a time and place at which a hearing will be held, and at which time the Governing Body shall receive evidence, under oath, either orally, or in writing, from the applicant and any other person concerning the propriety of the issuance of such license. Such hearing shall be held not more than forty-five (45) days after the receipt of notice from the Commission. The Governing Body may examine or cause to be examined under oath any applicant; examine or cause to be examined the books and records of any such applicant; to hear testimony and to take proof for its information in the performance of its duties. For the purpose of obtaining any of the information desired, the Governing Body may authorize its agent, Municipal Clerk/Treasurer or the Municipal Attorney to act on its behalf.

Notice of the time and place of such hearing shall be published in a legal newspaper in, or of general circulation in the Municipality one (1) time not less than seven (7) nor more than fourteen (14) days before the time of the hearing. Such notice shall include but not be limited to a statement that all persons desiring the given evidence before the local Governing Body in support of or in protest against the issuance of such license may do so at the time of the hearing.

The Governing Body shall, after the hearing, approve or deny the application within forty-five (45) days of receipt of such application from the Commission, and shall cause to be spread at large in the minute record of its proceedings a resolution approving or denying such application. The Municipal Clerk/Treasurer shall thereupon mail or deliver to the Commission a copy of the resolution within ten (10) days of the decision to approve or deny the application.

Any resolution denying an application rendered by the Governing Body shall be in writing or stated in the record and shall be accompanied by findings. The findings shall consist of concise statements of the conclusions upon each contested issue. The applicant shall be notified of the decision in person or by mail.

The Governing Body with respect to catering licenses within its corporate limits may cancel a catering license for cause for the remainder of the period for which such license is issued. Any person whose catering license is canceled may appeal to the District Court. (Ref. 53-124.12, 53-132, 53-134 RS Neb.)

**10-111 ALCOHOLIC BEVERAGES: LIQUOR RENEWAL.** Retail or bottle club licenses issued by the commission and outstanding may be automatically renewed in the absence of a request by the Governing Body to require the said licensee to issue an application for renewal. Any licensed retail or bottle club establishments located in an area which is annexed to the Municipality shall file a formal application for a license and, while such application is pending, the licensee shall be authorized to continue all license privileges pursuant to this Article until the original license expires, is concealed or revoked. If such license expires within sixty (60) days following the annexation date of such area, the license may be renewed by order of the Commission for not more than one (1) year. The Municipal Clerk/Treasurer, upon notice from the Commission, between January tenth (10th) and January thirtieth (30th) of each year, shall cause to be published in a legal newspaper in or of general circulation in the Municipality one (1) time a notice in the form prescribed by law of the right of automatic renewal of each retail liquor and beer license within the Municipality; provided Class C license renewal notices shall be published between the dates of July tenth (10th) of each year or August tenth (10th) of each year for Class C licenses. Upon the conclusion of any hearing required by this Section, the Governing Body may request a licensee to submit an application. (Ref. 53-135, 53-153.01, RS Neb.)

**10-112 ALCOHOLIC BEVERAGES: MUNICIPAL POWER AND DUTIES.** The Governing Body is authorized to regulate by ordinance not inconsistent with the provisions of the Nebraska Liquor Control Act the business of all retail and bottle club licensees carried on within the corporate limits. The Governing Body shall further have the power and duties in respect to licensed retailers of alcoholic beverages to cancel or revoke for cause retail or bottle club licensees to sell or dispense alcoholic liquors issued to persons for premises within its jurisdiction subject to the right of appeal to the Commission; to enter or to authorize any law enforcement officer to enter at any time upon any premise likened by the State of Nebraska to determine whether any of the provisions of the Municipal laws or the laws of the State of Nebraska are being violated; to receive such complaints in the manner herein provided; to cancel or revoke on its own motion any license if, upon the same notice and hearing as provided in Section 10-107, it determines that the licensee has violated any of the provisions of the Nebraska Liquor Control Act or any valid and subsisting ordinance or regulation duly enacted relating to alcoholic liquors; and to collect for the benefit of the State of Nebraska and the Municipality all license fees and occupation taxes as prescribed by law. (Ref. 53-134, RS Neb.)

**10-113 ALCOHOLIC BEVERAGES: OWNER OF PREMISE.** The owner of any premise used for the sale at retail or 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 premise in violation of any Municipal Code Section or Nebraska Statute. (Ref. 53-1 RS Neb.)

**10-114 ALCOHOLIC BEVERAGES: 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 of omission or violation of any law or ordinance 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 has been committed by him/her personally. (Ref. 53-1, 102 RS Neb.)

**10-115 ALCOHOLIC BEVERAGES: MINORS.** It shall be unlawful for any person or person to sell or made gift of any alcoholic liquors or to procure any such alcoholic liquors for any minor or other person who is mentally, physically or otherwise incompetent whether due to natural disabilities or the prior consumption of alcoholic beverages. (Ref. 53-180 RS Neb.)

**10-116 ALCOHOLIC BEVERAGES: CREDIT SALES.** No person shall sell or furnish alcoholic liquor at retail to any person or persons for credit of any kind, barter or for services rendered; provided; nothing herein continued shall be construed to prevent any bona fide club 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 by-laws of any such club; and provide further, nothing herein shall be construed to prevent any hotel from permitting checks or statement for liquor to be signed by bona fide guests residing in the said hotel and charged to the accounts of such guests. (Ref. 53-183 RS Neb.)

**10-117 ALCOHOLIC BEVERAGES: SPIKING BEER.** It shall be unlawful for any person or persons who own, manage or lease any premise in which the sale of alcoholic beverages is licensed to serve or offer for sale any beer to which there has been added any alcohol or permit any person or persons to add alcohol to any beer on the licensed premise of such licensee. (Ref. 53-174 RS Neb.)

**10-118 ALCOHOLIC BEVERAGES: ORIGINAL PACKAGE.** It shall be unlawful for any person or persons who own, manage or lease any premise in which the sale of alcoholic beverages is licensed to have in their possession for sale at retail any alcoholic liquors contained in bottles, casks or other containers except in the original package. (Ref. 53-184 RS Neb.)

**10-119 ALCOHOLIC BEVERAGES: HOURS OF SALE.** It shall be lawful for any license person or persons to sell at retail any alcoholic beverages during the hours that the pools are open on the day in which any local, county or statewide primary or general election is conducted. It shall further be unlawful for any licensed person or persons or their agents to sell any alcoholic beverages within the Municipality except during the hours provided herein:

HOURS OF SALE

ALCOHOLIC LIQUORS (except beer and wine)

Secular Days, Monday through Thursday

Off Sale-----8:00 am to 12:00 AM of the same day

On Sale-----8:00 Am to 12:00 AM of the same day

Secular Days, Friday and Saturday

Off Sale-----8:00 AM to 1:00 AM of the same day

On Sale-----8:00 AM to 1:00 AM of the same day

Sundays

Off Sale-----12:00 Noon to 7:00 PM of the same day

On Sale-----12:00 Noon to 7:00 PM of the same day

## BEER AND WINE

Secular Days, Monday through Thursday

Off Sale-----8:00 AM to 12:00 AM of the same day

On Sale-----8:00 AM to 12:00 AM of the same day

Secular Days, Friday and Saturday

Off Sale-----8:00 AM to 1:00 AM of the Following day

On Sale-----8:00 AM to 1:00 AM of the Following day

Sundays

Off Sale-----12:00 Noon to 7:00 PM of the same day

On Sale-----12:00 Noon to 7:00 PM of the same day

provided that such limitation shall not apply after twelve o'clock (12) noon on Sunday to a licensee which is a nonprofit corporation holding a license pursuant to Section 53-124(5)(C) and (H) RS Neb.

No person or persons shall consume any alcoholic beverages on licensed premises for a period of time longer than fifteen (15) minutes after the time fixed herein for stopping the sale of alcoholic beverages on the said premises. 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, "off sale" shall be defined as alcoholic beverages sold at retail in the original container for consumption off the premises of the licensed establishment.

Nothing in this Section shall be construed to prohibit license premise from being open for other business on days and hours during which the sale or dispensing of alcoholic beverages is prohibited by this Section. (Ref. 53-179 RS Neb.)

**10-120 ALCOHOLIC BEVERAGES: 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 premise shall be subject to any health inspections the Governing Body of the Municipal Law Enforcement Officer may make or cause to be made. All application for liquor licenses shall be viewed in paw from the standpoint of the sanitary conditions and a report concerning the said sanitary condition shall be made at all hearing concerning the application for or renewal of a liquor license.

**10-121 ALCOHOLIC BEVERAGES: HIRING OF MINORS.** It shall be unlawful for any person to hire a minor, regardless of sex, under the age of nineteen (19) years to serve or dispense alcoholic liquors, including beer, to said licensee's customers. (Ref. 53-102 RS Neb.)

**10-122 ALCOHOLIC BEVERAGES: CONSUMPTION IN PUBLIC PLACES.** It shall be unlawful for any person to consume alcoholic beverages within the corporate limits upon the public ways and property including inside vehicles while upon the public ways and property. It shall further be unlawful for any person to consume alcoholic beverages within any other public business that is not a licensed liquor establishment.

**10-123 ALCOHOLIC BEVERAGES: ACQUISITION OF ALCOHOLIC BEVERAGES.** It shall be unlawful for any person to have possession of any alcoholic liquors which shall have acquired otherwise than from a licensee duly license to sell same to such person under the provisions of the Nebraska Liquor Control Act; providing nothing herein shall prevent the possession of alcoholic liquor for the personal use of the possessor, his family and guests nor prevent the making of wine, cider, or other alcoholic fermentation and without distillation if it is made solely for the use of the maker, his family and his guests; provide further, that nothing herein shall prevent any duly licensed practicing physician or dentist from possessing or using alcoholic liquor in the strict practice of his profession or any hospital or institution caring for the sic and diseased person from possessing any alcoholic liquor for the treatment for bona fide patient of such hospital or other institution; provided further, that any drug store employing a license pharmacist may possess and use alcoholic liquors in the compounding of prescriptoin of duly license phsicians; and provided fruther, that the possession and dispensatoin of wine by an authorized representatevie of any church for the purpose of conductin any bona fide rite or religious cermony conducted by such church shall not be prohibited by this Section.

**10-124 ALCOHOLIC BEVERAGES: REMOVAL OF INTOXICATED PERSONS FROM PUBLIC PROPERTY.** Any law enforcement officer with the power to arrest for traffic violation may take a person who is intoxicated and in the judgement of the officer dangeous to himself or other or who is otherwise incapacitated from any public property. An officer removing an intoxicated person to his home or to any hospittal, clinic, alcoholism center or medicla doctor as may be necessary to preserve life or to prevent injury. If these measures are unsuccessful or are not feasiblek, the ofice may then place such intoxicated person in civil protective custody except that civbil protective custodyu shall be used only as lnog s it is necessary to preserve life or to prevent injury and under no circumstance longer than twelve (12) hous. The placement of such person in civil protective custody shall be recorded at the facility or jail at which he is deliverd and communicated to his family or next of kin if they can be loctred or to such person desgnted by the person taken inot civil protective custody. The law enforcement officer who acts in compoianc with this Seciton shall be deemed to be actin in the course of his official duty and shall not be criinally or civilly liable for such actions. The taking of anindividual into civil protective custody under this Seciton shall not be considered and arrest. No enry or other record shall be made to indicate that the prson has been arrested or charged with a crime. For the purposes of this Section, public property shall men any public right-of-way, street, highway, alley, park or other state, county or minicipally owned property. (Ref. 53-121 RS Neb.)



## CHAPTER 10

### BUSINESS REGULATIONS

#### ARTICLE 2. MOBILE HOME COURTS AND TRAILER COURTS

**10-201 MOBILE HOME COURT.** The term “mobile home court” shall mean a contiguous parcel of land under single ownership which has been developed for the placement of mobile homes and approved by the Governing Body and is owned by an individual, firm, partnership or corporation that has received a permit from the Village of Madrid.

**Trailer Court.** The term “trailer court” also referred to as a trailer camp shall mean any plot of ground approved by the Municipality upon which two (2) or more trailers or mobile homes occupied for dwelling or sleeping purposes are located and which has receive a special permit for its location from the Governing Body.

**10-202 TRAILER COURTS AND MOBILE HOME COURTS: PERMIT REQUIRED.** It shall be unlawful for any person to construct, maintain, or operate any trailer court or mobile home court within the limits of the Municipality unless he hold a valid permit issued by the Municipal Clerk in the name of such person for the specific trailer court or mobile home courtly. Applications for permits shall be made to the Municipal Clerk who shall issue a permit upon compliance by the applicant with provisions of this Article, as evidenced by a certificate of compliance, which certificate shall show compliance with applicable legal requirements. No permit shall be transferable. Every person holding a trailer court or mobile home court permit shall give notice in writing to Th. Municipal Clerk within seventy-two (72) hours after having sold, transferred, given away, or otherwise disposed of any interest in or control of any trailer court or mobile home court. Such notice shall include the name and address of the person succeeding to the ownership or control of the trailer court or mobile home court.

Presently operating trailer courts and mobile home courts as of the effective date of this Article may continue their operation; Provided, they meet the court development standards herein provided and further that they fully comply with the mobile home or trailer stand requirements of this Article.

**10-203 TRAILER COURTS AND MOBILE HOME COURTS: LOCATION, SPACE AND GENERAL LAYOUT.** Trailer courts or mobile home courts shall be located on a well-drained site, free from marshes, swamps, or other potential breeding places for insects or rodents, and so that its drainage will not endanger any water supply.

Adequate space between each dwelling unit shall be provide in such a manner as to protect the inhabitants of said court from fire and spread of disease.

**10-204 TRAILER COURTS AND MOBILE HOME COURTS: WATER SUPPLY.** An accessible, adequate, safe and potable water supply shall be provided in each trailer court or mobile home court, capable of furnishing a minimum of one hundred fifty (150) gallons per day pr trailer space. And independent water supply to serve a trailer court shall be developed only after

express approval has been granted by the Governing Body. Where a public supply of water of such quality is available, connection shall be made thereto and that supply be used exclusively.

**10-205 TRAILER COURTS AND MOBILE HOME COURTS: PLUMBING.** Plumbing in trailer or mobile home courts shall comply with the Municipal plumbing ordinances and regulations.

**10-206 TRAILER COURTS AND MOBILE HOME COURTS: SEWER CONNECTIONS** Each independent trailer space or mobile home space shall be provide with at least a three (3) inch sewer connection the sewer connection shall be provided with suitable fittings as adapters so that a watertight connection can be made between a trailer or mobile home drain and the sewer connection. Such individual trailer or mobile home connections shall be constructed so that they can be close when not linked to a trailer or mobile home and shall be capped so as to prevent escape odors.

**10-207 TRAILER COURTS AND MOBILE HOME COURTS: SEWER LINES.** Sewer lines shall be constructed in accordance with plans approved by the Sewer Commissioner. All sewer lines shall be adequately vented, and shall be laid with sufficient earth to prevent breakage from traffic.

**10-208 TRAILER COURTS AND MOBILE HOME COURTS: REFUSE DISPOSAL.** Storage, collection, and disposal of refuse in a trailer or mobile home court shall be managed so as not to create health hazards, rodent harborage, insect-breeding areas, accident or fire hazards, or air pollution.

**10-209 TRAILER COURTS AND MOBILE HOME COURTS: REFUSE STORAGE.** Refuse shall be stored in fly-tight, watertight, rodent-proof containers, which shall be located not more than one hundred fifty (150) feet form an trailer or mobile home. Containers shall be provided in sufficient number and capacity to store properly all refuse, and otherwise in conformity with the garbage and refuse ordinance.

**10-210 TRAILER COURTS AND MOBILE HOME COURTS: SUPERVISION.** The person to whom a permit for a trailer court or mobile home court is issued shall provide adequate personnel to maintain the court, its facilities and equipment in good repair and in a clean and sanitary condition at all times.

**10-211 TRAILER HOME, PROHIBITION AGAINST PARKING AND OCCUPYING OUTSIDE MOBILE HOME COURT.** No mobile home shall be parked or occupied in any District outside an approved Mobile Home Court for more than 48 hours except. (1) if placed s a permanent residence pursuant to a valid building permit or (2) on a special permit issued by the Village Board. Such permit shall be issued for a period not to exceed thirty (30) days and shall

not be renewable within the same calendar year, provided however, a permit maybe issued for parking and occupying a mobile home on land owned by the occupant or occupants during the construction of a residence thereon for a period not exceeding 180 days and which shall be renewable for an additional period not exceeding 180 days. However, if material progress with home construction is not made within thirty (30) days from the issuance of a permit of if construction ceases for a consecutive period of thirty (30) days said permit shall become void.

If the mobile home is being parked on the site waiting to be placed as a permanent residence, the owner does not need a permit for the first thirty (30) days. If the mobile home has not been placed as a permanent residence within thirty (30) days, a building permit must be acquired, or a permit must be acquired pursuant to this section.

For the purpose of this Section, "place as a permanent residence" shall mean to place on a permanent foundation, or to provide skirting material around the entire mobile home, or to modify the mobile home in such other manner as to render it more usable as a permanent residence than as a towable mobile home. (Adopted 10/8/90)

## **CHAPTER 10**

### **BUSINESS REGULATIONS**

#### **ARTICLE 3. FIREWORKS**

**10-301 FIREWORKS; VENDOR REGULATION.** It shall be unlawful for any person or persons to sell fireworks of any description whatsoever except sparklers, vesuvius fountains, spray fountains, torches, color fire cones, star and comet type color aerial shells without explosive charges for the purpose of making a noise, lady fingers, not to exceed seven-eighths (7/8) of an inch in length or one-eighth (1/8) inch in diameter, total explosive composition not to exceed fifth milligrams in weight, color wheels and any other fireworks approved under section 28-1247 RS Nebraska. Color wheels, toy cap pistols and permissible caps may be sold at retail at all times; provided, that all other fireworks named may be sold only between June twenty-fourth (24th) and July fifth (5th); provided, that fireworks of any description are permissible for purposes of public exhibitions or displays as authorized by the Governing Body. (Ref. 28-1246.04 through 28-1252 RS Neb.)

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#### **ARTICLE 4. TOBACCO LICENSES**

**10-401 TOBACCO LICENSES; GENERALLY.** It shall be unlawful for any person, partnership or corporation to sell, keep for sale or give away in the course of trade any cigars, tobacco cigarettes or cigarette material to anyone without first obtaining a license from the Municipal Clerk/Treasurer. Said applicant shall file a written application stating the name of the applicant, exact location of the place of business and shall deposit with such application a license fee of ten (\$10.00) dollars. Said license shall then be issued by the Municipal Clerk/Treasurer and the ten (\$10.00) dollar fee transferred to the local school district. (Ref. 28-1421 through 28-1429 RS Neb.)



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### BUSINESS REGULATIONS

#### ARTICLE 5. BUILDING MOVING AND DISMANTLING

**10-501 BUILDING MOVING AND DISMANTLING; REGULATION.** It shall be unlawful for any person, firm or corporation to move or dismantle any building or structure within the Municipality without a written permit to do so. Application may be made to the Municipal Clerk/Treasurer and shall include the location of the building to be moved or dismantled, the proposed route, the equipment to be used and such other information as the Governing Body may require. The application shall be accompanied by a certificate issued by the County Treasurer to the effect that all the provisions regulating the moving of buildings have been complied with on the part of the owner of the real estate upon which the said building is presently located. The Municipal Clerk/Treasurer shall refer the said application to the Governing Body for approval of the proposed route over which the said building is to be moved. Upon approval of the Governing Body, the Municipal Clerk/Treasurer shall then issue the said permit; provided, that a good and sufficient corporate surety bond, check or cash in an amount set by motion of the Governing Body and conditioned upon moving said building without doing damage to any private or Municipal property is filed with the Municipal Clerk/Treasurer prior to the granting of any permit. In the event it will be necessary for any licensed building mover to interfere with the telephone or telegraph poles and wires or a gas line, the company or companies owning, using or operating the said poles, wires or line shall, upon proper notice of at least twenty-four (24) hours, be present and assist by disconnecting the said poles, wires or line relative to the building moving operation. All expense of the said disconnection, removal or related work shall be paid in advance by the licensee unless such disconnection or work is furnished on different terms as provided in the said company's franchise. Whenever the moving of any building necessitates interference with a water main, sewer main, pipes or wire belonging to the Municipality, notice in writing of the time and route of the said building moving operation shall be given to the various Municipal officials in charge of the Municipal utility departments who shall proceed in behalf of the Municipality and at the expense of the mover to make such disconnections and do such work as is necessary.

**10-502 BUILDING MOVING AND DISMANTLING; DEPOSIT.** At such times as the building moving has been completed, the Utilities Superintendent shall inspect the premise and report to the Municipal Clerk/Treasurer as to the extent of damages, if any, resulting from the said relocation and whether any Municipal ordinances have been violated during the said operation. Upon a satisfactory report from the Utilities Superintendent, the Municipal Clerk/Treasurer shall return the corporate surety bond, cash or check deposited by the applicant. In the event the basement, foundation or portion thereof is not properly filled, covered or in a clean and sanitary condition, the Governing Body may apply the money deposited for the purpose of defraying the expense of

correcting the said conditions. If the expense of correcting the hazardous condition is greater than the amount of the deposit set by resolution of the Governing Body, as required herein, the Governing Body may recover such expense by civil suit or otherwise as prescribed by law.

## **CHAPTER 10**

### **BUSINESS REGULATIONS**

#### **ARTICLE 6. SALES AND ADVERTISING**

**10-601 SALES AND ADVERTISING; PEDDLERS AND HAWKERS, REGULATION.** To prevent the sale of fraudulent, dangerous and unhealthful goods and services; to protect the public maintaining records of the products sold and the persons and companies responsible for such sales; and for the purpose of raising revenue, all peddlers and hawkers shall, before doing business within the Municipality, make application for and be issued a license. Application for a license shall be made to the Municipal Clerk/Treasurer upon forms supplied by the Municipality and shall contain all the necessary information and documents required for the protection of the residents of the Municipality. Any person or persons granted a peddler and hawker license shall be subject to any fees, occupation taxes and other rules and regulations which the Governing Body deems appropriate for the purposes stated herein. Any license so granted shall be subject to the revocation for good and sufficient cause by the Municipal Law Enforcement Officer. (Ref. 17-134, 17-525 RS Neb.)

## CHAPTER 10

### BUSINESS REGULATIONS

#### CHAPTER 7. AMUSEMENTS

**10-701 AMUSEMENTS; PUBLIC DANCE, DEFINED.** The term "public dance" as used herein shall include any dance, rock festival, masquerade or ball given or conducted for which a fee, contribution or collection for purposes of admission is charged; provided, the term "public dance" shall not be construed to include dances, music festivals, masquerades or balls to which admission is limited strictly to persons expressly invited by the person, organization or society giving or holding such dance, masquerade or ball and which is not given or conducted designedly for profit or gain to such person, organization, or society giving or conducting the same; and provided further, that the provisions herein shall not apply to any dance conducted under the supervision and direction of the Governing Body of any college or school district within the Municipality. (Ref. 17-207 RS Neb.)

**10-702 AMUSEMENTS; PUBLIC DANCE, SUPERVISION.** The Municipal Law Enforcement Officer(s) shall be permitted to enter any public dance for the purpose of inspection at any time. The Governing Body is hereby empowered to appoint or designate a matron or inspector to be present at any and all public dances conducted within the Municipality. The matron or inspector shall take the oath required of the Municipal Law Enforcement Officer and shall have all the powers and duties conferred upon regularly appointed law enforcement officers. It shall be the duty of said matron or inspector to enforce the provisions herein. Said matron or inspector may call upon any policeman or the person or persons conducting the said dance for assistance in ejecting any person from the dance if that person is offending against the decent and peaceful proprieties of a social gathering. The matron or inspector so appointed shall be entitled to charge for his services at each dance and shall receive such fee as the Governing Body shall, by motion, designate. Said fee shall be paid by the person or persons conducting the public dance prior to the opening of said public dance. It shall be unlawful for any person or persons conducting a public dance to begin the said dance until a matron or inspector is present unless the Governing Body waives their right to make such an appointment. The said matron or inspector shall make a written report to the Governing Body concerning each dance attended. The Governing Body may, in its discretion, designate one (1) or more additional peace officers to work with the matron or inspector during the hours of the public dance and the compensation of any additional peace officer so appointed shall be equal to and paid in the same manner as the matron or inspector's compensation. (Ref. 17-207 RS Neb.)

## CHAPTER 10

### BUSINESS REGULATIONS

#### CHAPTER 8. BUSINESS ENTERPRISES

**10-801 BUSINESS ENTERPRISES; RAILROAD COMPANIES, SAFE CROSSINGS.** It shall be the duty of every railroad company doing business in or traveling through the Municipality to keep in a suitable and safe condition the crossing and right-of-way in the Municipality. If any such crossing shall at any time fall into disrepair and become unsafe or inconvenient for public travel, the Governing Body may by resolution call upon the said company to make whatever repairs that they may deem 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 thirty (30) days, neglect for each twenty-four (24) hours thereafter shall be deemed and is hereby made a separate and distinct offense against the provisions herein.

**10-802 BUSINESS ENTERPRISES; RAILROAD COMPANIES, LIGHTING.** It shall be the duty of all railroad companies owning, operating and maintaining a railroad through the Municipality to sufficiently light all crossings and to install as many signal systems as the Governing Body shall deem necessary at the expense of said company. (Ref. 17-561 RS Neb.)

**10-803 BUSINESS ENTERPRISES; RAILROAD COMPANIES, OBSTRUCTING TRAFFIC.** It shall be unlawful for any railroad company, its employees, agents or servants operating a railroad through the Municipality to obstruct traffic on any public street except in the event of an emergency for a longer period, at one time, of more than five (5) minutes.

**10-804 BUSINESS ENTERPRISES; RAILROAD COMPANIES, WARNING.** It shall be the duty of every railroad company, its agents or servants to ring a bell continually or to sound a whistle while crossing the streets within the corporate limits. When any such train shall be standing between streets, it shall be unlawful for any such company or its servants in charge to start or permit such train or engine to be started without first ringing a bell or sounding a whistle for at least fifteen (15) seconds before starting.

**10-805 BUSINESS ENTERPRISES; RAILROAD COMPANIES, DRAINAGE.** It shall be the duty of any railroad company owning, maintaining or operating a railroad within or through the corporate limits of the Municipality to construct and keep in repair all ditches, drains and culverts along and under their railroad tracks at all places within the Municipal corporate limits where the same may be necessary for the escape of water and the property training of the territory on either side of the railroad right-of-way. If the railroad company should fail or neglect to construct or repair the drain, ditch or culvert and to put the same in a proper condition for the escape of water, the Governing Body



shall by resolution order the railroad to provide for the proper drainage of water on the right-of-way. A copy of the resolution shall be served to the local agent for the railroad and failure or neglect by the railroad to correct the drainage within fourteen (14) days shall constitute a separate and distinct misdemeanor for each twenty-four (24) hour period thereafter.

**10-806 BUSINESS ENTERPRISES; RAILROAD COMPANIES, OBSTRUCTING VIEW AT CROSSINGS PROHIBITED.** It shall be unlawful for any railroad company to obstruct or obscure the traveling public's view by storing or parking any railroad car on a railroad track within forty (40) feet of the crossing of any such railroad track and a public road within the corporate limits of the Municipality; provided, however, in no instance shall any person who is authorized to control the movement of such railroad car or cars within such distance be prevented from reasonably conducting his business. (Ref. 74-1323 RS Neb.)

## CHAPTER 10

### BUISNESS REGULATIONS

#### ARTICLE 9: PENAL PROVISION

**10-901 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 one hundred (\$100.00) dollars for each offense. A new violation shall be deemed to have been committed every twenty-four (24) hours of such failure to comply.

**10-902 ABATEMENT OF NUISANCE.** Whenever a nuisance exists as defined in this Chapter, the Municipality may proceed by a suit in equity to enjoin and abate the same, in the manner provided by law.

Whenever in any action, it is established tat a nuisance exists, the court may together with the fine or penalty imposed, enter an order of abatement as a part of the judgment in the case. (Ref. 18-1720, 10-1722 RS Neb.)

## CHAPTER 11

### MUNICIPAL PLANNING

#### ARTICLE 1. MUNICIPAL LIMITS

**11-101 MUNICIPAL LIMITS; DEFINED.** All additions, lots, lands, subdivisions and parcels of ground included within the official Municipal Map and plat on file at the office of the County Register of Deeds, having been by act or ordinance of the Governing Body or by law duly annexed to or made a part of this Municipality or having been by the act, authority, acquiescence, consent, platting and dedication of their respective owners, created either as the original townsite or as additions to the Municipality are hereby declared to be within the corporate limits of the Municipality. Lawfully constituted additions or changes in said Municipal Limits shall be indicated upon said maps and plat by the Governing Body after such addition or changes have been completed in accordance with the ordinances of this Municipality and the laws of the State of Nebraska.

**11-102 MUNICIPAL LIMITS; ORIGINAL PLATS.** Each and all plats, lots, blocks, additions, subdivisions, outlots and parcels of ground included within the corporate limits of the Municipality and not vacated of record prior to the enactment of this Chapter, including the Original Plat of the Municipality, are hereby accepted, approved and confirmed as valid and each and all of said lots, blocks, additions, subdivisions and outlots as heretofore platted and recorded in the office of the County Register of Deeds and not heretofore vacated and all other parcels of ground, included within said corporate limits, are hereby declared to be within said Municipality and an integral part thereof.

## CHAPTER 11

### MUNICIPAL PLANNING

#### ARTICLE 2. SUBDIVISIONS AND ADDITIONS

**11-201 MUNICIPAL PLANNING; SUBDIVISIONS AND ADDITIONS, GENERALLY.** The owner of any tract of land within the corporate limits of the Municipality may lay out said land into lots, blocks, streets, avenues and alleys as a suburban development or as an addition to the Municipality upon conformance to and compliance with the conditions herein and with the Statutes of Nebraska. (Ref. 17-405, 17-426, 17-1002, 19-902 RS Neb.)

**11-202 MUNICIPAL PLANNING; SUBDIVISIONS AND ADDITIONS, SURVEY AND PLAT.** The owner or proprietor of any tract or parcel of land within the corporate limits or within one (1) mile thereof desiring to subdivide or lay out said tract of land shall cause the same to be accurately surveyed and an accurate map or plat thereof made with reference to known or permanent monuments and said map or plat shall explicitly describe the land so laid out. The map or plat shall designate the tract as " . . . . .  
 . . . . Addition to the Village of Maywood, Nebraska," or "Subdivision of the Village of Maywood, Nebraska", whichever is appropriate. The lots and blocks shall be designated by numbers and the streets and avenues by names coinciding with the streets and avenues of the Municipality of which they form continuations. The plat shall show the length and depth of the lots and width and course of all streets, avenues and alleys, together with an accurate plat of all lots, blocks and streets. (Ref. 17-405, 17-1003, 19-902 RS Neb.)

**11-203 MUNICIPAL PLANNING; SUBDIVISIONS AND ADDITIONS, SURVEYOR'S CERTIFICATE.** The map or plat shall be accompanied by a certificate from the surveyor making said survey and plat, that he accurately surveyed the said tract and the lots, blocks, streets, avenues and alleys are accurately shown upon the said map or plat. (Ref. 17-405, 17-1003 RS Neb.)

**11-204 MUNICIPAL PLANNING; SUBDIVISIONS AND ADDITIONS, DEDICATION.** Said map or plat shall have written thereon or attached hereto a dedication to this Municipality for the use of the public, of all streets, avenues, alleys, parks, squares and commons and all land set apart for public use or dedicated to charitable, religious and educational purposes as therein mentioned and described. Such dedication shall be signed by the owner of the tract of land and shall be duly acknowledged as required by law. (Ref. 17-417, 17-1003 RS Neb.)

**11-205 MUNICIPAL PLANNING; SUBDIVISIONS AND ADDITIONS, STREETS AND ALLEYS.** Streets and alleys laid out in any addition to or in any suburban development of the Municipality shall be continuous with and correspond in direction and width to the streets and alleys of the Municipality to which they are an addition.

(Ref. 17-418, 17-1003 RS Neb.)

**11-206 MUNICIPAL PLANNING; SUBDIVISIONS AND ADDITIONS; APPROVAL OF PLAT.** Before any such map or plat shall have any validity, it must first be submitted to and be approved and accepted by the Governing Body of this Municipality and must have such acceptance and approval endorsed thereon; provided, that, before any such map or plat shall be considered, approved or accepted, the owner or proprietor shall pay or cause to be paid all taxes, special taxes and assessments due thereon and shall produce a certificate showing that all such taxes and assessments have been paid or canceled. (Ref. 17-1002, 19-902 RS Neb.)

**11-207 MUNICIPAL PLANNING; SUBDIVISIONS AND ADDITIONS, RECORDING PLAT.** If a majority of all members of the Governing Body shall vote in favor of such suburban development or annexation, an ordinance shall be prepared and passed by the Governing Body granting such approval or declaring the annexation of such territory to the corporate limits of this Municipality and extending the limits thereof accordingly, whichever is appropriate. An accurate map or plat of such territory and said dedication as hereinbefore described, certified by the engineer or surveyor and acknowledged and approved as provided by law in such cases, shall at once be filed and recorded by the owner or proprietor of such land in the office of the Register of Deeds of the County, together with a certified copy of the ordinance granting approval or declaring such annexation, under the seal of said Municipality. (Ref. 19-916 RS Neb.)

**11-208 MUNICIPAL PLANNING; SUBDIVISIONS AND ADDITIONS, ADDITIONS.** All additions to this Municipality which have heretofore been approved and accepted or which may hereafter be laid out in accordance with the provisions herein and accepted and approved shall be and become incorporated in this Municipality for all purposes whatsoever and inhabitants of such additions shall be entitled to all the rights and privileges and be subject to all the laws and regulations of said Municipality. (Ref. 19-916 RS Neb.)



## CHAPTER 12

### FRANCHISES

#### ARTICLE 1. \_\_\_\_\_, INC., FRANCHISE

**12-101 FRANCHISES; RIGHT, POWER, AUTHORITY.** That \_\_\_\_\_, Inc., its successors and assigns is hereby granted the right, power and authority to continue the operation, maintenance and extension of the telephone system now presently operated by it and existing upon the streets, alleys and public grounds of the Village of Madrid, Consolidated Telco, Inc. is further granted the right, power, authority and privilege to maintain, rebuild, extend, and relocate said telephone system and to use all streets, alleys and public grounds now owned or hereafter acquired by said Village from and after January 1, 1998; provided, however, that said \_\_\_\_\_, Inc., shall be subject to such provisions, requirements or restrictions as may now or hereafter be imposed by law or the Village Board of said Village of Madrid that said company may place underground telephone cables under the streets, alleys and public grounds of said Village, erect, construct, build maintain and repair all poles, wires, lines, arms and other equipment above the ground on said streets and alleys and public grounds which are necessary to maintain and operate said telephone system; provided, that where new extensions or relocations of said system or a part hereof are deemed necessary, consent of the Utilities Superintendent or Board of Trustees of the Village of Madrid shall first be obtained for said new extensions or relocations. That said company may continue its present ownership and operation of a telephone exchange and may purchase, lease, erect, equip, maintain, own or operate all such plants, machinery, of said Village, erect, construct, build, maintain and repair provided, that where new extensions or relocations of said system or a part hereof are deemed necessary, consent of the Utilities Superintendent or Board of Trustees of the Village of Madrid shall first be obtained for said new extensions or relocations. That said company may continue its present ownership and operation of a telephone exchange and may purchase, lease, erect, equip, maintain, own or operate all such plants, machinery, equipment or buildings within the corporate limits of said Village as are necessary to maintain said telephone system and hold, own or lease any and all real estate necessary to conduct said business. That said company, its successors and assigns shall have the right to own and conduct a rural telephone exchange and the right to provide switcher service for any other telephone system entering or passing through said Village, the right to conduct a telephone pole business, to furnish telephone power and service to any person, firm or corporation beyond the corporate limits of said Village and to have and enjoy such other and further rights as are usually granted and enjoyed by other telephone companies.

**12-102 FRANCHISES; NOTICE OF INTENTION TO OTHERS.** Whenever it shall become necessary for any person, firm or corporation to move along, across or over any of the streets, alleys or public grounds of said Village, any vehicles or structures of such height or size as may tend to interfere with any of the poles, wires or other structures of said company system, or, in the event excavating is to be done in, upon or across said

streets, alleys and public grounds of said Village that might interfere or damage any underground cable of said company, such person, firm or corporation before commencement of any of the acts above set forth shall at least forty-eight (48) hours before commencement give written notice of said intention and shall make a deposit of at least twenty-five dollars (\$25.00) with said company and said company shall, within twenty-four (24) hours after said forty-eight (48) hours notice has elapsed, temporarily remove such poles, wire, underground cables or other structures as may intend to interfere with the movement or operations hereinbefore indicated. Said company shall make no charge in excess of the cost of the labor and materials involved for its services and shall refund any amount deposited in excess of said costs; provided, however, that the Village of Madrid, by its agents and servants but not its contractors, shall not be required to make said deposit and company shall file its claim for the cost of labor and materials as a result of the operations of the Village with the Municipal Clerk/Treasurer.

**12-103 FRANCHISES; PENAL PROVISIONS.** Any person, firm or corporation who shall willfully interfere with, cut, injure, remove, break or destroy any part or portion of the equipment of said system owned and operated by said company, its successors or assigns shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) and any person who shall paste, tack or fasten in any manner on the poles or other equipment of said company any signs, posters, advertisements, notice or banner shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined in the sum of not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00)

## CHAPTER 12

### FRANCHISES

#### ARTICLE 2. , ELECTRIC FRANCHISE

**12-201 FRANCHISES; RIGHT, POWER, AUTHORITY.** That \_\_\_\_\_, Nebraska, its successors and assigns is hereby granted the right, power and authority to continue the operation, maintenance and extension of the municipal electric system now presently operated by it and existing upon the streets, alleys and public grounds of the Village of Madrid, \_\_\_\_\_, Nebraska, is further granted the right, power, authority and privilege to maintain, rebuild, extend, and relocate said electric system and to use all streets, alleys and public grounds now owned or hereafter acquired by said Village from and after January 1, 1998; provided, however, that said \_\_\_\_\_, Nebraska, shall be subject to such provisions, requirements or restrictions as may now or hereafter be imposed by law or the Village Board of said Village of Madrid that said company may place underground cables under the streets, alleys and public grounds of said Village, erect, construct, build maintain and repair all poles wires, lines, arms and other equipment above the ground on said streets and alleys and public grounds which are necessary to maintain and operate said municipal electric system; provided, that where new extensions or relocations of said system or a part hereof are deemed necessary, consent of the Utilities Superintendent or Board of Trustees of the Village of Madrid shall first be obtained for said new extensions or relocations. That said company may continue its present operation of the municipal electric system and may purchase, lease, erect, equip, maintain, own or operate all such plants, machinery, equipment or buildings within the corporate limits of said Village as are necessary to maintain said municipal electric system and hold, own or lease any and all real estate necessary to conduct said business. That said company, its successors and assigns shall have the right to own and conduct a municipal electric system and the right to provide municipal electric service to any person, firm or corporation beyond the corporate limits of said Village and to have and enjoy such other and further rights as are usually granted and enjoyed by other municipal electric companies.

**12-202 FRANCHISES; NOTICE OF INTENTION TO OTHERS.** Whenever it shall become necessary for any person, firm or corporation to move along, across or over any of the streets, alleys or public grounds of said Village, any vehicles or structures of such height or size as may tend to interfere with any of the poles, wires or other structures of said company system, or, in the event excavating is to be done in, upon or across said streets, alleys and public grounds of said Village that might interfere or damage any underground cable of said company, such person, firm or corporation before commencement of any of the acts above set forth shall at least forty-eight (48) hours before commencement give written notice of said intention and shall make a deposit of at least twenty-five dollars (\$25.00) with said company and said company shall, within twenty-four (24) hours after said forty-eight (48) hours notice has elapsed, temporarily

## CHAPTER 12

### FRANCHISES

#### ARTICLE 2. \_\_\_\_\_, NEBRASKA, CABLE FRANCHISE

**12-201 FRANCHISES; RIGHT, POWER, AUTHORITY.** That \_\_\_\_\_, Nebraska, Cable, its successors and assigns is hereby granted the right, power and authority to continue the operation, maintenance and extension of the cable television system now presently operated by it and existing upon the streets, alleys and public grounds of the Village of Madrid, \_\_\_\_\_, Nebraska, Cable, is further granted the right, power, authority and privilege to maintain, rebuild, extend, and relocate said cable television system and to use all streets, alleys and public grounds now owned or hereafter acquired by said Village from and after January 1, 1998; provided, however, that said \_\_\_\_\_, Nebraska, Cable, shall be subject to such provisions, requirements or restrictions as may now or hereafter be imposed by law or the Village Board of said Village of Madrid that said company may place underground cables under the streets, alleys and public grounds of said Village, erect, construct, build maintain and repair all poles wires, lines, arms and other equipment above the ground on said streets and alleys and public grounds which are necessary to maintain and operate said cable television system; provided, that where new extensions or relocations of said system or a part hereof are deemed necessary, consent of the Utilities Superintendent or Board of Trustees of the Village of Madrid shall first be obtained for said new extensions or relocations. That said company may continue its present ownership and operation of a cable television system and may purchase, lease, erect, equip, maintain, own or operate all such plants, machinery, equipment or buildings within the corporate limits of said Village as are necessary to maintain said cable television system and hold, own or lease any and all real estate necessary to conduct said business. That said company, its successors and assigns shall have the right to own and conduct a cable television system and the right to provide cable television service to any person, firm or corporation beyond the corporate limits of said Village and to have and enjoy such other and further rights as are usually granted and enjoyed by other cable television companies.

**12-202 FRANCHISES; NOTICE OF INTENTION TO OTHERS.** Whenever it shall become necessary for any person, firm or corporation to move along, across or over any of the streets, alleys or public grounds of said Village, any vehicles or structures of such height or size as may tend to interfere with any of the poles, wires or other structures of said company system, or, in the event excavating is to be done in, upon or across said streets, alleys and public grounds of said Village that might interfere or damage any underground cable of said company, such person, firm or corporation before commencement of any of the acts above set forth shall at least forty-eight (48) hours before commencement give written notice of said intention and shall make a deposit of at least twenty-five dollars (\$25.00) with said company and said company shall, within twenty-four (24) hours after said forty-eight (48) hours notice has elapsed, temporarily

remove such poles, wire, underground cables or other structures as may intend to interfere with the movement or operations hereinbefore indicated. Said company shall make no charge in excess of the cost of the labor and materials involved for its services and shall refund any amount deposited in excess of said costs; provided, however, that the Village of Madrid, by its agents and servants but not its contractors, shall not be required to make said deposit and company shall file its claim for the cost of labor and materials as a result of the operations of the Village with the Municipal Clerk/Treasurer.

**12-203 FRANCHISES; PENAL PROVISIONS.** Any person, firm or corporation who shall willfully interfere with, cut, injure, remove, break or destroy any part or portion of the equipment of said system owned and operated by said company, its successors or assigns shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) and any person who shall paste, tack or fasten in any manner on the poles or other equipment of said company any signs, posters, advertisements, notice or banner shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined in the sum of not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00)