

## **CHAPTER 10: BUSINESS REGULATIONS**

### *Article*

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## **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.**

(A) 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.

(B) 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.

(1) Does not prohibit a nonpublic college or university from contracting with an individual or corporation holding a license to sell alcoholic liquor at retail for the purpose of selling alcoholic liquor at retail on the campus of such college or university at events sanctioned by such college or university but does prohibit the sale of alcoholic liquor at retail by such licensee on the campus of such nonpublic college or university at student activities or events; and

(2) Does not prohibit sales of alcoholic liquor by a community college culinary education program pursuant to section 53-124.15 RS Neb. *(Ref. 53-177 RS Neb.)*

**§ 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; a person who has never been associated with, or kept, a house of ill fame; a person who has never been convicted of, or pleaded guilty to, a crime or misdemeanor opposed to decency and morality; a person who has never had a liquor license revoked for cause; or a person who has not acquired a beneficial interest in more than two (2) alcoholic beverage retail establishments since March 4, 1963. (*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 with the Liquor Control Commission. The Commission shall then notify the Municipal Clerk 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 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 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 to give 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 shall thereupon mail to the Commission by first class mail, postage prepaid, a copy of the resolution which shall state the cost of the published notice. *(Ref. 53-131, 53-134 RS Neb.) (Amended by Ord. Nos. 1988-560, 10/4/88; 570, 12/5/89)*



**§ 10-108 ALCOHOLIC BEVERAGES; LIQUOR LICENSE RENEWAL.**

Retail liquor 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. The Municipal Clerk, 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) and July thirtieth (30th) of each year. The Municipal Clerk shall then file with the Commission proof of publication of said notice on or before February tenth (10th) of each year or August tenth (10th) of each year for Class C licenses. In the event that written protests are filed by three (3) or more residents of the Municipality against said license renewal, the Municipal Clerk shall deliver the protests to the Governing Body who shall thereupon proceed to notify the Commission that they are to require the said licensee to submit an application. *(Ref. 53-135, 53-135.01 RS Neb.) (Amended by Ord. No. 463, 10/20/79)*

**§ 10-109 ALCOHOLIC BEVERAGES; MUNICIPAL POWERS AND DUTIES.**

The Governing Body shall have the power and duties in respect to licensed retailers of alcoholic beverages to revoke for cause retail licenses to sell 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 licensed 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 signed complaints from any citizens within its jurisdiction that any of the Municipal laws, or laws of the State of Nebraska, are being violated, and to act upon such complaints in the manner herein provided; 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.)*

**§ 10-110 ALCOHOLIC BEVERAGES; OWNER OF PREMISES.**

The owner of any premise 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 premise in violation of any Municipal Code Section or Nebraska Statute. *(Ref. 53-1,101 RS Neb.)*

**§ 10-111 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 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 personally. (*Ref. 53-1,102 RS Neb.*)

#### **§ 10-112 ALCOHOLIC BEVERAGES; CLEAR VIEW.**

It shall be unlawful to use any screen, blind, curtain, partition, article, or other device in the windows or upon the doors of any retail liquor establishment, other than restaurants, hotels, and clubs, which will have the effect of preventing a clear view into the interior of such licensed premise from the street, road, or sidewalk at all times. All licensed premises shall be continuously lighted during business hours by natural or artificial white lights to insure the clear visibility into said establishment. Any licensee who willfully violates the provisions of this Section shall be subject to a revocation of his license by the Municipality as provided herein. (*Ref. 53-167 RS Neb.*)

#### **§ 10-113 ALCOHOLIC BEVERAGES; MINORS.**

It shall be unlawful for any person or persons to sell, or make a 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.*)

#### **§ 10-114 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 services rendered; provided, nothing herein contained 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 bylaws of any such club; and provided further, nothing herein shall be construed to prevent any hotel from permitting checks or statements 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.*)

#### **§ 10-115 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.*)



**§ 10-116 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.)

**§ 10-117 ALCOHOLIC BEVERAGES; HOURS OF SALE.**

It shall 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

Off Sale. . . . . 6:00 A.M. to 1:00 A.M.  
On Sale. . . . . 6:00 A.M. to 1:00 A.M.

Sundays

Off Sale. . . . . 10:00 A.M. to 1:00 A.M.  
On Sale. . . . . 12:00 Noon to 1:00 A.M.

**Beer and Wine**

Secular Days

Off Sale. . . . . 6:00 A.M. to 1:00 A.M.  
On Sale. . . . . 6:00 A.M. to 1:00 A.M.

Sundays

Off Sale. . . . . 10:00 A.M. to 1:00 A.M.  
On Sale. . . . . 12:00 Noon to 1:00 A.M.

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.

Nothing in this section shall be construed to prohibit licensed premises from being open for other business on days and hours during which the sale or dispensing of alcoholic beverages is prohibited by this section. (Ref. 53-179 RS Neb.) (Amended by Ord. Nos. 506A, 6/5/84; 696, 10/5/99; 864, 10/2/12)

**§ 10-118 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 or the Municipal Police may make, or cause to be made. All applications for liquor licenses shall be viewed in part from the standpoint of the sanitary conditions, and a report concerning the said sanitary conditions shall be made at all hearings concerning the application for, or renewal of, a liquor license. *(Ref. 53-118 RS Neb.)*

**§ 10-119 ALCOHOLIC BEVERAGES; HIRING 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.)*

**§ 10-120 ALCOHOLIC BEVERAGES; CONSUMPTION IN PUBLIC PLACES.**

It shall be unlawful for any person to consume alcoholic beverages within the corporate limits upon the public streets, alleys, parking areas, roads, highways, or inside vehicles while upon the public streets, alleys, parking areas, roads, or highways or upon any property owned by the Municipality or other governmental subdivision thereof, unless authorized by separate resolution of the City Council; provided, the provisions of this section shall not apply to liquor establishments licensed by the State of Nebraska. *(Amended by Ord. No. 702, 3/14/00)*

**§ 10-121 ALCOHOLIC BEVERAGES; ACQUISITION OF ALCOHOLIC BEVERAGES.**

It shall be unlawful for any person to have possession of any alcoholic liquors which shall have been acquired otherwise than from a licensee duly licensed 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 liquor by a person from fruits, vegetables or grains, or the product thereof, by simple fermentation and without distillation, if it is made solely for the use of the maker, his family and his guests; provided 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 sick and diseased persons, from possessing any alcoholic liquor for the treatment of bona fide patients of such hospital or other institution; provided further, that any drug store employing a licensed pharmacist may possess and use alcoholic liquors in the compounding of

prescriptions of duly licensed physicians; and provided further, that the possession and dispensation of wine by an authorized representative of any church for the purpose of conducting any bona fide rite or religious ceremony conducted by such church shall not be prohibited by this Section. (*Ref. 53-102, 53-175 RS Neb.*)

**§ 10-122 ALCOHOLIC BEVERAGES; REMOVAL OF INTOXICATED PERSONS FROM PUBLIC PROPERTY.**

Any law enforcement officer with the power to arrest for traffic violations may take a person who is intoxicated and in the judgment of the officer dangerous to himself, herself, or to others, or who is otherwise incapacitated, from public property. Such removal shall be in compliance with Section 53-1,121 RS Neb. (*Ord. No. 461, 10/2/79*)

**§ 10-123 LIQUOR APPLICATIONS; RETAIL LICENSING STANDARDS.**

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

1. The adequacy of existing law enforcement resources and services in the area.
2. Existing motor vehicle and pedestrian traffic flow in the vicinity of the proposed licensed premises, potential traffic and parking problems, and the proximity and availability of on-street and off-street parking.
3. Zoning restrictions.
4. Sanitation or sanitary conditions on or about the proposed licensed premises.
5. The existing population, and projected growth, both city-wide and within the area to be served.
6. The existing liquor licenses, the class of such license, and the distance and times of travel to such licenses.
7. The nature and needs of the neighborhood or community where the proposed premises are located as well as its projected growth.

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

The preceding standards are not necessarily of equal value that can be computed in a mathematical formula. Rather, they are standards which can be weighed and cumulated positively and negatively. The burden of proof and persuasion shall be on the party filing the application. When applicable, the term "applicants" as used herein is synonymous with "license." (*Ref. 53-134 RS Neb.*) (*Ord. No. 536, 9/2/86*)



## ARTICLE 2: SALES AND ADVERTISING

### § 10-201 PEDDLERS; PERMIT REQUIRED.

It shall be unlawful for any person to engage in business as a peddler as hereinafter defined within the corporate limits of the City without first having obtained a permit thereof as herein provided.

*(Amended by Ord. No. 758, 8/19/04)*

### § 10-202 DEFINITIONS.

For purposes of this Article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**PEDDLER.** Any person traveling by foot, automobile, motor truck, vehicle, or other type of conveyance, from house to house, from residence to residence, or from dwelling to dwelling, carrying, conveying, or transporting goods, wares, meats, fish, vegetables, fruits, candies, magazines, or other products or merchandise or provisions of whatsoever nature, offering and exposing the same for sale, or making sales and delivering such articles to purchasers, or offering to furnish or perform services.

(1) Includes any person traveling either by foot, automobile, motor truck, vehicle or other type of conveyance, from house to house, from residence to residence or from dwelling to dwelling, taking or attempting to take orders for sale of goods, wares, meats fish, vegetables, fruits, candies, magazines, books, or other products or merchandise of whatsoever nature for future delivery, or for services to be furnished or performed in the future, whether or not such person has, carries, or exposes for sale a sample of the subject of such sale, whether or not such person is collecting advance payment on such sales.

(2) Includes hawker, huckster, canvasser, and solicitor. *(Ord. No. 758, 8/19/04)*

#### § 10-202.01 APPLICATION.

Applications for permits under this chapter shall be filed with the City Clerk on a Form to be furnished by the City Clerk, which shall give the following information:

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(A) Name, date of birth, and description of applicant;

(B) Address;

(C) Brief description of the nature of the business and goods to be sold or services to be provided;

(D) If employed, the name and address of the employer, together with the documents verifying such employment;

(E) If a vehicle is to be used, description of the same, together with the license number;

(F) The length of time (not to exceed one year) for which the right to do business as a peddler is desired;

(G) Copy of health department permit (if applicable);

(H) Copy of State of Nebraska sales tax permit (if applicable). (*Ord. No. 758, 8/19/04*)

**§ 10-202.02 INVESTIGATION AND ISSUANCE.**

(A) Upon receipt of an application as described, the original shall be referred to the Chief of Police, who shall cause an investigation of the statements contained within the application to be made to determine if the same be true and correct.

(B) If, as a result of such investigation the Chief of Police finds that the statements within the application are materially untrue or incorrect, or if it is found that the applicant has been convicted within the past ten (10) years of a felony or a crime involving moral turpitude, the Chief of Police shall disapprove such application in writing and provide the reasons for the same, and return said application to the City Clerk, who shall notify the applicant that the application is disapproved and that no permit will be issued.

(C) If, as such a result of such investigation, the statements contained in the application are found to be true and correct, and the applicant has not been convicted within the past ten (10) years of any felony or any crime involving moral turpitude, the Chief of Police shall approve the application in writing and shall return the said application to the City Clerk for issuance of the permit.

(D) The permit shall contain the signature and seal of the issuing officer and show the name and address of the permittee and the kind of goods to be sold there under, or services to be furnished or performed, the date of issuance, and the length of time the same shall be operative. The City Clerk shall keep a permanent record of all permits issued. (*Ord. No. 758, 8/19/04*)

**§ 10-202.03 QUALIFICATIONS OF APPLICANT.**

No permit shall be issued to any person:

(A) Who has been convicted of a felony, or a crime involving moral turpitude within the ten (10) years immediately preceding the date of the filing of such application with the City Clerk;

(B) Who is under the age of sixteen (16) years unless the applicant first obtains an employment certificate as required by state law; or

(C) Whose permit has been previously revoked. (*Ord. No. 758, 8/19/04*)

**§ 10-203 TRANSFER.**

Permits issued under this Chapter shall be nontransferable and no such permit shall be issued at any time by any person other than to the one to whom it was issued. (*Ord. No. 758, 8/19/04*)

**§ 10-204 DUTY OF POLICE TO ENFORCE; RECORDS.**

It shall be the duty of any Police Officer of the City to enforce the provisions of this Chapter against any person found to violating the same. The Chief of Police shall report to the City Clerk all convictions for violations of this Article, and the City Clerk shall maintain a record for each permit issued and record reports of violations therein. (*Ord. No. 758, 8/19/04*)

**§ 10-205 PEDDLING HOURS RESTRICTED.**

It shall be unlawful to make door-to-door in-person calls as a peddler to prospective customers before 8:00 a.m. or after 6:00 p.m. on any day of the week unless requested to do so by the prospective customer. (*Ord. No. 758, 8/19/04*)

**§ 10-206 EXHIBITION OF PERMIT.**

Peddlers shall exhibit their permits at the request of any Police Officer, or at the request of they occupant of any house, residence or dwelling, which such peddler has approached in search of a prospective customer. (*Ord. No. 758, 8/19/04*)



**§ 10-207 EXPIRATION OF PERMIT.**

All permits issued under the provisions of this Article shall expire on the date specified in the permit, but in no event later than one (1) year after issuance of the same. *(Ord. No. 758, 8/19/04)*

**§ 10-208 PERMIT FEE.**

(1) Prior to the issuance of a peddler's permit, the applicant shall pay a fee based upon the duration of the permit. That fee shall be:

One week . . . . .	\$15.00
One month. . . . .	\$30.00
Six months. . . . .	\$50.00
One year. . . . .	\$75.00

(2) All such fees collected shall be delivered to the City Clerk for deposit in the City's General Fund. *(Ord. No. 758, 8/19/04)*

**§ 10-209 REVOCATION OF PERMIT.**

Permits issued under the provisions of this Article may be revoked for any of the following causes:

- (1) Fraud, misrepresentation, or false statement contained in the application.
- (2) Fraud, misrepresentation, or false statement made in the course of carrying on the permittee's business as a peddler.
- (3) Any violation of this Article; or
- (4) Conviction of any felony or violation of any municipal ordinance, state or federal law involving moral turpitude. *(Ord. No. 758, 8/19/04)*

**§ 10-210 EXCEPTION.**

The provisions of this Article shall not apply to officers or employees of the City of Milford or to officers or employees of county, state or federal governments or any subdivision thereof when on official business; or any person selling or offering for sale merchandise or services in conjunction with a solicitation by a non-profit or charitable organization; or persons having established place of residency in the county; or established routes of business. (*Ord. No. 758, 8/19/04*)

**§ 10-211 PENALTY.**

Any person who shall violate any of the provisions of this Article shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than one hundred dollars (\$100.00) nor more than three hundred dollars (\$300.00). Each day that a violation of this Article continues shall constitute a separate and distinct offense and shall be punishable as such. The penalty provided in this section shall be cumulative with and in addition to the revocation of the permit. (*Ord. No. 758, 8/19/04*)





## ARTICLE 3: AMUSEMENTS

### § 10-301 DEFINITIONS.

The following definitions shall be applied throughout this Chapter. Where no definition is specified, the normal dictionary usage of the word shall apply.

**BOWLING; DEFINED.** The term "bowling alley" shall be construed to mean any room, building, or structure in which a game consisting of rolling a heavy ball down a wooden lane in an attempt to knock over wooden pins set upright at the opposite end of the lane is played whether, or not, it is in connection with any other business.

### § 10-302 BOWLING; REGULATIONS.

It shall be unlawful for any person or persons to own, maintain, or operate any bowling alley for profit without having first obtained a license from the Municipality. Any person desiring a license to operate, maintain, or own a bowling alley shall file a written application with the Municipal Clerk. Said application form shall contain such information and documents or copies thereof, as the Governing Body deems necessary to determine whether to grant or reject the application. Upon determination that the granting of the license would be beneficial to the Municipality, the Governing Body shall immediately direct the Municipal Clerk to issue the said license to the applicant upon the payment of a fee set by resolution of the Governing Body. Said license shall be subject to revocation at any time for good and sufficient cause by the Governing Body upon the issuance of proper notice and a hearing if the licensee should make such a request. Any person or persons so licensed shall be subject to any bond, fees, or other rules and regulations as may be set by resolution of the Governing Body for the benefit of the Municipality. (*Ref. 17-120, 17-525 RS Neb.*)

### § 10-303 BINGO; REGULATION.

Games of bingo shall be conducted within the Municipality in accordance with all laws of the Municipality and the State of Nebraska if the said game of bingo is played for or involves profit or gain. Any association duly licensed by the State of Nebraska to conduct the game of bingo shall obtain a written permit from the Governing Body before commencing operation of said game. Application shall be made to the Municipal Clerk for such permit. Said application form shall contain such information and documents or copies thereof as the Governing Body deems necessary to determine whether to grant or reject the application. Upon the determination that granting the application would be proper, the Governing Body shall immediately direct the Municipal Clerk to issue the said license to the applicant

upon the payment of a fee set by resolution of the Governing Body. Said license shall be subject to revocation at any time for good cause. Any person or persons, so licensed, shall be subject to any other fees, rules, and regulations which the Governing Body may designate. All permits so issued will automatically expire on March thirty-one (31), following its issuance or renewal. The fee for each renewal unless otherwise prescribed shall be in the sum of ten (\$10.00) dollars. Said fee shall be credited to the General Fund. The permit shall be on display at any place where a game of bingo is conducted. *(Ref. 9-236 RS Neb.)*

#### **§ 10-304 BINGO; TAX.**

A tax of five (5%) percent of the gross receipts of each licensed association deriving revenue from the game of bingo is hereby imposed and levied against each such association and payable on or before the thirtieth (30th) day of the immediately succeeding calendar quarter to the Municipal Treasurer. Such tax shall be credited to the Municipal General Fund. *(Ref. 9-239 RS Neb.)*

#### **§ 10-305 BINGO; QUARTERLY REPORT.**

Each association conducting the game of bingo shall submit a written quarterly report to the Municipal Clerk covering the preceding calendar quarter on or before the thirtieth (30th) day of the immediately succeeding calendar quarter. *(Ref. 9-239 RS Neb.)*

#### **§ 10-306 BINGO; INCORPORATED REGULATION.**

All applicable State statutes as they now exist or may hereafter be amended shall be, and will constitute, a part of this Article as if repeated verbatim herein, and violation of any State statute will be a distinct and separate offense against the Municipality as well as against the State. Violators thereof shall be separately prosecuted by the Municipality for each of such offenses, and if convicted, shall be deemed to be guilty of a misdemeanor. *(Ref. 9-201 through 9-265 RS Neb.)*

#### **§ 10-307 POOL AND BILLIARDS; DEFINITION.**

*(Repealed by Ord. No. 689, 2/2/99)*

#### **§ 10-308 POOL AND BILLIARDS; REGULATION.**

*(Repealed by Ord. No. 689, 2/2/99)*

## ARTICLE 4: BUSINESS ENTERPRISES

### § 10-401 TRAILERS; DEFINITIONS.

The following definitions shall be applied throughout this Chapter. When no definition is specified, the normal dictionary usage of the word shall apply.

**TRAILER COACH OR TRAILER.** The term "Trailer Coach" or "Trailer" means any vehicle or structure so designed and constructed in such manner as will permit occupancy thereof as sleeping quarters for one or more persons, or the conduct of any business or profession, occupation or trade (or use as a selling or advertising device), and so designed that it is or may be mounted on wheels and used as a conveyance on highways or Municipal streets, propelled or drawn by its own or other motive power, excepting a device used exclusively upon stationary rails or tracks.

**DEPENDENT TRAILER COACH.** The term "dependent trailer coach" shall mean a trailer coach which does not have a toilet and a bathtub or shower.

**INDEPENDENT TRAILER COACH.** The term "independent trailer coach" shall mean a trailer coach that has a toilet and a bathtub or shower.

**TRAILER COACH SPACE.** The term "trailer coach space" shall mean a plot of ground within a trailer court designated for the accommodation of one (1) trailer coach.

**SERVICE BUILDING.** The term "service building" shall mean a building housing toilet facilities for men and women, with slop-water closet and laundry facilities, and with separate bath or shower accommodations.

**TRAILER CAMP.** The term "Trailer Camp" means any park, trailer park, trailer court, court, camp, site, lot, parcel, or tract of land designed, maintained or intended for the purpose of supplying a location or accommodations for any trailer coach or trailer coaches and upon which any trailer coach or trailer coaches are parked and shall include all buildings used or intended for use as part of the equipment thereof whether a charge is made for the use of the trailer camp and its facilities or not. Trailer Camp shall not include automobile or trailer sales lots on which unoccupied trailers are parked for purposes of inspection and sale.

**STREET.** The term "street" shall mean any public street, avenue, road, alley, or highway, located in the Municipality and established for the use of vehicles, the boundaries of which are hereby determined to be the outer boundaries of said street, avenue, road, or alley, as platted and dedicated as

shown by the official records of the Municipality and the County as shown on the official records in the office of the County Clerk as official streets, avenues, roads, or alleys within the corporate limits.

**FIRE PREVENTION AUTHORITY.** The term "Fire Prevention Authority" shall mean the Volunteer Fire Department.

**BOARD OF HEALTH.** The term "Board of Health" shall be the Board of Health as created in Chapter 2, Article 2 of this Code.

**PERMIT.** The term "permit" shall mean a written permit issued by the Municipal Clerk and approved by the Health Officer, permitting the trailer court to operate under this Code and any regulations promulgated thereunder.

**TRAVEL TRAILER, CAMPER, AND CONVERTED BUS.** The terms "travel trailer," "camper," and "converted bus," shall mean any portable structure or vehicle supported upon its own axle or axles used or so constructed as to permit its being used as a conveyance upon the public streets or highways and duly licensable as such and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one or more persons for a limited or temporary time or basically designed for travel or camping purposes, propelled or drawn by its own or other motive power.

**TRAILER SPACE.** The term "trailer space" shall mean a plot of ground within a trailer court, designated for the accommodation of one (1) trailer coach.

#### **§ 10-402 TRAILERS; PERMIT REQUIRED.**

It shall be unlawful for any person to construct, maintain, operate, or alter any trailer camp within the corporate limits unless he holds a valid permit, in the name of such person for the specific trailer camp. All applications for permits shall be made to the County Clerk, who shall issue a permit upon compliance by the applicant with provisions of this Code relative to trailer camps. No permit shall be transferable. Every person holding such a permit shall give notice in writing to the 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. Such notice shall include the name and address of the person succeeding to the ownership or control of such trailer court. Applications for permits shall be in writing, signed by the applicant, and accompanied by an Affidavit of the applicant as to the truth of the application, and shall contain the following:

1. The name and address of the applicant.
2. The location and legal description of the trailer court.
3. A complete plan of the trailer court, showing compliance with all applicable provisions of this Code and regulations promulgated thereunder.



4. Such further information as may be requested by the Board of Health to enable him to determine that the proposed trailer court will comply with legal requirements.

**§ 10-403 TRAILERS; MAINTENANCE.**

All trailer camps shall be maintained under the management and supervision of the owner or person in control of the premise on which the same is located, or of a duly authorized representative of such owner, who shall be personally responsible for the maintenance of such trailer camp in accordance with all sanitary and fire protection rules and regulations of the Municipality and the State of Nebraska.

**§ 10-404 TRAILERS; INSPECTIONS.**

All trailer camps shall be under the supervision of the Board of Health, which Board shall make and provide for inspections of trailer camps at reasonable times, and shall recommend to the Governing Body such additional rules and regulations as may be deemed advisable or necessary for the sanitation, safety, and proper maintenance of said trailer camps.

**§ 10-405 TRAILERS; LIABILITY OF OWNER.**

The operator of a trailer camp shall be primarily liable for all utility service bills charged against each trailer house and shall make monthly remittances to the Municipality for such bills.

**§ 10-406 TRAILERS; MANAGEMENT.**

In every trailer camp there shall be an office building in which shall be located the office of the person in charge of said camp. A copy of the camp license shall be posted therein and the camp register shall at all times be kept in said office.

It is hereby made the duty of the attendant or person in charge, together with the licensee to:

1. Keep at all times a register of all occupants of each trailer space which shall be open at all times to inspection by officers of the Municipality showing for all such occupants:
  - a. Names and addresses.
  - b. Dates of entrance and departure.
  - c. License numbers of all trailers and other towed automobiles.
  - d. States issuing such licenses.

2. Maintain the camp in a clean, orderly and sanitary condition at all times.
3. Report to the Director of Health all cases of persons or animals affected or suspected of being affected with any communicable disease.
4. Prohibit the use of any trailer by a greater number of occupants than that which it is designated to accommodate.

#### **§ 10-407 TRAILERS; REVOCATION OF PERMIT.**

A permit to establish and maintain a trailer camp may be revoked by the Governing Body for cause, at any time, for a violation of the provisions of this Code or of the rules and regulations relating to trailers, or for any other cause or conduct, reasonably deemed by the Governing Body as sufficient cause of revocation of such permit. Before the revocation of such permit, the Municipality shall cause to be served on the operator of such trailer camp, a notice to appear and show cause on a specified day and at a specified time, why his permit for his trailer camp should not be revoked. Such notice to show cause may be served by mailing the same in the United States mails to the address of the operator given in his application in such permit with sufficient postage affixed thereto. The operator of the trailer camp involved shall be given reasonable opportunity to be heard at the time fixed for his appearance to show cause, and no permit for such trailer camp shall be revoked until the operator involved has been heard at the designated time if he desires to be heard.

#### **§ 10-408 TRAILERS; PROHIBITED LOCATION.**

After the effective date hereof, except as otherwise provided, it shall be unlawful for any person to park a trailer or trailer coach within the corporate limits for purposes of using said trailers as a dwelling or sleeping place for one or more persons or the conduct of any business or profession, occupation or trade, or use as a selling or advertising device, except in a designated and approved trailer camp for which a permit has been issued and is currently valid.

#### **§ 10-409 TRAILERS; PROHIBITED PARKING.**

It shall be unlawful for any person to park any trailer coach, travel trailer, camper or converted bus on any official street, avenue, road, alley, or highway within the corporate limits for a period of time in excess of twenty-four (24) hours, and subject to any other and further prohibitions, regulations, or limitations imposed by the traffic and parking regulations as any resolution of the Governing Body may provide relating thereto.

#### **§ 10-410 TRAILERS; AUTHORIZED CAMP.**

Trailer camps shall be located on well-drained sites, and shall be so located that drainage will not

endanger any water supply. All such trailer courts shall be in areas free from marshes, swamps, or other potential breeding places for insects or rodents. The area of the trailer camp shall be large enough to accommodate the following:

1. The designated number of trailer court spaces.
2. Necessary streets and roadways.
3. Parking areas for motor vehicles.
4. Service areas and playgrounds for trailer camps in which independent trailer coaches only are parked.

Each trailer space shall be clearly defined and shall contain a minimum of one thousand (1,000) square feet. Each space shall be laid out in such a manner that a minimum of twenty (20') feet of space exists between any two (2) trailers or ten (10') feet between any trailer and any building; Provided, no trailer shall be closer than two hundred (200') feet from any service building. No trailers shall be less than ten (10') feet from any adjacent property of the trailer court. Each trailer space shall abut on a driveway with unobstructed access to a public street.

It shall be illegal to park a trailer coach less than twenty-five (25') feet from any street or highway right-of-way, or so that any part of such trailer will obstruct any roadway or walkway.

It shall be illegal to allow any trailer coach to remain while being occupied for dwelling or sleeping purposes in a trailer camp unless a trailer space is available.

Access roads shall be provided to each trailer coach space. Each access road shall be continuous, shall connect with a street or highway, and shall have a minimum width of twenty-five (25') feet.

Areas shall be provided for the parking of motor vehicles. Such areas shall have motor vehicle parking spaces in a number equal to or in excess of the number of trailer coach spaces provided.

Playground areas, when required, shall be provided, and shall be restricted to such use. These areas shall be protected from the main highway and from parking areas. A minimum of one hundred (100) square feet per coach space shall be made available in one or more places for such playground areas.

#### **§ 10-411 TRAILERS; ALTERATIONS AND ADDITIONS.**

No permanent enclosed additions of any kind shall be built onto, nor become a part of, any trailer coach. Skirting of coaches is permissible, but such skirting shall not attach the trailer permanently to the ground, provide a harborage for rodents, or create a fire hazard.

The wheels of the trailer shall not be removed, except temporarily when necessary for repairs. Jacks or stabilizers may be placed under the frame of the trailer to prevent movement on the springs while the

trailer is parked and occupied. Four (4) anchors shall be provided for each trailer coach space. Each trailer shall be anchored as soon as possible after location on space.

**§ 10-412 TRAILERS; WATER SUPPLY.**

An adequate supply of pure water, furnished through a pipe distribution system connected directly with a Municipal water main, with supply outlets located at every trailer space, shall be provided.

**§ 10-413 TRAILERS; APPLICABILITY OF PLUMBING, ELECTRICAL, AND BUILDING CODES.**

All plumbing, electrical, building, and other work on or at any camp shall be in accordance with the laws of the Municipality regulating such work.

**§ 10-414 TRAILERS; SERVICE BUILDINGS.**

Each trailer court serving dependent trailer coaches shall be provided with one (1) or more service buildings adequately equipped with flush-type fixtures. No service building shall contain less than two (2) toilets for women, one (1) toilet for males, one (1) lavatory and shower for each sex, one (1) urinal for males, one (1) laundry tray, and one slop-water closet. Dependent trailer coaches shall be parked not more than two hundred (200') feet from the service building.

Service buildings shall:

- A. Be located fifteen (15') feet or more from any trailer coach space;
- B. Be of permanent construction, and be adequately lighted;
- C. Be of moisture-resistant material, to permit frequent washing and cleaning;
- D. Have sufficient toilet and laundry facilities, according to requirements promulgated by the Health Officer, to serve adequately both males and females;
- E. Have adequate heating facilities to maintain a temperature of seventy (70) degrees Fahrenheit during cold weather, and to supply a minimum of three (3) gallons of hot water per hour per coach space during time of peak demands;
- F. Have all rooms well ventilated, with all openings effectively screened;
- G. Have at least one (1) slop-water closet, supplied with hot and cold water, in a separate room.

**§ 10-415 RAILROAD COMPANIES; SAFE CROSSING.**

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 crossings 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 it 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 forty-eight (48) hours, neglect for each twenty-four (24) hours thereafter shall be deemed, and is hereby made a separate, and distinct offense against the provisions herein. *(Ref. 17-143, 17-144, 17-551, 17-552, 75-414 RS Neb.)*

**§ 10-416 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 the said company. *(Ref. 17-561 RS Neb.)*

**§ 10-417 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 than ten (10) minutes. *(Ref. 17-552 RS Neb.)*

**§ 10-418 RAILROAD COMPANIES; DRAINAGE.**

When any drains, ditches, or culverts may be necessary for the escape of water and the proper drainage of the territory on either side of any such railroad track, the Council may by resolution call upon the proper railroad company to construct or repair the said drain, ditch or culvert and place the same in a proper condition for the escape of water or the proper drainage of the territory on either side of the said railroads. A copy of every such resolution shall be served upon the local agent of the railroad company, whose duty it is to construct or keep in repair any such drain, ditch or culvert; and for a failure or refusal to comply with any such resolution within seven (7) days after the service thereof as aforesaid, such railroad company shall be deemed guilty of a misdemeanor, and if such resolution be not then complied with within forty-eight (48) hours, every neglect of twenty-four (24) hours thereafter shall constitute a separate offense.

**§ 10-419 SLAUGHTERHOUSE, RULES AND REGULATIONS.**

Any person desiring to conduct or maintain a slaughterhouse shall make application in writing to the Governing Body stating therein, with precision, the location, the size, the volume of stock to be

handled, and any other information which the Governing Body shall require concerning the proposed slaughterhouse to assist them in determining whether or not to grant the permit. If the Governing Body grants a permit to the said applicant, it shall specify the exact location of the proposed slaughterhouse and the size thereof. Upon receipt of said permit, the applicant may maintain and conduct a slaughterhouse of the exact description found on the permit. If at any time the Governing Body shall determine that the slaughterhouse has become a nuisance, it shall notify the person or persons named on the permit to alter, repair, or cease to operate the said slaughterhouse. *(Ref. 18-1720 RS Neb.)*

#### **§ 10-420 FIREWORKS VENDOR; REGULATION.**

It shall be unlawful for any person or persons to sell fireworks of any description whatsoever, except sparklers, vesuvian fountains, spray fountains, torches, color fire cones, star and comet type color aerial shells without explosive charges for the purpose of making a noise. 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; and further provided that said vendor shall secure a license prior to such sales. Application shall be filed with the Municipal Clerk upon forms supplied by the Municipality and requesting such information and documents as the Governing Body may deem necessary as to whether or not to grant said license. Upon the determination to grant the license, the Governing Body shall direct the Municipal Clerk to collect the appropriate fee and issue said license. Any license so issued may be revoked at any time by the Governing Body upon proper notice and hearing, if one is requested by the licensee. *(Ref. 17-137, 28-1003.03 through 28-1003.08 RS Neb.)*

#### **§ 10-421 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 one hundred (100') 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 or her business. *(Ref. 74-1323 RS Neb.) (Ord. No. 527, 10/1/85)*

**ARTICLE 5: OCCUPATION TAXES**

**§ 10-501 OCCUPATION TAX; AMOUNTS.**

For the purpose of raising revenue, an occupation tax is hereby levied on the following businesses:

Electric service companies furnishing light, heat or power under contract to the Municipality or to other customers through equipment located therein, per year. . . . .	\$100.00
Fire Insurance Companies, per year.. . . .	5.00
Gas Companies distributing, manufacturing or furnishing gas, 2% of the gross receipts derived natural, manufactured, or mixed gases, to the inhabitants of the Municipality, per year	2% of the gross receipts derived from sales to the inhabitants of the Municipality; Provided, the Governing Body may provide for such exceptions as it deems necessary by resolution
Retailers of beer, on-sale only, per year. . . . .	25.00
Retailers of alcoholic beverages, including beer, off-sales only. . . . .	25.00
Retailer of alcoholic beverages, including beer, on/off sales. . . . .	50.00
Special designated liquor license. . . . .	
Telephone Companies, per year	2% of the gross receipts derived from rentals and intrastate tolls; Provided, the Governing Body may provide for such exceptions as it deems necessary by resolution

*(Amended by Ord. No. 905, 5/3/16)*

**§ 10-502 OCCUPATION TAX; FIRE INSURANCE COMPANIES.**

For the use, support, and maintenance of the Municipal Fire Department all revenue realized from the occupation tax on Fire Insurance Companies shall be appropriated to the Fire Department Fund. (*Ref. 35-106 RS Neb.*)

**§ 10-503 OCCUPATION TAX; COLLECTION DATE.**

All occupation taxes shall be due, and payable on the first (1st) day of May of each year, except in the event that the said tax is levied daily, and upon the payment thereof by any person or persons to the Municipal Clerk, the said Clerk shall give a receipt, properly dated, and specifying the person paying the said tax, and the amount paid; Provided, occupation taxes collected from Class C liquor licensees shall be due and payable on the first (1st) day of November. The revenue collected shall then be immediately deposited into the General Fund by the Municipal Treasurer. The Municipal Treasurer shall keep an accurate account of all revenue turned over to him. All forms, and receipts herein mentioned shall be issued in duplicate. One (1) copy shall then be kept by each party in the transaction. (*Ref. 17-525 RS Neb.*) (*Amended by Ord. No. 423, 3/1/77*)

**§ 10-504 OCCUPATION TAX; CERTIFICATES.**

The receipt issued after the payment of any occupation tax shall be the Occupation Tax Certificate. The said certificate shall specify the amount of the tax and the name of the person, and business that paid the said tax. The Occupation Tax Certificate shall then be displayed in a prominent place, or carried in such a way as to be easily accessible, while business is being conducted. (*Ref. 17-525 RS Neb.*)

**§ 10-505 OCCUPATION TAX; FAILURE TO PAY.**

If any person, company, or corporation fails, or neglects to pay the occupation taxes as provided herein on the day it becomes due, and payable, the Municipality shall then proceed by civil suit to collect the amount due. All delinquent taxes shall bear interest at the rate of one percent (1%) per month until paid. (*Ref. 17-525 RS Neb.*)

**§ 10-506 OCCUPATION TAX; GAMES OF CHANCE AND/OR LOTTERIES.**

A. For the purposes of this Article, the following definitions shall apply:

1. The phrase "games of chance and/or lotteries" shall mean those forms of gambling authorized by the State of Nebraska pursuant to Article III, section 24 of the Constitution of the State of Nebraska.



2. The phrase "gambling device" shall mean any and all machines or devices used by a person engaged in the occupation of conducting games of chance and/or lotteries.

3. The phrase "person engaged in the occupation of conducting games of chance and/or lotteries" shall mean any person who operates, owns or is the lessee of a place of business where any game of chance and/or lottery activity is conducted, whether or not any other type of business is conducted on the premises; or, any person who either directly controls or manages the games of chance and/or lotteries, or owns any machine or device used to engage in the occupation of games of chance and/or lotteries, but does not sell, lease or deliver possession or custody of such a device to other persons.

B. Occupation Tax. An occupation tax is hereby imposed on each person engaged in the occupation of conducting games of chance and lottery activities within the City. Every person conducting games of chance and lottery activities within the City shall pay the tax in the amount and manner specified in subsection C.

C. Amount of occupation tax for persons engaged in the occupation of conducting games of chance and lotteries. The occupation tax for each person engaging in the occupation of conducting games of chance and lottery activities within the city shall be five percent (5%) of the gross receipts received by said person in each quarter of a calendar year.

D. Amount of occupation tax for distributor. The occupation tax for engaging in the occupation of distributing gambling devices within the city shall be five percent (5%) of the gross receipts received by the distributor in each quarter of a calendar year.

E. Prohibition. It shall be unlawful for any person to engage in the occupation of conducting games of chance or lottery activities without first obtaining a license to do so.

F. License Application. Every person desiring a license required by the provisions of this Article shall make application to the Municipal Clerk of the City of Milford. Accompanying each application shall be:

1. A sworn statement by each designated supervising member that such member will be responsible for compliance with rules and regulations for each occasion of games of chance and/or lotteries which he supervises.

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

G. Display of License. Every license issued under the provisions of this division shall be conspicuously displayed at the place where the game of chance and/or lottery activity is conducted at all times during the conduct thereof.

H. License Fee. The license fee for engaging in the occupation of conducting games of chance and lotteries within the City shall be fifty dollars (\$50.00) for each location wherein such activity is conducted.

I. Exemption. Nonprofit organizations that desire to participate in games of chance and/or lotteries, that are in compliance with the Small Lotteries and Raffles Act of the State of Nebraska, are exempt from the provisions of this Article.  
*(Ord. No. 578, 10/2/90)*

## **ARTICLE 6: MICROWAVE AND SATELLITE DISHES**

[Editor's Note: Article 6 was adopted in its entirety by Ordinance No. 530, Passed January 7, 1986.]

### **§ 10-601 MICROWAVE AND SATELLITE DISHES; DEFINITIONS.**

"Microwave Dishes" and "Satellite Dishes," as contemplated herein shall mean any type of microwave or satellite antenna or dish used for receiving television and similar electronic broadcast or computer signals, exceeding thirty-six (36) inches in diameter. *(Amended by Ord. No. 750, 12/2/03)*

### **§ 10-602 MICROWAVE AND SATELLITE DISHES; GENERAL PROVISIONS.**

In the interest of public safety and protection of existing structures within the Municipality, a permit shall be required for the erection or installation of any microwave or satellite dish in excess of thirty-six (36) inches in diameter, within the corporate limits of the Municipality. Application for said permit shall be made to the Municipal Clerk, and shall contain all the necessary information and documents required for the protection of residents and structures within the Municipality. Said applicant shall be required to pay a permit fee in such amount as may, from time to time, be fixed by resolution or ordinance of the Governing Body. The current permit fee is set forth in section 9-209(5) of this Code and is nonrefundable. Any applicant granted a permit shall be subject to all provisions relating to microwave and satellite dishes elsewhere in this Code. *(Amended by Ord. No. 750, 12/2/03)*

### **§ 10-603 MICROWAVE DISHES; PUBLIC SAFETY.**

It shall be unlawful for any microwave or satellite dish to be located in such a manner as to obstruct or impair the visibility of traffic upon public streets; or to interfere with Municipal snow removal; or to interfere with public safety. All setback requirements as provided in section 38, Page Z13 and section 51.8, Page 220 of the Milford Comprehensive Plan, Volume 2, Development Regulations, shall apply to the construction, installation and placement of "microwave" and "satellite" dishes within the Municipality.



## **ARTICLE 7: CABLE TELEVISION**

### **§ 10-701 CABLE TELEVISION; FRANCHISE.**

Galaxy Cable, Inc. operates a cable television system within the City under Ordinance 644, adopted by the City Council on June 5, 1995. The request of Galaxy Cable, Inc. to renew the franchise adopted June 5, 1995, as assigned, to change the expiration date thereof from May 20, 2010 to May 20, 2025 is hereby granted. (*Ord. No. 792, 7/3/07*)



**ARTICLE 8: PENAL PROVISION**

**§ 10-801 VIOLATION; PENALTY.**

*(Repealed by Ord. No. 703, 4/4/00)*

*For penalty provisions, see section 12-101 of Chapter 12.*

