

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. *(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; a person whose premises, for which a license is sought, meets standards for fire safety as established by the State Fire Marshal; or a person who has not acquired a beneficial interest in more than two (2) alcoholic beverage retail establishments since March 4, 1963; Provided, the beneficial interest requirement in this Section shall not apply to a 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 where the request is limited to on premises sale of beer only in a restaurant. *(Ref. 53-124.07, 53-125 RS Neb.)*

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§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 thirty-five (35) 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. 572, 5/8/86; 601, 9/8/88)*

§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. 495, 5/8/80)*

§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 or 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; and to act upon such complaints in the manner

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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 to or for any minor, or other person who is mentally 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 club holding a class C license from permitting checks or statements for alcoholic liquor to be signed by members, or guests of members. and charged to the accounts of the said members or guests in accordance with the bylaws of any such club; and provided further, nothing herein shall be construed to prevent any hotel or restaurant holding a retail alcoholic beverage license from permitting checks or statements for liquor to be signed by regular guests residing in the said hotel, and charged to the accounts of such guests. *(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.)*

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§10-117 ALCOHOLIC BEVERAGES; MINOR'S PRESENCE. It shall be unlawful for any person or persons who own, manage, or lease an establishment selling alcoholic beverages at retail to allow any minor under the age of eighteen (18) years to frequent or otherwise remain in the said establishment unless the said minor is accompanied by his parent or legal guardian, and unless said minor remains seated with, and under the immediate control of, the said parent or legal guardian. (Ref. 53-147 RS Neb.)

§10-118 ALCOHOLIC BEVERAGES; HOURS OF SALE. For the purposes of this section, "on sale" shall be defined as alcoholic beverages sold at retail by the drink for consumption on the premises of the licensed establishment. "Off sale" shall be defined as alcoholic beverages sold at retail in the original container for consumption off the premises of the licensed establishment.

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	12:00 Noon 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	6:00 A.M. to 1:00 A.M.
On Sale	6:00 A.M. to 1:00 A.M.

Provided that such limitations shall not apply after twelve o'clock (12:00) Noon on Sunday to a licensee which is a nonprofit corporation holding a license pursuant to section 53-124(5) (C) & (H) Reissue Revised Statutes of Nebraska 1943.

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. 414, 9/4/75; 429, 8/5/76; 554, 12/6/84; 629, 4/20/93)

§10-119 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.)

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§10-120 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 sell or dispense alcoholic liquors, including beer, to said licensee's customers. *(Ref. 53-102 RS Neb.)*

§10-121 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. *(Ref. 53-186, 53-186.01 RS Neb.)*

§10-122 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.

§10-123 ALCOHOLIC BEVERAGES; REMOVAL OF INTOXICATED, PERSONS FROM PUBLIC PROPERTY. Any law enforcement officer with the power to attest for traffic violations may take a person who is intoxicated and in the judgment of the officer dangerous to himself, herself, or others, or who is otherwise incapacitated, from any public property. An officer removing an intoxicated person from public property shall make a reasonable effort to take such intoxicated person to his or her home or to place such person in any hospital, clinic, alcoholism center, or with a medical doctor as may be necessary to preserve life or to prevent injury. If these measures are unsuccessful or are not feasible, the officer may then place such intoxicated person in civil protective custody, except that civil protective custody shall be used only as long as is necessary to preserve life or to prevent injury, and under no circumstances longer than twelve (12) hours. The placement of such person in civil protective custody shall be recorded at the facility or jail at which he or she is delivered and communicated to his or her family or next of kin, if they can be located, or to such person designated by the person taken into civil protective custody.

The law enforcement officer who acts in compliance with this section shall be deemed to be acting in the course of his or her official duty and shall not be criminally or civilly liable for such actions. The taking of an individual into civil protective custody under this section shall not be considered an arrest. No entry or other record shall be made to indicate that the person has been arrested or charged with a crime.

For purposes of this section, public property shall mean any public right-of-way, street, highway, alley, park, or other state, county, or municipally-owned property.

For the purposes of this section, public property shall mean any public right-of-way, street, highway, alley, park, or other state, county or municipally-owned property. *(Ref. 53-1,121 RS Neb.) (Ord. No. 479, 2/7/80)*

§10-124 ALCOHOLIC BEVERAGES; LIQUOR APPLICATION; NOTICE; PROCEDURE.

- A. Notice. Notice of a hearing held pursuant to Neb. Rev. Stat. section 53-134 shall be given to the applicant by the Municipal Clerk 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 party 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 Mayor. 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 or the applicant may order the hearing to be recorded by the Clerk, at the expense of the applicant(s).

The Governing Body and its representatives shall not be bound by the strict rules of evidence, and shall have full authority to control the procedures of the hearing including the admission or exclusion of testimony or other evidence. The Governing Body may admit and give probative effect to evidence which possesses probative value commonly accepted by reasonably prudent individuals. The Mayor may limit testimony where it appears incompetent, irrelevant, or unduly repetitious. If there is opposition to any application and such opposition desires the opportunity to present arguments and to cross examine the applicant and any witnesses in favor of such application, they shall choose a spokesperson to perform such function who shall notify the Mayor of his/her representation prior to the start of the hearing.

The order of the proceeding is as follows:

1. Exhibits will be marked in advance by the Clerk and presented to the Mayor 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 the Governing Body, or duly appointed agent;
5. Cross-examination of applicant, witnesses or citizens by spokesperson for y;
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 and law enforcement personnel;
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 any witness, 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 Clerk, at the expense of the applicant(s).

(Ref. 53-134 RS Neb.) (Ord. No. 571, 5/8/86)

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§10-125 LIQUOR APPLICATIONS; RETAIL LICENSING STANDARDS; BINDING RECOMMENDATIONS.

The Governing Body shall 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 of 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:

1. The adequacy of existing law enforcement resources and services in the area.
2. The recommendation of the Police Department or any other law enforcement agency.
3. 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.
4. Zoning restrictions and the Municipality'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 any other evidence in support of or in opposition to the application.
7. The existing population, and projected growth, both Municipality-wide and within the area to be served.
8. The existing liquor licenses, the class of such license, and the distance and times of travel to such licenses.
9. The nature and needs of the neighborhood or community where the proposed premises are located as well as its projected growth.
10. 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.
11. Other information and data that may reasonably be considered pertinent to the issuance of the license.

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 "licensee." (*Ref. 53-134 RS Neb.*) (*Ord. No. 573, 5/8/86*)

Article 2. Public Amusements

§10-201 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. 9-115 RS Neb.)

§10-202 BINGO; TAX. A tax of five (5%) per cent 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. 9-113 RS Neb.)

§10-203 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.

§10-204 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. 9-101 thru 9-123 RS Neb.)

§10-205 MOTION PICTURE THEATRES; REGULATION. It shall be unlawful to give, present, or conduct any motion picture or theatrical performance, for admission to which a fee is charged, except performances given solely for the benefit of, and under the supervision of a religious, educational, or charitable organization without having first secured a license therefor as is herein provided. Application shall be made to 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 the determination that the granting of the license would be proper and 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. 17-134 RS Neb.)

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§10-206 **MOTION PICTURE THEATRES; OPERATOR'S RESPONSIBILITY.** It shall be unlawful for the owner or operator of a motion picture theatre to allow or permit any disturbance of the peace, fighting, gambling, drinking of alcoholic beverages, drunkenness, use of profanity, obscene books and pictures. In no event shall the number of admissions exceed the number of seats.

§10-207 **MOTION PICTURE THEATRES; PREMISE.** It shall be unlawful to use any premise for the purpose of presenting any public motion picture which does not have at least two (2) unobstructed exits, and is not properly ventilated during any performance or presentation.
(Ref. 17-130 RS Neb)

Article 3. Business Enterprises

§10-301 PLUMBERS; REGISTRATION REQUIRED. No person shall hereafter engage in or work at the business of a master plumber or journeyman plumber in the Municipality until he shall have registered as a master plumber or journeyman plumber. Application for registration shall be made in writing to the Utilities Superintendent, showing the name and residence of the applicant, the business location of the applicant, and such other information as may be required.

§10-302 ELECTRICIANS; BOND REQUIRED. Before any electrician's registration shall be allowed, the electrician shall execute and file with the Municipal Clerk, a bond in a sum set by resolution of the Governing Body and on file at the office of the Clerk to be approved by the Governing Body conditioned that the registrant shall indemnify and hold harmless the Municipality from all liability, caused by any negligent or intentional act arising from his electrical work or violation of any municipal electrical codes or regulations and shall pay all fines imposed upon him for any violation thereof. The obligee of said bond shall be the Municipality, and action may be maintained thereon by anyone injured by a breach of its conditions for a period of one (1) year after the completion of any electrical work.

§10-303 ELECTRICIANS; UNLAWFUL USE. No registered electrician shall allow his name to be used by another person, directly or indirectly, to obtain a permit for the installation of any work, and if any registered electrician violates this provision, the Governing Body shall forthwith revoke the Certificate of Registration issued to such electrician. In addition to having his Certificate of Registration revoked, such master electrician may be prosecuted under the penalty Section of this Chapter.

§10-304 ELECTRICIANS; EXCEPTIONS. The provisions of this Chapter relating to electricians shall not apply to any public utility company or companies serving the Municipality and its inhabitants under a franchise agreement with the Municipality, or its agents and employees, and shall not be construed as a limitation or restriction upon any franchises heretofore granted by the Municipality.

§10-305 GAS FITTERS; REGISTRATION REQUIRED. No person or firm shall hereafter engage in the business of inspecting, cleaning, repairing, alteration, sale, or installation of natural gas piping systems and appliances until he shall have registered as a gas fitter as hereinafter provided. Application for registration shall be made in writing at the office of the Utilities Superintendent showing the name and residence of the applicant, the business location of the applicant, and such other information as may be required.

§10-306 GAS FITTERS; BOND. Each registered gas fitter, as a condition to the issuance of each Certificate, shall obtain and file with the Municipal Clerk a personal surety bond, in a sum set by resolution of the Governing Body and on file at the office of the Clerk, signed by one or more sufficient sureties, or a corporate surety doing business in the Municipality to be approved by the Governing Body conditioned that the licensee shall indemnify and hold harmless the Municipality from all accidents, damage, liability, claims, judgments, costs or expenses caused by the willful or negligent conduct of the gas fitter. The obligee of said bond shall be the Municipality, and action may be maintained thereon by anyone injured by a breach of its condition. All bonds tendered by gas fitters shall be approved in writing as to form and substance by the Municipal Attorney. In addition to the filing of the aforesaid bond, each registered gas fitter shall obtain and file a certificate thereof with the Municipal Clerk, a general, public liability insurance policy for property damage, and bodily injury in policy limits set by resolution of the Governing Body and on file at the office of the Clerk. Action may be maintained thereon by anyone injured by a breach of the conditions of the bond or the covenants contained in the

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required endorsement on the policy of insurance for a period of one (1) year after the completion of any gas fitting work.

§10-307 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.

§10-308 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 two (2) hours, and then only between the hours of sunrise and sunset, 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. In addition to these temporary parking restrictions, it shall hereafter be unlawful for any person, firm or corporation to park or install any trailer within the Municipality except north of Fifth (5th) Street.

§10-309 DEFINITIONS. The following definitions shall be applied throughout this Chapter. Where no definition is specified, the normal dictionary usage of the word shall apply.

Junk Dealer. The term "junk dealer" as used in this Code is hereby defined as meaning, and shall include any person engaged in the business of buying, selling, receiving, collecting or dealing in metal scraps, scrap iron, metals of any kind and in any form, bottles, rags and used tires; the dismantling or taking apart of automobiles, other than for repair, or the wrecking of automobiles; the storage of automobiles unfit for operation; the storage of automobile bodies and parts thereof; the storage of automobiles or parts thereof kept for salvage; the storage of scraps from automobiles; or the storage of iron, metals or junk.

Junk Collector. The term "junk collector" shall be construed to mean any person going from place to place, or house to house, collecting or buying iron, copper, brass and zinc scraps, rags, bottles, or old paper, and selling the same to a junk dealer.

Junk Yard. The term "junk yard" as used in this Code is hereby defined as meaning, and shall include any place in the Municipality where or from which any person shall conduct, engage in, or carry on the business of junk dealer as herein defined.

Junk. The term "junk" as used in this Code shall include scrap metals, scrap materials, whether they are liquids, solids, or gases, branches of trees, and dismantled or wrecked automobiles, tractors, and machinery or parts thereof (*Ref. 18-1035 RS Neb.*)

§10-310 JUNK YARD; REGULATION. It shall be unlawful for any person to own, operate, or hold open for public use any junk yard as herein defined without first obtaining a license to do so from the Municipality. Application for a license to own, operate, or hold open for public use any junk yard shall be made in writing to the Municipal Clerk and shall require such information and documents, or copies thereof, that the Governing Body deems necessary to

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determine whether to grant or reject the said application. Upon approval of the application, the Municipal Clerk shall issue the license upon the payment of a fee set by resolution of the Governing Body. The licensee shall then be subject to any occupation taxes, bond requirements, and other rules and regulations which the Governing Body may determine to be beneficial to the Municipality. Any such bond shall be set by resolution of the Governing Body and will be conditioned upon the faithful observance of the provisions of this Code. The bond shall be held for the benefit of any person who may suffer damage by the improper management of the said junk yard.

§10-311 JUNK YARD; NUISANCE. Any junk yard that becomes a danger to the public health, or is not operated in the manner herein provided, shall be deemed to be a public nuisance after the said thirty (30) day period of grace. The Governing Body shall then request the Municipal Attorney to prosecute the owner, operator, director, or employee of the said nuisance for violation of the provisions of this ordinance. *(Ref. 28-1038 RS Neb.)*

§10-312 JUNK YARD; PREMISE. Any area or parcel of land used as a junk yard shall not have more than two (2) entrances and two (2) exits each of which shall not exceed fifteen (15) feet in width at the perimeter of the premise. Such premise or parcel of land shall be enclosed with either a solid nontransparent wall or fence or link-weave steel wire, or combination thereof, with a minimum height of seven (7) feet from the ground level, except for entrances and exits. The fence shall not contain any poster or advertising of any kind except one (1) sign of the licensee not exceeding one hundred (100) square feet.

§10-313 JUNK YARD; RODENTS. Any person who owns, operates, directs or is employed by a junk yard shall make a diligent and continuous effort to exterminate all rats, mice, and other harmful rodents frequenting the said junk yard.

§10-314 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.)*

§10-315 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 five (5) minutes. *(Ref. 17-552 RS Neb.)*

§10-316 BUILDING MOVING; 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, and shall include the location of the building to be moved, 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 shall refer the said application to the Municipal Police for approval of the proposed route over which the said building is to be moved. Upon approval of the Governing Body, the Municipal Clerk 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 prior to the granting of any permit. No moving permit shall be required to move a building that is ten (10) feet wide,

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or less, and twenty (20) feet long, or less, and when in a position to move, fifteen (15) feet high, or less. 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.

§10-317 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. 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 thru 28-1003.08 RS Neb*)

Business Regulations

Article 4. Occupation Taxes

§10-401 OCCUPATION TAX; AMOUNTS. For the purpose of raising revenue an occupation tax is hereby levied on the following businesses:

Alcoholic Beverages:

Beer distributor, per year	\$25.00
Retailer of off-sale beer only, per year.....	2 times the state license fee
Retailer of alcoholic liquors, for on-sale and off-sale, per year.....	2 times the state license fee
Retailer of alcoholic liquors, including beer off-sale, per year.....	2 times the state license fee
Alcoholic liquors, for consumption on the premises.....	2 times the state license fee
Beer and wine only, for consumption on the premises of restaurants only.....	2 times the state license fee
Billiard and Pool Halls, per year.....	\$25.00
Bowling Alleys, per year.....	\$25.00
Buses, Bus Lines, or Motor Transportation Companies, per year.....	\$10.00
Electricians, per year.....	\$20.00
Express Companies, per year.....	\$20.00
Fire Insurance Companies, per year.....	\$10.00
Fruit and Vegetables Companies: Per day.....	\$6.00
Per year.....	\$25.00
Gas Fitters, per year.....	\$20.00
Hawkers and Peddlers, per day.....	\$10.00
Milk, Butter, Cream, Cottage Cheese, Ice Cream or other Dairy Products Seller of, from Truck, Automobile, or other Vehicle: Per day.....	\$10.00
Per year.....	\$50.00
Music Machine Operators or Owners.....	\$20.00
Plumbers, per year.....	\$20.00
Railroad Company, per year.....	\$25.00
Roofers, per year.....	\$25.00
Skill Games (owners, operators or lessees) for hire, per year.....	\$20.00
Telephone Companies, per year.....	\$100.00
Theatres, per year.....	\$25.00
Truck Lines, per year.....	\$20.00

(Ref. 17-525 RS Neb.) (Ord. No. 408, 12/5/74) (Amended by Ord. Nos. 475, 11/8/79; 589, 10/8/87)

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§10-402 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.)*

§10-403 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. 450, 12/1/77)*

§10-404 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.)*

§10-405 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. A delinquent taxes shall bear interest at the rate of one (1%) per cent per month until paid. *(Ref. 17- 525 RS Neb.)*

Business Regulations

Article 5. Franchise

§10-501 **FRANCHISE; NATURAL GAS.** The Governing Body has granted to the Kansas-Nebraska Natural Gas Company, Inc., the right, permission and authority to construct, maintain, and operate a gas transmission, and distribution system. The actual agreement and details including fees, rates and charges are on file with the Municipal Clerk. *(Ref. 17- 528.02 RS Neb.) (Ord.No. 524, 9/9/82)*

§10-502 **FRANCHISE; CABLE TELEVISION.** The Governing Body has granted to TCI Cablevision of Nebraska, Inc., the authority to construct, maintain, and operate a cable television station and transmitting system in the Municipality. Actual details of the agreement and the charges, rates, and fees are available at the Municipal Clerk's office. *(Ref. 18-2201 et seq. RS Neb.)(Ord. No. 531, 4/7/83) (Amended by Ord. No. 610, 7/12/90)*

Article 6. Natural Gas Rate Increase Procedure

[Editor's Note: Article 6 was adopted in its entirety by Ordinance No. 562, Passed July 11, 1985]

§10-601 NATURAL GAS FRANCHISEE; DEFINITIONS. For the purpose of this Article, the following terms, phrases, words and their derivation shall have the meaning given herein. When not inconsistent with the context, words used in the present tense shall include the future, words in the plural number include the singular number, and words in the singular number shall include the plural number. The word "shall" is always mandatory and not merely directory.

- A. "CITY" is the City of Bridgeport, Morrill County, Nebraska.
- B. "FRANCHISEE" is K N Energy, Inc., (formerly Kansas-Nebraska Natural Gas Company, Inc.) holder of a franchise granted by the CITY, and its lawful successors, transferees, or assignees.
- C. "CITY COUNCIL" Is the City Council of Bridgeport, Nebraska and is the legislative body of the City.
- D. "FERC" Is the Federal Energy Regulatory Commission.

§10-602 RATES; REGULATORY AUTHORITY. The FRANCHISEE shall, at all times, be subject to all rights, power and authority now or hereafter possessed by the City to regulate and control and direct the rates and tariffs charged for natural gas service in the City.

§10-603 RATE SCHEDULES. FRANCHISEE shall provide to the City for informational purposes, copies of all rate schedules and contracts for all rates charged and the requirements for service under such schedule within the City. They should also show separately the base rate and the Purchased Gas Adjustment (PGA) rate. The base rate shall exclude all gas supply costs and gas supply cost adjustments. Gas supply costs and gas supply cost adjustments shall be collected solely through the PGA rate.

§10-604 REFUND. Any refund, including interest thereon, if any, received by the FRANCHISEE from its supplier related to increased rates paid by the FRANCHISEE subject to refund and applicable to natural gas purchased for resale within the City shall be passed on to presently served customers by an appropriate adjustment shown as a credit on subsequent bills during a period selected by the FRANCHISEE, not to exceed twelve (12) months, or by a cash refund at the FRANCHISEE's OPTION or by such other method as may be established by ordinance.

§10-605 OTHER RATE CHANGES. In the event the FRANCHISEE desires to change its rates for natural gas service within the City other than to reflect an adjustment for the cost of purchased gas, the FRANCHISEE will present to the City copies of present and proposed rate schedules and information supporting the proposed rates to be charged for natural gas service within the City. The rate schedules and information submitted with the rate schedules shall be referred to as the Rate Filing. Any such Rate Filing shall be deemed filed upon receipt of the same by the City Clerk. A filing fee in the amount of _____ percent of the previous four (4) quarterly franchise payments (or \$ _____ dollars) shall be paid to the City with the Rate Filing. The fee shall be considered as an operating cost of the FRANCHISEE and shall not be separately itemized on any customer billings.

The City shall have the right to select and engage rate consultants, accountants, auditors, attorneys, engineers and other experts as deemed necessary or desirable by the City Council to advise and represent the City Council in evaluating any proposed rate change. FRANCHISEE shall reimburse the City within ninety (90) days of the presentation of a bill by the

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City for the reasonable costs of those services only to the extent that said costs exceed the filing fee for the Rate Filing.

If the proposed rates sought by the FRANCHISEE in its Rate Filing have not been passed on final reading by the City Council within ninety (90) days after it was filed, or as such time may be extended by agreement between FRANCHISEE and CITY in order to supply additional information if requested by the CITY, the proposed rates shall be put into effect as interim rates and shall be collected subject to refund pursuant to §18-415 RS Neb, as the same may be amended from time to time. Such interim rates shall remain in effect pending final determination by the CITY, which determination shall be made within one (1) year, or in the event of litigation, final rate determination by the courts.

The rates proposed to be changed for non-contract firm natural gas service within the CITY shall be based upon the utility's cost of providing service to the CITY or the representative costs in that part of the utility's service area which includes the CITY. The period for which the cost of service is to be recognized is to be a projected twelve (12) month period commencing not later than the proposed effective date of the increase. The cost of service shall be determined in a manner consistent with regulated public utility practices and shall include (1) appropriate costs as defined and set forth in the Federal Energy Regulatory Commission Uniform System of Accounts Prescribed for Natural Gas Companies FERC Accounts, and (2) a reasonable return on the utility's rate base.

In determining a reasonable return, a rate (percentage) shall be employed that is representative of the cost of debt, preferred stock, and common equity capital. The rate base shall consist of the applicable net investment in utility plant (as defined in the FERC Accounts), allowance for working capital, and such other items as may reasonably be included; less such investment as may, unless otherwise prevented by law, be attributed to other than investor capital.

The FRANCHISEE's appropriate costs and items of rate base shall include allocated or apportioned expenses and rate base items, when such allocations or apportionments are reasonably representative of assigned common costs and arise from the manner in which the FRANCHISEE's operations are conducted or from an avoidance of excessive and costly financial recordkeeping.

Rate Filings, not including changes reflecting the cost of gas, shall be limited to a maximum of one (1) in any twelve (12) calendar month period.

§10-606 INFORMATION TO BE PROVIDED. FRANCHISEE shall provide, in its Rate Filing, three (3) copies of the most recent annual report to the stockholders and the completed and signed copies of the "SUMMARY OF PROPOSED CHANGES IN NATURAL GAS RATES," A copy of the form is attached and made a part of this Ordinance. In addition three (3) copies of the following information shall, on request by CITY, be provided by the FRANCHISEE:

A. A financial summary showing aggregate rate base, operating revenues, operating expenses, return on rate base, and rate of return:

1. Actual for the most recent calendar year preceding the date of submission.
2. For the projected twelve (12) month period using natural gas rates currently in effect.
3. For the projected twelve (12) month period using the proposed natural gas rates.

B. Rate base schedules, on an original cost basis, showing for the most recent twelve (12) month period available and the projected twelve (12) month period:

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1. For utility plant and accumulated depreciation and amortization components - the beginning and end of period balances by account, explanations of changes in balances during the period, and the calculated rate base amounts.
2. For cash working capital - the manner in which rate base amounts are calculated.
3. For other rate base components - beginning and end of period amounts, explanations of changes in balances during the period, and calculated rate base amounts.
4. Explanations and calculations of allocated amounts included in 1, 2, and 3 above.

C. Operating expense schedules, showing:

1. Expenses by FERC accounts for the most recent calendar year including filing fees and occupation taxes paid to the CITY.
2. Explanation and calculations of allocated amounts Included In 1.
3. Expenses by FERC accounts or their equivalent for the projected twelve (12) month period.
4. Explanation of methods employed to develop projected expenses.
5. Explanations and calculation of allocated amounts included in 3.

D. Rate of return/cost of capital schedules showing debt, preferred stock, and common equity amounts at the beginning and end of the projected twelve (12) month period, explanations of changes during the period, and methods used to calculate or otherwise determine cost of capital.

E. Operating revenue schedules, showing:

1. Number of customers, volume of sales, and operating revenue by customer classes for the most recent calendar year and for the projected twelve (12) month period.
2. Explanation of methods employed to determine data in 1.
3. Operating revenues by rate schedules for the projected twelve (12) month period using current rates.
4. Operating revenue by customer classes for the projected twelve (12) month period using proposed rates.
5. Detailed rates and calculations for 3 and 4, including customer usages (consumption analysis) date, peak demand and load factor data by customer class, allocation methods and justifications, etc.

F. Informational Schedules showing for the CITY as a whole:

1. Cost of utility plant.
2. Number of customers, volume of sales, and operating revenue by customer classes.

G. FRANCHISEE shall clearly designate as part of its expenses, all expenditures for business gifts and entertainment, institutional, consumption inducing, and other advertising or public relations expenses, and legislative-advocacy expenses. The CITY may not allow its costs or expenses for rate making purposes any of these expenditures which the CITY determines not to be in the public interest. The FRANCHISEE has the burden of showing these expenses are in the public interest.

§10-607 NOTICE OF APPLICATION. The FRANCHISEE shall not make changes in its rates except by filing a Rate Filing prescribed with the City Clerk at least ninety (90) days prior to the proposed effective date of the requested change. Notice of the filing shall be given by publication by placing a notice to the public of the proposed change in a newspaper having

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general circulation in the CITY. However, notwithstanding the above, instead of the publication of newspaper notice contemplated above, the FRANCHISEE may provide notice to the public by mailing such notice by United State mail, postage prepaid, to the billing address of each directly affected customer, or by including the notice in such customer's bill in a conspicuous form. The notice must be in the following form:

NOTICE OF RATE INCREASE

The (name of the utility) proposes to increase your rates by (amount of total annual increase requested) dollars per year, which is an overall increase of (percentage of increase over all revenues during the applicable test year) percent and is an increase in base rates of (percentage of increase over all revenues during the applicable test year which are not subject to escalation through some form of automatic adjustment clause) percent. Further information may be obtained from (name and address of utility official) or the application on file with the City Clerk.

An affidavit signed by an official of the FRANCHISEE and describing the method of publication of the notice shall be filed with the City Clerk within sixty (60) days of the date the Rate Filing was made.

§10-608 PROVIDING OF GENERAL INFORMATION. The FRANCHISEE shall provide the CITY, at the request of the CITY, on a regular, continuing basis, within thirty (30) days of publication, copies of documents, information and data listed below for the FRANCHISEE or its parent company as applicable.

Annual Report to Stockholders

Quarterly Report to Stockholders

Securities and Exchange Commission Form 10-K, as the same may be changed from time to time.

Securities and Exchange Commission Form 10-Q, as the same may be changed from time to time.

Prospectus for Debt Securities to be issued.

Prospectus for Equity Securities to be issued.

Distribution System Map of the City.

§10-609 VALIDITY OF ORDINANCE. If any section, subsection, sentence, clause, phrase or portion of this Article shall for any reason be held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

§10-610 NATURAL GAS; RATE FILING FEE. The Municipality shall charge and collect a filing fee from Natural Gas Companies for a rate filing. The fee shall be three hundred (\$300.00) dollars. (*Ord. No. 584, 9/10/87*)

Article 7. Lottery

§10-701 LOTTERY; PARTICIPATION; RESTRICTIONS. No owner or officer of a lottery operator may play the lottery of the City of Bridgeport for whom they operate a lottery, no owner or officer of an authorized sales outlet location may play its lottery, and no employee or agent of the City of Bridgeport or a lottery operator for the City of Bridgeport or authorized sales outlet location of the City of Bridgeport may play the lottery during such time that such person is actually working at such lottery or is on duty with the City of Bridgeport. *(Ord. No. 660, 2/8/96)*

§10-702 LOTTERY; LOCATION; REQUIREMENTS. Any individual, partnership or corporation seeking to become a location where lottery tickets are sold or Keno is played within the City of Bridgeport, Nebraska, shall meet the same requirements as those prescribed by law for an applicant for a liquor license issued by the Nebraska State Liquor Commission or shall be the holder of a liquor license issued by the Nebraska State Liquor Commission. *(Ord. No. 661, 2/8/96)*

Article 8. Penal Provision

§10-801 VIOLATION; PENALTY. Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this Chapter, set forth at full length herein or incorporated by reference shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not more than five hundred (\$500.00) dollars for each offense. A new violation shall be deemed to have been committed every twenty-four (24) hours of such failure to comply.
(Amended by Ord. No. 694, 7/8/99)