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## **CHAPTER 4 – BUSINESS REGULATIONS**

### **Article 1 – Liquor Regulations**

#### **SECTION 4-101: DEFINITIONS**

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

#### **SECTION 4-102: MUNICIPAL POWERS AND DUTIES**

The Village Board is authorized to regulate by ordinance, not inconsistent with the provisions of the Nebraska Liquor Control Act, the business of all retail and bottle club licensees carried on within the corporate limits. The Board shall further have the powers and duties in respect to licensed retailers of alcoholic beverages: (1) to cancel or revoke for cause retail or bottle club licenses to sell or dispense alcoholic liquors issued to persons for premises within its jurisdiction subject to the right of appeal to the Commission; (2) to enter or to authorize any law enforcement officer to enter at any time upon any premises licensed by the State to determine whether any of the provisions of the village or state laws are being violated; (3) to receive signed complaints from any citizens within its jurisdiction that any of the village or state laws are being violated and to act upon such complaints in the manner herein provided; (4) to cancel or revoke on its own motion any license if, upon notice and hearing as provided in Section 4-125 (Citizen Complaints), it determines that the licensee has violated any of the provisions of the Nebraska Liquor Control Act or any valid and subsisting ordinance or regulation duly enacted relating to alcoholic liquors; and (5) to collect for the benefit of the State and the Village all license fees and occupation taxes as prescribed by law. (Neb. Rev. Stat. §53-134)

#### **SECTION 4-103: LICENSE REQUIRED**

No persons shall manufacture for sale, sell, keep for sale, barter, or exchange under any pretext any alcoholic liquor within this village unless said person shall have in full force and effect a license therefor as provided by the Nebraska Liquor Control Act, as amended. (Neb. Rev. Stat. §53-168.06)

#### **SECTION 4-104: LICENSEE REQUIREMENTS**

It shall be unlawful for any person or persons to own an establishment that sells at retail any alcoholic beverages unless said person is a resident of the county in which the premise is located; a person of good character and reputation; a citizen of the United States; a person who has never been convicted of a felony or any Class I misdemeanor pursuant to Neb. Rev. Stat. Chapter 28, Article 3, 4, 7, 8, 10, 11, or 12, or any similar offense under a prior criminal statute or in another state; 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 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 25 sleeping rooms, or where the request is limited to on premises sale of beer only in a restaurant. (Neb. Rev. Stat. §53-124.03, 53-125)

#### **SECTION 4-105: LOCATION RESTRICTIONS**

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

#### **SECTION 4-106: SANITARY CONDITIONS**

It shall be unlawful to open for public use any retail liquor establishment that is not in a clean and sanitary condition. Toilet facilities shall be adequate and convenient for customers and patrons and said licensed premises shall be subject to any health inspections the Village Board or the village 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. Sanitary conditions conducive to public health and welfare must be maintained at all times in or about licensed premises in this village. (Neb. Rev. Stat. §53-118)

#### **SECTION 4-107: MUNICIPAL EXAMINATION**

1. Any person or persons desiring to obtain a license to sell alcoholic liquors at retail shall file an application with the Liquor Control Commission, who shall then notify the village clerk by registered or certified mail. The Village Board shall then meet and determine the desirability of the application and report in writing or in person to the Commission within 30 days. The Village Board may examine or cause to be examined 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 Village Board may authorize its agent or the village attorney to act on its behalf.

2. The Village Board may hold the said examination and hearing upon the re-

ceipt from the Commission of the notice and copy of the application. The Village Board shall fix a time and place at which a hearing will be held. Notice shall be published in a legal newspaper in or of general circulation in the Village one time, not less than seven nor more than 14 days before the time of the hearing. Such notice shall include but not be limited to a statement that all persons desiring to give evidence before the local Village Board in support of or protest against the issuance of such license may do so at the time of the hearing. Such hearing shall be held not more than 21 days after the receipt of the Commission's letter of notice. At such hearing, the Village Board may receive evidence either orally or by affidavit from the applicant or any other person concerning the propriety of the issuance of such license.

3. After such hearing, the Village Board 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 village clerk shall thereupon mail to the Commission a copy of the resolution, which shall state the cost of the published notice, except that failure to hold a hearing and to examine the said applicant shall not render void any license issued by the Commission. In the event the Commission refuses to issue a license, the cost of the publication of notice as herein required shall be paid by the Commission.

(Neb. Rev. Stat. §53-131, 53-134)

#### **SECTION 4-108: PREREQUISITES TO DELIVERY OF LICENSE**

Retail licenses issued or renewed by the Nebraska Liquor Control Commission for licensees within this village shall be delivered to said licensee by the village clerk, but he/she shall not deliver any such license to a licensee who does not exhibit receipts showing payment of the license fee, payment of the publication fee for giving notice of the hearing before the Village Board on any application for license and, if a renewal, payment of the publication fee of the automatic renewal notice provided for in this code.

#### **SECTION 4-109: DISPLAY OF LICENSE**

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

#### **SECTION 4-110: HOURS OF SALE**

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

2. It shall be unlawful for any person or persons, or their agents, to sell at retail or dispense any alcoholic beverages within the Village except during the hours specifically provided herein, as follows:

<b>Alcoholic Liquors (except beer and wine)</b>	
Monday through Saturday	
Off Sale	6:00 A.M. to 1:00 A.M.
On Sale	6:00 A.M. to 1:00 A.M.
Sunday	
Off Sale	12:00 Noon to 1:00 A.M.
On Sale	12:00 Noon to 1:00 A.M.
<b>Beer and Wine</b>	
Monday through Saturday	
Off Sale	6:00 A.M. to 1:00 A.M.
On Sale	6:00 A.M. to 1:00 A.M.
Sunday	
Off Sale	6:00 A.M. to 1:00 A.M.
On Sale	6:00 A.M. to 1:00 A.M.

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

4. No person or persons shall be allowed to consume any alcoholic beverages on licensed premises for a period of time longer than 15 minutes after the time fixed herein for the stopping of sales of alcoholic beverages on said premises.

5. 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.

(Neb. Rev. Stat. §53-179)

**SECTION 4-111: OWNER OF PREMISES**

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

**SECTION 4-112: 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. Each such act or omission shall be deemed and held to be the act of the employer and will be punishable in the same manner as if the said act or omission had been committed by him/her personally. (Neb. Rev. Stat. §53-1,102)

#### **SECTION 4-113: HIRING MINORS**

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

#### **SECTION 4-114: SALE TO MINORS AND INCOMPETENTS**

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

#### **SECTION 4-115: SPIKING BEER**

It shall be unlawful for any person(s) who own, manage or lease any premises in which the sale of alcoholic beverages is licensed to serve or offer for sale any beer to which any alcohol has been added or permit any person(s) to add alcohol to any beer on the licensed premises of such licensee. (Neb. Rev. Stat. §53-174)

#### **SECTION 4-116: ORIGINAL PACKAGE**

It shall be unlawful for any person(s) who own, manage or lease any premises in which the sale of alcoholic beverages is licensed to have in their possession for sale at retail any alcoholic liquors contained in bottles, casks or other containers except in the original package. (Neb. Rev. Stat. §53-184)

#### **SECTION 4-117: PREMISES USED AS DWELLING**

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

#### **SECTION 4-118: GAMBLING**

Unless sanctioned by Nebraska law, no licensee in this village holding a license covering premises open to the public for the sale of intoxicating liquor or beer shall directly or indirectly permit gambling on or in the licensed premises; nor shall he/she permit the operation or possession of any pay-off gambling device, slot machine or punchboard, mechanical or otherwise, whether pay-off is in cash or merchandise, in, on or about the licensed premises.

#### **SECTION 4-119: SALES FOR CASH ONLY**

No person shall sell or furnish alcoholic liquor at retail to any person on credit, on a passbook, on an order on a store, in exchange for any goods, wares, or merchandise, or in payment for any services rendered, and if any person extends credit for any such purpose, the debt thereby attempted to be created shall not be recoverable at law. (Neb. Rev. Stat. §53-183)

#### **SECTION 4-120: SALE FOR RESALE**

No retail licensee in this village shall engage, directly or indirectly, in any transaction including or conspiring as to the resale of any liquors owned by him/her as a licensee, nor shall such licensee so permit the sale or delivery of any such liquors in such quantities as would place a reasonable-minded person on notice that such liquor might be intended for resale.

#### **SECTION 4-121: RESTRICTIONS ON CONDUCT OF OTHER BUSINESS**

Retail licensees in this village shall not maintain in their licensed premises any door opening into or access leading into premises owned, used, or occupied by other persons; nor shall any retail licensee permit any other person to use his/her licensed premises for the purpose of carrying on within such licensed premises any business activity of such other persons in any of its phases, such as solicitation, sale, service, delivery, storage or otherwise.

#### **SECTION 4-122: CONDUCT PROHIBITED ON LICENSED PREMISES**

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

#### **SECTION 4-123: INSPECTIONS**

It shall be the duty of the Village Board to cause frequent inspections to be made on the premises of all retail and bottle club licensees. If it is found that any such licensee is violating any provision of the Nebraska Liquor Control Act or regulations of the Nebraska Liquor Control Commission, or is failing to observe in good faith the purposes of said Act, the license may be suspended, cancelled, revoked after the licensee has been given an opportunity to be heard by the Village Board. (Neb. Rev. Stat. §53-146)

#### **SECTION 4-124: RENEWAL OF LICENSE**

1. Retail or bottle club licenses issued by the Commission and outstanding may be automatically renewed in the absence of a request by the Village Board to require the said licensee to issue an application for renewal. Any licensed retail or

bottle club establishment located in an area which is annexed to the Village shall file a formal application for a license, and while such application is pending, the licensee shall be authorized to continue all license privileges pursuant to this Article until the original license expires, is canceled, or revoked. if such license expires within 60 days following the annexation date of such area, the license may be renewed by order of the Commission for not more than one year.

2. The village clerk, upon notice from the Commission, between January 10 and January 30 of each year, shall cause to be published in a legal newspaper in, or of general circulation in the Village, one time, a notice in the form prescribed by law of the right of automatic renewal of each retail liquor and beer license within the Village; provided, Class C license renewal notices shall be published between July 10 and July 30 of each year. Each notice shall be in the following form:

*NOTICE OF RENEWAL OF RETAIL LIQUOR LICENSE*

Notice is hereby given that pursuant to Nebraska law, the liquor license may be automatically renewed for one year from May 1, 20\_\_\_\_, (or November 1, 20\_\_\_\_,) for the following retail liquor licensee, to-wit:

(Name of Licensee)  
(Address of licensed premises)

Notice is hereby given that a written protest to the issuance of automatic renewal of license may be filed by any resident of the Village of Page on or before February 10, 20\_\_\_\_, or August 10, 20\_\_\_\_, (for Class C licenses) in the office of the village clerk; that in the event protests are filed by three or more such persons, hearing will be had to determine whether continuation of said license should be allowed.

(NAME)  
(VILLAGE CLERK)

3. The clerk shall then file with the Commission proof of publication of said notice on or before February 10 of each year, or August 10 for Class C licenses. Upon the conclusion of any hearing required by this section, the Village Board may request a licensee to submit an application.

(Neb. Rev. Stat. §53-135, §53-135.01)

**SECTION 4-125: REVOCATION OF LICENSE**

The chairman and the Village Board shall, by resolution and subject to the right of appeal to the Liquor Control Commission, revoke the license of any licensee finally convicted of violating any provisions of this article. (Neb. Rev. Stat. §53-116.02)

**SECTION 4-126: CITIZEN COMPLAINTS**

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

2. If the Village Board is satisfied that the complaint substantially charges a violation and that from the fact alleged there is reasonable cause for such belief, it shall set the matter for hearing within ten days from the date of the filing of the complaint and shall serve notice upon the licensee of the time and place of such hearing and of the particular charge in the complaint; provided, that the complaint must in all cases be disposed of by the Village Board within 30 days from the date the complaint was filed by resolution thereof, said resolution shall be deemed the final order for purposes of appeal to the Nebraska Liquor Control Commission as provided by law. (Neb. Rev. Stat. §53-1,114)

**SECTION 4-127: FORM FOR CITIZEN COMPLAINT**

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

To the Chairman and Board of the Village of Page, Nebraska; the undersigned respectfully state:

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

2. That they believe that \_\_\_\_\_, the holder of a Class \_\_\_\_ license in the aforesaid village, has violated Section \_\_\_\_\_ of (check one or more)

\_\_\_\_\_ the Nebraska Liquor Control Act.

\_\_\_\_\_ the regulations prescribed by the Nebraska Liquor Control Commission.

\_\_\_\_\_ the Municipal Code of the Village of Page, Nebraska.

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

\_\_\_\_\_

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Name)

STATE OF NEBRASKA            )  
  ) ss.  
COUNTY OF \_\_\_\_\_ )

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

My commission expires \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

**SECTION 4-128: COMPLAINTS; PROCEDURE**

1. The village clerk shall supply the complaint forms prescribed herein and shall, on request, supply one to any resident of this village desirous of initiating a complaint against a liquor licensee. Any complaint duly executed on one of the aforesaid forms by five residents of this village and filed with the village clerk shall be presented by him/her to the chairman and Board at their next meeting. If the chairman and the Board are satisfied that the complaint substantially charges a violation and that from the facts alleged there is a reasonable cause for such belief they shall, by resolution, set the matter for hearing within ten days from the filing of the complaint. Said resolution shall state the time and place of said hearing and shall direct the village law enforcement to serve the same on the licensee by delivering to him/her personally a true and certified copy thereof at least 72 hours prior to the time of hearing. Said resolution shall also state the section or sections of the Nebraska Liquor Control Act, the regulations prescribed by the Nebraska Liquor Control Commission or this code alleged to have been violated and the facts on which said allegations are based as stated in the complaint.

2. Present at said hearing shall be the village attorney and the licensee, who may be represented by counsel employed by him/her. The complainants shall be present and may be represented by counsel employed by them. Within 30 days from the date the complaint is filed, the chairman and the Board shall, by resolution, dispose of the complaint, which resolution shall be deemed the final order for purposes of appeal to the Nebraska Liquor Control Commission.

**SECTION 4-129: 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, provided that:

1. Nothing herein shall prevent the possession of alcoholic liquor for the personal use of the possessor, his family and guests, as long as the quantity of alcoholic liquor transported, imported, brought, shipped or caused to be transported, imported, brought, or shipped into the state for personal use does not exceed one gallon at any one time or two gallons in any one calendar month, nor prevent the making of wine, cider or other alcoholic liquor from fruits, vegetables or grains or the products thereof by simple fermentation and without distillation if it is made solely for the use of the maker, his family and his guests.

2. Nothing herein shall prevent any duly licensed practicing physician or dentist from possessing or using alcoholic liquor in the strict practice of his/her profession or any hospital or institution caring for sick and diseased persons from possessing any alcoholic liquor for the treatment of bona fide patients of such hospital or other institution.

3. Any drugstore employing a licensed pharmacist may possess and use alcoholic liquors in the compounding of prescriptions of duly licensed physicians;

4. 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.

5. Persons who are age 16 or older may carry beer from grocery stores when they are accompanied by a person not a minor; persons who are 16 or older may handle beer containers and beer in the course of their employment in grocery stores; and persons who are 16 or older may remove and dispose of alcoholic liquor containers for the convenience of their employer and customers in the course of their employment as wait staff or busboys by any restaurant, club, hotel or similar organization.

6. Persons who are age 19 or older may serve or sell alcoholic liquor in the course of their employment.

(Neb. Rev. Stat. §53-102, 53-164.01, 53-175)

#### **SECTION 4-131: REMOVAL OF INTOXICATED PERSONS FROM PUBLIC OR QUASI-PUBLIC PROPERTY**

1. Any law enforcement officer with the power of arrest for traffic violations may take a person who is intoxicated and, in the judgment of the officer, dangerous to himself, herself or others, or who is otherwise incapacitated, from any public or semi-public property. Any officer removing an intoxicated person from public or quasi-public property shall make a reasonable effort to take such intoxicated person to his/her home or to place such person in any hospital, clinic, alcoholism center or with a medical doctor as may be necessary to preserve life or to prevent injury. Such effort at placement shall be deemed reasonable if the officer contacts those facilities or

doctors who have previously represented a willingness to accept and treat such individuals and who regularly do accept such individuals. If such efforts are unsuccessful or are not feasible, the officer may then place such intoxicated person in civil protective custody, except that such custody shall be used only as long as is necessary to preserve life or to prevent injury and under no circumstances longer than 24 hours. The placement of such person in civil protective custody shall be recorded at the facility or jail to which he/she is delivered and then communicated to his/her family or next of kin, if they can be located, or to such person designated by that person taken into civil protective custody.

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

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

(Neb. Rev. Stat. §53-1,121)



## **Article 2 – Occupation Tax**

### **SECTION 4-201: AMOUNT**

1. For the purpose of raising revenue, an occupation tax for any business with a valid State of Nebraska liquor license is hereby levied in the following amount:

For all license classifications: 20% of the state liquor license fee.  
(Ord. No. 98-2004, 10/12/04)

2. For the support and maintenance of the volunteer Fire Department, a special occupation tax in the amount of \$5.00 per year is imposed on fire insurance companies doing business in the Village:  
(Ord. No. 40, 2/1/34)

### **SECTION 4-202: COLLECTION DATE**

All occupation taxes shall be due and payable upon receipt of the state liquor license fee; and upon the payment thereof by any person or persons to the village clerk, the said clerk shall give a receipt, properly dated, and specifying the person paying the said tax, and the amount paid. The revenue collected shall then be immediately deposited into the General Fund by the village treasurer, who shall keep an accurate account of all revenue turned over to him/her. All forms, and receipts herein mentioned shall be issued in duplicate. One copy shall then be kept by each party in the transaction. (Ord. No. 98-2004, 10/12/04)

### **SECTION 4-203: CERTIFICATE**

The receipt issued after the payment of any occupation tax shall be the Occupation Tax Certificate. The certificate shall specify the amount of the tax and the name of the person, and business that paid the said tax. The said 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. (Ord. No. 98-2004, 10/12/04)

### **SECTION 4-204: 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 Village shall then proceed by civil suit to collect the amount due. All delinquent taxes shall bear interest at the rate of 1% per month until paid. (Ord. No. 98-2004, 10/12/04)



## **Article 3 – Nonresident Sales**

### **SECTION 4-301: REGULATION; PERMIT REQUIRED**

A. All nonresident individuals going door to door in the residential district with the intent to sell any goods, service, product or insurance or to solicit money for any purpose shall, before doing business within the Village, make application for and be issued a license. Such registration and licensing is to prevent the sale of fraudulent, dangerous or unhealthful goods and services, to protect the public by maintaining records of the products sold and the persons and companies responsible for such sales and for the purpose of raising revenue.

B. Application for a license shall be made to the village clerk upon blank forms supplied by the Village and shall contain all the necessary information and documents required for the protection of the residents of the Village. Any person or persons granted a license shall be subject to any fees, occupation taxes and other rules and regulations which the Village Board deems appropriate for the purposes stated herein. Any license so granted shall be subject to revocation in the event that the information provided is inaccurate or misleading.

### **SECTION 4-302: PERMIT APPLICATION; FEE**

1. Application for a permit as required by herein shall be sworn to and filed with the village clerk. The application shall contain the following information:

- A. Names of organization applying for license to solicit or sell and address of its headquarters;
- B. Names and addresses of its principal officers and management;
- C. The purpose for which any solicitation is to be made and the use or disposition to be made of any receipts therefrom;
- D. The name and the person or persons by whom the receipts of any solicitation shall be disbursed;
- E. The name and address of the person or persons who will be in direct charge of conducting the solicitation or sales, and the name and address of the registered agent and registered office of the soliciting or selling organization;
- F. An outline of the method or methods to be used in conducting the solicitation or sale;
- G. The time when such solicitations or sales shall be made, giving the preferred dates for the beginning and ending of such solicitation or sale;
- H. A statement to the effect that if a permit is granted, it will not be used or represented in any way as an endorsement by the Village.

2. Upon receiving the information required in the permit application, the payment of a permit fee, and payment of any occupation tax as required by other ordinances and the posting of any bond required by this article, the clerk shall then issue a

permit to such applicant. The permit fee shall be set by resolution of the Village Board and shall be on file in the office of the village clerk for public inspection during office hours.

#### **SECTION 4-303: HOURS OF SOLICITATION**

It shall be unlawful for any license holder to solicit any individual between the hours of 6:00 P.M. and 9:00 A.M. unless he/she has a previous appointment with the resident of the premises solicited. It shall be unlawful at any hour for any person to solicit without having a proper license on his/her person at all times.

#### **SECTION 4-304: EXCEPTIONS**

Nothing herein shall be construed to apply to any person selling produce raised within the county, to wholesale salespeople soliciting merchants directly, to residential route salespersons, to local non-profit organizations or to persons canvassing residents within the Village for religious, political or other noncommercial purposes.

## **Article 4 – Fair Housing**

### **SECTION 4-401: PURPOSE**

The purpose of this article is to promote the general welfare of the residents of Page, Nebraska, by endorsing the provisions of the Nebraska Fair Housing Act, Neb. Rev. Stat. §20-301 through 20-344, to the effect that there shall be no discrimination in the Village in the acquisition, ownership, possession or enjoyment of housing in accordance with Article 1, Section 25, of the Constitution of the State of Nebraska.

### **SECTION 4-402: DEFINITIONS**

"Aggrieved person" shall include any person who claims to have been injured by a discriminatory housing project, or believes that he/she will be injured by a discriminatory housing practice that is about to occur.

"Commission" shall mean the Nebraska Equal Opportunity Commission.

"Dwelling" shall mean any building, structure or portion thereof which is occupied as or designed or intended for occupancy as a residence for one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof.

"Familial status" shall mean one or more minors being domiciled with: a parent or another person having legal custody of such individual; or the designee of a parent or other person having legal custody, with written permission of the parent or other person.

"Handicap" shall mean, with respect to a person: (1) a physical or mental impairment, excluding current illegal use of or addiction to a controlled substance as defined in Neb. Rev. Stat. §28-401, which substantially limits one or more of such person's major life activities; (2) a record of having such an impairment; or (3) being regarded as having such an impairment.

"Person" shall include one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers and fiduciaries.

"Rent" shall include lease, sublease, let and otherwise grant for consideration the right to occupy premises not owned by the occupant.

"Restrictive covenant" shall mean any specification limiting the transfer, rental or lease of any housing because of race, creed, religion, color, national origin, sex, handicap, familial status or ancestry.

## SECTION 4-403: UNLAWFUL ACTS

1. It shall be unlawful to:

- A. Refuse to sell or rent after the making of a bona fide offer, refuse to negotiate for the sale or rental of or otherwise make unavailable or deny, refuse to show, or refuse to receive and transmit an offer for a dwelling to any person because of race, color, religion, national origin, familial status or sex;
- B. Discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling or in the provision of services or facilities in connection therewith because of race, color, religion, national origin, familial status or sex;
- C. Make, print, publish or cause to be made, printed or published any notice, statement or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination based on race, color, religion, national origin, handicap, familial status or sex or an intention to make any such preference, limitation or discrimination;
- D. Represent to any person because of his/her race, color, religion, national origin, handicap, familial status or sex that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available;
- E. Cause to be made any written or oral inquiry or record concerning the race, color, religion, national origin, handicap, familial status or sex of a person seeking to purchase, rent or lease any housing;
- F. Include in any transfer, sale, rental or lease of housing any restrictive covenants, or honor, exercise or attempt to honor or exercise any restrictive covenant pertaining to housing;
- G. Discharge or demote an employee or agent or discriminate in the compensation of such employee or agent because of such employee's compliance with this article or the Nebraska Fair Housing Act; and
- H. Induce or attempt to induce, for profit, any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, national origin, handicap, familial status or sex.

2. The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of a minor.

**SECTION 4-404: HANDICAPPED PERSON; DISCRIMINATORY PRACTICES PROHIBITED; DESIGN AND CONSTRUCTION STANDARDS**

1. It shall be unlawful to:

- A. Discriminate in the sale or rental of or otherwise make unavailable or deny a dwelling to any buyer or renter because of a handicap of (i) the buyer or renter; (ii) any person associated with the buyer or renter; or (iii) a person residing in or intending to reside in the dwelling after it is sold, rented or made available; or
- B. Discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling or in the provision of services or facilities in connection with a dwelling because of a handicap of (i) such person; (ii) any person associated with such person; or (iii) a person residing in or intending to reside in the dwelling after it is sold, rented or made available.

2. For purposes of this section, "discrimination" shall include:

- A. A refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by the person if the modifications may be necessary to afford the person full enjoyment of the premises; except that in the case of rental, the landlord may, when it is reasonable to do so, condition permission for a modification on the renter's agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;
- B. A refusal to make reasonable accommodations in rules, policies, practices or services when such accommodations may be necessary to afford the handicapped person equal opportunity to use or enjoy a dwelling; and
- C. In connection with the design and construction of covered multi-family dwellings for first occupancy after September 1, 1991, a failure to design and construct the dwellings in such a manner that the public use and common use portions of the dwelling are readily accessible to and usable by handicapped persons; all the doors designed to allow passage into and within all premises within the dwelling are sufficiently wide to allow passage by handicapped persons in wheelchairs; and all premises within the dwellings contain the following features of adaptive design: (1) an accessible route into and through the dwelling; (2) light switches, electrical outlets, thermostats and other environmental controls in accessible locations; (3) reinforcements in bathroom walls to allow later in-

stallation of grab bars; and (4) kitchens and bathrooms such that a handicapped person in a wheelchair can maneuver about the space.

3. Compliance with the appropriate requirements of the American National Standards Institute's standard for buildings and facilities providing accessibility and usability for physically handicapped people, ANSI A117.1, shall satisfy the requirements of subdivision (2)(C)(3) of this section.

4. For purposes of this section, "covered multi-family dwellings" shall mean buildings consisting of four or more units, if such buildings have one or more elevators; and ground floor units in other buildings consisting of four or more units.

5. Nothing in this section shall require that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

#### **SECTION 4-405: TRANSACTION RELATED TO RESIDENTIAL REAL ESTATE; DISCRIMINATORY PRACTICES PROHIBITED**

1. It shall be unlawful for any person or other entity whose business includes engaging in transactions related to residential real estate to discriminate against any person in making available such a transaction because of race, color, religion, sex, handicap, familial status or national origin.

2. For purposes of this section, "transaction" related to residential real estate shall mean any of the making or purchasing of loans or providing other financial assistance for purchasing, constructing, improving, repairing or maintaining a dwelling or secured by residential real estate; or the selling, brokering or appraising of residential real property.

3. Nothing in this section shall prohibit a person engaged in the business of furnishing appraisals or real property from taking into consideration factors other than race, color, religion, national origin, handicap, familial status or sex.

#### **SECTION 4-406: MULTIPLE LISTING OR OTHER SERVICE**

It shall be unlawful to deny any person access to or membership or participation in any multiple listing service, real estate brokers' organization or other service, organization or facility relating to the business of selling or renting dwellings, or to discriminate against any person in the terms or conditions of such access, membership or participation on account of race, color, religion, national origin, handicap, familial status or sex.

**SECTION 4-407: RELIGIOUS ORGANIZATION, PRIVATE HOME; PRIVATE CLUB OR HOUSING FOR OLDER PERSONS; RESTRICTING USE NOT PROHIBITED**

1. Nothing in this article shall prohibit a religious organization, association or society or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with said religious organization, association or society from limiting the sale, rental or occupancy of a dwelling which it owns or operates for other than commercial purposes to persons of the same religion or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, national origin, handicap, familial status or sex.

2. Nothing in this article shall prohibit a private club not open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than commercial purposes, from limiting the rental or occupancy of such lodging to its members or from giving preference to its members.

3. Nothing in this article shall prohibit or limit the right of any person or his/her authorized representative to refuse to rent a room or rooms in his/her own home for any reason or for no reason or to change tenants in his/her own home as often as desired, except that this exception shall not apply to any person who makes available for rental or occupancy more than four sleeping rooms to a person or family within his/her home.

4. Nothing in this article regarding familial status shall apply with respect to housing for older persons. For purposes of this subsection, housing for older persons shall mean housing:

- A. Provided under any state program that the commission determines is specifically designed and operated to assist elderly persons as defined in such program;
- B. Intended for and solely occupied by persons 62 years of age or older; or
- C. Intended and operated for occupancy by at least one person 55 years of age or older per unit.

**SECTION 4-408: INFORMATION**

The village clerk, upon inquiry, shall make available information regarding the Nebraska Fair Housing Act and the Nebraska Equal Opportunity Commission to an aggrieved person or any other person without cost to such individual.



## **Article 5 – Penal Provision**

### **SECTION 4-501: VIOLATION; PENALTY**

Any and all persons violating any of the provisions of the several articles of this chapter for which a penalty is not therein provided shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in an amount not more than \$500.00. Each day that maintenance of the same continues shall constitute a separate offense.