

CHAPTER IV BUSINESS REGULATIONS

ARTICLE I - NON-RESIDENT SALESPEOPLE

SECTION 4-101: APPLICATION FOR LICENSE

Any non-resident salesperson intending to sell or attempting to sell at retail any merchandise, magazines, books, services or other items of value or attempting to take orders or subscriptions for the same within the corporate limits of the City shall prior to making any attempt to sell such items, register with the City Clerk. There shall be a charge of \$20.00 per day for any license, to be paid at the time such license is issued. A license may be granted after the following is provided:

- (1) The applicant's full name, current address, telephone number and proof of identity;
- (2) A brief description of the nature, character and quality of goods, wares or merchandise to be offered for sale;
- (3) The specific location, if any, in which the vendor intends to conduct business;
- (4) If the applicant is employed by another, the name and address of the person, firm, association, organization, company or corporation;
- (5) If a motor vehicle is to be used, a description of the vehicle together with the motor vehicle registration number and license number;
- (6) A sales tax permit as required by Neb. R.S. § 77-2705: and,
- (7) Proof of a public liability bond or insurance policy in an amount not less than \$300,000.00 for property damage and injuries, including death, caused by the operation of the business.

SECTION 4-102: ISSUANCE OF LICENSE

The applicant shall be notified in writing by the City Clerk of the city's decision to issue or deny the vending license no earlier than three (3) days nor later than thirty (30) days after the applicant has filed a completed application with the City Clerk. Each license shall show the name and address of the licensee, the type of license issued, the kind of goods to be sold, the amount of the license fee, the date of issuance, the license number, an identifying description of any vehicle or conveyance used by the licensee plus, where applicable, the motor vehicle registration number. Each license shall also show the expiration date of the license and the vendor's plate number which is issued by the city.

SECTION 4-103: DUTY TO CARRY AND DISPLAY LICENSE

The license herein provided shall at all times be carried on the person of said salesperson and shall be displayed by the salesperson upon the request of any citizen of the City or any police officer of the City.

All licenses, permits and identification badges issued under this section are valid for the term of the occupation tax paid by the vendor unless suspended or revoked and shall be both non-assignable and non-transferable.

SECTION 4-104: HOURS OF SOLICITATION

It shall be unlawful for any solicitor, salesperson or peddler to solicit any individual between the hours of 5:00 P.M. and 9:00 A.M., unless they have a previous appointment with the resident or residents of the premises solicited.

ARTICLE II - LOCAL SALES AND USE TAX

SECTION 4-201: SALES AND USE TAX; ADOPTED

There is hereby adopted pursuant to the provisions of Sections 77-2701 to 77-27,135 Neb. Rev. Stat. 1943, known as the Nebraska Revenue Act of 1967, and Section 77-27,142 to 77-27,148 Neb. Rev. Stat. 1943, known as the Local Option Revenue Act, a sales and use tax of 1% upon the same transactions within the corporate limits of the City of Central City, Merrick County, Nebraska, on which the State of Nebraska is authorized to impose a tax pursuant to the provisions of the aforementioned statutes of the State of Nebraska as the same may, from time to time, be amended.

SECTION 4-202: ADMINISTRATION AND COLLECTION

The administration of the Sales and Use Tax imposed by this ordinance, the making of returns for the ascertainment and assessment, the provisions for tax claims and remedies, the laws governing consummation of sales, penalties and collection, and for the disposition and distribution of the taxes so imposed and collected shall be as provided by Sections 77-27,142 to 77-27,148 Neb. Rev. Stat., as amended, and Sections 77-2701 to 77-27,135 Neb. Rev. Stat. 1943, as amended.

ARTICLE III - LIQUOR REGULATIONS

SECTION 4-301: TERMS, DEFINED

Unless the context otherwise requires, the words and phrases defined in Section 53-103, R.R.S. Neb. 1943, or as hereafter amended or revised, shall be adopted for the purpose of construing this article; and said words and phrases are hereby incorporated by reference the same as though copied at full length herein.

SECTION 4-302: LICENSE REQUIRED

No persons shall manufacture for sale, sell, keep for sale, barter, or exchange under any pretext any alcoholic liquor within this city unless said person shall have in full force and effect a license therefor as provided by the Nebraska Liquor Control Act as amended.

SECTION 4-303: 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 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 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 300 feet from the campus of any college within the City.

SECTION 4-304: RENEWAL OF LICENSE

The city clerk shall cause to be published in a legal newspaper in this city one time between January 10 and January 30 of each year, individual notice of the right of automatic renewal of each retail liquor and beer license for which provisions are made in Section 53-124(5), R.R.S. Neb. 1943 in the following form:

NOTICE OF RENEWAL OF RETAIL LIQUOR LICENSE

Notice is hereby given that pursuant to Section 53- 135.01, the liquor license may be automatically renewed for one year from May 1, 19____, or November 1, 19____ 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 City of Central City on or before February 10, 19____, or August 10, 19____, in the office of the city 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)
(CITY CLERK)

Upon publication of the notice of renewal, the city clerk shall file a copy of the said notice with the Nebraska Liquor Control Commission.

SECTION 4-305: HOURS OF SALE

It shall be lawful to sell alcoholic liquors within the corporate limits of the City for consumption on and off the premises only during the following hours:

Beer and Wine:

Monday through Friday	6:00 A.M. to 12:00 Midnight
Saturday	6:00 A.M. to 1:00 A.M. Sunday
Sunday	None

Liquor:

Monday through Friday	8:00 A.M. to 12:00 Midnight
Saturday	8:00 A.M. to 1:00 A.M. Sunday
Sunday	None

Provided the sale of alcoholic liquors, including beer, for on and off sale shall be permitted until 1:00 A.M. on the day following Veterans Day and December 31st. Should December 31st fall on a Sunday, the sale of alcoholic liquors, including beer, for consumption on and off the premises shall be permitted from 1:00 P.M. until 1:00 A.M. on the following day.

It shall be lawful for any licensee which is a nonprofit corporation as defined in Section 53-103 of the Revised Statutes of Nebraska and is the holder of a license issued under the provisions of Section 53-124 Revised Statutes of Nebraska to sell alcoholic liquors, including beer, between 12:00 Noon and 12:00 Midnight on Sundays, but such licensee shall not sell or dispense liquors on more than six days each week.

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

SECTION 4-306: LIQUOR IN CITY HALL COMMUNITY ROOM

The serving of alcohol shall be permitted in the City Hall Community Room for wedding receptions, anniversaries or other special events approved by the City Council building committee. Alcohol shall be served only under the following terms:

1. Alcohol may be served but may not be sold.

2. Alcohol may be served outside the community room in the City Hall parking lot with prior approval of the City Council. In such cases, those renting the community room will be required to partition off, by means of a temporary wall or fence, a designated area for alcohol use. Alcohol service and consumption must be confined to the designated area.

3. Alcohol is not allowed in any carpeted room in the building.

4. No alcohol may be served between the hours of 12:00 midnight and 9:00 A.M.

Anyone wanting to serve alcohol in the community room must make application with the city clerk at least 72 hours in advance. The city clerk shall require an additional use fee and security deposit over and above that normally required for use of the community room. The use fee and security deposit shall be determined from time to time by the City Council. Failure to comply with the provisions of this section will result in the loss of the entire security deposit and may render the violator subject to criminal charges under the statutes of the State of Nebraska.

SECTION 4-307: FORM FOR CITIZEN COMPLAINT

The following form is hereby prescribed for the use of residents of this city desiring to complain to the mayor and the City Council 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 mayor and City Council of the City of Central City, Nebraska.

The undersigned respectfully state:

1. That they are each residents of the City of Central City, Nebraska.

2. That they believe that _____, the holder of a Class ___ license in the aforesaid city, 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 City of Central City, Nebraska.

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

STATE OF NEBRASKA)

) ss

COUNTY OF _____)

Subscribed in my presence and sworn to before me by _____,
_____, _____, _____ and _____, this
_____ day of _____, 19____.
My commission expires _____.

Notary Public

SECTION 4-308: FORMS, CONTINUED; PROCEDURE

The city clerk shall supply the forms prescribed herein and shall, on request, supply one to any resident of this city desirous of initiating a complaint thereon. Any complaint duly executed on the aforesaid form by five residents of this city and filed with the city clerk, shall be presented by the clerk to the mayor and City Council at their next meeting. If the mayor and the City Council 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 city police chief 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. Present at said hearing shall be the city 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. The mayor and the City Council shall, within 30 days from the date the complaint is filed, 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 4-309: COMPLAINT INITIATED BY CITY COUNCIL

The mayor and City Council may on their own motion, by resolution, fix the time and place for a hearing on whether or not a licensee has violated any section of the Nebraska Liquor Control Act, the regulations of the Nebraska Liquor Control Commission or this code, which resolution shall state the section or sections in question. Said resolution shall be served in the same manner and within the same time as the initial resolution mentioned in Section 4-324 of this code, and insofar as possible the procedure shall be the same as is provided in that section.

SECTION 4-310: PREREQUISITES TO DELIVERY OF LICENSE

Retail licenses issued or renewed by the Nebraska Liquor Control Commission for licensees within this city shall be delivered to said licensee by the city clerk, but he/she shall not deliver any such license to a licensee who does not exhibit receipts showing payment of the occupation tax levied under Section 4-501 of this code, payment of the license fee, payment

of the publication fee for giving notice of the hearing before the City Council 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 4-311: ACTION ON APPLICATION FOR LICENSE

Upon receipt from the Nebraska Liquor Control Commission of the notice and copy of the application provided for in Section 53-131, R.R.S. Neb. 1943, the city clerk shall present it to the mayor and the City Council at their next meeting, and said mayor and City Council shall, by resolution, fix a time and place at which a hearing will be had and evidence taken under oath from any person desiring to be heard on the propriety of the issuance of the license in question.

Notice of the time and place of such hearing shall be published in a legal newspaper in this city one time, not less than three nor more than seven days before the time of hearing. The hearing shall be held not more than 21 days after the date of receipt of the notice and copy of the application by the city clerk. After said hearing, the mayor and City Council shall, by resolution, spread at large in the minute record of their proceedings, recommend either the issuance or the refusal of said license. The city clerk shall thereupon mail to the Nebraska Liquor Control Commission by first class mail, postage prepaid, a copy of the resolution which shall state the cost of the published notice.

ARTICLE IV - ELECTRICIANS, GAS FITTERS AND GARBAGE COLLECTORS

SECTION 4-401: ELECTRICIANS; PERMIT REQUIRED

No person shall install any electric apparatus within the corporate limits without first having obtained a permit to do so.

SECTION 4-402: ELECTRICIANS; BOND REQUIRED

Before any electrician's permit shall be issued, the applicant may be required to execute and file with the city clerk a bond a sum set by resolution of the City Council and on file at the office of the city clerk to be approved by the City Council and conditioned that the permittee shall indemnify and hold harmless the City from all liability caused by any negligent or intentional act arising from his/her electrical work or violation of this code and shall pay all fines imposed upon him/her for any violation thereof. The obligee of said bond shall be the City, and action may be maintained thereon by anyone injured by a breach of its conditions for a period of one year after the completion of any electrical work.

SECTION 4-403: 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/she shall have registered as a gas fitter as hereinafter provided. Application for registration shall be made in writing at the office of the city clerk showing the name and residence of the applicant and such other information as may be required.

SECTION 4-404: GAS FITTERS; BOND

Each registered gas fitter, as a condition to the issuance of each certificate of registration, may be required to obtain and file with the city clerk a personal surety bond in a sum set by resolution of the City Council and on file at the office of the city clerk, signed by one or more sufficient sureties or a corporate surety doing business in the City to be approved by the City Council conditioned that the said registered gas fitter shall indemnify and hold harmless the City from all accidents, damage, liability, claims, judgments, costs or expenses caused by the willful or negligent conduct of the gas fitter. During the period of such registration, the applicant for registration will be governed by the rules and requirements herein provided, or that may hereafter be prescribed and adopted by the City during the period of his/her said registration, with reference to natural gas work, to the satisfaction of the City. The obligee of said bond shall be the City, 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 city attorney. In addition to the filing of the aforesaid bond, each registered fitter shall obtain and file a certificate thereof with the city clerk, a general, public liability insurance policy for property damage and bodily injury in policy limits set by resolution of the City Council 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 required endorsement on the policy of insurance for a period of one year after the completion of any gas fitting work.

SECTION 4-405: GARBAGE COLLECTION; REGULATION

It shall be unlawful for any person to own, operate or participate in the removal of garbage for a fee until and unless the said person has contracted with or has received a license from the City Council, and secured a bond in accordance with the procedure outlined in Chapter 6, Article 5 of this codification.

ARTICLE V - OCCUPATION TAX

SECTION 4-501: OCCUPATION TAX; AMOUNTS

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

Billiards and/or pool tables, per year:	
First table	\$ 25.00
Each additional table	\$ 10.00
Bowling Alleys, per year:	\$ 30.00
Pawn Shop	\$ 50.00
Retailer of Beer only, consumption on the premises, per year:	\$ 75.00
Retailer of Beer only: sales in original packages only For consumption off the premises, per year:	\$ 50.00
Retailer of Alcoholic Liquors, including beer, sales in original package only for consumption off the premises, per year:	\$250.00
Retailer of Alcoholic Liquors, including beer, by non-profit organizations, for consumption on the premises only, per year:	\$125.00
Retailer of Alcoholic Liquors for consumption on the premises and off the premises (sales in original package only) per year:	\$375.00

SECTION 4-502: OCCUPATION TAX; FIRE INSURANCE COMPANIES

For the use, support and maintenance of the city fire department, all revenue realized from the occupation tax on fire insurance companies shall be appropriated to the Fire Department Fund.

SECTION 4-503: COLLECTION DATE

All occupation taxes shall be due and payable on the first day of May and November 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 city 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 city treasurer. The city treasurer 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.

SECTION 4-504: 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 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.

SECTION 4-505: 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 City 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.

ARTICLE VI - PENAL PROVISION

SECTION 4-601: VIOLATION; PENALTY

Anyone violating any of the terms and conditions of any of the foregoing chapter and articles shall be deemed guilty of a misdemeanor and shall be fined in a sum not to exceed that permitted by Nebraska law for violation of a municipal ordinance.

ARTICLE VII - SEXUALLY ORIENTED BUSINESSES

SECTION 4-701: PURPOSE

It is the purpose of this Ordinance is to regulate Sexually Oriented Businesses, to promote the health, safety, morals and general welfare of the citizens of the City, and to establish reasonable and uniform regulations of Sexually Oriented Businesses within the City. The provisions of this Chapter have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this Chapter to restrict or deny access by adults to sexually oriented materials protected by the First Amendment or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market.

SECTION 4-702: DEFINITIONS

Unless otherwise expressly stated, the following terms shall, for the purposes of this Ordinance have the meanings indicated in this section.

“Nudity or A State of Nudity” means a state of dress which fails to completely and opaquely cover a human buttock, vulva, anus, male genitals, or female genitals. or any part of the female breast or breasts that is situated below a point immediately above the top of the areola of the female breast.

“Sexually Oriented Business” means:

1. A commercial establishment to which the public is permitted or invited which, as its principal business purpose, offers for sale, rental or viewing, for any form of consideration any one (1) or more of the following:
 - a. books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides or other visual representations which depict or describe activities which are characterized by the exposure of human genitals in a state of sexual arousal or simulated to be in a state of sexual arousal, pubic region, or pubic hair; any buttock; or any portion of the female breast or breasts that is situated below a point immediately above the top of the areola. when less than completely and opaquely covered:

b. instruments, devices, or paraphernalia or any other items intended to provide sexual stimulation or sexual gratification to its customers, or are designed for use in activities which are distinguished by or characterized by an emphasis on matter depicting, describing or relating to sexual activities which are designed for use in connection with sexual activities which are characterized by the exposure of human genitals in a state of sexual arousal or simulated to be in a state of sexual arousal, pubic region, or pubic hair; any buttock; or any portion of the female breast or breasts that is situated below a point immediately above the top of the areola. when less than completely and opaquely covered:

: This does not include items used for birth control or for prevention of sexually transmitted diseases.

The term “Sexually Oriented Business” shall not be construed to include:

a. Any business operated by or employing a licensed psychologist, licensed physical therapist, licensed masseuse, licensed vocational nurse, registered nurse, licensed athletic trainer, licensed cosmetologist, or licensed barber engaged in performing the normal and customary functions authorized under the license held;

b. Any business operated by or employing a licensed physician or licensed chiropractor engaged in practicing the healing arts;

c. Any retail establishment whose principal business is the offering of wearing apparel for sale to customers and that does not exhibit merchandise on live models; or

d. An activity conducted or sponsored by a proprietary school licensed by the State of Nebraska or a college, junior college or university supported entirely or partly by taxation; or by a private college or university which maintains or operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation;

SECTION 4-703: LOCATION

A person commits an offense if he establishes, operates or causes to be operated or expanded a Sexually Oriented Business within 1,000 feet of a church; a public or private elementary or secondary school; a boundary of a residential district; a licensed day care center; or a public park.

SECTION 4-704: LICENSE REQUIRED

1. A person commits an offense if the person operates or causes to operate a Sexually Oriented Business without a valid license, issued by the City for the particular type of business.
2. Any person, association, firm, partnership, or corporation desiring to obtain a Sexually Oriented Business license shall make application on a form provided by the Chief of Police. The application must be accompanied by a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches (6").
3. The applicant must be qualified according to the provisions of this article.
4. An individual person who wishes to operate a Sexually Oriented Business must sign the application for a license as applicant. If a person who wishes to operate a Sexually Oriented Business is other than an individual, each individual who has a twenty percent (20%) or greater interest in the business must sign the application for a license as applicant.
5. Each applicant shall be considered a licensee if a license is granted.
6. The fact that a person possesses other types of State or City permits does not exempt that person from the requirement of obtaining a license for a Sexually Oriented Business.
7. All applications for a license under this article shall be accompanied by a nonrefundable application fee. The fee is Five Hundred Dollars (\$500.00). An application shall not be considered to have been received until the fee is paid and all information required by the application form has been submitted.
8. A licensee or operator commits an offense if the licensee or operator fails to display a legible copy of the complete permit or certificate on the exterior of the Sexually Oriented Business premises. Such copy of the permit or certificate must be prominently and continuously displayed where customers enter the premises and immediately adjacent to such entrances.

SECTION 4-705: LICENSE ISSUANCE AND GROUNDS FOR DENIAL

1. The City Code Enforcement Officer shall approve the issuance of a license to an applicant within thirty (30) days after receipt of an application, unless the City Code Enforcement Officer finds one (1) or more of the following to be true:

A. The location of the Sexually Oriented Business is or would be in violation of this Chapter.

B. The applicant failed to supply all of the information requested on the application.

C. The applicant gave false, fraudulent or untruthful information on the application.

D. An applicant is under eighteen (18) years of age.

E. An applicant or an applicant's spouse is overdue in payment to the City of taxes, fees, fines or penalties assessed against or imposed upon the applicant or the applicant's spouse in relation to a Sexually Oriented Business.

F. An applicant or an applicant's spouse has been convicted or placed on deferred disposition, probation or community supervision for a violation of a provision of this Chapter, within two (2) years immediately preceding the application. The fact that a conviction is being appealed shall have no effect.

G. An applicant or an applicant's spouse has been convicted or placed on deferred disposition, probation or community supervision for a violation of the laws of Nebraska, or any other jurisdiction for:

prostitution; promotion of prostitution; aggravated promotion of prostitution; compelling prostitution; obscenity; sale, distribution or display of harmful material to a minor; sexual performance by a child; possession of child pornography; indecent exposure; indecency with a child;

sexual assault or aggravated sexual assault; incest, solicitation of a child or harboring a runaway child; for which less than five (5) years have elapsed since the date of conviction, or the date of release from the terms of community supervision, probation, parole or deferred disposition or the date of release from confinement for the conviction, whichever is the later date, or the applicant or the applicant's spouse is required to register as a sex offender under the provisions of Nebraska Law.

4-706: RENEWAL OF LICENSE

1. Each license shall expire one year after the date of issuance. Renewal of a license may be applied for by submission to the City Code Enforcement Officer of an application on the form prescribed by such official and payment of a nonrefundable renewal processing fee of Five Hundred Dollars (\$500.00).
2. Application for renewal shall be made at least thirty (30) days before the expiration date of the current license.

4-707: REVOCATION

The City Code Enforcement Officer may revoke a Sexually Oriented Business license if the City Code Enforcement Officer determines that within a five (5) year period of time a licensee(s) or operator(s) (or any combination thereof) has/have been convicted of or placed on deferred disposition, probation or community supervision for conduct occurring in a licensing period on the premises of a Sexually Oriented Business that constitutes any of the offenses of the State of Nebraska which would subject the person to file as a sex offender; if a licensee or operator gave false or misleading information in the material submitted to the Chief of Police during the application process; if a licensee or operator has knowingly allowed possession, use or sale of a controlled substance on the premises; if a licensee or operator has on two (2) or more occasions knowingly allowed prostitution on the premises.

4-708: ADDITIONAL REGULATIONS

1. Any employee of a Sexually Oriented Business commits an offense if the employee, while appearing in a state of nudity touches a customer or the clothing of a customer.
2. A licensee, operator or employee commits an offense if the licensee, operator or employee appears in a state of nudity or knowingly allows another to appear in a state of nudity in an area of the Sexually Oriented Business premises which can be viewed from the public right-of-way.
3. A person commits an offense if the person employs at a Sexually Oriented Business any person under the age of eighteen (18) years.
4. A person commits an offense if the person knowingly allows a person under the age of eighteen (18) years to appear in a state of nudity in or on the premises.

5. Live entertainment is prohibited in any room or booth of less than 500 square feet of floor space, as well as any other room adjacent to or visible from any viewing room or booth.
6. The owners, operator and any agents and employees present on the premises shall ensure: that the view area specified in Subsection (5) of this section remains unobstructed by any doors, curtains, partitions, walls, merchandise, display racks or other materials at all times that any customer is present on, in or about the premises; and, that no customer is permitted access to any area of the premises which has been designated as an area in which customers will not be permitted in the application.
7. A licensee, operator or employee commits an offense if the licensee, operator or employee knowingly allows a person under the age of eighteen (18) years on the premises of a Sexually Oriented Business.
8. A licensee, operator or employee commits an offense if the licensee, operator or employee knowingly allows, in a Sexually Oriented Business, another to appear in a state of nudity, unless the person is an employee who, while in a state of nudity, is on a stage (on which no customer is present) at least eighteen (18) inches above the floor, and is: (1) at least six (6) feet from any customer (hereinafter called "unenclosed performance stage"); or (2) physically separated from customers by a wall or partition composed of solid glass or light-transmitting plastic, or substantially equivalent material extending from the floor of the performance stage to at least five (5) feet above the level of the performance stage, but such that there are no openings in the wall or partition that would permit physical contact between customers and such employee.
9. It is an offense for an employee, while in a state of nudity in a Sexually Oriented Business, to receive directly any pay or gratuity from any patron or customer, or for any patron or customer to pay or give any gratuity directly to any employee, while that employee is in a state of nudity in a Sexually Oriented Business. Such gratuity or pay may be provided to such employee through a tip receptacle, located more than six (6) feet from the nearest point of the performance stage where such employee is in a state of nudity, or may be paid to an employee that is not in a state of nudity, as part of the customer's bill.
10. A licensee or operator commits an offense if the licensee or operator fails to display a sign on the interior of the Sexually Oriented Business premises notifying customers and employees:

TOUCHING OR TIPPING AN EMPLOYEE WHO IS IN A STATE OF NUDITY IS A CRIME (MISDEMEANOR), PUNISHABLE BY FINE UP TO \$200. PATRONS SHALL REMAIN AT LEAST SIX FEET FROM ALL UNENCLOSED PERFORMANCE STAGES.

The City Code Enforcement Officer may require, at the time of issuance or renewal of the license, the licensee to also display the sign in a language other than English if he determines that a substantial portion of the expected customers speak the other language as their familiar language.

11. A person having a duty under Subsections (1) through (10) of Subsection (A) herein commits a misdemeanor if he or she knowingly fails to fulfill that duty.

4-709: HOURS OF OPERATION

1. No Sexually Oriented Business, may remain open at any time between the hours of two o'clock (2:00) A.M. and eight o'clock (8:00) A.M. on weekdays and Saturdays, and two o'clock (2:00) A.M. and noon (12:00) P.M. on Sundays.

4-710: VIOLATION A MISDEMEANOR

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be fined an amount not to exceed One Thousand Dollars and No Cents (\$1,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.