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CHAPTER IV BUSINESS REGULATIONS

ARTICLE IV - OCCUPATION TAX

SECTION 4-101: PURPOSE

For the purpose of raising revenue and regulation of the businesses enumerated, there is hereby levied an occupational tax upon such occupations and businesses carried on within the corporate limits of this city and in such amounts as set forth below and on file with the City Clerk:

Fire insurance companies, per year	\$ 5.00
Non-resident salesmen, per permit duration, per day	7.50
Non-resident salesmen, per permit duration, per year	100.00

And every person, firm, association or corporation carrying on the occupation or business specified within the limits of said city shall pay to the city treasury the sum named as a tax upon such occupation or business. All money so collected shall be credited to the General Fund of said city; the said money shall be and remain under the control of the City Council for such use and purpose as other monies belonging to the General Fund.

SECTION 4-102: FIRE INSURANCE COMPANIES

Each and every fire insurance company doing business with the City, on or before the first day of May in each year, shall pay a special occupational tax of \$5.00 to the city treasurer, which shall entitle it to write business in said city for the current fiscal year. The city treasurer shall issue a receipt for such payment as in case of other taxes and shall keep all such payments in a special fund; such fund shall be disbursed only upon order of the Mayor and Council for the support and maintenance of the Volunteer Fire Department of the City.

SECTION 4-103: INTERSTATE OR GOVERNMENT BUSINESS

The license tax levied by this ordinance is not levied upon any business or occupation which is interstate or which is done or conducted by any department of the government of the United States, the State of Nebraska, this city or the officers thereof, as such in the course of its or their official duties or by any county or subdivision of this state or its officers.

SECTION 4-104: COLLECTION DATE

All occupation taxes shall be due and payable on the first 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 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.

SECTION 4-105: CERTIFICATES

The receipt issued after 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/or 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.

SECTION 4-106: DUTIES OF PARTIES LIABLE

It is hereby made the duty of each and every person, firm, association or corporation to pay the tax levied against him, her, them or it at the time the same becomes due as provided in Section 4-103.

SECTION 4-107: PAID TO TREASURER; NOT ASSIGNABLE

The tax herein levied shall be paid in cash to the city treasurer or other person designated by resolution of the Mayor and City Council who, upon the payment thereof, shall issue receipt therefor to the person, persons, partnership, firm or corporation paying the same, properly dated and specifying on behalf of whom and for what the sum is paid. The city treasurer's receipt shall be the warrant and proper authority of any person to carry on and conduct the business specified in said receipt and for which the money has been paid; provided, said receipt shall not be assignable.

SECTION 4-108: NO REFUND

No person paying occupational tax shall be entitled to a refund of any part of the tax so paid.

SECTION 4-109: VIOLATION; PENALTY

Any person, firm, association or corporation who shall refuse or neglect to pay the occupational tax or taxes herein levied or who shall transact any such business or engage in any such occupation without having complied with the provisions of this article shall, upon conviction thereof, be fined in a sum not less than \$5.00 nor more than \$500.00 and assessed the court costs of prosecution; provided that every suit brought under this section shall be in the name of this city and may be commenced by a warrant and arrest of the person or persons against whom the suit is brought, or that suit may be commenced by a common summons; and provided further, whenever any of the above-enumerated businesses or occupations shall be conducted by an agent for a corporation or a non-resident, such agent shall be subject to arrest and punishment

under the provisions of this section if his/her principal shall not have complied with the provisions of this ordinance.

ARTICLE II - LIQUOR REGULATIONS

SECTION 4-201: TERMS, DEFINED

Unless the context otherwise requires, the words and phrases defined in Neb. Rev. Stat. §53-103, 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 4-202: 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. A violation of this section shall constitute a misdemeanor, and any persons convicted of such shall be fined in any sum not exceed permitted by Nebraska law and assessed the court costs of prosecution. (Ref. Neb. Rev. Stat. §53-168.06)

SECTION 4-203: LIQUOR APPLICATION; RETAIL LICENSING STANDARDS

The City Council adopts the following licensing standards and criteria for consideration by the Liquor Control Commission of any applicant for a retail alcoholic liquor license, for the upgrading of a license to sell alcoholic liquor, or for the expansion or change in location of the premises, in accordance with the Nebraska Liquor Control Act, Neb. Rev. Stat. §53-132 (3) (a) and Section 7 of LB 911, 89th Legislature, Second Session, 1986:

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

7. The nature and needs of the neighborhood or community where the proposed premises are located as well as its projected growth.

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

(Ref. Neb. Rev. Stat. §53-134)

SECTION 4-204: SALE TO MINORS AND INCOMPETENTS PROHIBITED

1. No persons shall within this city sell, give away, dispose of, exchange or deliver, or permit the sale, gift or procuring of any alcoholic liquors, to or for any person who is physically or mentally incapacitated by the consumption of such liquors.

2. No minor shall have in his/her possession alcoholic liquor in any tavern, public place, street or alley in this city or inside a vehicle while upon any street, alley or public place in this city.

3. No minor shall obtain or attempt to obtain alcoholic liquor, by misrepresentation of age or any other method, in any tavern or other public place where liquor is sold in this city.

(Ref. Neb. Rev. Stat. §53-180)

SECTION 4-205: HOURS OF SALE

It shall be unlawful for any licensed person or persons or their agents to sell any alcoholic beverages within the City except during the hours provided herein:

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.

Excepting, it shall be lawful to

extend

the hours of sale of on-sale alcoholic liquor until 2:00 A.M. with prior approval from Crawford City Council

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.

Excepting, it shall be lawful to extend

the hours of sale of on-sale alcoholic liquor until 2:00 A.M. with prior approval from Crawford City Council

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 12:00 noon on Sunday to a licensee which is a nonprofit corporation holding a license pursuant to Neb. Rev. Stat. §53-124(5)(C) and (H), Reissue 1943.

The City Council may, by an approval of a majority vote, upon the application of a licensed person, business, or their agent, extend the hours of sale of on sale on all alcoholic liquor to 2:00 A.M. on any secular day. A new application shall be required for each day and shall not be continuing.

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

Nothing in this section shall be construed to prohibit 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. Neb. Rev. Stat. §53-179)

(Amended June 14, 2011, Ord. No. 620)

(Amended July 31, 2014, Ord. No. 636)

SECTION 4-206: RESTRICTIONS ON PLACE OF CONSUMPTION

No person shall drink or consume alcoholic liquors on any street or alley in this city or inside any vehicle on any street or alley of this city or in any place open to the general public, other than a premises having an on-sale liquor license.

(Ref. Neb. Rev. Stat. §53-186, 53-186.01)

SECTION 4-207: OCCUPATION TAX

There is hereby levied on all businesses in the City which sell alcoholic liquors an annual occupation tax in the sum of twice the amount of the Nebraska state

licensing fee, except for non-profit corporations and farm wineries which qualify for a Class Y liquor license, which shall be charged a fee of \$50.00 per year.

The amount of such liquor license fee and occupation tax set forth above shall be deposited with the city treasurer at the time the application for license is made, whether such application be filed with the City Clerk or the Nebraska Liquor Control Commission, and the city treasurer shall hold such occupation tax as a trust fund until the application is finally passed on, and if the application is refused and license denied, then the amount thereof shall be returned to the applicant without interest. The occupation tax year shall commence on May 1 of each year and shall end on April 30th the next succeeding year; provided, during any license year no license shall be issued, unless the occupation tax for the full license year shall have been deposited with the city treasurer as hereinabove provided, regardless of the time when the application for license shall be made, and no reduction shall be made in the amount of the occupation tax, regardless of the time when the application for license shall have been made and regardless of the time when such license is issued.

The city treasurer shall credit such occupation tax fees to the general fund of the City. Upon the failure of any such applicant to pay such occupation tax as provided for by this section, it shall be mandatory upon the Mayor and City Council to pass a resolution denying the application for a license, or requesting the Liquor Control Commission to deny such application and such resolution shall state the reason therefore and shall be forwarded to the Nebraska Liquor Control Commission. (Ref. Neb. Rev. Stat. §17-525)

SECTION 4-208: ENTRY OF PREMISES FOR INSPECTION

The Mayor, any member of the City Council, the City Marshal, any policeman or the City Attorney shall have the right to enter any licensed premises at any time for the purpose of determining whether or not the licensee is violating any provision of the Nebraska Liquor Control Act or of this article, and for that purpose to examine and inspect said premises.

SECTION 4-209: 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 Crawford, Nebraska

The undersigned respectfully state:

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.

(Ref. Neb. Rev. Stat. §53-134.04)

SECTION 4-211: 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 4-210 of this code, and insofar as possible the procedure shall be the same as is provided in that section.

SECTION 4-212: 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 4-207 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 4-213: ACTION ON APPLICATION FOR LICENSE

Upon receipt from the Nebraska Liquor Control Commission of the notice and copy of the application provided for in Neb. Rev. Stat. §53-131, 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 (1) time, not less than three (3) nor more than seven

to him/her personally a true and certified copy thereof. Upon receipt by the City Clerk from the Nebraska Liquor Control Commission of the notice and copy of application, the same procedure shall be followed as is provided for in the case of an application for an original license.

SECTION 4-216: 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 to add alcohol to any beer on the licensed premise of such licensee.

(Ref. Neb. Rev. Stat. §53-174)

SECTION 4-217: CHANGE OF PREMISES

Any retailer licensee desiring to transfer his/her license from one premises to another, shall file a written request for permission to do so with the City Clerk, and shall also file with said clerk a sworn statement showing that the premises to which removal is to be made comply with all respects with the requirements of the Nebraska Liquor Control Act as amended. The City Clerk shall present said application and statement to the Mayor and City Council at their next meeting, and they shall, by resolution, approve or disapprove the transfer. If they approve the transfer, the approval thereof shall be endorsed on the license by the Mayor and attested by the City Clerk.

SECTION 4-218: GAMBLING

Unless sanctioned by Nebraska law, no licensee in this city 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 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 4-219: SALE FOR RESALE

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

SECTION 4-220: TRANSPORTATION OF LIQUOR OF RETAIL LICENSEES

No retail licensee in this city shall permit the transportation of alcoholic liquor from his/her licensed premises for storage purposes in any manner for any purpose, or to any location other than has been expressly authorized in writing by the commission.

SECTION 4-221: NO DELIVERY AFTER CLOSING HOURS

No retail licensee in this city operating premises open to the public shall act as retainer or keeper of liquor for customers or other persons for the purpose of delivering or disposing of such liquor after closing hours as provided by state law, ordinance or resolution or on days when sales are prohibited.

SECTION 4-222: RESTRICTIONS ON CONDUCT OF OTHER BUSINESS

Retail licensees in this city shall not maintain in their licensed premises any door opening into or access leading into the 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 4-223: CONDUCT PROHIBITED ON LICENSED PREMISES

No licensee in this city 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 4-224: ADVERTISEMENTS AND SALES

Advertising by licensees in this city shall not contain misrepresentation or misleading statements, and no sales shall be promoted or made by any licensee by unlawful means. Alcoholic liquors shall not be offered, delivered or disposed of by any licensee as a prize.

SECTION 4-225: SANITATION

Sanitary conditions conducive to public health and welfare must be maintained at all times in or about licensed premises in this city.

(Ref. Neb. Rev. Stat. §53-118)

SECTION 4-226: SALES FOR CASH ONLY

No person shall, in this city, sell or furnish alcoholic liquor at retail: (1) on credit or on a passbook, or (2) order on a store, or (3) in exchange for any goods, wares or merchandise, or (4) in payment for any services rendered.

(Ref. Neb. Rev. Stat. §53-183)

SECTION 4-227: DISPLAY OF LICENSE

Every licensee in this city shall cause his/her license to be framed and hung in plain view in a conspicuous place on the licensed premises.

(Ref. Neb. Rev. Stat. §53-148).

SECTION 4-228: REMOVAL OF INTOXICATED PERSONS FROM PUBLIC OR QUASI-PUBLIC PROPERTY

Any law enforcement officer with the power to arrest for traffic violations may take a person who is intoxicated and in the judgment of the officer, dangerous to himself/herself or others, or who is otherwise incapacitated, from any public or quasi-public property. An officer removing an intoxicated person from public or quasi-public property shall make a reasonable effort to take such 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 which have previously represented a willingness to accept and treat such individuals and which 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 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 24 hours. The placement of such person in civil protective custody shall be recorded at the facility or jail at which he/she is delivered and communicated to his/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/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 city-owned property; and "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.

(Ref. Neb. Rev. Stat. §53-1,121)

SECTION 4-229: CATERING LICENSE

1. The holder of a Class C, Class D, or Class I license issued under subdivision (5) of Section 53-124 RS Neb., or a brewpub license, may obtain an annual catering license as prescribed in this section. Any such licensee desiring to obtain a catering license shall file an application with the Liquor Control Commission.

2. Upon receipt from the Commission of the notice and copy of the application as provided in Section 53-124.12 RS Neb., the City Council shall fix a time and

place at which a hearing will be held and at which time the City Council shall receive evidence, under oath, either orally or in writing, from the applicant and any other person concerning the propriety of the issuance of such license. Such hearing shall be held not more than 45 days after the receipt of the notice from the Commission. The City Council 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 purposes of obtaining any of the information desired, the City Council may authorize its agent, the City Clerk or the city attorney, to act on its behalf.

3. Notice of the time and place of such hearing shall be published in a legal newspaper in, or of general circulation in, the City 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 City Council in support of or in protest against the issuance of such license may do so at the time of the hearing.

4. The City Council shall, after the hearing provided in subsection (2), approve or deny the application within 45 days of receipt of such application from the Commission, and shall cause to be spread at large in the minute record of its proceedings a resolution approving or denying such application. The City Clerk shall thereupon mail or deliver to the Commission a copy of the decision to approve or deny the application.

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

6. The City Council, with respect to catering licensees within its corporate limits, may cancel a catering license for cause for the remainder of the period for which such license is issued. Any person whose catering license is canceled may appeal to the District Court.
(Ref. Neb. Rev. Stat. §53-124.12)

SECTION 4-230: GLASS CONTAINERS DURING PRCA RODEO

It shall be lawful for property licensed for sale of alcoholic beverages to sell beer in bottled glass containers at retail, over the counter or bar, or off-sale for removal from the premises, on the days of the PRCA Rodeo in July of each year.
(*Repealed by Ordinance No. 560, 6-22-2004*).

ARTICLE III - NONRESIDENT SALESMEN

SECTION 4-301: REGULATION

All non-resident individuals or businesses going door to door in the City with the intent to sell any goods, service, product or insurance shall, before doing business within the City, make application for and be issued a license. This registration and licensing is to prevent the sale of fraudulent, dangerous and unhealthful goods and services, to protect the public by maintaining records of the products sold and the persons and companies responsible for such sales, to designate a place of trade if on public property and for the purpose of raising revenue. Application for a license shall be made to the City Clerk upon blank forms supplied by the City, and shall contain all the necessary information and documents required for the protection of the residents of the City. Any person or persons granted a license shall be subject to any fees, occupation taxes and other rules and regulations that the City Council 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: HOURS OF SOLICITATION

It shall be unlawful for any license holder to solicit house to house any individual between the hours of 6:00 P.M. and 8:00 A.M., unless they have 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 4-303: EXCEPTIONS

Nothing herein shall be construed to apply to any person selling produce raised within the county, to wholesale salespeople soliciting merchants directly or to residential route salespersons. This article shall also not pertain to nor apply to persons canvassing residents within the City for religious, political or other noncommercial purposes.

ARTICLE IV - PLUMBERS

SECTION 4-401: LICENSED PLUMBER DEFINED

The term "licensed plumber" as used in the ordinances of this city is hereby defined to denote any person to whom a plumber's license has been duly issued or renewed, as hereinafter provided, which has not been revoked or terminated by lapse of time.

SECTION 4-402: PROCEDURE TO OBTAIN LICENSE

Any person wishing to obtain a license as a plumber shall file in the office of the City Clerk a written application asking to become a licensed plumber and stating his/her willingness to be governed in all respects by the ordinances of said city and all rules and regulations now in effect or hereafter to be adopted by said city concerning its utility systems. Such application shall be presented by the City Clerk to the City Council at its next meeting thereafter held, and upon the City Council being satisfied of the business capacity, qualifications and good reputation of the applicant and of his/her worthiness to receive a license, and upon his/her payment to the City Clerk of a license fee of \$5.00 and his/her filing with the City Clerk of a bond with corporate surety to be approved by the City Council in the penal sum of \$2,000.00, conditioned upon his/her indemnifying and keeping harmless the City from all liability for any damage arising from any negligence or unskilled act in doing or protecting his/her work, or from any unfaithful or inadequate work done in pursuance of his/her license, and conditioned upon his/her restoring the streets, alleys, sidewalks and pavements over the pipes he/she may lay, and filling all excavations made by him/her so as to leave said streets, alleys, sidewalks and pavements in as good condition as he/she found them, and keeping and maintaining the same in good order to the satisfaction of the City Council for the period of one year next thereafter and that he/she will pay all fines that may be imposed upon him/her for a violation of any of the ordinances, rules and regulations adopted by this city and in force during the term of his/her license, said council may grant to such applicant a license to be issued by the City Clerk, authorizing the applicant to engage in business as a licensed plumber in said city for and during the then current municipal year. Said license and bond shall cover all employees of the applicant.

SECTION 4-403: RENEWAL OF LICENSES

Any license granted as provided in the preceding section may be renewed from year to year at the option of the City Council, on application therefor, upon payment of the license fee of \$5.00 for the year and the renewal of applicant's bond.

SECTION 4-404: TERM OF LICENSE

The term of each license or renewal may be revoked at any time, at the option of the City Council.

SECTION 4-405: FEES TO BE PAID TO CITY TREASURER

The City Clerk shall pay over to the city treasurer all license fees collected pursuant to this article.

ARTICLE V - RAILROAD COMPANIES

SECTION 4-501: SAFE CROSSINGS

It shall be the duty of every railroad company doing business in or traveling through the City to keep in a suitable and safe condition the crossings and right-of-way in the City. If any such crossing shall at any time fall into disrepair and become unsafe or inconvenient for public travel, the City Council may, by resolution, call upon the said company to make whatever repairs they may deem necessary to correct the dangerous condition. Notice of the said resolution shall be served upon the local agent of the said company. In the event that the railroad shall fail or neglect to repair and correct the said condition as previously mentioned within 48 hours, neglect for each 24 hours thereafter shall be deemed and is hereby made a separate and distinct offense against the provisions herein. (Ref. Neb. Rev. Stat. §17-143, 17-144, 17-551, 17-552, 17-414)

SECTION 4-502: SPEED

It shall be unlawful for any railroad company, its employees, agents or servants to operate a railroad engine, locomotive or other vehicle on its tracks within or through the City at a speed in excess of 25 miles per hour.

SECTION 4-503: OBSTRUCTING TRAFFIC

It shall be unlawful for any railroad company, its employees, agents or servants operating a railroad through the City to obstruct traffic on any public street, except in the event of an emergency, for a longer period at one time than 15 minutes. (Ref. Neb. Rev. Stat. §17-552)

SECTION 4-504: OBSTRUCTING VIEW AT CROSSING PROHIBITED

It shall be unlawful for any railroad company to obstruct or obscure the traveling public's view by storing or parking any railroad car on a railroad track within 25 feet of the crossing of any such railroad track and a public road within the corporate limits of the City; provided, however, in no instance shall any person who is authorized to control the movement of such railroad car within such distance be prevented from reasonably conducting his/her business. (Ref. Neb. Rev. Stat. §74-1323)

ARTICLE VI - URANIUM AND RELATED SUBSTANCES EXTRACTION WELLS

SECTION 4-601: DEFINITIONS

The term "production" shall mean and include all uranium or U_3O_8 or related substances produced from wells drilled in the City.

The term "uranium" shall not only refer to uranium as such, but any related product incident to the production of uranium.

The term "well" shall mean a hole drilled for the purpose of exploration for, mining for, or producing uranium U_3O_8 or any chemical compound from which U_3O_8 can be derived.

SECTION 4-602: WELLS; PERMIT REQUIRED

No well shall be drilled to a depth greater than 125 feet within the City until a permit shall have been granted by the City.

SECTION 4-603: PERMITS; APPLICATION

Before a permit for the drilling of any well for the production of uranium or related products is issued, a written application therefor shall be filed with the City Clerk. Such application shall:

- (a) State the name of the applicant;
- (b) Describe the location of the proposed well, and
- (c) State the proposed depth or formation to which said well is to be drilled, and shall have attached thereto:

(1) Either certified or photo-static copies of all leases, contracts or other instruments under which applicant claims the right to drill a well for uranium on lands within said city;

(2) A certificate of a qualified engineer showing the exact acreage in the in situ pool and the total acreage owned, leased or otherwise controlled by the applicant; and

(3) A map or plan of the block or pool showing either by stated dimensions or according to scale the location of the proposed well and all tanks, pits, embankments, fences and other details of the proposed use of the property necessary or incident to the drilling of the well. Such application shall be verified by the applicant or his/her duly authorized agent.

Such application may be filed by any person who, in the absence of this article, would by reason of ownership, lease, contract or otherwise, own or control the right to drill upon said lands.

Upon the filing of any application for the drilling of a well hereunder, the same shall forthwith be referred by the City Clerk to the City Council, whereupon the Council shall, without delay, set the same for hearing at an early date, cause notice of such hearing to be given as hereinafter provided and proceed to hear and consider the same. If upon such hearing it is found that the applicant owns, holds leases upon or otherwise controls the block and area to be mined and that such application and the location and other circumstances incident to the drilling of the proposed well comply with this article and that there is no danger of contamination of surface water, or the creation of any public nuisance or hazard, applicant shall be issued a permit to drill the same, subject only to the other provisions and conditions of this and other ordinances of the City and the laws of the State of Nebraska. If, upon such hearing, it is found that the applicant does not own, hold leases or otherwise control the entire area to be mined, the Council, taking into account the rights, interests and equities of the several persons who in the absence of this article would have the right to mine said substances, shall grant or deny said application as equity may require.

Any permit granted in compliance with this section shall automatically expire within 90 days from the date of issuance of such permit unless the person to whom such permit has been issued has commenced drilling operations on the drilling block designated in said permit.

SECTION 4-604: FILING OF INDEMNITY BOND AND PROOF OF INSURANCE

No permit for the drilling of any well shall be issued until the applicant shall have filed with the City Clerk a good and sufficient bond and proof of insurance coverage, such bond to be executed by and insurance held with a bonding, indemnity or insurance company authorized to do business within the State of Nebraska, with said bond to run in the name of the City of Crawford and conditioned that such applicant will drill said well in conformity with the provisions of this article, the statutes of the State of Nebraska and the rules and regulations of the State Geologist and Oil and Gas Commission. The amount of said bond shall be \$10,000.00 and shall be kept in force at all times during the drilling operations. Said applicant shall also file with the City Clerk a certificate of insurance showing that said applicant has purchased liability insurance in the principal sum of not less than \$100,000.00 covering any liability imposed by law or damages on account of injury to property either private or public, or bodily injury including death received or suffered by any person and resulting from the drilling operation or maintenance of such well or any structures, machinery, equipment or tanks connected therewith. Such insurance shall be approved by the City Council and shall be kept in full force and effect so long as operations are pursued on the well site and so long as production is being obtained therefrom. Any permit shall expire when at any time the well is not covered by bond or insurance as herein required.

SECTION 4-605: PERMIT FEE

No permit shall be granted for the putting down of any well until the applicant shall have paid the City, through the City Clerk, the sum of \$100.00, which shall be the fee for each permit so granted.

SECTION 4-606: HEARING; NOTICE

Permits for the drilling of wells within the city limits may be granted or denied by the City Council only after notice and public hearing. Before taking any such action, the City Council shall cause public notice of the hearing thereon to be given by publication of such notice in one issue of the legal newspaper for the City and by mailing copies of said notice to all parties who have filed written requests with the City Clerk asking to be so notified. Such notice shall be mailed or published at least five days prior to the date of hearing. Such notice shall be signed by the City Clerk and shall state the time, place and purpose of the hearing, together with a description of the well and the property whereon it is to be drilled. The City Council shall have authority to continue said hearing to a date certain without further notice.

SECTION 4-607: ABANDONMENT AND PLUGGING OF WELLS

When any permit expires, or if an exploratory well is completed or a well ceases to be productive, the permittee shall immediately plug the well by cementing the same from the bottom to the top and shall remove all property from the lease and restore the surface of the property to its normal condition prior to the drilling of such well. The plugging of such well shall be in conformity with such rules and regulations established by the State of Nebraska and shall be in such a manner as to prevent the movement of subsurface water from one formation to any other formation and the subsurface water shall be returned to original baseline analysis.

SECTION 4-608: PIPELINES; EXCAVATIONS; PERMITS

It shall be unlawful and an offense for any person, either as principal or agent, to make any excavation in any part of the street, alleys, highways, parking lots, sidewalk areas or other public property for the purpose of laying or installing, or to lay, install or maintain any pipeline in or upon such property, without first having obtained a permit from the City Clerk to do so. The applicant for such permit shall file with the City Clerk a plan showing in detail the size of such pipeline, the exact location of such excavation or pipelines, the depth and width thereof and the location thereof, with particular reference to all structures or lines of the City or any public utility, and the sidewalks, pavements or other public improvements. Each applicant for a permit shall pay an inspection and regulation fee for such permit based on the number of rods in length such pipeline or pipelines shall occupy of the streets, alleys, highways, parking lots,

sidewalk areas or other public property belonging to the City in the following amounts, to-wit:

Where the width of the ditch excavated for such pipeline does not exceed 25 inches, the fee shall be \$2.00 per rod, even though more than one pipeline is laid in the same ditch.

Each owner of a pipeline shall, for each year said pipeline is continued and maintained under the streets, alleys, highways, parking lots, sidewalk areas or other public property belonging to the City, pay on August 1st of each year an annual inspection and regulation fee of \$2.00 per rod for each pipeline for each and every rod said pipeline shall occupy of the streets, alleys, highways, parking lots, sidewalk areas or other public property belonging to the City; provided, however, that upon the payment of \$2.00 per rod for a permit, such owner shall not be required to pay \$0.20 per rod until the first day of August following the issuance of such permit. Any permit may be revoked upon ten days' notice for the failure to pay the fees herein required and each day's continuance of said pipeline after such revocation shall constitute a separate offense. Before any excavation is made for the purpose of removing any pipeline or pipelines located in or upon any part of any streets, alleys, highways, parking lots, sidewalk areas or other public property belonging to the City, the person desiring to make the removal shall obtain a permit for such purpose in the same manner as provided herein for the installation of such pipeline or pipelines and shall pay an inspection and regulation fee to be determined as provided herein for the installation of such a pipeline or pipelines.

SECTION 4-609: DERRICKS AND DRILLING MASTS; CONSTRUCTION

All derricks and drilling masts for the purpose of drilling wells shall be constructed entirely of steel, and shall meet all standards imposed by the State Oil and Gas Commission of the State of Nebraska.

SECTION 4-610: WELL CASINGS

All casings for wells shall be handled, set, run and cemented in place in accordance with the rules, regulations and orders of the State Geologist of the State of Nebraska and the State Oil and Gas Commission in accordance with good in situ mining practices.

SECTION 4-611: SEPARATORS AND STORAGE TANKS

All storage tanks, separators, or treating equipment shall be located outside the corporate limits of the City, except in unpopulated areas of the City where there is no residential construction in progress and, in any event, only with express permission of the City Council.

SECTION 4-612: SLUSH PITS

Earthen slush pits shall not be used anywhere inside the corporate limits of the City and the use of steel pits is required.

SECTION 4-613: ELECTRIC MOTORS REQUIRED

All motors and machinery operating or furnishing the power for operating any equipment in connection with the pumping of any wells shall be operated by electricity. All motors and machinery operating or furnishing the power for operating any equipment in connection with the drilling operation shall be muffled by muffling devices so as to not create a noise nuisance.

SECTION 4-614: DISPOSAL OF BY-PRODUCTS

It shall be unlawful and an offense for any person to deposit, drain or divert, into or upon any public highway, street or alley, drainage ditch, storm drain, sewer, gutter paving, creek, river, lake or lagoon, any liquid removed from an in situ mining process.

SECTION 4-615: VIOLATIONS

When the city engineer, Fire Chief or police chief shall find any person is carrying on any activity in violation of this article, he/she shall order said activity to cease until the one offending shall comply with the provisions hereof; and it shall be unlawful and an offense for any person to renew such activity when so ordered to stop until this article has been complied with and said engineer, Fire Chief or police chief has so found and given permission for such renewed activity.

SECTION 4-616: SUSPENSION OF PERMITS

The Mayor is hereby granted the authority to suspend the permit of any person covering the operation of any well where any of the provisions of this article are violated, which said suspension of any such permit shall be effective until such time as said person shall comply with the provisions of this article.

SECTION 4-617: ENFORCEMENT

Full police authority for the purpose of enforcing the provisions of this article is hereby given the Fire Chief, the Mayor, police chief and the city engineer, or any of their authorized representatives. Any employee of the City who shall be directed to enforce the provisions of such article shall have full authority to cause any of the provisions thereof to be enforced and shall have all power and authority by law imposed upon peace, fire and health officers. Accurate information shall be furnished by the superintendent or person in charge of the lease to said Fire Chief, police chief, city engineer or any of their authorized representatives, concerning all drilling operations, depth of wells, character of

equipment, or any other information which may be required for the property inspection or regulations of all wells, equipment or appurtenances thereto.

ARTICLE VII - PENAL PROVISIONS

SECTION 4-701: VIOLATION; PENALTY

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