

ORDINANCE NO. _____

1 AN ORDINANCE repealing Lincoln Municipal Code Chapter 5.14 relating to
 2 Bowling Centers; Chapter 5.22 relating to Fire Sales and Going-out-of-business Sales; Chapter 5.30
 3 relating to Miniature Golf; Chapter 5.32 relating to Carnivals; Chapter 5.46 relating to Skating Rinks;
 4 and Chapter 5.52 relating to Teenage Clubs as these chapters are obsolete or rarely used.

5 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

6 Section 1. That Chapter 5.14 of the Lincoln Municipal Code be and the same is hereby
 7 repealed.

8 ~~5.14.010 Permit Required.~~

9 ~~No person shall engage in the operation of a public bowling center in the city or a teen night~~
 10 ~~event at such public bowling center without first having procured a permit or permits to do so, issued~~
 11 ~~by the City Clerk. Applications for permits shall be made to the City Clerk, who shall issue a permit~~
 12 ~~upon compliance with provisions of this chapter, as evidenced by certificates of compliance with the~~
 13 ~~Police, Health, Fire, and Building and Safety Departments. For purposes of this chapter, a public~~
 14 ~~bowling center shall mean the business of operating, conducting or offering to the public any~~
 15 ~~improved facility as a place to conduct or participate in bowling on one or more officially certified~~
 16 ~~bowling lanes. For purposes of this chapter, officially certified shall mean certified by a nationally~~
 17 ~~recognized certification organization such as the American Bowling Congress, or its successor~~
 18 ~~organization.~~

19 ~~5.14.020 Application for Public Bowling Center Permit; Permit Fee.~~

20 ~~Any person proposing to operate a public bowling center shall file with the City Clerk an~~
 21 ~~application in writing accompanied by a permit fee of five dollars.~~

22 ~~(a) The application shall be made on forms supplied by the City Clerk and shall contain~~
 23 ~~the following information:~~

- 24 ~~(1) The name of the applicant;~~
- 25 ~~(2) The business address of the applicant;~~
- 26 ~~(3) The business name of the use;~~
- 27 ~~(4) The organization of the applicant, including the ownership;~~
- 28 ~~(5) The number of lanes;~~
- 29 ~~(6) A complete description of the premises to be used;~~
- 30 ~~(7) Certification information.~~

31 ~~(b) The application shall be referred to the following departments for report:~~

1 ~~_____ (1) Health Department for determination of compliance with applicable health~~
2 ~~ordinances;—~~

3 ~~_____ (2) Fire and Rescue Department for determination of compliance with applicable~~
4 ~~fire ordinances;—~~

5 ~~_____ (3) Building and Safety Department for determination of compliance with~~
6 ~~applicable building and zoning ordinances;—~~

7 ~~_____ (4) Police Department for determination of fitness of applicant.—~~

8 **5.14.022 Teen Night Events; Application; Permit Fee.**

9 ~~_____ A public bowling center permittee under this chapter may submit an application for a teen~~
10 ~~night permit or permits for a series of teen night events upon the premises permitted under the public~~
11 ~~bowling center permit to the City Clerk for consideration accompanied by a permit fee of five dollars~~
12 ~~for each teen night event applied for. If the permittee complies with the requirements under this~~
13 ~~chapter, the City Clerk may issue the same, and, in addition if the application for a series of teen night~~
14 ~~events complies with the criteria under this chapter, the City Clerk may issue the same subject to~~
15 ~~allowing a reasonable amount of time, where possible, after the initial date and each succeeding date~~
16 ~~in the series thereafter for the Clerk to receive reports as follows:—~~

17 ~~_____ (a) A report from a peace officer that there is reasonable grounds to believe a violation~~
18 ~~of the Nebraska Liquor Control Act, a violation of this code related to liquor, or this chapter by the~~
19 ~~applicant or related to the applicant's liquor license at the same premises occurred or will occur~~
20 ~~during the time periods covered by the teen night permit if the permit is issued.—~~

21 ~~_____ (b) A report from a peace officer or the Director of Building and Safety or a representative~~
22 ~~designated by the director that there is reasonable grounds to believe a violation of any applicable fire~~
23 ~~code, occupancy code, building code or any other health and safety related code applicable to the~~
24 ~~applicant or the related premises has occurred or will occur during the time periods covered by the~~
25 ~~teen night permit if the permit is issued.—~~

26 ~~_____ Upon receipt of such report the subsequent functions applied for in the series thereafter shall~~
27 ~~be deemed denied by the City Clerk and the related permit shall be null and void upon issuance of a~~
28 ~~written notice to the applicant~~

29 **5.14.030 Permit; Conditions for Issuance.—**

30 ~~_____ Any permit issued hereunder applies only to the premises and activities described in the~~
31 ~~application and in the permit issued thereon, and only one location respectively for the public bowling~~
32 ~~center and for the separate area reserved for the teen night activities, if any, shall be so described in~~
33 ~~each permit. Every permittee shall cause the issued public bowling center permit to be framed and~~
34 ~~hung in plain view in a conspicuous place on the premises.—~~

35 **5.14.040 Permit Expiration.—**

36 ~~_____ All permits granted under the provisions of Section 5.14.020 shall expire on the thirty-first~~
37 ~~day of May following the date of their issuance, unless revoked prior thereto as provided in this~~
38 ~~chapter. All permits granted under the provisions of Section 5.14.022 shall expire as provided on the~~
39 ~~permit itself, but in any event no longer than one year after the date of issuance.—~~

40 **5.14.050 Additional Lanes; Application.—**

41 ~~_____ In case a permittee under this chapter desires to operate additional lanes, the permittee shall~~
42 ~~present an application therefor, showing in addition to the other required information the number of~~
43 ~~additional lanes desired for operation. An additional permit may be granted for the unexpired portion~~
44 ~~of the permit year for the operation of the additional lanes upon the payment of the required fees and~~
45 ~~taxes.—~~

1 ~~**5.14.060 — Occupation Tax.**~~

2 ~~Before any public bowling center permit shall be issued, the applicant shall pay to the city an~~
3 ~~occupation tax of five dollars for each land to be used for a public bowling center.~~

4 ~~**5.14.070 — Revocation.**~~

5 ~~It shall be a condition of any permit issued under this chapter that it may be revoked at any~~
6 ~~time by the city upon reasonable grounds to believe that a permittee has committed or allowed a~~
7 ~~violation of the statutes of the State of Nebraska or any of the provisions of this chapter or ordinances~~
8 ~~of the city related to the permit, the permitted premises, or activities authorized by any permit.~~

9 ~~**5.14.080 — Only Games Designated in Application to be Played.**~~

10 ~~No other games than those designated in the application for such permit shall be played in any~~
11 ~~public bowling center, except games or amusement devices properly permitted under this code or~~
12 ~~Nebraska law.~~

13 ~~**5.14.090 — Permit Not Transferable.**~~

14 ~~No permit shall be transferable by sale, assignment, or in any other manner.~~

15 ~~**5.14.100 — Teen Night Events; Requirements.**~~

16 ~~(a) No teen night event permit shall be issued to any applicant unless the building~~
17 ~~complies in all respects with the provisions of this chapter, the ordinances of the city, all health and~~
18 ~~fire regulations of the city, and laws of the State of Nebraska.~~

19 ~~(b) No teen night shall be conducted in any portion of any liquor licensed premises unless~~
20 ~~the premises in which alcoholic beverages are being dispensed are physically separated by floor-to-~~
21 ~~ceiling partition walls and distinct from the remainder of the licensed premises and no alcoholic~~
22 ~~beverages are stored, dispensed or permitted to enter or remain within the separate area reserved for~~
23 ~~the teen night activities for the entire duration of the teen night as stated in the permit.~~

24 ~~(c) Any duly authorized city police officer or inspector shall be permitted to enter any~~
25 ~~separate area reserved for the teen night activities for the purpose of inspecting any activities~~
26 ~~conducted therein.~~

27 ~~**5.14.110 — Teen Night Events; Use of Tobacco and Alcoholic Liquor; Prohibited.**~~

28 ~~Admission to a teen night event shall be denied to any person showing evidence of drinking~~
29 ~~any alcoholic liquor or who has any alcoholic liquor on their person. The sale and use of cigarettes~~
30 ~~and tobacco products shall be prohibited at all times within the separate area reserved under the~~
31 ~~permit for teen night activities.~~

32 ~~**5.14.120 — Teen Night Events; Participation of Adults Prohibited.**~~

33 ~~A person twenty-one years of age or over shall not enter, frequent, or remain at or within the~~
34 ~~separate area reserved under the permit for teen night activities during any permitted teen night event.~~
35 ~~This does not prohibit the attendance of the permittee and the permittee's manager or other persons~~
36 ~~twenty-one years of age or older under the direct supervision and control of the permittee or manager,~~
37 ~~duly authorized city officers, or parents, grandparents, or legal guardians of any of the teens in~~
38 ~~attendance. It shall be prima facie evidence that a teen was in attendance at the teen night event if the~~
39 ~~name of the teen appears in the roster for that particular event.~~

40 ~~**5.14.130 — Teen Night Events; Closing Hours.**~~

41 ~~No teen night event shall be permitted to operate between the hours of 12:00 midnight to 8:00~~
42 ~~a.m.; provided, however, that the City Council may waive this requirement upon the written request~~
43 ~~of the applicant for good cause shown in support of the request as determined by the City Council.~~

1 ~~5.14.140 — Teen Night Events; Minimum Age.~~

2 ~~———— No person under thirteen years of age shall be permitted to enter, frequent, or remain in any~~
3 ~~teen night event or within the separate area reserved under the permit for teen night events.~~

4 ~~5.14.150 — Teen Night Events; Falsifying Age.~~

5 ~~———— It is unlawful for any person to falsely represent the age of any person for the purpose of~~
6 ~~allowing such person to enter, frequent, or remain at any teen night event or to gain entry to the~~
7 ~~separate area reserved under the permit for teen night events.~~

8 ~~5.14.160 — Teen Night Events; Use of Facilities Limited.~~

9 ~~———— It shall be unlawful for any permittee to allow any person to enter, frequent, or remain on or~~
10 ~~within the separate area reserved under the permit for teen night events other than a person of the~~
11 ~~proper age who has timely and accurately completed the sign in roster, except as otherwise permitted~~
12 ~~under this chapter.~~

13 ~~5.14.170 — Teen Night Events; Roster.~~

14 ~~———— As an incident to the operation of a teen night event, an accurate and current written sign in~~
15 ~~roster of each and every participating teen must be maintained within the separate area reserved under~~
16 ~~the permit for teen night events at all times during the teen night event activities and thereafter~~
17 ~~retained by the permittee for a period of one year.~~

18 ~~5.14.180 — Teen Night Events; Liability Insurance.~~

19 ~~———— Before a teen night event permit is granted, any person operating any permitted teen night~~
20 ~~shall file a certificate of liability insurance coverage as provided in Chapter 5.58 applicable to the~~
21 ~~times and places in the application, and specifically showing that teen night events are not excluded~~
22 ~~from general liability or are specifically included by endorsement, rider or otherwise. The certificate~~
23 ~~of insurance coverage shall be timely filed with the City Clerk, and shall be subject to the prior review~~
24 ~~and approval of the City Attorney for conformance with the requirements of this section.~~

25 ~~5.14.190 — Teen Night Events; Violations.~~

26 ~~———— Except as specifically provided in Section 5.04.020, the issuance of a teen night event permit~~
27 ~~shall not be deemed to permit any violation of law by any permittee or the owners, operators, manager~~
28 ~~or members thereof.~~

29 ~~5.14.200 — Teen Night Events; Penalty.~~

30 ~~———— Any person upon whom a duty is placed by the provisions of this ordinance relating to teen~~
31 ~~night events who shall fail, neglect or refuse to perform such duty or who shall violate any of the~~
32 ~~provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall~~
33 ~~be punished by imprisonment in the county jail for a period not to exceed six months, or by a fine of~~
34 ~~not to exceed \$100.00, recoverable with costs, or both. Each day that a violation of this chapter~~
35 ~~continues shall constitute a separate and distinct offense and shall be punishable as such. The Mayor~~
36 ~~may suspend or revoke any permit issued hereunder upon proof submitted to the Mayor of reasonable~~
37 ~~ground to believe any violation of the provisions of this chapter by any teen night event permittee or~~
38 ~~the owners, managers, operators, employees, of the permittee.~~

39 Section 2. That Chapter 5.22 of the Lincoln Municipal Code be and the same is hereby
40 repealed.

1 **5.22.010 — Definitions.—**

2 ——— For the purposes of this chapter, the following terms, phrases, words, and their derivations
3 shall have the following meanings:

4 ——— ~~Fire and other altered goods sale~~ shall mean a sale held out in such a manner as to
5 reasonably cause the public to believe that the sale will offer goods damaged or altered by fire, smoke,
6 water, or other means.

7 ——— ~~Going-out-of-business sale~~ shall mean a sale held out in such a manner as to reasonably
8 cause the public to believe that upon the disposal of the stock of goods on hand the business will cease
9 and be discontinued, including but not limited to the following sales: adjuster's; adjustment;
10 alteration; assignee's; bankrupt; benefit of administrator's; benefit of creditor's; benefit of trustee's;
11 building coming down; closing; creditor's committee; creditor's; end; executor's; final days; forced
12 out; forced out of business; insolvent's; last days; lease expires; liquidation; loss of lease; mortgage
13 sale; receiver's; trustee's; quitting business.

14 ——— ~~Goods~~ shall include any goods, wares, merchandise, or other property capable of being the
15 object of a sale regulated hereunder.

16 ——— ~~Removal of business sale~~ shall mean a sale held out in such a manner as to reasonably cause
17 the public to believe that the person conducting the sale will cease and discontinue business at the
18 place of sale upon disposal of the stock of goods on hand and will then move to and resume business
19 at a new location in the city or will then continue business from other existing locations in the city.

20 **5.22.020 — Misleading Advertising; Length of Sale; Termination of Business Requirement.—**

21 ——— It shall be unlawful for any person owning or having an interest in goods to hold within the
22 city a sale of such goods which sale is advertised or otherwise held out to be a fire and other altered
23 goods sale, a going-out-of-business sale, or a removal of business sale, unless such sale is a fire and
24 other altered goods sale, going-out-of-business sale, or removal of business sale, as advertised or
25 otherwise held out to be.

26 ——— It shall prima facie be a violation of this section for any person who has advertised or
27 otherwise held out a sale as being a going-out-of-business sale, or a removal of business sale to
28 continue such sale for more than sixty days after the date of the commencement thereof, or for such
29 person still to be in business at the place of business six months after the commencement of such sale.

30 **5.22.030 — Inventory and Inspection Fee.—**

31 ——— Whether a sale subject to the provisions of this chapter be a fire and other altered goods sale,
32 a going-out-of-business sale, or a removal of business sale, prior to such sale the person owning or
33 having an interest in such goods shall file with the City Clerk an inventory, sworn to before a notary
34 public as being true to the best of such person's knowledge and belief, setting forth the goods to be
35 offered at such sale and the date such sale is to commence; and in the case of a fire and other altered
36 goods sale where the fire or other such loss has not been suffered by such person, such person shall
37 include with the inventory the name and address of his or her supplier of such goods. In addition to
38 filing such inventory, such person shall also pay to the City Clerk an inspection fee of fifteen dollars,
39 which fee is to help defray the city's cost of assuring itself that the goods actually offered for sale are
40 the same as the goods listed on said inventory. It shall prima facie be a violation of this chapter if the
41 goods thus offered at such sale are other than or in addition to the goods listed on said inventory;
42 however, a change or addition, or any combination thereof, to said inventory which does not exceed
43 one percent of the total inventory shall not be considered to be a violation of this chapter.

1 **5.22.040** — ~~Established Business Requisite.~~

2 — It shall prima facie be a violation of this chapter for any person to have a sale which has been
3 advertised or otherwise held out to be a going-out-of-business sale or a removal of business sale if
4 such person has not been in business at the place of business for at least six months prior to the
5 commencement of such sale.

6 **5.22.050** — ~~Interval Between Sales.~~

7 — It shall prima facie be a violation of this chapter for any person to have more than one going-
8 out-of-business sale or removal of business sale per year within the city unless such other sale is the
9 sale of goods of a business owned by such person at the time such first sale was lawfully in existence
10 under the provisions of this chapter.

11 **5.22.060** — ~~Persons Exempted.~~

12 — Persons acting pursuant to an order or process of a court of competent jurisdiction, persons
13 acting in accordance with their powers and duties as public officials, and auctioneers not owning nor
14 having an interest in goods other than for their expected commission for selling the same, shall not
15 be subject to the provisions of this chapter.

16 Section 3. That Chapter 5.30 of the Lincoln Municipal Code be and the same is hereby

17 repealed.

18 **5.30.010** — ~~Permit Required; Fee; Expiration.~~

19 — It shall be unlawful for any person to maintain and operate a miniature golf course, by
20 whatsoever name the same may be designated, without first having procured a permit therefor from
21 the City Council; the applicant for such permit shall pay a permit fee of five dollars per year for each
22 course to the City Treasurer who shall issue a receipt therefor and such receipt shall be presented with
23 the application for such permit to the City Clerk. Such permit shall expire on the thirty-first day of
24 May next succeeding the issuance thereof, and no permit shall be issued for a fractional part of the
25 permit year as hereinabove specified.

26 **5.30.020** — ~~Occupation Tax; Amount; Penalty for Failure to Pay.~~

27 — It shall be unlawful for any person to maintain and operate a miniature golf course by
28 whatsoever name the same may be designated, without first having paid an occupation tax of five
29 dollars per year for each course. Upon failure of such person maintaining and operating such
30 miniature golf course to pay said occupation tax, the City Council may revoke the permit of such
31 person permitted to operate such golf course, or said occupation tax may be collected in the same
32 manner provided for the collection of occupation taxes under Chapter 3.24 hereof.

33 **5.30.030** — ~~Construction Permit Required; Fee.~~

34 — Every person who locates, constructs, or erects any miniature golf course by whatsoever name
35 the same may be designated for private gain within the corporate limits of the city shall first procure
36 a permit for such location, erection and construction from the city building inspector; the applicant
37 for such permit shall pay a fee of five dollars for such permit, which fee shall be paid before such
38 permit is issued.

39 **5.30.040** — ~~Subject to Building and Zoning Regulations.~~

40 — This chapter shall be considered as supplementing the building code of the city, as it may here-
41 after be amended, replaced or exist, and the zoning ordinance, as it may hereafter be amended,
42 modified or exist, and no permit shall issue for the location, erection or construction of any miniature

1 golf course within any district in the city in which such miniature golf courses are prohibited by said
2 zoning ordinance as it now exists or may hereafter be amended.

3 ~~5.30.050 — Location Restricted.~~

4 ~~———— No miniature golf course shall be located within 300 feet of the main entrance of any church
5 or building where church services are regularly conducted~~

6 ~~5.30.060 — Practices Prohibited.~~

7 ~~———— Every such miniature golf course shall be conducted and operated in a quiet and orderly
8 manner, and it shall be unlawful to permit thereon any disturbance of the peace, drunkenness, fight-
9 ing, the presence of drinking or intoxicating liquor, gambling of any nature whatsoever, or the use of
10 any slot machines, chips, checks or trade checks, premiums, prizes, or any kindred devices, or
11 substitute whether given in exchange for patronage, money or merchandise, or redeemable therefor,
12 or any gambling device of any kind or character~~

13 ~~5.30.070 — Closing Hours.~~

14 ~~———— It shall be unlawful for any person, firm, association, or corporation maintaining and operating
15 a miniature golf course to permit such golf course to be kept open for playing thereon between the
16 hours of 11:30 p.m. and 6:00 a.m. and no playing shall be permitted thereon during such time.~~

17 ~~5.30.080 — Lighting.~~

18 ~~———— All flood lights and lights upon such miniature golf course shall be so adjusted and controlled
19 as not to cast the rays of light from the same upon premises other than those on which such golf
20 course is located.~~

21 ~~5.30.090 — Toilet Facilities; Sewer Connections.~~

22 ~~———— Any person maintaining or operating a miniature golf course, by whatsoever name the same
23 may be designated, shall provide at or near the location of said golf course separate toilet rooms for
24 men and women, which toilet rooms shall be connected with a sanitary sewer whenever the premises
25 on which such golf course is located are within a distance of 300 feet from a sanitary sewer, and such
26 toilet rooms, whether connected with a sanitary sewer or otherwise, shall be located, constructed, and
27 maintained in strict compliance with all ordinances and regulations of the city governing the same.~~

28 Section 4. That Chapter 5.32 of the Lincoln Municipal Code be and the same is hereby
29 repealed.

30 ~~5.32.010 — Definitions.~~

31 ~~———— As used in this chapter, the term "carnival" shall mean an outdoor amusement business
32 consisting of sideshows, vaudeville, games, exhibitions, or riding devices such as merry-go-rounds,
33 ferris wheels, loop planes, chairplanes, or other rides.~~

34 ~~5.32.020 — Carnival; Permit Required.~~

35 ~~———— No person shall conduct or operate, or cause to be conducted or operated, a carnival within
36 the corporate limits of the City of Lincoln without first having obtained and thereafter maintaining
37 a permit therefor from the City Clerk. Applications for such permits shall be made upon forms
38 provided by the City Clerk and applications shall be accompanied by the payment of a permit fee of
39 ten dollars. Each such permit shall be valid for a period of not more than two weeks.~~

40 ~~———— Upon receipt of an application, the City Clerk shall forward a copy thereof to the health officer
41 to insure compliance with Section 8.24.090 of the Lincoln Municipal Code.~~

1 ~~———— A permit obtained hereunder shall be required in addition to and not in lieu of any street~~
2 ~~closure permit, operator's permit for a food establishment, or other permit which may be required for~~
3 ~~activities conducted in conjunction with a carnival.~~

4 ~~**5.32.030 — Manner of Conducting.**~~

5 ~~———— Any carnival shall at all times be conducted in an orderly, peaceful, lawful and quiet manner~~
6 ~~and so as not to interfere with or obstruct streets and highways near and adjacent to the premises upon~~
7 ~~which such carnival is being conducted or operated. Where applicable, such carnival shall conform~~
8 ~~to property line noise limits or time limits as established pursuant to Section 8.24.090(a)(1) of the~~
9 ~~Lincoln Municipal Code. If the health officer finds that a carnival is, at any time, in violation of this~~
10 ~~section he may order the permittee to suspend operations until such time as adequate measures are~~
11 ~~taken to insure compliance. Continued violation of this section shall be a basis for revocation of any~~
12 ~~permit pursuant to Section 5.32.050.~~

13 ~~**5.32.040 — Excluded From Residential Neighborhoods.**~~

14 ~~———— No person shall be permitted to conduct or operate any carnival within any area of the city~~
15 ~~zoned R-1, R-2, R-3, R-4, R-5, R-6, R-7, or R-8.~~

16 ~~**5.32.050 — Revocation of Permit.**~~

17 ~~———— Permits issued under the provisions of this chapter may be revoked by the City Clerk of the~~
18 ~~City after notice and hearing for any violation of this chapter.~~

19 Section 5. That Chapter 5.46 of the Lincoln Municipal Code be and the same is hereby

20 repealed.

21 ~~**5.46.010 — Permit Required.**~~

22 ~~———— It shall be unlawful for any person to establish or maintain and operate a skating rink or~~
23 ~~similar place of amusement within the city for gain or profit and for which a fee, contribution, or~~
24 ~~collection by way of admission or in any other manner is charged without first having obtained a~~
25 ~~permit from the City Clerk for the same.~~

26 ~~**5.46.020 — Application for Permit; Contents.**~~

27 ~~———— Application for such permit shall be in writing and filed with the City Clerk.~~

28 ~~———— (a) — The application should be made upon a form furnished by the city and shall set forth~~
29 ~~the following:~~

30 ~~———— (1) — The name of the applicant;~~

31 ~~———— (2) — The business address of the applicant;~~

32 ~~———— (3) — The business name of the use;~~

33 ~~———— (4) — The organization of the applicant, including ownership;~~

34 ~~———— (5) — A complete description of the premises to be used.~~

35 ~~———— (b) — The application shall be referred to the following departments for report:~~

36 ~~———— (1) — Health Department for determination of compliance with applicable health~~
37 ~~ordinances;~~

38 ~~———— (2) — Fire and Rescue Department for determination of compliance with applicable~~
39 ~~fire ordinances; and~~

40 ~~———— (3) — Department of Building and Safety for determination of compliance with~~
41 ~~applicable building and zoning ordinances.~~

1 ~~**5.46.030 — Permit; Fee; Issuance.—**~~

2 ~~———— The City Clerk shall issue a permit to the applicant upon payment by the applicant of a permit~~
3 ~~fee of fifty dollars. The permit issued hereunder shall apply only to the premises and activities de-~~
4 ~~scribed in the application and in the permit issued thereon and only one location shall be so described~~
5 ~~in each permit. Every permittee shall cause the permit to be framed and hung in plain view in a~~
6 ~~conspicuous place.—~~

7 ~~**5.46.040 — Permit; Term; Revocation.—**~~

8 ~~———— It shall be a condition of such permit that it may be revoked at any time by the city for the~~
9 ~~violation of the provisions of this chapter or any related ordinance of the city, and such permit shall~~
10 ~~not be assignable or transferable. Such permit shall expire on the thirty-first day of May following~~
11 ~~issuance.—~~

12 ~~**5.46.050 — Practices Prohibited.—**~~

13 ~~———— It shall be unlawful for any person maintaining and operating any skating rink or similar place~~
14 ~~of amusement as hereinbefore provided to permit in such establishment any person to sell, dispense,~~
15 ~~or consume alcoholic liquor.—~~

16 Section 6. That Chapter 5.52 of the Lincoln Municipal Code be and the same is hereby
17 repealed.

18 ~~**5.52.010 — Definitions.—**~~

19 ~~———— The following definitions shall apply in the interpretation and enforcement of this chapter:~~

20 ~~———— **Certificate of compliance** shall mean a written statement by a city department certifying~~
21 ~~compliance with the requirements of the city ordinances enforced by that department.~~

22 ~~———— **Person** shall mean any natural person, firm, partnership, association, corporation, company,~~
23 ~~or organization of any kind.~~

24 ~~———— **Teenage club** shall mean the operation of a place of amusement or entertainment for~~
25 ~~pecuniary gain having a membership requirement, keeping and maintaining premises where persons~~
26 ~~under the age of twenty-one years congregate.~~

27 ~~———— **For pecuniary gain** shall mean and include not only the pecuniary gain which might be made~~
28 ~~by any person promoting, organizing, or operating the organization, but also monetary recompense~~
29 ~~in any form received by the officers, directors, or other persons in control of the activities of such~~
30 ~~operation~~

31 ~~**5.52.020 — Permit Required.—**~~

32 ~~———— No person shall engage in promoting or operating a teenage club within the City of Lincoln~~
33 ~~without a permit to do so issued by the City Clerk. Applications for permits shall be made to the City~~
34 ~~Clerk who shall issue a permit upon compliance by the applicant with provisions of this chapter, as~~
35 ~~evidenced by certificates of compliance from the Police, Health, Fire, and Building and Safety~~
36 ~~Departments. No permit shall be transferable. Every person holding a teenage club permit shall give~~
37 ~~notice in writing to the City Clerk within seventy-two hours after having sold, transferred, given~~
38 ~~away, or otherwise disposed of any interest in or control of any private teenage club. Such notice~~
39 ~~shall include the name and address of the person succeeding to the ownership or control of the~~
40 ~~teenage club~~

41 ~~**5.52.030 — Participating in Activities of Teenage Clubs Having No Permit.—**~~

1 ~~———— No person shall knowingly frequent the premises of any teenage club which shall not have a~~
2 ~~valid and subsisting permit, or engage in any activity promoted, managed, regulated, or operated by~~
3 ~~any teenage club which does not have a valid and subsisting permit; provided, however, that this shall~~
4 ~~not apply to those teenage clubs exempted by the provisions of this chapter.~~

5 ~~**5.52.040 — Teenage Clubs; Exceptions.**~~

6 ~~———— The provisions of this chapter shall not apply to any teenage club conducted under the~~
7 ~~supervision and direction of the Board of Regents of the University of Nebraska, the City of Lincoln,~~
8 ~~public and private schools accredited by the State of Nebraska, any church or religious organization~~
9 ~~or association, nationally recognized lodges or fraternal societies, clubs maintaining living quarters~~
10 ~~for their members, labor union, or veterans organizations.~~

11 ~~**5.52.050 — Application for Permit.**~~

12 ~~———— Any teenage club proposing to operate in the city, and any person proposing to operate any~~
13 ~~teenage club in the city, shall file with the City Clerk an application for a permit, which application~~
14 ~~shall be in writing, verified before a notary public, and shall be accompanied by an application fee~~
15 ~~in the sum of twenty-five dollars. The application shall be made on forms supplied by the City Clerk~~
16 ~~and shall contain the following information:~~

- 17 ~~———— (a) The name of the applicant;~~
- 18 ~~———— (b) The business address of the applicant;~~
- 19 ~~———— (c) The name of the proposed teenage club;~~
- 20 ~~———— (d) The manner in which it is organized;~~
- 21 ~~———— (e) The address at which the facilities are provided for the teenage club activities;~~
- 22 ~~———— (f) A complete description of the premises to be used by the teenage club;~~
- 23 ~~———— (g) The activities which will be sponsored, promoted, or engaged in by such teenage club;~~
- 24 ~~———— (h) The maximum number of persons who will be allowed on the teenage club premises;~~
- 25 ~~———— (i) Any facilities which will be provided by the teenage club for its members;~~
- 26 ~~———— (j) The names, addresses, and ages of the officers and directors if the club is a~~
27 ~~corporation;~~
- 28 ~~———— (k) The names, addresses, and ages of the partners if the teenage club is operated by a~~
29 ~~partnership;~~
- 30 ~~———— (l) The name, address, and age of any stockholder owning or controlling more than~~
31 ~~twenty-five percent of the stock if it is a corporation or stock company;~~
- 32 ~~———— (m) The name, address, and age of the owner if owned by an individual;~~
- 33 ~~———— (n) The name, address, and age of the manager or person in control of the teenage club~~
34 ~~activities;~~
- 35 ~~———— (o) The name, address, and age of all sponsors or chaperons of the teenage club;~~
- 36 ~~———— (p) Whether or not any of those named in subsections (j), (k), (l), (m), (n) or (o) have been~~
37 ~~convicted of a felony, and if so, the name, date, place, and particulars; and~~
- 38 ~~———— (q) The minimum number of adult supervisors who will be in attendance at all times~~
39 ~~during the club activities.~~

40 ~~**5.52.060 — Investigation and Action upon the Application.**~~

41 ~~———— Upon the filing of any application and the payment of the application fee, the application shall~~
42 ~~be referred to the following departments of the city for investigation:~~

- 43 ~~———— (a) Health Department for investigation to determine if the teenage club complies with~~
44 ~~all applicable health ordinances of the city;~~

1 ~~—— (b) — Fire and Rescue Department for investigation to determine if the teenage club complies~~
2 ~~with all applicable fire ordinances of the city;~~

3 ~~—— (c) — Department of Building and Safety for investigation to determine if the teenage club~~
4 ~~complies with all applicable zoning and building ordinances of the city; and~~

5 ~~—— (d) — Police Department for investigation to determine if the teenage club complies with the~~
6 ~~remaining requirements of this chapter.~~

7 ~~—— All departments of the city shall forward a certificate of compliance to the City Clerk within~~
8 ~~ten days after the applicant complies with the respective provisions of the applicable ordinances. The~~
9 ~~permit shall set forth the club activities for which the premises have been approved and the maximum~~
10 ~~number of persons permitted on the premises at any one time.~~

11 ~~**5.52.070 — Permit; Conditions for Issuance.—**~~

12 ~~—— The permit issued hereunder shall apply only to the premises and club activities described in~~
13 ~~the application and in the permit issued thereon, and only one location shall be so described in each~~
14 ~~permit. A new application must be submitted if any change is made from the application as~~
15 ~~previously submitted and approved. Every permittee shall cause the permit to be framed and hung~~
16 ~~in plain view in a conspicuous place in the teenage club~~

17 ~~**5.52.080 — Permits; Renewal.—**~~

18 ~~—— A permit issued under this chapter may be automatically renewed by the City Clerk if the per-~~
19 ~~mittee pays an annual renewal fee of twenty-five dollars; provided, however, that the payment thereof~~
20 ~~shall be an affirmative representation and certification by the permittee that all answers contained in~~
21 ~~an application, if submitted, would be the same in all material aspects as the answers contained in the~~
22 ~~last previous application; and provided, further, that the City Clerk may at any time require a permit-~~
23 ~~tee to submit an application.~~

24 ~~—— Whenever a permittee files an application, the application shall be processed as set forth in~~
25 ~~Sections 5.52.050 through 5.52.070.~~

26 ~~**5.52.090 — Teenage Club; Requirements for Building.—**~~

27 ~~—— No permit shall be issued to any applicant unless the building complies in all respects with~~
28 ~~the provisions of this chapter, the ordinances of the city, all health and fire regulations of the city, and~~
29 ~~laws of the State of Nebraska, and if, at any time, a teenage club does not comply with the provisions~~
30 ~~of this chapter, the Mayor shall revoke the permit~~

31 ~~**5.52.100 — Permit Expiration.—**~~

32 ~~—— All permits granted under the provisions of this chapter shall expire on the thirty-first day of~~
33 ~~May following the date of their issuance, unless revoked prior thereto as provided in this chapter.~~

34 ~~**5.52.110 — Permittee Responsibilities.—**~~

35 ~~—— Every permittee is hereby charged with knowledge and notice of all the provisions of this~~
36 ~~chapter and shall be charged with notice of, and be responsible for, the conduct of all persons~~
37 ~~entering, frequenting, or remaining in, the premises under control of the permittee~~

38 ~~**5.52.120 — Right of Entry.—**~~

39 ~~—— Any duly authorized city officer or inspector shall be permitted to enter any teenage club for~~
40 ~~the purpose of inspecting such club or any activities conducted therein consistent with the uniform~~
41 ~~inspections code of the city, and the Mayor may reserve the right in every permit issued under the~~
42 ~~provisions of this chapter to appoint or designate an inspector to be present at any or all social~~
43 ~~activities of the club conducted under said permit, whose duty shall be to enforce the provisions of~~
44 ~~this chapter, to keep order and decorum, and who shall have authority to cause any person who~~
45 ~~offends against any of the provisions of this chapter, to be ejected from the club, and to carry out all~~

1 orders in that behalf; such inspector may call the assistance of any policeman or the permittee; the
2 inspector so designated shall be entitled to charge, and shall receive the equivalent of their city salary
3 for such services at such club activities, which fee shall be paid by the permittee.

4 **5.52.130 — Lighting of the Club.—**

5 — All teenage clubs shall be adequately lighted at all times and the volume of illumination shall
6 not be less than one foot candle power measured at a level of five feet above the floor in all parts of
7 the building and premises accessible to the members.

8 **5.52.140 — Parking; Lighting.—**

9 — All off-street parking facilities made available by the permittee for the members and their
10 guests shall be adequately lighted and supervised

11 **5.52.150 — Use of Alcoholic Liquor; Prohibited.—**

12 — Admission to a teenage club shall be denied to any person showing evidence of drinking any
13 alcoholic liquor or who has any alcoholic liquor on their person.

14 **5.52.160 — Sale of Cigarettes Prohibited.—**

15 — The sale of cigarettes and tobacco products shall be prohibited on the premises licensed as a
16 teenage club.

17 **5.52.170 — Participation of Adults Prohibited.—**

18 — A person twenty-one years of age or over shall not enter, frequent, or remain at any teenage
19 club. This does not prohibit the attendance of chaperons or sponsors, duly authorized city inspectors
20 or officers, employees of permittee or parents or legal guardians of any of the members

21 **5.52.180 — Closing Hours.—**

22 — No teenage club shall be permitted to operate between the hours of 12:00 midnight to 8:00
23 a.m.

24 **5.52.190 — Minimum Age.—**

25 — No person under sixteen years of age shall be permitted to enter, frequent, or remain in any
26 teenage club.

27 **5.52.200 — Falsifying Age.—**

28 — It is unlawful for any person to falsely represent the age of any person for the purpose of
29 allowing such person to enter, frequent, or remain at any teenage club

30 **5.52.210 — Use of Facilities Limited to Members.—**

31 — It shall be unlawful for any teenage club permittee to allow any person to enter, frequent, or
32 remain on the teenage club premises other than a bona fide member of the permittee's club, except
33 as otherwise permitted under this chapter

34 **5.52.220 — Membership of Teenage Clubs.—**

35 — As an incident to the operation of a teenage club, an accurate and current membership list
36 must be maintained at all times which contains the names, residences, ages of its members in their
37 own handwriting, and copies thereof must be filed with the City of Lincoln annually on June first and
38 kept available for inspection by duly authorized law enforcement officers and representatives of the
39 City of Lincoln

40 **5.52.230 — Liability Insurance.—**

41 — Before a permit is granted or renewed, any person operating a teenage club shall file with the
42 City Clerk a certificate of liability insurance coverage as provided in Chapter 5.58.

1 ~~5.52.240~~ ~~Violations.~~

2 ~~_____ The issuance of a permit shall not be deemed to permit any violation of law by any club or the~~
3 ~~owners, operators or members thereof. Any such violation may result in suspension of the permit for~~
4 ~~such club~~

5 ~~5.52.250~~ ~~Penalty.~~

6 ~~_____ Any person upon whom a duty is placed by the provisions of this ordinance who shall fail,~~
7 ~~neglect or refuse to perform such duty or who shall violate any of the provisions of this chapter shall~~
8 ~~be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment~~
9 ~~in the county jail for a period not to exceed six months, or by a fine of not to exceed \$100.00,~~
10 ~~recoverable with costs, or both. Each day that a violation of this chapter continues shall constitute~~
11 ~~a separate and distinct offense and shall be punishable as such.~~

12 ~~_____ The Mayor may suspend or revoke any permit issued hereunder upon proof submitted to him~~
13 ~~of the violation of the provisions of this chapter by any teenage club or the owners, operators,~~
14 ~~employees, or members.~~

15 Section 7. Pursuant to Article VII, Section 7 of the City Charter, this ordinance shall
16 be posted on the official bulletin board of the City, located on the wall across from the City Clerk’s
17 office at 555 S. 10th Street, in lieu of and in place of newspaper publication with notice of passage
18 and such posting to be given by publication one time in the official newspaper by the City Clerk. This
19 ordinance shall take effect and be in force from and after its passage and publication as herein and
20 in the City Charter provided.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2013:

Mayor