

CHAPTER 22

AMUSEMENTS.

Reference: Neb. Rev. Stat. Sections 16-210, 16-226.

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22-101 to 22-108. Repealed. Ord. No. 3239-11/91.

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Article I. In General.

22-101 to 22-108. Repealed. Ord. No. 3239-11/91.

Article II. Billiard Halls, Pool Halls and Bowling Alleys.

Reference: Neb. Rev. Stat. 1943, Sections 23-808 to 23-812.

22-201. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

Bowling alley. Any room or place in which any game of nine-pins, ten-pins, box-ball or any similar game is conducted for profit or hire.

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Pool hall or billiard hall. Any room or place in which any pool or billiard table shall be used or offered for hire, profit or gain.

(Code 1973, 4-9)

22-202. Minors -- Permitting on premises prohibited.

It shall be unlawful for any person operating any billiard hall or pool hall to permit any minor under fourteen years of age to frequent, remain in or patronize such hall.

(Code 1973, 4-14)

22-203. Same -- Frequenting premises prohibited.

It shall be unlawful for any minor under fourteen years of age to frequent, remain in or patronize any billiard hall or pool hall.

(Code 1973, 4-15)

22-204. Same -- Requiring statement of age.

Any person maintaining or operating any pool hall or billiard hall may require any person suspected by him to be under fourteen years of age, before permitting such person to frequent and remain in or patronize such hall, to sign a statement in writing of his age, name and street address.

(Code 1973, 4-16)

22-205. Same -- Misrepresenting age.

No minor shall, for the purpose of securing permission to frequent and remain in or patronize any pool hall or billiard hall, falsely represent to the owner, manager or employee thereof that his age is fourteen years or older.

(Code 1973, 4-17)

22-206. Same -- Posting of notices.

The owner or keeper of every billiard or pool hall, kept by virtue of this article, shall at all times keep posted at the entry or entrance to such hall or place, a notice or sign which can be easily read from the outside stating that minors under the age of fourteen years are prohibited from entering and shall also keep at least three of such signs posted in conspicuous places within such room or hall.

(Code 1973, 4-18)

22-207. Hours of operation.

It shall be unlawful to maintain or operate any pool hall or billiard hall between the hours of 1:00 A.M. and 7:00 A.M.

(Code 1973, 4-19; Ord. No. 2333)

22-208. Inspection; obstructing windows prohibited.

Every room or place kept by virtue of this Chapter shall be subject to inspection by the Chief of Police or any police officer of this City at any time such Chief of Police or officer may deem it necessary to enter and inspect the same.

22-209. Prohibited acts on premises.

It shall be unlawful to permit in a pool hall, billiard hall or bowling alley any disturbance of the peace, drunkenness, fighting, the presence or drinking of any alcoholic liquors, lewd or obscene pictures or practices, gambling of any name or character or the use of any checks or chips, except in exchange for merchandise.

(Code 1973, 4-21)

Article III. Bingo.

Reference: Neb. Rev. Stat. 1943, Sections 9-201 et. seq., including Section 9-239.

22-301. Permit -- Required; application; fee; issuance; term; display.

Amusements

A licensee who has been duly licensed by the State of Nebraska to conduct bingo games shall obtain a permit in writing from the City before conducting any bingo games in the City. Each applicant for a permit or a renewal thereof shall pay a fee to the City Clerk in an amount as set forth in the most recent Council fee resolution. Applications for permits shall be filed with the City Clerk upon forms prescribed by him and shall have the receipt of the City Treasurer for the permit fee attached thereto. Applications shall be submitted to the City Council for approval and permits shall be issued by the Clerk at the direction of the Council. All permits shall expire on September 30 following the date of their issue or renewal. A permit shall be displayed in a conspicuous manner at the place where bingo games are conducted.
(Code 1973, 4-22; Ord. No. 1878)

22-302. Same -- Revocation or suspension.

Any permit issued by the City under this article may be revoked or suspended by the Mayor and City Council for cause, when the state license has been revoked or suspended. The revocation or suspension of the permit shall conform with the revocation or suspension of the state license.
(Code 1973, 4-23; Ord. No. 1878)

22-303. Compliance with Code, etc.

Games of bingo shall be conducted within the City strictly in accordance with all provisions of this Code and other ordinances of the City.
(Code 1973, 4-24; Ord. No. 1878)

22-304. Gross receipts tax.

A tax of four percent of the gross receipts of each licensee conducting games of bingo within the City is hereby imposed and levied against each licensee. The tax shall be paid quarterly and on or before the 30th day of the immediately succeeding calendar quarter to the City Treasurer. The tax shall be credited to the general fund of the City.
(Code 1973, 4-25; Ord. No. 1878)

Reference: See Neb. Rev. Stat. 1943, Section 9-239.

22-305. Quarterly reports.

Each licensee conducting games of bingo within the City shall file written quarterly reports with the City Clerk covering the preceding calendar quarter on or before the 30th day of the immediately succeeding calendar quarter. The report shall include a detailed financial statement of each separate session of bingo conducted by the licensee and shall be prepared on a form prepared by the Nebraska Bingo and Pickle Card Regulatory Commission.
(Code 1973, 4-26; Ord. No. 1878)

22-306. Vote of qualified electors.

No permit for conducting games of bingo shall be issued by the City should a majority of the qualified electors of the City voting thereon at an election at which the proposition was submitted determine that games of bingo should not be conducted within the City, until the same quota of the qualified electors of the City shall again authorize the operation of the same.
(Code 1973, 4-27; Ord. No. 1878)

Article IV. Dances.

22-401 to 22-410. Repealed. Ord. No. 3239-11/91.

Article V. Games of Chance and/or Lotteries.

22-501. Definitions.

For the purposes of this article the following definitions shall apply:

(1) The phrase "games of chance and/or lotteries" shall mean those forms of gambling authorized by the State of Nebraska pursuant to Article III, Section 24 of the Constitution of the State of Nebraska.

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(2) The phrase "gambling device" shall mean any and all machines or devices used by a person engaged in the occupation of conducting games of chance and/or lotteries.

(3) The phrase "person engaged in the occupation of conducting games of chance and/or lotteries" shall mean any person who has been granted a license to conduct games of chance and/or lotteries by the State of Nebraska.

(4) The word "distributor" shall mean any person who engages in the business of selling, leasing, or delivering possession or custody of gambling devices for consideration to a person engaged in the occupation of conducting games of chance and/or lotteries.

(5) The word "person" shall extend and be applied to firms, corporations, voluntary associations, partnerships, and joint stock companies, as well as to individuals.

22-502. Occupation tax.

An occupation tax is hereby imposed on each person, engaged in the occupation of conducting games of chance and lottery activities within the City. Every person, conducting games of chance and lottery activities within the City shall pay the tax in the amount and manner specified in Section 3.

22-503. Amount of occupation tax for persons engaged in the occupation of conducting games of chance and lotteries.

The occupation tax for each person engaging in the occupation of conducting games of chance and lottery activities within the City shall be 4% percent of the gross receipts received by said person in each quarter of a calendar year. The tax shall be paid quarterly and on or before the 30th day of the immediately succeeding calendar quarter to the City Treasurer, and credited to the General Fund of the City.

22-504. Amount of occupation tax for distributor.

The occupation tax for engaging in the occupation of distributing gambling devices within the City shall be 4% percent of the gross receipts received by a distributor in each quarter of a calendar year. The tax shall be paid quarterly and on or before the 30th day of the immediately succeeding calendar quarter to the City Treasurer, and credited to the General Fund of the City.

22-505. Delinquent payments.

All payments of occupation tax levied pursuant to this article which are made after the due date shall be deemed delinquent payments. Any person who has failed to pay such occupation tax when the same shall become due shall be charged a penalty of 10% of the amount of such unpaid occupation tax.

22-506. Prohibition.

It shall be unlawful for any person to conduct games of chance or lottery activities without first obtaining a license from the City to do so.

22-507. License application.

Every person desiring a license required by the provisions of this article shall make application to the municipal clerk of the City of Hastings. Accompanying each application shall be:

(1) A sworn statement by each designated supervising member that such member will be responsible for compliance with rules and regulations for each occasion of games of chance and/or lotteries which he supervises.

(2) A sworn statement by the member designated as responsible for the proper utilization of gross receipts that no commission, fee, rent, seller profits, compensation, reward or recompense will be paid to any person or organization not sanctioned by the laws of the State of Nebraska and the City of Hastings; and that all profits will be spent for a lawful purpose.

(3) A copy of the applicants license issued by the State of Nebraska.

22-508. Display of license.

Amusements

Every license issued under the provisions of this division shall be conspicuously displayed at the place where the game of chance and/or lottery activity is conducted at all times during the conduct thereof.

22-509. License fee.

The license fee for engaging in the occupation of conducting games of chance and lotteries within the City shall be \$10.00 per year or portion thereof for each location wherein such activity is conducted. Licenses shall be issued for the calendar year, and shall be renewed in January of each year by payment of the appropriate license fees to the City Clerk.

22-510. Exemption.

Nonprofit organizations and persons that desire to participate in games of chance and/or lotteries, that are in compliance with the Small Lotteries and Raffles Act, the Nebraska Bingo Act, the Nebraska Pickle Card Lottery Act, the Nebraska Lottery and Raffle Act, and/or the Nebraska County and City Lottery Act of the State of Nebraska, are exempt from the provisions of this Article.
(Ord. No. 3194-10/90)