

**BOARD OF COUNTY COMMISSIONERS  
SARPY COUNTY, NEBRASKA**

**RESOLUTION APPROVING AN AMENDED AMUSEMENT LICENSE PROCESS,  
ADOPTING RELATED DOCUMENTS, AND REPEALING THE CURRENT "SARPY  
COUNTY RULES AND REGULATIONS APPLICABLE TO AMUSEMENT LICENSES"**

WHEREAS, pursuant to Neb. Rev. Stat. § 23-104 (Reissue 2012), the County has the power to do all acts in relation to the concerns of the County necessary to the exercise of its corporate powers;

WHEREAS, pursuant to Neb. Rev. Stat. § 23-103 (Reissue 2012), the powers of the County as a body are exercised by the County Board;

WHEREAS, Neb. Rev. Stat. § 23-813 et seq. (Reissue 2012) pertain to the conduct or operation of any roadhouse, dance hall, carnival, show, amusement park, or other place of public amusement, outside the limits of any incorporated city or village in the State of Nebraska;

WHEREAS, pursuant to Neb. Rev. Stat. § 23-813 (Reissue 2012), no person shall operate a roadhouse, dance hall, carnival, show, amusement park, or other place of public amusement, without first having obtained a license from the county board;

WHEREAS, the County currently has Rules and Regulations Applicable to the license described in Neb. Rev. Stat. § 23-813 et seq. (Reissue 2012);

WHEREAS, the County desires to repeal the current "Sarpy County Rules and Regulations Applicable to Amusement Licenses" (Resolution 2007-0111) and follow the statutes under a new process for obtaining and processing amusement licenses as described in the attached memorandum;

WHEREAS, the County also desires to utilize the attached application form and document entitled "Nebraska Statutes Regarding Amusement Licenses"; and

WHEREAS, utilizing the new amusement license process will better facilitate the procedure for the granting of amusement licenses by the County Board.

NOW, THEREFORE, BE IT RESOLVED BY THE SARPY COUNTY BOARD OF COMMISSIONERS THAT this Board hereby approves the amended process for obtaining amusement licenses, adopts the attached application and related documents, and repeals any previously adopted rules and regulations regarding public amusement licenses, including Resolution 2007-0111.

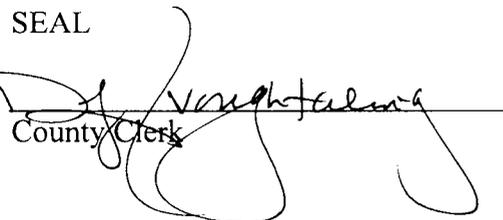
The above Resolution was approved by a vote of the Sarpy County Board of Commissioners at a public meeting duly held in accordance with applicable law on the 25<sup>th</sup> day of March, 2014.

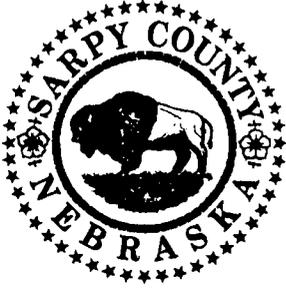
Attest

SEAL

  
Sarpy County Board Chairman



  
County Clerk



# Office of the County Attorney

Hall of Justice • 1210 Golden Gate Drive • Suite 3147  
Papillion, NE 68046-2889  
(402) 593-2230 • FAX: (402) 593-4359

L. Kenneth Polikov  
Sarpy County Attorney

## MEMORANDUM

To: Sarpy County Board of Commissioners  
From: Bonnie Moore  
RE: Amusement Licenses  
Date: March 20, 2014

The County currently has Rules and Regulations regarding amusement licenses (see Resolution 2007-0111, attached hereto). The statutory basis for developing the Rules and Regulations comes from Neb. Rev. Stat. § 23-813:

No person, association, firm, or corporation shall conduct or operate any roadhouse<sup>1</sup>, dance hall, carnival, show, amusement park, or other place of public amusement, outside the limits of any incorporated city or village in the State of Nebraska, without first having obtained a license from the county board of the county in which the same is to be operated. If the applicant is an individual, the application shall include the applicant's social security number. Any person, corporation, or association violating the provisions of this section shall be guilty of a Class V misdemeanor. No license shall be required for a dance in an inhabited private home to which no admission or other fee is charged.

In accordance with Neb. Rev. Stat. § 23-813 et seq., the Rules and Regulations apply to carnivals, circuses, fairs, festivals, music festivals, etc. and any place where the public is invited to eat, drink, dance, or participate in any combination of two or more those activities.

Because the relevant statutes as well the Rules and Regulations apply to so many establishments within the County, it is difficult to enforce them. Further, it is our understanding that no one has ever been charged (in Sarpy County) with violating Neb. Rev. Stat. § 23-813 and an Amusement License has never been used by law enforcement as a means to gain entrance to an establishment.

In 2011, the Clerk's Office asked NACO to survey the counties regarding their amusement license process. The results of the survey are as follows:

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<sup>1</sup> Neb. Rev. Stat. § 23-818: For the purpose of sections 23-813 to 23-817, a roadhouse shall mean an inn or any other place where the public is invited to eat, drink, dance, or participate in any combination of any two or more of these activities.

County	Uses Licensing process	Number Issued in 2010/2011	Individual completing survey
Washington County	No	0	Merry Truhlsen, Washington County Clerk
Otoe	No	0	Janene Bennett
Lancaster	Yes	5	Angela Zocholl
Sarpy County	Yes	43	Renee Lansman, County Clerk's Office
Keya Paha County	Yes	1	Suzy
Hall	Yes	2	Marla Conley County Clerk
Pawnee	No		Carol J. Young, County Clerk
Polk	Yes	1	Debra S. Girard, Polk County Clerk
Red Willow	No	0	Pauletta Gerver
Fillmore	No	0	Amy Nelson
Sherman		0	Marcy Sekutera/Sherman County Clerk
Burt County	No	0	Marjorie R. Shumake Burt County Clerk
Merrick	No	0	Marcia Wichmann
Logan County	Yes	1	Pat Harvey
Garden	No	0	Teresa McKeeman
McPherson County	No	0	Judy Daily McPherson County Clerk
Jefferson	No	0	Sandra Stelling, County Clerk
Hooker	No	0	Dave Sullivan
Gosper County		0	Cynthia Evans
Dakota	No	0	Ted Piepho, County Clerk
Blaine	No	0	April Wescott
Hamilton	No	0	Patricia L. Anderson
Saunders	No	0	Patti Lindgren
Loup	No	0	Debbie Postany
Knox		0	Joann Fischer
Thurston	No	0	Tammy Moore - County Clerk
Arthur	No	0	Becky Swanson.
Platte County	Yes	6	Diane C Pinger County Clerk
Holt	No	0	Cathy Pavel
Valley County	No	0	Jenette G. Lindsey
Nemaha	No	0	Joyce Oakley
Madison	Yes	None during last fiscal year. The most recent amusement license issued in Madison County was in 1983.	Nancy Scheer
Morrill	No	0	Kathy Brandt, County Clerk
Garfield	No	0	Linda S. Heermann Garfield County Clerk
Clay	No	0	Deborah Karnatz
Dixon County, NE	No	0	Diane Mohr
Butler County	No	0	Vicki Truksa, County Clerk
Wheeler	Yes	0	Lynn Nichols, Deputy County Clerk
Thayer	No	0	Marie Rauner County Clerk
Dundy		0	County Clerk
Nance County	No	0	Danette Zarek, Nance County Clerk
Frontier	No	0	Darla Walther

Howard	No	0	Marge Palmberg
Dawson	No	0	Karla Zlatkovsky
Cheyenne County	No	0	Beth E. Fiegenschuh
Johnson	No	0	Kathleen M. Nieveen
Seward	No	0	Sherry Schweitzer
Cuming	No	0	Bonnie Vogltance, County Clerk
Lincoln	No	0	Becky Rossell, Lincoln County Clerk
Pierce County	Yes	1	Shannon Wragge, Pierce County Clerk
Cedar	Yes	2	David Dowling
Adams	No	0	Chris Lewis
Webster	Yes	0	Lonnie Knehans
York	No	0	Cynthia Heine
Rock	Not at this time but used to	0	
Brown	Not at this time but used to	0	Janet Huggins, Clerk
Custer	No	0	Conni Gracey, Clerk
Nuckolls	No	0	Jackie Kassebaum, Clerk

As you can see from the survey, in 2011 Sarpy County had a disproportionately high issuance of amusement licenses. There is actually no statutory requirement that a county even have rules and regulations for the issuance of public amusement licenses. This may be part of the reason why most counties do not issue have public amusement licenses.

Over the past few years, our Office has worked with the Clerk's Office in developing a way to amend or eliminate the Rules and Regulations. This year, Sarpy County attempted (unsuccessfully) to introduce legislation which would have made the Amusement License permissive rather than mandatory. Seeing that a legislative change is unlikely to occur, we have developed a new solution for the Board to consider. Specifically, to repeal the current Rules and Regulations and follow the statutes under a new process that eliminates any Rules and Regulations but maintains an application form and document with relevant Nebraska law. This process would provide individuals and organizations with a mechanism for applying for and receiving an amusement license per Neb. Rev. Stat. § 23-813, but would eliminate most of the paperwork and follow-up that is now required by the Clerk's Office.

A copy of the proposed application and related document is attached. Please feel free to contact me if you have any questions. Thank you.



# SARPY COUNTY

County Clerk's Office

## APPLICATION FOR AMUSEMENT LICENSE

\*Please type or print

Complete and return the **original** to the Sarpy County Clerk's office, 1210 Golden Gate Drive #1250, Papillion, NE 68046. All fees payable to the Sarpy County Clerk due at application.

NEW LICENSE: \$30 (\$10 license fee and \$20 publication fee)

RENEWAL: \$10 license fee

1. REASON for obtaining Public Amusement License (Describe the TYPE of amusement i.e. roadhouse; dance hall; carnival; show; amusement park; or other place of public amusement):

2. APPLICANT NAME (individual or business): \_\_\_\_\_

ADDRESS/CITY/STATE/ZIP: \_\_\_\_\_

SOCIAL SECURITY NUMBER (required by statute): \_\_\_\_\_

EMAIL ADDRESS: \_\_\_\_\_ CONTACT PHONE #: \_\_\_\_\_

3. NAME OF PROPERTY OWNER (if different than applicant): \_\_\_\_\_

ADDRESS OR LOCATION OF PREMISE TO BE COVERED BY LICENSE (including city, state and zip code):

4. Date(s)/Hours establishment open:	Estimate # of people (capacity of establishment):
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*I declare that I am the authorized representative of the above named license applicant and that the statements made on this application are true to the best of my knowledge and belief. I understand that the issuance of an Amusement License in no way relieves the holder of such license from complying with any other applicable law or regulation. I hereby state that I have also READ and UNDERSTAND the Amusement License Statutes and the requirements of those statutes on the reverse side.*

Sign Here \_\_\_\_\_  
Authorized Representative/Applicant

\_\_\_\_\_ Title

\_\_\_\_\_ Date

Sign Here \_\_\_\_\_  
Property Owner

\_\_\_\_\_ Title

\_\_\_\_\_ Date

## Nebraska Statutes Regarding Amusement Licenses

### **Neb. Rev. Stat. § 23-813**

**Roadhouses; dance halls; carnivals; shows; amusement parks; license required.**

No person, association, firm, or corporation shall conduct or operate any roadhouse, dance hall, carnival, show, amusement park, or other place of public amusement, outside the limits of any incorporated city or village in the State of Nebraska, without first having obtained a license from the county board of the county in which the same is to be operated. If the applicant is an individual, the application shall include the applicant's social security number. Any person, corporation, or association violating the provisions of this section shall be guilty of a Class V misdemeanor. No license shall be required for a dance in an inhabited private home to which no admission or other fee is charged.

### **Neb. Rev. Stat. § 23-814**

**Roadhouses; dance halls; carnivals; shows; amusement parks; petition for license.**

Before any such license shall be granted by the county board, the applicant therefor shall file a petition in the office of the county clerk of said county praying that said license be granted.

### **Neb. Rev. Stat. § 23-815**

**Roadhouses; dance halls; carnivals; shows; amusement parks; petition for license; notice; hearing.**

Notice of said application shall be published at the expense of the applicant for two consecutive weeks in a legal newspaper of general circulation in said county and precinct, giving the time and place at which said application will be considered by the county board. After full consideration, and the hearing of remonstrants, if there be any, the county board may, in its discretion, grant or withhold said license. A renewal of such license may be granted upon application and without complying with the provisions of this section.

### **Neb. Rev. Stat. § 23-816**

**Roadhouses; dance halls; carnivals; shows; amusement parks; license fee.**

Before any such license shall be issued by any county board, the applicant therefor shall pay into the county treasury an annual license fee of ten dollars.

### **Neb. Rev. Stat. § 23-817**

**Roadhouses; dance halls; carnivals; shows; amusement parks; license; revocation; violations by licensee; penalty.**

Any person, association, firm or corporation licensed under the provisions of sections 23-813 to 23-816, who shall be convicted of the violation of any law regulating such places of amusement shall have his license revoked upon order of the county board after notice of such proposed action has been given by said board and the licensee has been afforded a reasonable opportunity to appear and show cause why such action should not be had. Any person, association, firm, or corporation violating any of the provisions of said sections shall be guilty of a Class V misdemeanor, and every day upon which this violation shall continue shall be deemed a separate and distinct offense.

### **Neb. Rev. Stat. § 23-818**

**Roadhouse, defined.**

For the purpose of sections 23-813 to 23-817, a roadhouse shall mean an inn or any other place where the public is invited to eat, drink, dance, or participate in any combination of any two or more of these activities.

**BOARD OF COUNTY COMMISSIONERS**  
**SARPY COUNTY, NEBRASKA**

**RESOLUTION ADOPTING AMENDED AMUSEMENT LICENSE**  
**RULES AND REGULATIONS**

WHEREAS, pursuant to Neb. Rev. Stat. § 23-104(6) (Reissue 1997), Sarpy County has the power to do all acts in relation to the concerns of the County necessary to the exercise of its corporate powers; and,

WHEREAS, pursuant to Neb. Rev. Stat. § 23-103 (Reissue 1997), the powers of a County as a body are exercised by the County Board; and,

WHEREAS, Neb. Rev. Stat. §§ 23-813, et seq. (Reissue 1997), authorize counties to regulate certain activities through the granting of an amusement license by the County Board and Rules and Regulations governing the granting of such licenses will further this statutory mandate; and,

WHEREAS, amended Rules and Regulations which will facilitate the process governing the granting of Amusement Licenses by the County Board are attached hereto and marked as Exhibit "A";

NOW, THEREFORE, BE IT RESOLVED BY THE SARPY COUNTY BOARD OF COMMISSIONERS THAT any previously adopted Rules and Regulations which facilitate the process governing the granting of Amusement Licenses by the County Board are hereby repealed; and, Amended Rules and Regulations governing the granting of Amusement Licenses by Sarpy County, Nebraska, attached hereto and marked as Exhibit "A", are hereby approved.

DATED this 17<sup>th</sup> day of April, 2007.

Moved by Inez Boyd, seconded by Aldona Doyle, that the above Resolution be adopted. Carried.

YEAS:

Aldon V. Doyle

Paul Cook

Lucy M. Boyd

\_\_\_\_\_

\_\_\_\_\_

NAYS:

Quinn Jones

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

ABSENT:

Rich Jansen

\_\_\_\_\_

ABSTAIN:

none

\_\_\_\_\_

Renee Lausman  
County Clerk Assist Deputy Chief

Approved as to form:  
Will O'Leary  
Deputy County Attorney

## Exhibit "A"

### **SARPY COUNTY RULES AND REGULATIONS** **APPLICABLE TO AMUSEMENT LICENSES**

#### **I. INTRODUCTION:**

Any person, firm, partnership, corporation, or other entity seeking to obtain an Amusement License ("License") for a gathering, establishment, or event, open to the public, including, but not limited to, carnivals, circuses, fairs, festivals, music festivals, roadhouses,<sup>1</sup> golf courses, and other amusements and establishments as defined in Neb. Rev. Stat. §§ 23-813 through 23-818 (Reissue 1997), within Sarpy County, Nebraska ("County"), shall comply with the conditions and limitations set forth in these Rules and Regulations. Applicants shall refer to these Rules and Regulations at all stages of the planning and preparation for the granting of any License.

An "amusement" shall be defined as follows:

Any person, firm, partnership, corporation, or other entity which has as one of its goals the entertaining of the public; or of keeping the public pleasantly occupied for any period of time; or of providing a pastime, diversion, or enjoyment for the public. This definition shall not be construed to include eating establishments which have as a part of their premises a playground expressly for children's entertainment, but which provide no other type of "amusement" on their premises.

#### **II. TYPES OF LICENSES:**

Two (2) types of Licenses shall be granted: Type "A" and Type "B". They shall be defined as follows:

**Type "A":** A License granted to a non-profit or tax-exempt person, firm, partnership, corporation, or other entity seeking to obtain an Amusement License ("License") for a gathering or event which is open to the public. The Applicant shall have the burden of demonstrating its non-profit or tax-exempt status at the County Board's hearing on the License.

**OR,**

A License granted to any person, firm, partnership, corporation, or other entity for a gathering or event which is open to the public that will last no

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<sup>1</sup> "Roadhouse" is defined in Neb. Rev. Stat. § 23-818 as "an inn or any other place where the public is invited to eat, drink, dance, or participate in any combination of any two or more of these activities".

more than six (6) days, or no more than a total of six (6) days in any twelve (12) month period.

**Type "B":** A License granted to any Applicant who does not qualify to receive a Type "A" License.

### **III. GENERAL RULES AND REGULATIONS APPLICABLE TO ALL APPLICANTS:**

#### **A. APPLICATION FOR A PUBLIC AMUSEMENT LICENSE:**

Application for a License ("Application") shall be made to the County Clerk at least thirty (30) days before the date such event is to commence or such establishment is to be open to the public for a Type "A" License, or sixty (60) days before the date such event is to commence or such establishment is to be open to the public for a Type "B" License, upon forms provided for that purpose by the County Clerk.

Each Application shall contain, at a minimum, the following information:

1. The Applicant's name, business address, residence address, and telephone numbers. If the Applicant is an individual, such person's social security number shall also be provided.
2. The nature and purpose of the proposed event or establishment, including a specific description of the kinds and types of activities which will occur during the proposed event or at the proposed establishment.
3. The location of the premises involved in the event or establishment.
4. The dates and hours during which the proposed event will be held, or the establishment will be open.
5. An estimate of the number of people expected to attend the event or occupy the establishment and the basis on which such estimate is made.
6. A statement to the effect that law enforcement, health board, and building inspection public officials will be allowed entrance to the establishment or to any property to be used in connection with the event for the purpose of monitoring compliance with these Rules and Regulations at any time without a breach of the peace.
7. If requested by the Health Board or the Sarpy County Sheriff's Department, a list of the full names (including middle initials) and dates of birth of all owners, managers, employees, principals, partners, or other persons or corporate entities associated with the Applicant who will be involved in any way with the event or

establishment which is the subject of the Application, as well as their affiliation with the Applicant.

The Application shall bear the signatures of the Applicant or its authorized representative, and the owner of the property on which the event is to be held or the establishment is to be located, or his authorized representative.

**B. LICENSE FEE:**

There shall be filed with each Application an annual License Fee of \$10.00.

**C. PUBLIC HEARING:**

As provided in Neb. Rev. Stat. §§23-813 through 23-818 (Reissue 1997), the County Clerk shall publish notice of the Application at the expense of the Applicant for two (2) consecutive weeks (once a week on the same day for two (2) weeks) in a legal newspaper of general circulation in the County, giving the time and place at which the Application shall be considered at a public hearing by the Sarpy County Board of Commissioners ("County Board").

If the County Board requires additional information, it can refer the Application to the Health Board for further review pursuant to Sections IV.C. and D.

**D. ASSIGNABILITY:**

Licenses are non-assignable.

**IV. SPECIFIC RULES AND REGULATIONS APPLICABLE ONLY TO TYPE "B" APPLICANTS:**

**A. ADDITIONAL INFORMATION REQUIRED ON APPLICATION FOR AMUSEMENT LICENSE:**

In addition to the information generally required of all applicants on the Application as listed in III.A., Type "B" Applications shall also contain the following information:

1. For events only, the details concerning any and all structures, either permanent or temporary, currently existing or proposed to be built, erected or renovated, at which the event will take place; and,
2. A general site plan map (hand drawing acceptable) showing the proposed location of the event site or establishment in relation to all parking areas and the surrounding area.

## **B. LIABILITY INSURANCE REQUIRED:**

The Applicant shall file with the Application a liability insurance policy or certificate thereof issued by an insurance company licensed to do business in the State of Nebraska with a minimum A.M. Best Insurance Company rating of A-, providing liability coverage for all claims arising out of the permitted activity, naming the Applicant as the insured party. Such insurance policy shall provide comprehensive general liability coverage in the minimum amount of \$500,000.00 per occurrence and \$1,000,000.00 general aggregate, with \$100,000.00 property damage coverage per occurrence and statutory workers' compensation coverage. The policy shall provide that it cannot be cancelled until ten (10) days' written notice of such cancellation shall have been filed with the County Clerk. The insurance policy or certificate thereof required herein shall be subject to approval by the County Attorney ("Attorney") or his Deputy.

## **C. HEALTH BOARD:**

After receiving an Application, the County Clerk shall forward a copy of the Application to the Chairman of the Sarpy County Health Board ("Health Board"). Such Chairman ("Chairman") shall review the Applicant's plans and preparations, and advise the Applicant of any concerns in the areas of the public's health, safety, and welfare. The Applicant should consult with the Chairman and coordinate with such Chairman in planning for the License. The Chairman shall consult with the Sarpy County Sheriff's Department ("Sheriff's Department"), the Nebraska State Highway Patrol ("State Patrol"), the appropriate fire department, and such other offices and departments as shall be necessary to insure compliance with these Rules and Regulations.

Upon receipt of a completed Application, the Chairman shall review the Application and shall either: (1) forward the Application directly to the County Board with his/her recommendation for approval or denial of the Application, which recommendation shall include information regarding whether the Applicant has adequately provided for the public's health, safety, and welfare in relation to the License, and whether the License should be granted or denied; or, (2) forward the Application to the full Health Board for its consideration at a Health Board Meeting.

The Health Board shall hold a public hearing to consider the Application and, within forty-five (45) days of the public hearing, shall report to the County Board with a recommendation regarding whether the Applicant has adequately provided for the public's health, safety, and welfare in relation to the License, and whether the License should be granted or denied. The Health Board may call special meetings at which Applications will be considered and reviewed and public hearings will be held. Notice of any Health Board meeting shall be given by reasonable advanced publication in a legal newspaper of general circulation within the County giving time and place of such meeting. After receiving the Chairman's or the Health Board's report, or in the absence of a report from the Health Board, within forty-five (45) days of the date of the Health Board's hearing on the Application, the County Board shall hold a public hearing on the Application. Delays caused by the Applicant shall not be included in calculating the forty-five (45) day time limit.

The County Board may condition the final granting of the License upon compliance with specific requirements, which are designed to protect the public's health, safety, and welfare. If the County Board determines that additional information is required from the Chairman or the Health Board in order to decide whether to grant a License, the County Board may refer the Application back to the Chairman or the Health Board for such information; the hearing on the granting of the License will be continued until such additional information is received by the County Board.

Any plans and preparations made after the hearing, completed as a condition of the final granting of the License, shall be monitored by the Chairman and the Health Board. If the Applicant fails to comply with the conditions indicated by the County Board as conditions precedent to the granting of the License, the License shall not be granted, or if the License has already been granted, it may be revoked.

#### **D. BACKGROUND INVESTIGATIONS:**

Background investigations may be conducted by the Sarpy County Sheriff's Department ("Department"), at the request of the Health Board or the Department. The Applicant and all of its owners, managers, employees, principals, partners, or other persons or corporate entities associated with the Applicant who will be involved in any way with the event or establishment which is the subject of the Application, waive any and all objections and claims, including those based upon confidentiality, to the background investigation and consent to such investigation by submitting an Application for a Type "B" License.

#### **E. TIME LIMITATIONS:**

The time schedule and duration of the event or operating hours of the establishment shall be carefully considered at all stages of planning and preparation. The County Board may condition the final granting of the License upon adherence to specific time limitations.

#### **F. REQUIRED SPACE:**

The area or establishment shall contain adequate space to accommodate the anticipated number of persons who will attend the event or establishment.

#### **G. NOISE LEVEL:**

Amplifying equipment shall control the noise level at a perimeter of the site area or outside the walls of the establishment to no more than seventy (70) decibels on the A-weighted scale of a sound level meter which meets the specifications of the American National Standards Institute for Type II general purpose sound level meter, its equivalent, or higher.

#### **H. PARKING FACILITIES:**

Parking facilities located off of public roadways shall be provided to fully serve all reasonably anticipated requirements of the area or establishment.

**I. TRAFFIC CONTROL:**

Provisions shall be made for traffic control measures which will preclude hazards to vehicular and pedestrian traffic. Such measures shall be subject to review by the Sheriff's Department and the State Patrol.

**J. EXITS AND FREEDOM OF MOVEMENT:**

The event area or the establishment and the surrounding site shall be arranged so as to have sufficient exit aisles adequate in size to allow unhindered direct travel. Such aisles shall lead to readily accessible exits. All parking areas shall be arranged and maintained at all times in such a manner as to allow the passage of emergency vehicles, and no vehicle shall be allowed to be parked in such a manner as to hinder the exit of another vehicle.

**K. TOILET FACILITIES:**

Adequate toilet facilities shall be provided, located so as to be conveniently available to patrons, and shall be constructed and arranged so as to provide separate facilities for each sex. All such toilet facilities shall be located and constructed so as not to constitute a threat of underground or surface water pollution and shall be constructed in accordance with the requirements of the Chairman of the Health Board, and shall be maintained in a clean and sanitary condition at all times; provided, that whenever a sanitary sewer is reasonably accessible, the term "toilet facilities" as used in this section shall be construed to mean water closets connected with the sanitary sewer.

**L. WATER SUPPLY:**

For all establishments, and for any event of four (4) hours or more in duration, an adequate water supply shall be provided. Only water supplied directly through a state-approved water system shall be readily accessible for drinking.

**M. GARBAGE AND REFUSE:**

Adequate sanitary facilities shall be provided and maintained for the storage and disposal of all garbage and refuse. The Applicant shall be responsible for providing for the clean-up of the event site or establishment, adjacent parking areas, and all immediately surrounding properties within a reasonable time if an establishment, and within twenty-four (24) hours of an event, and shall provide for the removal of all garbage and refuse within such time.

**N. FIRST-AID EMERGENCY VEHICLES:**

Emergency first-aid facilities shall be provided to fully serve all reasonably anticipated requirements at event sites. If public telephone service or two-way radio service with "911" emergency capabilities is not available at an event site or on the property immediately adjacent to the site, at least one (1) emergency vehicle shall be available at all times on the event site.

Establishments shall have functional public telephones available at all times, but are not required to have emergency first-aid facilities.

**O. FOOD SERVICE:**

Food service shall conform to all applicable health codes and shall be provided to fully serve all reasonably anticipated requirements. Adequate provisions shall be made for sanitary storage, handling, and protection of food supplies until the food is served.

**P. LIGHTING:**

If any portion of an event will be held after sunset, the site shall be provided with adequate lighting. This provision is not applicable to establishments.

**Q. VECTOR CONTROL:**

When the Chairman of the Health Board determines that mosquitos and biting flies and other potential disease-carrying vectors are present at the event site or in the establishments in excess of reasonable limits, adequate measures shall be taken to reduce the vector population to a satisfactory level for the duration of the event or during the operational hours of the establishment.

**R. FIRE PROTECTION AND CONTROL:**

All readily combustible material, such as loose straw or sawdust, shall be cleared away from the event site or establishment to protect against the hazard of fire. In addition, the Applicant shall be responsible for securing full compliance with all other applicable fire and safety regulations and requirements of the County or the State of Nebraska.

**S. ELECTRICAL WIRING, BUILDINGS AND STRUCTURES:**

Any electrical wiring, and any building or structure erected or used for any event or establishment shall be constructed and maintained in a safe manner and in accordance with all applicable County building codes and the State Electrical Code.

**T. SECURITY ENFORCEMENT:**

Security enforcement shall include maintenance of external as well as internal crowd control and good order, and sufficient guards for crowd control and security enforcement shall be provided at the event site or establishment by the Applicant. The Applicant shall submit a security enforcement plan to the Sheriff's Department.

**U. UNATTENDED CHILDREN:**

No child under twelve (12) years of age shall be permitted to attend an event or establishment unless such child is accompanied by an adult.

## **V. ALCOHOLIC LIQUORS:**

The provisions of Neb. Rev. Stat. § 53-186.01 (Reissue 2004), in the Nebraska Liquor Control Act, will apply to all Licenses.

## **V. PROCEDURES:**

### **A. GRANTING LICENSES:**

After the public hearing on the License, the County Board may, in its discretion, grant or deny the License. The County Board may condition the final granting of the License upon full compliance with any other reasonable standards it may request, such as compliance with specific requirements, which are designed to protect the public's health, safety, and welfare. The concurring vote of a majority of the members of the County Board shall be necessary to grant any License.

### **B. LICENSE RENEWAL:**

Licenses shall be effective for a time period as specified by the County Board. An annual license fee of \$10.00 shall be due each year, and shall be paid to the County Clerk. Applicants seeking to renew their Licenses shall complete an Application for Renewal of Public Amusement License ("Application for Renewal"), and file it with the information requested therein with the County Clerk. Upon receipt of an Application for Renewal, the County Clerk shall refer such Applications for Renewal to the Health Board. The Chairman of the Health Board shall review all Applications for Renewal, and if he/she deems it necessary, shall refer such Applications for Renewal to the full Health Board for a public hearing before and a recommendation by same. Otherwise, if the Chairman of the Health Board does not deem that such Applications for Renewal are required to be the subject of a full hearing before the Health Board and that a recommendation by same is not required, such Applications for Renewal may be placed upon the consent agenda of the County Board for the County Board's approval.

### **C. ENFORCEMENT OF VIOLATIONS:**

Failure to obtain a License as required under the applicable statutes shall subject persons responsible for events or establishments which fall under these statutes to the penal provisions outlined in Neb. Rev. Stat. § 23-813, which will be enforced by the Attorney's Office. The County Board shall also have recourse to those statutes permitting the restraining and enjoining of such events or establishments.

A list shall be maintained by the County Clerk's Office which lists those Licenses which have been granted. The list of Licenses granted shall be consulted to determine whether an event or establishment has received a License in, among others, at least three (3) situations:

1. Whenever a building permit is requested which appears to implicate a possible License requirement;
2. Whenever a call for service is answered by the Sarpy County Sheriff's Department which appears to implicate a possible License requirement; and,
3. Whenever a liquor license application is requested.

#### **D. REVOCATION OF LICENSES:**

Licenses may be revoked in, among others, several instances:

1. If the event or establishment fails to comply with these Rules and Regulations; or,
2. If the nature and purpose of the event or establishment changes from the nature and purpose of the event or establishment as described in the Application or Renewal Application, and the Applicant does not re-apply and receive a License based on the revised nature and purpose of the event or establishment.
3. If the event or establishment fails to comply with any of the specific conditions imposed by the County Board in granting the License; or,
4. If the event or establishment violates any other law or regulation governing the health, safety, and welfare of the citizens of Sarpy County.

Complaints involving any of the circumstances listed above should be submitted to the County Clerk's Office. Complaints may be submitted by any citizen, or by any official or employee of Sarpy County. Upon receipt of complaints, the Chairman of the Health Board shall either (1) investigate the allegations in the complaints, attempt to resolve the issues between the License holder and the complainer and report to the County Board regarding the validity of such allegations or (2) call for a full Health Board meeting in which the Health Board shall investigate the validity of the complaints, hear public comment, attempt to resolve the issues between the License holder and the complainer and report to the County Board regarding the complaints. If any report to the County Board indicates that the allegations in the complaints are valid, the County Board shall hold a public hearing and subsequent vote on whether to revoke the License under review or whether to place conditions upon the License in order to protect the public's health, safety and welfare. The concurring vote of a majority of the members of the County Board shall be necessary to revoke or place conditions upon any License.