

## CHAPTER 175: BUSINESS REGULATIONS

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**GENERAL PROVISIONS****§ 175.001 REGULATIONS FOR FIREWORKS VENDORS.**

It shall be unlawful for any person or persons to sell fireworks of any description whatsoever, except sparklers, vesuvius fountains, spray fountains, torches, color fire cones, star and comet type color aerial shells without explosive charges for the purpose of making a noise and lady fingers, all as defined in Neb. RS 28-1241(7). Color wheels, toy cap pistols and permissible caps may be sold at retail at all times; provided, that all other fireworks named may be sold only between June 24 and July 5 and between December 28, 1999 and January 1, 2000; provided, that fireworks of any description are permissible for purposes of public exhibitions or displays as authorized by the governing body and State Fire Marshal; and further provided that said vendor shall secure a state and city license prior to such sales. Application shall be filed with the Municipal Clerk and State Fire Marshal upon forms supplied and requesting such information and documents as the governing body and the State may deem necessary as to whether or not to grant said license. Upon the determination to grant the license, the Governing Body shall direct the Municipal Clerk to collect the appropriate fee and issue said license. Any license so issued may be revoked at any time by the governing body upon proper notice and hearing, if one is requested by the licensee. Application to the State Fire Marshal shall be separately determined by the State Fire Marshal. (Prior Code, § 10-420)

**§ 175.002 NEBRASKA COOPERATIVE LOTTERY.**

(A) *Findings.*

(1) Whereas, it is necessary for the City of North Bend, Nebraska provide for the health, welfare, safety, and public morals of its population;

(2) Whereas, the city desires to engage in a program of community betterment as defined in Neb. RS 9-604;

(3) Whereas, it has been determined that to operate an effective lottery dedicated management is necessary and the benefits of operating the lottery in conjunction with other communities in an interlocal agreement is necessary and desirable;

(4) Whereas, the city has an opportunity to join other Nebraska cities, villages, and counties in the Nebraska Cooperative Lottery Interlocal Agreement for the purposes of conducting a joint lottery;

(5) Whereas, a copy of such Nebraska Cooperative Lottery Interlocal Agreement, as revised and approved as to form, has been provided to the city and its terms are agreeable; and

(6) Whereas, the electorate of the city has duly approved the city conducting a lottery;

(7) It is therefore resolved and ordained by the Mayor and the City Council of the City of North Bend, Nebraska, that it desires to and hereby does elect to become a party to the Nebraska Cooperative Lottery Interlocal Agreement and agrees to be bound hereby to the same extent as an original party hereto on behalf of the city.

(B) *Restrictions.* There are hereby established the following regulations for persons permitted and not permitted to participate in the city's lottery:

(1) *Age limit.* No person under 19 years of age shall play or participate in any way in the lottery established and conducted by the City of North Bend, Nebraska.

(2) *Permission to play granted to others.* Nothing shall prohibit:

(a) Any member of the governing body of the city, a municipal official, or the immediate family of such member or official;

(b) The lottery operator whom the city contracts to conduct its lottery or his or her immediate family, employees, or agents; or

(c) Any person having an ownership interest in a sales outlet location or any employee thereof, from playing in the lottery established and conducted by the city; provided that such person is 19 years of age or older.

(3) For purposes of this section, immediate family shall mean a person who is related to the member, official, or operator by blood, marriage, or adoption and resides in the same household of the member, official, or operator; or a person who is claimed by the member, official, operator, or spouse of a member, official, or operator as a dependent for federal income tax purposes.

(Prior Code, §§ 10-701 and 10-702)

**Statutory reference:**

*Nebraska Cooperative Lottery, see Neb. RS 9-646*

**§ 175.003 PLUMBER AND ELECTRICIAN PERMITS.**

(A) *Permits.* It shall be unlawful for any person, persons or corporation to engage in or carry on the business of a plumber, drainlayer or electrician in the City of North Bend, without first obtaining a permit from the City Clerk, and complying with the provisions of this subchapter.

(1) No such person, persons or corporation shall be granted a permit unless he or she shall first apply for same in writing to the City Clerk furnishing his or her name, place of residence, place of business, and a general statement of qualifications.

(2) Such application shall be considered by the City Council and the Council shall approve the same for issuance of a permit only upon sufficient evidence indicating that the applicant is thoroughly qualified to engage in the occupation of plumber or electrician, and the permit shall in such case be issued upon the payment by the applicant of the sum of \$35 as a permit fee.

(3) Such permit shall be valid for one year from the date of issuance, and shall be renewable from year to year upon the payment of an additional permit fee of \$35 each year, unless such permit shall be revoked or renewal prohibited by resolution of the Council for good cause upon hearing with reasonable notice to such permit holder; provided, however that no such permit shall be granted unless such applicant also files with the City Clerk a bond, with sureties to be approved by the City Council at the time the application is acted upon, which bond shall be conditioned that the applicant shall defend, save, keep harmless and indemnify the city from all liability claims, damages, judgments, costs, and expenses of every nature and description caused by or growing out of the making of any excavation, hole or trench in any street, highway, alley or thoroughfare, including the pavement, sidewalk, right-of-way for streets in the city, or by the opening or removal of any pavement or any sidewalk surface, or by the placing of any obstruction, barricade, material, equipment, or apparatus of any nature in any street, highway, alley or thoroughfare, including the sidewalk and right-of-way space, or by the failure properly to protect any excavation, hole or trench in any place, or by the installation of any article of plumbing or electrical apparatus in any such place, and by any negligence on the part of the applicant in the use and occupancy of any such place in any manner or nature whatsoever while engaged in the business of plumbing or electrical work and such bond shall be in the penalty sum of \$5,000.

(B) *Exceptions.* The provisions of this section relating to plumbers and electricians shall not apply to any public utility company or companies serving the municipality and its inhabitants under a franchise agreement with the municipality, or its agents and employees, and shall not be construed as a limitation or restriction upon any franchises heretofore granted by the municipality.

(Prior Code, §§ 10-405 and 10-406)

**§ 175.004 OCCUPATION TAX.**

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

(A) Alcoholic Beverages:

Manufacture of alcohol and spirits.. . . . .	\$1,000.00
Manufacture of beer. . . . .	250.00
Manufacture of wine.. . . . .	250.00
Alcoholic liquor distributor, except beer. . . . .	250.00
Beer distributor. . . . .	50.00
Retailer of beer only for consumption on premises. . . . .	10.00
Retailer of beer on for consumption off the premises (sale in original package only).. . . . .	10.00
Retailer of beer for consumption on and off the premises. . . . .	10.00
Retailer of alcoholic liquors, including beer for consumption off the premises (sale in the original package only). . . . .	180.00
Retailer of alcoholic liquors, including beer for consumption on and off the premises. . . . .	300.00

(B) Non-beverage user:

Class 1.. . . . .	5.00
Class 2.. . . . .	25.00
Class 3.. . . . .	50.00
Class 4.. . . . .	100.00
Class 5.. . . . .	250.00

(C) Fire Insurance Companies, per year.. . . . . 5.00

(Prior Code, § 10-601)

**Statutory reference:**

*Occupation tax, see Neb. RS 17-525*

**§ 175.005 ALCOHOLIC BEVERAGES; HOURS OF SALE.**

It shall be unlawful for any licensed person or persons or their agents to sell any alcoholic beverages within the city limits of North Bend, Nebraska, except during the hours provided herein:

(A) All alcoholic liquors and alcoholic beverages, including beer and wine may be sold on-sale from 6:00 a.m. to 2:00 a.m., Mondays through Saturdays, to include until 2:00 a.m. on Sundays.

(B) All alcoholic liquors and alcoholic beverages, including beer and wine, may be sold off-sale from 6:00 a.m. to 1:00 a.m., Mondays through Saturdays, to include until 1:00 a.m. on Sundays.

(C) No person or persons shall consume any alcoholic beverages on licensed premises for a period of time longer than 15 minutes after the time fixed herein for stopping the sale of alcoholic beverages on the said premises. For the purposes of this section, **ON SALE** shall be defined as alcoholic beverages sold by the drink for consumption on the premises of the licensed establishment; **OFF SALE** shall be defined as alcoholic beverages sold at retail in the original container for consumption off the premises of the licensed establishment.

(D) Nothing in this section shall prohibit licensed premises from being open for other business on days and hours during which the sale or dispensing of alcoholic liquor is prohibited by this section. (Ord. 496, passed 5-18-10; Am. Ord. 520, passed 3-19-13)

**Statutory reference:**

*Alcoholic beverages, hours of sale, see Neb. RS 53-179*

### **CABLE TELEVISION**

#### **§ 175.015 CABLE TELEVISION FRANCHISE.**

The Governing Body has granted to Great Plains Cable Television, Inc. a non-exclusive franchise to construct, operate and maintain a Cable Television System in the City of North Bend. Actual details of the agreement and the charges, rates, and fees are available at the Municipal Clerk's office. (Prior Code, 10-520)

#### **§ 175.016 DEFINITIONS.**

For the purpose of this subchapter, the following terms, phrases, words, abbreviations, and their derivations shall have the meaning herein given. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number.

**ADDITIONAL SERVICE.** Any communications service other than basic service provided over its cable television system by the company directly or as a carrier for its subsidiaries, affiliates, or any other person engaged in communications services including but not limited to satellite distributed programming, burglar alarm, data, or any other electronic intelligence transmission, facsimile reproduction, meter reading, and home shopping.

**BASIC CATV SERVICE.** The simultaneous delivery by the company to television receivers (or any other suitable types of audio-video communication receivers) of all subscribers in the Franchise Area of all signals of over the air television broadcasters and public, educational, or governmental access facilities required by the FCC to be carried by a cable television system as defined hereinabove. Basic service charge shall also include additional channels including original cablecast programming at the option of the company.

**CABLE TELEVISION SYSTEM.** A system composed of, without limitations, antenna, cable, wires, lines, towers, wave guides, or any other conductors, converters, equipment or facilities, designed, constructed, or wired for the purpose of producing, receiving, amplifying, and distributing by coaxial cable audio and/or visual radio, television, electronics or electrical signals to and from persons, subscribers, and locations in the franchise area.

**CATV.** A cable television system as hereinafter defined.

**CITY.** Shall mean the City of North Bend.

**CITY COUNCIL.** The governing body of the city.

**COMPANY.** The grantee of rights under this subchapter.

**FRANCHISE AREA.** That area within the corporate limits of the city.

**GROSS ANNUAL BASIC SUBSCRIBER REVENUES.** Any all compensation and other consideration received directly by the Company from subscribers in payment for regularly furnished basic CATV service. Gross annual basic subscriber revenue shall not include any taxes on services furnished by the Company imposed directly on any subscriber or user by any city, state, or other governmental unit and collected by the Company for such governmental unit, nor shall it include revenue from auxiliary services which include but are not limited to advertising, leased channels, and pay television.



**PERSON.** Any person, firm, partnership, association, corporation, company, or organization of any kind.

**PAY TELEVISION SERVICE.** The delivery over the cable television system of video signals in intelligible form to subscribers for a fee or charge (over and above the charge for basic CATV service) on a per program, per channel, or other subscription basis.

**PROPERTY OF COMPANY.** All property owned, installed or used by the company in the conduct of a CATV business in the city.

**STREET.** The surface of and the space above and below any public street, right of way, road, highway, freeway, bridge, land, path, alley, court, sidewalk, parkway, drive, communications or utility easement, now or hereafter existing as such within the franchise area.

**SUBSCRIBER.** Any person or entity receiving basic CATV service.  
(Prior Code, § 10-521)

#### **§ 175.017 GRANT OF AUTHORITY.**

Whereas, the city has approved the legal, character, financial, technical, and other qualifications of the company and the adequacy and feasibility of the company's construction arrangements as part of a full public proceeding affording due process, there is hereby granted by the city to the company the nonexclusive right and privilege to engage in the business of operating and providing a cable television system in the franchise area, and for that purpose to erect, install, construct, repair, replace, reconstruct, maintain and retain in, on, over, under, upon, across and along any public way and public place, now laid out or dedicated and all extensions thereof and additions thereto in the franchise area such poles, wires, cable, conductors, ducts, conduit, vaults, manholes, amplifiers, appliances, attachments, and other property as may be necessary and appurtenant to the cable television system; and in addition, so to use, operate, and provide similar facilities or properties rented or leased from other persons, firms, or corporations including but not limited to any public utility or other grantee franchised or permitted to do business in the city.

(Prior Code, § 10-522)

#### **§ 175.018 TERM OF FRANCHISE.**

The franchise and rights herein granted shall continue in force and effect for a term of 15 years after the effective date of this franchise. The franchise may be renewed for an additional 15-year period following a public proceeding affording due process.

(Prior Code, § 10-523)

**§ 175.019 CONDITIONS OF STREET OCCUPANCY.**

(A) All transmission and distribution structures, lines, and equipment erected by the company within the franchise area shall be so located as to cause minimum interference with the rights and reasonable convenience of property owners who join any of the said street or other public ways and places. The cable television system shall be constructed, repaired, and operated in compliance with all current city, state, and national construction and electrical codes. The company shall install and maintain its wires, cables, fixtures, and other equipment in such manner that they will minimize any interference with any installations of the city or of a public utility serving the city.

(B) In case of disturbance of any street, public way, or paved area, the company shall, at its own cost and expense and in a manner approved by the city, replace and restore such street, public way or paved area in as good a condition as before the work involving such disturbance was done.

(C) If at any time during the period of franchise the city shall lawfully elect to alter or change the grade of any street, sidewalk, alley, or other public way, the company, upon reasonable notice by the city shall remove, relay, and relocate its poles, wires, cables, underground conduits, manholes, and other fixtures at its own expense.

(D) Any poles or other fixtures placed in any public way by the company shall be placed in such manner as not to interfere with the usual travel on such public way.

(E) The company shall, on the request of any person holding a building moving permit issued by the city temporarily raise or lower its wires to permit the moving of buildings. The expense of such temporary removal or raising or lowering of wires shall be paid by the person requesting the same, and the company shall have the authority to require such payment in advance. The company shall be given not less than 48 hours advance notice to arrange for such temporary wire changes.

(F) The company shall have the authority to trim trees upon and overhanging streets and public ways and places of the franchise area so as to prevent the branches of such trees from coming in contact with the wires and cables of the Company, except that at the option of the city, such trimming may be done by it or under its supervision and direction at the expense of the company.

(G) The company shall, at its expense protect, support, temporarily disconnect, relocate in the same street or other public place, or remove from the street or other public place, any property of the company when required by the city by reason of traffic conditions, public safety, street vacation, freeway and street construction, change of establishment of street grade, installation of sewers, drains, water pipes, power lines, signal lines, and tracks or any other type of structures or improvements by the city provided, however, that the company shall in all such cases have the rights and obligations of abandonment or property of the company subject to city ordinances.

(H) The city shall have the right to make additional use, for any public or municipal purpose, of any poles or conduits controlled or maintained exclusively by or for company in any street, provided such use by city does not interfere with the use by company. The city shall indemnify and hold harmless company against and from any and all claims, demands, causes of actions, actions, suits, proceedings, damages, costs of liabilities of every kind and nature whatsoever arising out of such use of company's poles or conduits. In addition, the company shall have the right to make additional use of any poles or conduits controlled or maintained exclusively by the city and shall indemnify and hold harmless the city against and from any and all claims, demands, causes of action, costs, or liabilities of every kind and nature whatsoever arising out of such use of the city's poles or conduits.

(I) At the city's request, the company shall file with the City Clerk or provide to the city a map showing the location and nature of all underground and above ground cables and equipment in the city limits prior to the final approval granted by the City Council granting and accepting this franchise. (Prior Code, § 10-524)

**§ 175.020 SAFETY REQUIREMENTS.**

(A) The Company shall at all times employ ordinary care and shall install and maintain in use commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries, or nuisances to the public.

(B) All structures and all lines, equipment and connection in, over, under, and upon the streets, sidewalks, alleys, and public ways or places of the franchise area, wherever situated or located shall at all times be kept and maintained in a safe, suitable condition, and in good order and repair. (Prior Code, § 10-525)

**§ 175.021 SYSTEM CONSTRUCTION AND EXTENSION.**

(A) Company, whenever it shall receive a request for service from at least ten subscribers within 1,000 feet of its trunk cable shall extend its system to such subscribers at no cost to the subscribers for system extension other than the usual connection fees for all subscribers, provided that such extension is technically and physically feasible. The 1,000 feet shall be measured in extension length of Company's cable required for service located within the public way or easement and shall not include length of necessary service drop to the subscriber's home or premises.

(B) No person, firm, or corporation in the company's service area shall be arbitrarily refused service. However, in recognition of the capital costs involved for unusual circumstances such as requirement for underground cable, more than 150 feet of distance from distribution cable to connection of service to a subscribers, or a density of less than ten subscribers per 1,000 feet of cable system, in

order to prevent inequitable burdens on potential cable subscribers in more densely populated area, service may be made available on the basis of cost of materials, labor, and easements.

(C) In the event additional adjacent territory is incorporated within the city's limits by annexation or otherwise, company's rights and duties under this subchapter shall be deemed to include such additional territory.

(Prior Code, § 10-526)

#### **§ 175.022 OPERATIONAL STANDARDS.**

The company shall operate and maintain its cable television system in full compliance with the standards set forth by the Federal Communications Commission.

(Prior Code, § 10-527)

#### **§ 175.023 LOCAL OFFICE; COMPLAINTS.**

The company shall maintain a business office or agent which subscribers may telephone during regular business hours without incurring added message or toll charges so that CATV maintenance service shall be promptly available. Should a subscriber have an unresolved complaint regarding the quality of cable television service, equipment malfunctions, or similar matters, the subscriber shall be entitled to meet jointly with an appropriate representative of the city and a representative of the Company within 30 days to fully discuss and resolve such matters.

(Prior Code, § 10-528)

#### **§ 175.024 RATES.**

(A) The grantee has on file with the city a schedule of tariffs which shall include all fees, charges, and rates to be charged to subscribers. If any of said fees, charges, or rates are changed, the grantee shall notify the city of said changes in writing at least 30 days before said changes take effect.

(B) At the time of the adoption of this subchapter, the city chooses not to become involved in the rate making process believing that supply and demand will be effective rate control. However, the city reserves the right at some future date to become involved in the rate making process and to approve or disapprove proposed rates subject to Federal Communications Commission rules and regulations.

(Prior Code, § 10-529)

**§ 175.025 PREFERENTIAL OR DISCRIMINATION PRACTICES PROHIBITED.**

The company shall not as to rates, charges, service facilities, rules, regulations or in any other respect make or grant any preference or advantage to any person nor subject any person to any prejudice or disadvantage, provided that nothing in this franchise shall be deemed to prohibit the establishment of a graduated scale of charges and classified rate schedules to which any customer coming within such classification would be entitled and provided further that connection and service charges may be waived or modified during promotional campaigns of company.

(Prior Code, § 10-530)

**§ 175.026 FRANCHISE PAYMENTS.**

The company shall pay to the city on or before May 1 of each year a 3% franchise fee based on gross annual basic subscriber revenues received for cable television operations in the franchise area for the preceding year. No other fee, charge, or consideration shall be imposed. Sales tax or other taxes levied directly on a per subscription basis and collected by the company shall be deducted from the gross annual basic subscriber revenues before computation of sums due the city is made. The company shall provide an annual summary report showing gross annual basic subscriber revenues received during the preceding year.

(Prior Code, § 10-531)

**§ 175.027 INDEMNIFICATION OF CITY.**

(A) The company shall at all times protect and hold harmless the city from all claims, actions, suits, liability, loss, expense, or damages of every kind and description, including investigation costs, court costs, and attorney's fees, which may accrue to or be suffered or claimed by any person or persons arising out of the negligence of the company in the ownership, construction, repair, replacement, maintenance, and operation of said cable television system and by reason of any license, copyright, property right or patent of any article or system used in the construction or use of said system.

(B) The company shall maintain in full force and effect during the life of any franchise, public liability insurance in a solvent insurance company authorized to do business in the state at no less than in the following amounts:

- (1) \$100,000 property damage in any one accident;
- (2) \$250,000 for personal injury to any one person;
- (3) \$500,000 for personal injury in any one accident.

(C) Provided that all such insurance may contain reasonable deductible provisions not to exceed \$1,000 for any type of coverage, and provided further the city may require that any and all investigation of claims made by any person, firm, or corporation against the city arising out of any use or misuse of privileges granted to the company hereunder shall be made by or at the expense of the company or its insurer.

(Prior Code, § 10-532)

#### **§ 175.028 APPROVAL OF TRANSFER.**

The company shall not sell or transfer its plant or system to another, other than a parent company or a wholly owned subsidiary of the company nor transfer any rights under this franchise to another without City Council approval. Provided, that no sale or transfer shall be effective until the vendee, assignee, or lessee has filed in the office of the City Clerk an instrument duly executed reciting the fact of such sale, assignment or lease accepting the terms of the franchise, and agreeing to perform all the conditions thereof. Such City Council approval will not be unreasonably withheld and neither this section nor other sections of this franchise shall preclude the assignment of certain rights in the system by the company for the purpose of financing.

(Prior Code, § 10-533)

#### **§ 175.029 NEW DEVELOPMENTS.**

It shall be the policy of the city liberally to amend this franchise upon application of the company when necessary to enable the company to take advantage of any developments in the field of transmission of television and radio signals which will afford it an opportunity more effectively, efficiently, or economically to serve its customers.

(Prior Code, § 10-534)

#### **§ 175.030 MISCELLANEOUS PROVISIONS.**

(A) When not otherwise prescribed herein, all matters herein required to be filed with the city shall be filed with the City Clerk.

(B) In the case of any emergency or disaster, the company shall, upon request of the city, make available its facilities to the city for emergency use during the emergency or disaster period.

(C) The city specifically reserves the right to grant other non-exclusive franchises for operation of cable television service in the franchise area.

(Prior Code, § 10-535)

**§ 175.031 COMPLIANCE WITH APPLICABLE LAWS AND ORDINANCES.**

The company shall at all times be subject to all lawful exercise of the police power by the city. The city reserves their rights to adopt from time to time in addition to the provisions herein contained such ordinances as may be deemed necessary to the exercise of police power. Such regulation shall be reasonable and not destructive to the rights herein granted and not in conflict with the laws of the state or other local laws or regulations.

(Prior Code, § 10-536)

**§ 175.032 RESOLUTION OF INCONSISTENCIES WITH FEDERAL OR STATE RULES, REGULATIONS OR LAWS.**

(A) In any case of an actual inconsistency between any provision or section of this subchapter, and any provision or section of a federal or state rule, regulation, or law, then the federal or state rule, regulation, or law shall not only supersede the effect of this subchapter, but also control in any local application.

(B) The above subsection specifically includes any situation wherein an applicable federal or state judicial decision creates an actual inconsistency with any provision or section of this subchapter. In such a situation, the federal or state judicial decision shall not only supersede the effect of the ordinance but also control in any local application.

(Prior Code, § 10-537)

**§ 175.033 NOTICES.**

Both the City Council and company shall provide the other party with the name and address of the contact person designated to receive notices, filings, reports, records, documents, and other correspondence. All notices shall be delivered to each party's contact person by certified mail, return receipt requested, personal service with a signed receipt of delivery, or overnight with receipt verification. The delivery of all notices, reports, records, and other correspondence shall be deemed to have occurred at the time of receipt.

(Prior Code, § 10-538)

**§ 175.034 DEFAULT.**

In the event the city alleges the company is in default or breach of any provision of this subchapter, the city shall notify the Company of such alleged breach. The company thereafter shall have 45 days to remedy the alleged default or breach. In the event the Company does not satisfactorily remedy said breach

or default, or within said 45-day period, the city shall conduct a public hearing regarding the alleged default or breach and the proposed action, if any, to be taken by the city. In the event of a substantial and material breach of this subchapter by the company, the city shall have the right to revoke any or all of the rights and privileges granted herein. Notice of said hearing shall be given to the company not less than ten days prior to said hearing. Said hearing shall be conducted in such a manner as to afford the company rights of due process. The City Council shall render its decision in writing and shall set forth the specific default or breach upon which the City Council's finding is based. Notice of the finding and decision shall be given to the Company within seven days after the decision is made by the City Council. Thereafter, the Company shall have 30 days in which to cure or remedy the default or breach or pursue appeal or review rights to which it may be entitled pursuant to the laws of the state.  
(Prior Code, § 10-539)

### **§ 175.035 VIOLATIONS.**

(A) From and after the effective date of this subchapter it shall be unlawful for any person to construct, install, or maintain on any public street in the city or within any other public property of the city or within any privately owned area within the city which has not yet become a public street but is designated or delineated as a proposed public street on any tentative subdivision map approved by the city, any equipment or facilities for distributing any television signals or radio signals through a cable television system, unless a franchise authorizing use of such street or property or area has first been obtained, and unless such franchise is in full force and effect.

(B) It shall be unlawful for any person, firm, or corporation to make any unauthorized connection whether physically, electrically, acoustically, inductively, or otherwise with any part of the franchised cable television system within this city for the purpose of enabling himself or others to receive any television signal, radio signal, picture, program or sound, without payment to the operator of said system.

(C) It shall be unlawful for any person, without the consent of the owner, to willfully tamper with, remove or injure any cables, wires or equipment used for distribution of television signals, radio signals, pictures, programs or sound.

(Prior Code, § 10-540) Penalty, see § 175.999

### **§ 175.036 PRIVACY.**

(A) The grantee shall not initiate or use any form, procedure, or device for procuring information or data from a subscriber's premises by use of the cable system without prior valid written authorization from each subscriber so affected which authorization shall not have been obtained as a condition of service. Neither the city nor the grantee shall without prior valid written authorization from each subscriber, provide any data identifying subscribers' names or addresses to any other party.



(B) No authorization for procurement or dissemination of subscriber identifiable information or data shall be valid unless it specifies the type or types of information or date covered and the parties authorized to collect, receive, store, record, transmit, or otherwise convey the information or data.

(C) It shall be unlawful for the grantee or any firm, person, group, company, corporation, governmental body, or agency to procure information or data, from a subscriber's premises by use of the cable system without the prior valid written authorization from each subscriber so affected.  
(Prior Code, § 10-542)

## ***FRANCHISES***

### **§ 175.045 RULES AND REGULATIONS.**

All of the terms and conditions of all franchise agreements shall be on file in the City Clerk's office. Said agreements may be amended from time to time as is mutually agreeable to the city and the franchisee.  
(Prior Code, § 10-518)

### **§ 175.046 INJURY TO TELEPHONE COMPANY PROPERTY.**

Any person who shall interfere with, cut, injure, remove, break, or destroy any of the poles, wires, fixtures, instruments, or other property of the said telephone company, or its successors, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in any sum not less than \$10 nor more than \$100; and any person who shall paste, tack, or fasten on the poles or fixtures of said company, any sign, poster, advertisement or banners, shall be fined in any sum not less than \$5 nor more than \$50.  
(Prior Code, § 10-510)

### **§ 175.047 ELECTRICITY.**

The governing body has granted to the Omaha Public Power District the authority to maintain and operate a retail electric energy supply business within the city for the purpose of furnishing electric energy to the city, and fixing the charges for such services. Actual details of the franchise agreement, adopted by reference as if fully set forth herein, and the present electrical rates, charges, and fees are on file and available for public inspection at the Municipal Clerk's office during regular business hours.  
(Prior Code, § 10-511)

***PEDDLERS AND HAWKERS*****§ 175.060 REGULATIONS.**

To prevent the sale of fraudulent, dangerous, and unhealthful goods and services, and to protect the public by maintaining records of the products sold and the persons and companies responsible for such sales, all peddlers, and hawkers shall, before doing business within the municipality, make application for, and be issued a permit. Application for said permit shall be made to the Municipal Clerk, and shall contain all the necessary information, and documents required for the protection of the residents of the municipality. Any person or persons granted a peddler and hawker permit shall be subject to a fee of \$25 and a \$500 Bond, and such other rules and regulations which the governing body deems appropriate for the purposes stated herein. Any permit so granted shall be subject to revocation for good and sufficient cause by the Municipal Police. Such permit shall expire 30 days after issuance. (Prior Code, § 10-201)

**§ 175.061 EXCEPTIONS.**

Nothing herein shall be construed to apply to any person, or persons, selling produce raised within the county, or to wholesale salesmen soliciting merchants directly, or to any nonprofit civic organization. (Prior Code, § 10-202)

***STREET VENDORS*****§ 175.070 DEFINITION.**

For purposes of this subchapter the following definition shall apply unless the context clearly indicates or requires a different meaning.

***STREET VENDING.*** The selling or offering for sale goods, chattels, wares, and merchandise of any kind from a trailer, tent, vehicle, or other temporary location or structure. Fireworks sales, Farmers Markets, Old Settlers weekend events and activities at city parks and facilities approved by the city are exempted.

(Ord. 512, passed 7-3-12)

**§ 175.071 PERMIT REQUIRED.**

It shall be unlawful for any natural person, firm, proprietorship, partnership, corporation, association, receiver or trustee to sell or offer for sale goods, chattels, wares, and merchandise of any kind other than fireworks from a trailer, tent or other temporary location or structure unless such person or organization shall have first obtained a street vender permit or approval from the city.

(Ord. 512, passed 7-3-12)

**§ 175.072 APPLICATION AND ISSUANCE OF PERMIT.**

(A) Application for a street vender permit shall be made between the hours of 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays, to the City Clerk, on a form furnished by the city. Incomplete applications shall be rejected. The Dodge County Sheriff's Department shall conduct a background investigation on persons applying for such permits. Convicted felons and persons convicted of crimes involving dishonesty or moral turpitude shall not be eligible for a permit. Background investigations shall be completed within seven working days.

(B) Permits shall be issued by the City Clerk or designee upon a showing that an eligible applicant has the written consent of the property owner of the proposed location, that said location is in compliance with the city zoning regulations, provided a certificate of insurance showing proof of liability insurance in the amount of \$1,000,000, naming the City of North Bend as an additional insured, and has obtained all necessary permits and inspections, including state sales tax permit and State Department of Health inspection if applicable. There shall be an administrative fee set by the city for each permit issued.

(Ord. 512, passed 7-3-12)

**§ 175.073 RESTRICTIONS.**

(A) Street vendor permits shall be valid for 30 days from date of issue and may be revoked for violation of the terms of this subchapter. Any person in violation of this subchapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall suffer the penalty as set forth in § 10.99 of the Nebraska Basic Code.

(B) Street vendor permits shall be valid only for the location issued; however permits may be amended to change location without charge upon a showing of compliance with the requirements of § 175.072(B).

(C) No more than one street vendor permit will be issued per address, lot or location unless vending locations are separated by at least 200 feet.

(D) Street vending activity may not interfere with the public right-of-way on streets or sidewalks.

(E) Setback requirements are applicable to all vehicles, tents, temporary concession trailers or any other temporary facilities.

(F) Street vendor permits are not valid during Old Settlers weekend, and vendors operating during Old Settlers weekend shall not be required to obtain a street vendor permit.

(G) Adequate parking must be available at the permitted location.

(H) Vending permitted between the hours of 8:00 a.m. and 10:00 p.m., vehicles, stand, etc. must daily be removed by 10:00 p.m.

(Ord. 512, passed 7-3-12)

#### **§ 175.999 PENALTY.**

Any person violating or failing to comply with any of the provisions of § 175.035 shall be guilty of a misdemeanor and for each day of violation or failure to comply may be punished by a fine not to exceed \$100 or by imprisonment for a term of not to exceed 30 days or by both such fine and imprisonment.

(Prior Code, § 10-541)