

ORDINANCE NO. 563

AN ORDINANCE TO AMEND THE CITY OF GOTHENBURG'S MUNICIPAL CODE PERTAINING TO OCCUPATION TAXES; TO PROVIDE FOR THE ASSESSMENT OF OCCUPATION TAXES AGAINST PERSONS ENGAGED IN THE OCCUPATION OF CONDUCTING GAMES OF CHANCE AND/OR LOTTERIES; TO PROVIDE FOR THE ASSESSMENT OF OCCUPATION TAXES AGAINST PERSONS ENGAGED IN THE BUSINESS OF DISTRIBUTING GAMBLING DEVICES TO PERSONS ENGAGED IN THE BUSINESS OF CONDUCTING GAMES OF CHANCE AND LOTTERIES; AND, TO PROVIDE FOR THE EFFECTIVE DATE THEREOF;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GOTHENBURG:

Chapter 10, of the Gothenburg municipal code is hereby amended by adding a new Article 6 reading as follows:

10-506. GAMES OF CHANCE AND/OR LOTTERIES

Section 1. For the purposes of this article the following definitions shall apply:

A. 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.

B. 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.

C. The phrase "person engaged in the occupation of conducting games of chance and/or lotteries" shall mean any person who operates, owns or is the lessee of a place of business where any game of chance and/or lottery activity is conducted, whether or not any other type of business is conducted on the premises; or, any person who either directly controls or manages the games of chance and/or lotteries, or owns any machine or device used to engage in the occupation of games of chance and/or lotteries, but does not sell, lease or deliver possession or custody of such a device to other persons.

D. 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.

Section 2. 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.

Section 3. 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 5 percent of the gross receipts received by said person in each quarter of a calendar year.

Section 4. Amount of occupation tax for distributor. The occupation tax for engaging in the occupation of distributing gambling devices within the city shall be 5 percent of the gross receipts received by a distributor in each quarter of a calendar year.

Section 5. Prohibition. It shall be unlawful for any person to engage in the occupation of conducting games of chance or lottery activities without first obtaining a license to do so.

Section 6. 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 Gothenburg. Accompanying each application shall be:

A. 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.

B. 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 Gothenburg; and that all profits will be spend for a lawful purpose.

Section 7. Display of license. 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.

Section 8. License Fee. The license fee for engaging in the occupation of conducting games of chance and lotteries within the city shall be \$10.00 for each location wherein such activity is conducted.

Section 9. Exemption. Nonprofit organizations that desire to participate in games of chance and/or lotteries, that are in compliance with the Small Lotteries and Raffles Act of the State of Nebraska, are exempt from the provisions of this Article.

This ordinance shall be in full force and take effect fifteen (15) days from and after the date of its passage.

Passed and approved this 29<sup>th</sup> day of October, 1990.

CITY OF GOTHENBURG, DAWSON  
COUNTY, NEBRASKA,

BY Eldon Lepp  
Eldon Lepp, Mayor

ATTEST:

Connie Stull  
Connie Stull, City Clerk

APPROVED AS TO FORM:

Michael L. Bacon  
Michael L. Bacon,  
City Attorney

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