

ORDINANCE NO. _____

1 AN ORDINANCE amending Chapter 9.32 of the Lincoln Municipal Code relating
2 to Lotteries by amending Section 9.32.030 to define the purposes to which lottery and raffle profits
3 are to be devoted; amending Section 9.32.050 to allow the City Clerk to approve or deny applications
4 for lottery and raffle permits; adding a new section numbered 9.32.065 to establish an appeal
5 procedure for denied applications and to create an appeals board; amending Section 9.32.070 to
6 revise the procedure on revocation of permits; and repealing Sections 9.32.030, 9.32.050, and
7 9.32.070 of the Lincoln Municipal Code as hitherto existing.

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

9 Section 1. That Section 9.32.030 of the Lincoln Municipal Code be amended to read
10 as follows:

11 **9.32.030 Application for a Permit.**

12 Application for a permit as provided in Section 9.32.020 hereof shall be filed with the City
13 Clerk and shall contain the following information:

14 (a) Name of the county, city, village, or nonprofit organization applying for a permit to
15 conduct a lottery or raffle and the address of its headquarters.

16 (b) Names and addresses of its principal officers and management.

17 (c) Name, address, and telephone number of the person or persons who will be in direct
18 charge of conducting the lottery or raffle.

19 (d) Statement of facts showing that the county, city, village, or nonprofit organization is
20 authorized to conduct a lottery or raffle pursuant to state law.

1 (e) List of all the locations where the lottery tickets (chances) are to be sold in the City
2 of Lincoln.

3 (f) Name, address, and telephone number of the person or persons who shall be
4 responsible for the proper utilization of the gross receipts derived from the conduct of the lottery or
5 raffle.

6 (g) The specific nature and type of lottery or raffle to be conducted, including a sample
7 of the type of ticket to be sold and the method of selection of winning tickets.

8 (h) The ~~specific~~ lawful purposes as defined by Neb. Rev. Stat. § 9-408 to which the
9 profits from the conduct of the lottery or raffle are to be devoted.

10 (i) The price to be charged for each lottery chance or raffle ticket.

11 (j) The nature of the prizes, money, or merchandise.

12 (k) The date the lottery or lotteries or raffle will begin and end.

13 (l) The number of lotteries or raffles to be conducted during the term of the permit which
14 shall not run for more than one year.

15 Section 2. That Section 9.32.050 of the Lincoln Municipal Code be amended to read
16 as follows:

17 **9.32.050 Issuance of Permit.**

18 After a review of the application to determine its compliance with Sections 9.32.030 and
19 9.32.040 and within seven days of the receipt of the application, the City Clerk shall either ~~forward~~
20 approve the application ~~to the City Council for its consideration~~, or notify the person applying that
21 the application does not comply with the requirements of Sections 9.32.030 and 9.32.040 and

1 applicable state laws, and specifically point out what information or explanation has not been
2 furnished that is required before a permit can be issued.

3 ~~The City Council, after public hearing, shall by resolution, either approve or deny such~~
4 ~~application. If the City Council approves issuance of a permit to such applicant, If the application~~
5 ~~is approved~~, the City Clerk shall issue the permit upon payment by the applicant of a fee of ten
6 dollars, the same to be deposited in the General Fund to defray administrative expense hereunder.
7 Said permit shall be nontransferable, shall run for the time specified on the permit application and
8 in no event longer than one year. Furthermore, said permit shall be valid only for the specific lottery
9 or lotteries or raffle or raffles described in the application.

10 Section 3. That Chapter 9.32 of the Lincoln Municipal Code be amended by adding
11 a new section numbered 9.32.065 to read as follows:

12 **9.32.065 Appeal.**

13 Any person aggrieved by the action of the City Clerk in denial of an application
14 for a permit shall have the right to appeal to the Permit Review Board, consisting of the Chief of
15 Police, the Director of Public Works and Utilities, and a citizen of the City of Lincoln appointed by
16 the Mayor. Such appeal shall be taken by filing with City Clerk, within fourteen days of the denial,
17 a written statement setting forth the grounds for appeal. The City Clerk shall set a time and place
18 for hearing thereon not less than eight days after the filing of the appeal. Notice of such hearing shall
19 be mailed, postage prepaid, to the permittee at his or her last known address at least five days prior
20 to the date set for hearing.

21 Section 4. That Section 9.32.070 of the Lincoln Municipal Code be amended to read
22 as follows:

1 **9.32.070 Revocation of Permit.**

2 ~~The City Clerk shall have the power to recommend the revocation of any permit that may~~
3 ~~have been granted as herein provided. Such recommendation of revocation shall be addressed to the~~
4 ~~Mayor, who upon receipt of such recommendation of revocation shall order the immediate temporary~~
5 ~~revocation of the permit of the permit holder, and he shall instruct the City Clerk to notify the permit~~
6 ~~holder to show cause, if any, upon a date certain not less than three days from the date of such notice,~~
7 ~~why said permit should not be permanently revoked, and all lottery or raffle activity under such~~
8 ~~permit shall be suspended from the date of service of the notice until final disposition of the case.~~

9 ~~———— A misrepresentation of or making untrue statements with regard to the lottery or raffle or the~~
10 ~~purposes thereof or untrue statements in the application, or that in any other way the lottery or raffle~~
11 ~~has been conducted or is being conducted in violation of this chapter, shall be grounds for the City~~
12 ~~Clerk's recommendation for revocation of such permit.~~

13 (a) Permits issued under the provisions of this chapter may be revoked by the City Clerk
14 after notice and hearing for any of the following causes:

15 (1) Fraud, misrepresentation, or false statement contained in the application for
16 the permit.

17 (2) Any violation of this chapter.

18 (b) Notice of the hearing for revocation of the permit shall be given in writing, setting
19 forth specifically the grounds of complaint and the time and place of hearing before the Permit
20 Review Board. Such notice of hearing shall be given to the applicant in the same manner as
21 provided in Section 9.32.065 of this chapter.

1 Section 5. That Sections 9.32.030, 9.32.050, and 9.32.070 of the Lincoln Municipal
2 Code as hitherto existing be and the same is hereby repealed.

3 Section 6. That this ordinance shall take effect and be in force from and after its
4 passage and publication according to law.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2004:

Mayor