

AN ORDINANCE OF THE VILLAGE OF MALCOLM, LANCASTER COUNTY, NEBRASKA, TO REPEAL SECTION 10-503 WHICH IMPOSED AN OCCUPATION TAX ON MECHANICAL AMUSEMENT DEVICES AND GAMES OF SKILL WITH BETTING CAPABILITIES; TO ADD SECTION 10-207 TO REGULATE AND REQUIRE PERMITTING OF MECHANICAL AMUSEMENT DEVICES AND GAMES OF SKILL WITH BETTING CAPABILITIES; TO UPDATE THE MASTER FEE SCHEDULE; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR PUBLICATION; AND TO PROVIDE AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CHAIRMAN AND BOARD OF TRUSTEES OF THE VILLAGE OF MALCOLM, NEBRASKA:

Section 1. Section 10-503 of the Village Code is hereby repealed in its entirety.

Section 2. A new Section 10-207 is hereby added to the Village Code as follows:

10-207 Games of Skill with Betting; Regulation

- A. **Definitions.** For purposes of this Section, the definitions found in the Mechanical Amusement Device Tax Act, Neb. Rev. Stat. § 77-3001 through 77-3011, as may be amended from time to time, are hereby incorporated. The phrase "with betting capabilities" as used herein refers to those machines considered "cash devices" under the Mechanical Amusement Device Tax Act.
- B. **Permit Required; Application.** Any Operator duly licensed in the State of Nebraska to operate mechanical amusement devices shall obtain a written permit from the Governing Body before commencing operation of such devices with betting capabilities. Application may be made to the Municipal Clerk on blank application forms supplied by the Municipality. Said application form shall require such information and documents, or copies thereof, as the Governing Body deems necessary to determine whether to grant or reject the application.
- C. **Permit Issuance and Conditions.** Upon the determination that granting the application would be proper, the Governing Body shall immediately direct the Municipal Clerk to issue the said permit to the applicant upon the payment of a fee set by ordinance of the Governing Body. The permit shall be on display at any place where a cash device is operated. All permits granted under this Section shall be subject to revocation at any time for good cause which, for the purposes of this Section, shall include violation of state law, municipal ordinance, or any condition of the permit.
- D. **Permit Expiration; Renewal.** All permits so issued shall automatically expire on March 31, following its issuance or renewal, unless otherwise provided by the permit. Renewal applications shall be submitted prior to expiration, accompanied by the renewal fee as set by ordinance.
- E. **Regulation.** Cash devices with betting capabilities shall be operated in the Municipality in accordance with all laws of the Municipality and the State of Nebraska. Any person or persons so permitted shall be subject to any other fees, rules, and regulations which the Governing Body may designate.
- F. **Fees; Limitation.** All fees shall be credited to the General Fund. Nothing in this Section shall be construed as imposing a tax, occupation tax, or revenue measure on cash devices or on the proceeds derived therefrom. This section shall not be interpreted to authorize any device or activity otherwise prohibited by the State of Nebraska.

G. Enforcement. Any person violating any provision of this Section shall be subject to an immediate order from the Village Board to cease operations and/or shall be subject to the general penalty set forth in Section 10.99.

Section 3. The Master Fee Schedule shall be amended to include the following fee amounts:

Music, Vending, Amusement - \$50 annual per premises
Mechanical Amusement Devices (no potential winnings)

Gaming Machines - \$50 annual per premises
Games of Skill with Betting Capabilities (potential winnings)

Bingo - \$50 annual per premises
Keno and other For-Profit Bingo (potential winnings)

Section 4. Any conflicting provisions in the Malcolm Village Code or other ordinances are hereby repealed.

Section 5. This ordinance shall be published in book or pamphlet form and posted in three (3) public locations in the Village of Malcolm. This Ordinance shall take effect and be in full force from and after its passage, approval, and publication as provided by law.

SUSPEND
READINGS
(3/4 VOTE)

1/7/2026

FIRST READING

1/7/2026

SECOND READING

THIRD READING

PASSED AND APPROVED THIS ____ DAY OF JANUARY 2026



Jerad Little, Chairperson, Board of Trustees

ATTESTED AND PUBLISHED IN BOOK OR PAMPHLET FORM AND BY POSTING IN THE VILLAGE HALL, POST OFFICE, AND FIRE STATION PER § 1-405 AND § 1-410 OF THE MALCOLM MUNICIPAL CODE WITHIN FIFTEEN (15) DAYS OF PASSAGE ON THE ____ DAY OF JANUARY, 2026.



April Faubion, Village Clerk