

CHAPTER 4 – BUSINESS REGULATIONS

ARTICLE 1 – ALCOHOLIC BEVERAGES

- SECTION 4-101: DEFINITIONS**
- SECTION 4-102: ACQUISITION AND POSSESSION**
- SECTION 4-103: DRINKING ON PUBLIC PROPERTY; POSSESSION OF OPEN ALCOHOLIC BEVERAGE CONTAINER**
- SECTION 4-104: CONSUMPTION IN PUBLIC PLACES; LICENSE**
- SECTION 4-105: VILLAGE POWERS AND DUTIES**
- SECTION 4-106: BOTTLE CLUB LICENSE**
- SECTION 4-107: LICENSEE REQUIREMENTS**
- SECTION 4-108: LOCATION**
- SECTION 4-109: DISPLAY OF LICENSE**
- SECTION 4-110: INSPECTIONS**
- SECTION 4-111: OWNER OF PREMISES**
- SECTION 4-112: AGENT OR EMPLOYEE**
- SECTION 4-113: CONDUCT PROHIBITED ON LICENSED PREMISES**
- SECTION 4-114: LICENSE RENEWAL, AUTOMATIC; NOTICE; PROTESTS**
- SECTION 4-115: CITIZENS' COMPLAINT**
- SECTION 4-116: COMPLAINT INITIATED BY BOARD**
- SECTION 4-117: REMOVAL OF INTOXICATED PERSONS FROM PUBLIC OR QUASI-PUBLIC PROPERTY**

ARTICLE 2 – PEDDLERS AND SOLICITORS

- SECTION 4-201: REGISTRATION; ISSUANCE OF PERMIT**
- SECTION 4-202: EXCEPTIONS**
- SECTION 4-203: HOURS**

ARTICLE 3 – TRAILER REGULATIONS

- SECTION 4-301: TERMS DEFINED**
- SECTION 4-302: TRAILER COURTS; PERMIT REQUIRED**
- SECTION 4-303: PERMIT RENEWAL**
- SECTION 4-304: ASSIGNING PERMIT PROHIBITED**
- SECTION 4-305: PERMIT REVOCATION**
- SECTION 4-306: UNIT SPACES**
- SECTION 4-307: DRAINAGE**
- SECTION 4-308: PLUMBING FACILITIES**
- SECTION 4-309: ELECTRICAL SUPPLY**
- SECTION 4-310: UNLAWFUL PARKING**
- SECTION 4-311: CONVERSION**
- SECTION 4-312: EXCEPTIONS**
- SECTION 4-313: REGISTER REQUIRED**
- SECTION 4-314: CARETAKER**

SECTION 4-315: LIABILITY
SECTION 4-316: INSPECTIONS

ARTICLE 4 – PENAL PROVISION

SECTION 4-401: VIOLATION; PENALTY

CHAPTER 4 – BUSINESS REGULATIONS

Article 1 – Alcoholic Beverages

SECTION 4-101: DEFINITIONS

All words and phrases herein used shall have the definitions applied thereto as defined in the Liquor Control Act of the State of Nebraska. (Neb. Rev. Stat. §53-103)

SECTION 4-102: ACQUISITION AND POSSESSION

It shall be unlawful for any person to purchase, receive, acquire, accept, or possess any alcoholic liquor acquired from any other person other than one duly licensed to handle alcoholic liquor under the Nebraska Liquor Control Act. Nothing in this section shall prevent:

A. The possession of alcoholic liquor for the personal use of the possessor and his or her family and guests, so long as the quantity of alcoholic liquor transported, imported, brought, or shipped into the state does not exceed nine liters in any one calendar month;

B. The making of wine, cider, or other alcoholic liquor by a person from fruits, vegetables, or grains or the products thereof by simple fermentation and without distillation, if made solely for the use of the maker and his or her family and guests;

C. Any duly licensed practicing physician or dentist from possessing or using alcoholic liquor in the strict practice of his or her profession, any hospital or other institution caring for sick and diseased persons from possessing and using alcoholic liquor for the treatment of bona fide patients of such hospital or other institution, or any drug store employing a licensed pharmacist from possessing or using alcoholic liquor in compounding of prescriptions of licensed physicians;

D. The possession and dispensation of wine by an authorized representative of any church for the purpose of conducting any bona fide rite or religious ceremony conducted by such church;

E. Persons who are 16 years old or older from carrying alcoholic liquor from licensed establishments when they are accompanied by a person not a minor;

F. Persons who are 16 years old or older from handling alcoholic liquor containers and alcoholic liquor in the course of their employment;

G. Persons who are 16 years old or older from removing and disposing of alcoholic liquor containers for the convenience of the employer and customers in the course of their employment; or

H. Persons who are 19 years old or older from serving or selling alcoholic liquor in the course of their employment.

(Neb. Rev. Stat. §§53-168.06, 53-175, 53-194.03)

SECTION 4-103: DRINKING ON PUBLIC PROPERTY; POSSESSION OF OPEN ALCOHOLIC BEVERAGE CONTAINER

A. Except when the Nebraska Liquor Control Commission has issued a license as provided in Neb. Rev. Stat. §53-186(2), it is unlawful for any person to consume alcoholic liquor upon property owned or controlled by the state or any governmental subdivision thereof unless authorized by the governing bodies having jurisdiction over such property. (Neb. Rev. Stat. §53-186[1])

B. It is unlawful for any person in the passenger area of a motor vehicle to possess an open alcoholic beverage container while the motor vehicle is located in a public parking area or on any highway in this village.

C. Except as provided in Neb. Rev. Stat. §53-186, it is unlawful for any person to consume an alcoholic beverage (1) in a public parking area or on any highway in this village or (2) inside a motor vehicle while in a public parking area or on any highway in this village.

D. This section does not apply to persons who are passengers of, but not drivers of, a limousine or bus being used in a charter or special party service as defined by rules and regulations adopted and promulgated by the state Public Service Commission and subject to Neb. Rev. Stat. Chapter 75, Article 3. Such passengers may possess open alcoholic beverage containers and may consume alcoholic beverages while such limousine or bus is in a public parking area or on any highway in this village if:

1. The driver of the limousine or bus is prohibited from consuming alcoholic liquor; and
2. Alcoholic liquor is not present in any area that is readily accessible to the driver while in the driver's seat, including any compartments in such area.

E. For purposes of this section:

1. "Alcoholic beverage" means (a) beer, ale porter, stout, and other similar fermented beverages, including sake or similar products, of any name or description containing one-half of one percent or more of alcohol by volume, brewed or produced from malt, wholly or in part, or from any substitute therefor; (b) wine of not less than one-half of one percent of alcohol by volume; or (c) distilled spirits, which is that substance known as ethyl alcohol, ethanol, or spirits of wine in any form, including all dilutions and mixtures thereof from whatever source or by whatever process produced. "Alcoholic beverage" does not include trace amounts not readily consumable as a beverage;

2. "Highway" means a road or street including the entire area within the right of way;
3. "Open alcoholic beverage container" means any bottle, can, or other receptacle that (a) contains any amount of alcoholic beverage; and (b) is open or has a broken seal; or (c) the contents of which are partially removed; and
4. "Passenger area" means the area designed to seat the driver and passengers while the motor vehicle is in operation and any area that is readily accessible to the driver or a passenger while in their seating positions, including any compartments in such area. "Passenger area" does not include the area behind the last upright seat of such motor vehicle if the area is not normally occupied by the driver or a passenger and the motor vehicle is not equipped with a trunk.
5. "Limousine" shall mean a luxury vehicle used to provide prearranged passenger transportation on a dedicated basis at a premium fare that has a seating capacity of at least five and no more than fourteen persons behind the driver with a physical partition separating the driver's seat from the passenger compartment. "Limousine" does not include taxicabs, hotel or airport buses or shuttles, or buses.

(Neb. Rev. Stat. §60-6,211.08)

SECTION 4-104: CONSUMPTION IN PUBLIC PLACES; LICENSE

It shall be unlawful for any person owning, operating, managing, or conducting any bottle club, dance hall, restaurant, cafe, or club or any place open to the general public to permit or allow any person to consume alcoholic liquor upon the premises except as permitted by a license issued for such premises pursuant to the Nebraska Liquor Control Act. It shall also be unlawful for any person to consume alcoholic liquor in any bottle club, dance hall, restaurant, cafe, or club or any place open to the general public except as permitted by a license issued for such premises pursuant to the act. (Neb. Rev. Stat. §53-186.01)

SECTION 4-105: VILLAGE POWERS AND DUTIES

A. The Village Board is authorized to regulate by ordinance, not inconsistent with the Nebraska Liquor Control Act, the business of all retail, bottle club, craft brewery, and microdistillery licensees carried on within the corporate limits of the Village.

B. During the period of 45 days after the date of receiving from the Nebraska Liquor Control Commission an application for a new license to sell alcoholic liquor at retail or a bottle club, craft brewery or microdistillery license, the Village Board may make and submit to the commission recommendations relative to the granting or refusal to grant such license to the applicant.

C. The Village Board, with respect to licenses within the corporate limits of the Village, has the following powers, functions, and duties with respect to retail, bottle club, craft brewery, and microdistillery licenses:

1. To cancel or revoke for cause retail, craft brewery, microdistillery, or entertainment district licenses to sell or dispense alcoholic liquor or bottle club licenses, issued to persons for premises within its jurisdiction, subject to the right of appeal to the commission.
2. To enter or to authorize any law enforcement officer to enter at any time upon any premises licensed under the Nebraska Liquor Control Act to determine whether any provision of the act, any rule or regulation adopted and promulgated pursuant to the act, or any ordinance, resolution, rule, or regulation adopted by the Village Board has been or is being violated and at such time examine the premises of such licensee in connection with such determination. Any law enforcement officer who determines that any provision of the act, any rule or regulation adopted and promulgated pursuant to the act, or any ordinance, resolution, rule, or regulation adopted by the board has been or is being violated shall report such violation in writing to the executive director of the commission (a) within 30 days after determining that such violation has occurred, (b) within 30 days after the conclusion of an ongoing police investigation, or (c) within 30 days after the verdict in a prosecution related to such an ongoing police investigation if the prosecuting attorney determines that reporting such violation prior to the verdict would jeopardize such prosecution, whichever is later.
3. To receive a signed complaint from any citizen within its jurisdiction that any provision of the act, any rule or regulation adopted and promulgated pursuant to the act, or any ordinance, resolution, rule, or regulation relating to alcoholic liquor has been or is being violated and to act upon such complaints in the manner provided in the act.
4. To receive retail license fees, bottle club license fees, craft brewery license fees, and microdistillery license fees as provided in Neb. Rev. Stat. §53-124 and 53-124.01 and entertainment district license fees as provided in Neb. Rev. Stat. §53-123.17 and pay the same, after the license has been delivered to the applicant, to the village treasurer.
5. To examine or cause to be examined any applicant or any retail, bottle club, craft brewery, or microdistillery licensee upon whom notice of cancellation or revocation has been served as provided in the act, to examine or cause to be examined the books and records of any applicant or licensee and to hear testimony and to take proof for its information in the performance of its duties. For purposes of obtaining any of the information desired, the Village Board may authorize its agent or attorney to act on its behalf.

6. Upon receipt from the commission of the notice and copy of application as provided in Neb. Rev. Stat. §53-131, to fix a time and place for a hearing at which the Village Board shall receive evidence, either orally or by affidavit from the applicant and any other person, bearing upon the propriety of the issuance of a license. Notice of the time and place of such hearing shall be published in a legal newspaper in or of general circulation in the Village one time not less than seven and not more than 14 days before the time of the hearing. Such notice shall include but not be limited to a statement that all persons desiring to give evidence before the Village Board in support of or in protest against the issuance of such license may do so at the time of the hearing. Said hearing shall be held not more than 45 days after the date of receipt of the notice from the commission. After such hearing the Village Board shall cause to be recorded in the minute record of its proceedings a resolution recommending either issuance or refusal of such license. The village clerk shall mail to the commission by first class mail, postage prepaid, a copy of the resolution, which shall state the cost of the published notice, except that failure to comply with this provision shall not void any license issued by the commission. If the commission refuses to issue such a license, the cost of publication of notice shall be paid by the commission from the security for costs.

D. When the Nebraska Liquor Control Commission mails or delivers to the village clerk a license issued or renewed by it, the clerk shall deliver the license to the licensee upon proof of payment of (1) the license fee if, by the terms of Neb. Rev. Stat. §53-124(6), the fee is payable to the village treasurer; (2) any fee for publication of notice of hearing before the Village Board upon the application for license; and (3) the fee for publication of notice of renewal, if applicable, as provided in Neb. Rev. Stat. §53-135.01; and (4) occupation taxes, if any, imposed by the Village.

E. Notwithstanding any ordinance or charter power to the contrary, the Village shall not impose an occupation tax on the business of any person, firm, or corporation licensed under the Nebraska Liquor Control Act and doing business within the corporate limits of the Village in any sum which exceeds two times the amount of the license fee required to be paid under the act to obtain such license.
(Neb. Rev. Stat. §§53-132, 53-134)

SECTION 4-106: BOTTLE CLUB LICENSE

A. *Membership List.* A bottle club may be operated by a club, an individual, a partnership, a limited liability company, or a corporation. An accurate and current membership list shall be maintained upon the licensed premises which contains the names and residences of the members but shall not be subject to disclosure except as required by warrant, subpoena, or court order.

B. *Hours.* A bottle club shall not operate on any day between the hours of 5 a.m. and 6 a.m.

C. *Single License.* The holder of a bottle club license shall not simultaneously hold another license under the Nebraska Liquor Control Act.

D. *Liquor Control Act.* The holder of a bottle club license shall be subject to all provisions of the Nebraska Liquor Control Act and the rules and regulations adopted and promulgated under the act that govern the operation of retail licensees except as otherwise provided in subsection (B) of this section.
(Neb. Rev. Stat. §53-123.08)

SECTION 4-107: LICENSEE REQUIREMENTS

No liquor license shall be issued to any person unless he or she is a resident of Nebraska; is a person of good character and reputation in the community; is a U.S. citizen; has never been convicted of or pled guilty to a felony under the laws of this state, any other state, or the United States; has never been convicted of or pled guilty to any Class I misdemeanor pursuant to Neb. Rev. Stat. §53-125; has never had a liquor license revoked for cause; and meets other requirements as provided in Neb. Rev. Stat. §53-125. (Neb. Rev. Stat. §53-125)

SECTION 4-108: LOCATION

A. Except as otherwise provided in subsection (B) of this section, no license shall be issued for the sale at retail of any alcoholic liquor or for a bottle club within 150 feet of any church, school, hospital, or home for indigent persons or for veterans and their wives or children. This prohibition does not apply (1) to any location within such distance of 150 feet for which a license to sell alcoholic liquor at retail or for a bottle club has been granted by the commission for two years continuously prior to making of application for license, or (2) to hotels offering restaurant service, to regularly organized clubs, or to restaurants, food shops, or other places where sale of alcoholic liquor is not the principal business carried on, if such place of business so exempted was established for such purposes prior to May 24, 1935.

B. If a proposed location for the sale at retail of any alcoholic liquor or for a bottle club is within 150 feet of any church, a license may be issued if the Liquor Control Commission gives notice to the affected church and holds a hearing as prescribed in Neb. Rev. Stat. §53-133 if the affected church submits a written request for a hearing.
(Neb. Rev. Stat. §53-177)

SECTION 4-109: DISPLAY OF LICENSE

Every licensee under the Nebraska Liquor Control Act shall cause his or her license to be framed and hung in plain public view in a conspicuous place on the licensed premises. (Neb. Rev. Stat. §53-148)

SECTION 4-110: INSPECTIONS

The Liquor Control Commission and Village Board shall cause frequent inspections to

be made on the premises of all retail and bottle club licensees and if it is found that any such licensee is violating any provision of the Nebraska Liquor Control Act or the rules and regulations of the commission adopted and promulgated under the act or is failing to observe in good faith the purposes of the act, the license may be suspended, canceled, or revoked after the licensee is given an opportunity to be heard in his or her defense. (Neb. Rev. Stat. §53-116.01)

SECTION 4-111: OWNER OF PREMISES

If the owner of the licensed premises or any person from whom the licensee derives the right to possession of such premises or the agent of such owner or person knowingly permits the licensee to use such licensed premises in violation of the terms of the Nebraska Liquor Control Act, such owner, agent, or other person shall be deemed guilty of a violation of the act to the same extent as such licensee and be subject to the same punishment. (Neb. Rev. Stat. §53-1,101)

SECTION 4-112: AGENT OR EMPLOYEE

Every act or omission of whatsoever nature constituting a violation of any of the provisions of the Nebraska Liquor Control Act by any officer, director, manager, or other agent or employee of any licensee, if such act is committed or omission is made with the authorization, knowledge, or approval of the licensee, shall be deemed and held to be the act of such employer or licensee, and such employer or licensee shall be punishable in the same manner as if such act or omission had been done or omitted by him or her personally. (Neb. Rev. Stat. §53-1,102)

SECTION 4-113: CONDUCT PROHIBITED ON LICENSED PREMISES

No licensee in this village shall engage in, allow, or suffer in or upon the licensed premises any disturbances, lewdness, immoral activities or displays, brawls, or unnecessary noise or allow, permit or suffer the licensed premises to be used in such a manner as to create public censure or become a nuisance, public or private.

SECTION 4-114: LICENSE RENEWAL, AUTOMATIC; NOTICE; PROTESTS

A. The village clerk shall cause to be published in a legal newspaper in or of general circulation in such village one time between January 10 and January 30 of each year, individual notice of the right of automatic renewal of each retail and bottle club license in substantially the following form:

NOTICE OF RENEWAL OF RETAIL/BOTTLE CLUB LICENSE

Notice is hereby given pursuant to Neb. Rev. Stat. §53-135.01 that a liquor or bottle club license may be automatically renewed for one year from May 1, 20____, or November 1, 20____, for the following retail liquor or bottle club licensee:

(Name of Licensee) (Address of licensed premises)

Notice is hereby given that written protests to the issuance of automatic renewal of license may be filed by any resident of the Village on or before February 10, 20____, or August 10, 20____, in the office of the village clerk and that in the event protests are filed by three or more such persons, hearing will be had to determine whether continuation of the license should be allowed.

(Name)
Village Clerk

C. Upon the conclusion of any hearing required by this section, the Village Board may request a licensee to submit an application as provided in Neb. Rev. Stat. §53-135.

(Neb. Rev. Stat. §§53-135, 53-135.01)

SECTION 4-115: CITIZENS' COMPLAINT

A. Any five residents of the Village shall have the right to file a complaint with the Village Board stating that any retail licensee subject to the jurisdiction of the board has been or is violating any provision of the Nebraska Liquor Control Act or the rules or regulations issued pursuant to the act. Such complaint shall be in writing in the form prescribed by the Village Board and shall be signed and sworn by the parties complaining. The complaint shall state the particular provision, rule, or regulation believed to have been violated and the facts in detail upon which belief is based.

B. If the Village Board is satisfied that the complaint substantially charges a violation and that from the facts alleged there is reasonable cause for such belief, it shall set the matter for hearing within ten days from the date of the filing of the complaint and shall serve notice upon the licensee of the time and place of such hearing and of the particular charge in the complaint. The complaint must in all cases be disposed of by the Village Board within 30 days from the date the complaint was filed by resolution thereof and said resolution shall be deemed the final order for purposes of appeal to the Nebraska Liquor Control Commission as provided in Neb. Rev. Stat. §53-1,115.

(Neb. Rev. Stat. §53-134.04)

SECTION 4-116: COMPLAINT INITIATED BY BOARD

The Village Board shall have the power to cancel or revoke any license on its own motion if, upon the same notice and hearing as provided in Section 4-115, it determines that the licensee has violated any of the provisions of the act or any valid and subsisting ordinance, resolution, rule, or regulation duly enacted, adopted, and promulgated relating to alcoholic liquor. Such order of cancellation or revocation may be appealed to the Liquor Control Commission within 30 days after the date of the order by filing a notice of appeal with the commission. The commission shall handle the appeal in the

manner provided for hearing on an application in Neb. Rev. Stat. §53-133. (Neb. Rev. Stat. §53-134[6])

SECTION 4-117: REMOVAL OF INTOXICATED PERSONS FROM PUBLIC OR QUASI-PUBLIC PROPERTY

A. Village law enforcement, county sheriffs, officers of the Nebraska State Patrol, and any other such law enforcement officers with power to arrest for traffic violations may take a person who is intoxicated and in the judgment of the officer dangerous to himself, herself, or others or who is otherwise incapacitated from any public or quasi-public property. An officer removing an intoxicated person from public or quasi-public property shall make a reasonable effort to take such intoxicated person to his or her home or to place such person in any hospital, clinic, or alcoholism center or with a medical doctor as may be necessary to preserve life or to prevent injury. Such effort at placement shall be deemed reasonable if the officer contacts those facilities or doctors which have previously represented a willingness to accept and treat such individuals and which regularly do accept such individuals. If such efforts are unsuccessful or are not feasible, the officer may then place such intoxicated person in civil protective custody, except that civil protective custody shall be used only so long as is necessary to preserve life or to prevent injury and under no circumstances for longer than 24 hours.

B. The placement of such person in civil protective custody shall be recorded at the facility or jail to which he or she is delivered and communicated to his or her family or next of kin, if they can be located, or to such person designated by the person taken into civil protective custody.

C. The law enforcement officer who acts in compliance with this section shall be deemed to be acting in the course of his or her official duty and shall not be criminally or civilly liable for such actions.

D. The taking of an individual into civil protective custody under this section shall not be considered an arrest. No entry or other record shall be made to indicate that the person has been arrested or charged with a crime.

E. For purposes of this section, "public property" shall mean any public right of way, street, highway, alley, park, or other state-, county-, or village-owned property. "Quasi-public property" shall mean and include private or publicly owned property utilized for proprietary or business uses which invites patronage by the public or which invites public ingress and egress.
(Neb. Rev. Stat. §53-1,121)

Article 2 – Peddlers and Solicitors

SECTION 4-201: REGISTRATION; ISSUANCE OF PERMIT

All individuals going door to door in the Village with the intent to sell any goods, services, products or insurance or to solicit money for any purpose shall, before doing business within the Village, make application for and be issued a license. Application shall be made to the village clerk upon a form supplied by the Village and shall contain all the necessary information required for the protection of the residents of the Village. Any license so granted shall be subject to revocation in the event that the information provided is inaccurate or misleading or for other good and sufficient cause in the clerk's discretion. Any person granted a license shall be subject to a registration fee as set by resolution by the Village Board and kept on file in the office of the village clerk. (Neb. Rev. Stat. §17-134)

SECTION 4-202: EXCEPTIONS

Nothing herein shall be construed to apply to any person or persons selling produce raised within the county, to wholesale companies or their agents soliciting merchants directly, or to representatives of a nonprofit or charity organization soliciting on behalf of that organization.

SECTION 4-203: HOURS

It shall be unlawful to make calls as a solicitor or peddler to prospective customers before 9:00 a.m. or after 6:00 p.m. any day unless requested to do so by the prospective customer. It shall be unlawful at any hour for any person to solicit without having a proper license on his or her person at all times.

Article 3 – Trailer Regulations

SECTION 4-301: TERMS DEFINED

"Court" as used in this code shall mean and include any tract of land upon which are located two or more trailers or other temporary enclosures used for living purposes, whether a charge is made or not.

"Trailer" as used in this code shall mean and include any vehicle commonly designated as such, also called "mobile home," and constructed to permit occupancy for sleeping, advertising, or business purposes, and so designed that it is or may be mounted on wheels and used as a conveyance on the public ways and does not comply with the village building code.

"Unit space" as used in this code shall mean and include the ground space that is actually set aside in a trailer court for the occupancy by and use of a trailer or other temporary dwelling.

SECTION 4-302: TRAILER COURTS; PERMIT REQUIRED

A. It shall be unlawful for any person to establish a trailer court within the Village or within one-half mile beyond the corporate limits until he or she shall first obtain a permit for such purpose from the Village Board. The village clerk shall provide permit application forms, which shall require the name and address of the applicant, the name and residence of the proposed manager of the premises, the location and size of the court, a plat of the court showing the number and location of each unit space, the water service available, the toilet or sewer facilities available, the proposed means of disposing of garbage, the electrical current sources available, and the type of buildings proposed to be erected thereon.

B. Upon receipt of any such permit application, the village clerk shall furnish the village chairman with a copy of the said application. The chairman shall then examine the premises involved and the proposed unit spaces, for the purpose of determining whether the proposed court will violate any of the provisions of the municipal code or state laws. The chairman's findings shall then be submitted in writing to the Village Board.

C. The Village Board at its next regular meeting shall consider such application, and if the members find that all of the provisions of this ordinance are complied with, shall issue a permit for the operation of the trailer court. In the event that any of the provisions of this ordinance have not been provided for in such permit application, then such trailer court permit shall not be issued until the Village Board receives assurances that all provisions of this ordinance shall be complied with.

D. In the event that all of the terms and conditions of this article have been complied with and the Village Board votes to permit such trailer court to exist, then the

village clerk shall issue a permit to such applicant, which permit shall be for a one-year period, to be renewed annually.

SECTION 4-303: PERMIT RENEWAL

The annual fee for such permit shall be set by resolution of the Village Board and kept on file at the office of the village clerk. The same procedure shall apply for the renewal of a permit as was heretofore prescribed for the issuance of a permit. No permit shall be issued for any period longer than one year.

SECTION 4-304: ASSIGNING PERMIT PROHIBITED

It shall be unlawful to assign or transfer without the written consent of the village clerk and the authorization of the Village Board any permit issued by the Village for the purpose of allowing the operation of a trailer court.

SECTION 4-305: PERMIT REVOCATION

Any permit granted under the provisions of this code shall be subject to revocation at any time by the Village Board. Notice shall be served by the village clerk upon the person holding such permit, setting forth the manner in which the owner or operator of the court has failed to comply with the provisions of this code and allowing him or her an opportunity for a hearing before the Village Board at a day and hour therein specified. The said hearing shall be held not less than three days after the personal service of the said notice. The owner or operator shall then be required to show cause why the said permit should not be revoked. Any owner or operator allowed an appearance under the provisions herein shall have the right to be represented by counsel.

SECTION 4-306: UNIT SPACES

Each trailer home shall be located on a site not less than 1,000 square feet. No trailer home shall be parked closer than 10 feet to the lot lines of the trailer court without the permission of the Village Board; provided, nothing herein shall be construed to allow any trailer to be parked or located in such a manner as to obstruct the traffic on or the use of any public way or public property. In the event that the lot line is adjacent to the public ways and property, the trailer shall be parked not less than 15 feet therefrom. Each unit space shall abut a driveway of not less than 20 feet in width and shall have unobstructed access to a public street or alley. There shall be an open space of at least 10 feet between the ends of the trailers located thereon and there shall be on each trailer space an additional parking space for one vehicle for each unit in said court.

SECTION 4-307: DRAINAGE

Every trailer court shall be located on a well-drained area and the premises of such shall be properly graded so as to prevent the accumulation of stagnant water thereon.

SECTION 4-308: PLUMBING FACILITIES

The owner or operator of a trailer court shall make available connections with the sewer system for the trailer homes thereon unless other arrangements are agreed to in writing by the Village Board.

SECTION 4-309: ELECTRICAL SUPPLY

Each unit space within the trailer court shall be provided with an electrical service outlet installed and maintained in accordance with the current issue of the National Electrical Code.

SECTION 4-310: UNLAWFUL PARKING

A. It shall hereafter be unlawful for any person to place, allow to be placed, or occupy for any purpose a trailer home within the Village or one-half mile beyond the corporate limits unless the owner of the trailer first obtains a permit for placement of such trailer. Application for such permit shall be made with the village clerk and shall be on forms provided by him or her. Such application shall be accompanied by a photograph of such trailer and shall be accompanied by a fee for processing of the application, as set by resolution by the Village Board and kept on file in the office of the village clerk.

B. Upon receipt of such application, the clerk shall submit the same to the board at its next regular or special meeting for consideration. The Village Board may approve the permit subject to whatever modification it determines necessary. Any trailer placed in any part of the Village from and after the effective date of this ordinance be and the same hereby is determined a nuisance unless a permit has been issued pursuant to this section for placement of such trailer. Any modular home shall not be subject to this prohibition if it has its towing tongue and axles removed and is placed on a permanent concrete or concrete block foundation.

SECTION 4-311: CONVERSION

It shall be unlawful for any person to remove the wheels or transporting device from any trailer or to otherwise affix the said trailer to the ground without first obtaining a written permit from the Village Board; provided, the trailer so converted shall be subject to all rules and regulations prescribed herein for other habitable dwellings. Applications for such permits shall be made through the village clerk.

SECTION 4-312: EXCEPTIONS

Nothing in this code shall apply to any trailer homes located within the Village at the time of the original passage of this code; provided, in the event that such trailer is moved to a different location, all the provisions of this article shall become immediately applicable thereto.

SECTION 4-313: REGISTER REQUIRED

It shall be unlawful for the licensee of a public trailer court to operate the same without keeping an accurate record of every camping party, date of arrival, full name and address, and the name of the owner, make and registration number of the car used to convey the trailer. Said register shall be available at any reasonable time for inspection by any public official.

SECTION 4-314: CARETAKER

It shall be unlawful for any person to establish a public trailer court unless the court shall be provided at all times with a caretaker whose duty it shall be to enforce all rules and regulations prescribed by the Village. The caretaker shall be responsible for maintaining the grounds, permanent equipment and fixtures in a clean and sanitary condition.

SECTION 4-315: LIABILITY

The owner of the property upon which any trailer or trailer court is located shall be primarily liable for any violations of the provisions of this article and shall also be primarily liable for the cost of any and all utility services provided by the Village to the owner or occupant of a trailer located thereon.

SECTION 4-316: INSPECTIONS

It shall be the duty of the owner, manager, or occupants of any public trailer court to allow any village officials to enter upon the premises for the purpose of inspection at any reasonable time.

Article 4 – Penal Provision

SECTION 4-401: VIOLATION; PENALTY

Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this chapter, set forth at full length herein or incorporated by reference, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$500.00 for each offense. A new violation shall be deemed to have been committed every 24 hours of such failure to comply.