

CHAPTER IV BUSINESS REGULATIONS

ARTICLE I - OCCUPATION TAX

- 4-101 PURPOSE
- 4-102 FIRE INSURANCE COMPANIES
- 4-103 INTERSTATE OR GOVERNMENT BUSINESS
- 4-104 COLLECTION DATE
- 4-105 CERTIFICATES
- 4-106 DUTIES OF PARTIES LIABLE
- 4-107 PAID TO TREASURER; NOT ASSIGNABLE
- 4-108 NO REFUND
- 4-109 VIOLATION; PENALTY

ARTICLE II - LIQUOR REGULATIONS

- 4-201 TERMS DEFINED
- 4-202 LICENSE REQUIRED
- 4-203 LIQUOR APPLICATION; RETAIL LICENSING STANDARDS
- 4-204 SALE TO MINORS AND INCOMPETENTS PROHIBITED
- 4-205 HOURS OF SALE
- 4-206 RESTRICTIONS ON PLACE OF CONSUMPTION
- 4-207 OCCUPATION TAX
- 4-208 ENTRY OF PREMISES FOR INSPECTION
- 4-209 FORM FOR CITIZEN COMPLAINT
- 4-210 FORMS, CONTINUED; PROCEDURE
- 4-211 COMPLAINT INITIATED BY CITY COUNCIL
- 4-212 PREREQUISITES TO DELIVERY OF LICENSE
- 4-213 ACTION ON APPLICATION FOR LICENSE
- 4-214 RENEWAL OF LICENSE
- 4-215 PROTESTS AGAINST RENEWAL
- 4-216 SPIKING BEER
- 4-217 CHANGE OF PREMISES
- 4-218 GAMBLING
- 4-219 SALE FOR RESALE
- 4-220 TRANSPORTATION OF LIQUOR OF RETAIL LICENSEES
- 4-221 NO DELIVERY AFTER CLOSING HOURS
- 4-222 RESTRICTIONS ON CONDUCT OF OTHER BUSINESS
- 4-223 CONDUCT PROHIBITED ON LICENSED PREMISES
- 4-224 ADVERTISEMENTS AND SALES
- 4-225 SANITATION
- 4-226 SALES FOR CASH ONLY
- 4-227 DISPLAY OF LICENSE
- 4-228 REMOVAL OF INTOXICATED PERSONS FROM PUBLIC OR
QUASI-PUBLIC PROPERTY
- 4-229 CATERING LICENSE

ARTICLE III - NON-RESIDENT SALESMEN

- 4-301 REGULATION
- 4-302 HOURS OF SOLICITATION
- 4-303 EXCEPTIONS

ARTICLE IV – LOTTERY

- 4-401 PARTICIPATION; RESTRICTIONS

ARTICLE V – MOVING BUILDINGS

- 4-501 TERMS DEFINED
- 4-502 PERMIT REQUIRED
- 4-503 APPLICATION
- 4-504 INTERFERENCE
- 4-505 DUTIES OF PERMITTEE
- 4-506 NO GENERAL LICENSE

ARTICLE VI – SALE OF TOBACCO

- 4-601 LICENSE; APPLICATION; CONTENTS; FEE

ARTICLE VII – FAIR HOUSING REGULATIONS

- 4-701 PURPOSE
- 4-702 DEFINITIONS
- 4-703 UNLAWFUL ACTS
- 4-704 HANDICAPPED PERSON; DISCRIMINATORY PRACTICES PROHIBITED; DESIGN AND CONSTRUCTION STANDARDS
- 4-705 TRANSACTION RELATED TO RESIDENTIAL REAL ESTATE; DISCRIMINATORY PRACTICES PROHIBITED
- 4-706 MULTIPLE LISTING SERVICE; OTHER SERVICE; DISCRIMINATORY PRACTICES PROHIBITED
- 4-707 RELIGIOUS ORGANIZATION, PRIVATE HOMES, PRIVATE CLUB, OR HOUSING FOR OLDER PERSONS; RESTRICTING USE NOT PROHIBITED
- 4-708 INFORMATION

ARTICLE VIII – BUILDING REGULATIONS

- 4-801 BUILDING INSPECTOR; POWERS AND AUTHORITY
- 4-802 BUILDING INSPECTOR; RIGHT OF ENTRY
- 4-803 BUILDING PERMITS REQUIRED; APPLICATION
- 4-804 BUILDING PERMIT; SURVEY REQUIRED

- 4-805 BUILDING PERMIT; DUPLICATE TO COUNTY ASSESSOR
- 4-806 BUILDING PERMIT; INSPECTION FEES; COLLECTION;
SCHEDULE
- 4-807 BUILDING PERMIT; VARIANCE NOT PERMITTED
- 4-808 BUILDING PERMIT; TIME OF INSPECTION
- 4-809 PERMIT LIMITATION
- 4-810 BOND REQUIREMENT
- 4-811 BUILDING WITHOUT PERMIT; NUISANCE
- 4-812 UNIFORM CODES; ADOPTED BY REFERENCE

ARTICLE IX – TRAILER REGULATIONS

- 4-901 TERMS DEFINED
- 4-902 TRAILER COURTS; PERMIT REQUIRED
- 4-903 PERMIT RENEWAL
- 4-904 ASSIGNING PERMIT PROHIBITED
- 4-905 PERMIT REVOCATION
- 4-906 UNIT SPACES
- 4-907 DRAINAGE
- 4-908 PLUMBING FACILITIES
- 4-909 WASTE DISPOSAL
- 4-910 ELECTRICAL SUPPLY
- 4-911 UNLAWFUL PARKING
- 4-912 CONVERSION
- 4-913 COURTS LIMITED
- 4-914 LIABILITY
- 4-915 INSPECTIONS

ARTICLE IX – PENAL PROVISION

- 4-901 VIOLATION; PENALTY

CHAPTER IV

BUSINESS REGULATIONS

ARTICLE I - OCCUPATION TAX

SECTION 4-101: PURPOSE

For the purpose of raising revenue, an occupational tax in the amount of \$25.00 shall be uniformly levied on all occupations and businesses within the corporate limits of this city.

SECTION 4-102: FIRE INSURANCE COMPANIES

For the use, support and maintenance of the city fire department, all revenue realized from the occupational tax on fire insurance companies shall be appropriated to the Fire Department Fund.

SECTION 4-103: INTERSTATE OR GOVERNMENT BUSINESS

The license tax levied by this ordinance is not levied upon any business or occupation which is interstate or which is done or conducted by any department of the government of the United States, the State of Nebraska, this city or the officers thereof, as such in the course of its or their official duties or by any county or subdivision of this state or its officers.

SECTION 4-104: COLLECTION DATE

All occupation taxes shall be due and payable on the first day of May of each year, except in the event that the said tax is levied daily, and upon the payment thereof by any person to the city clerk, the said clerk shall give a receipt, properly dated, and specifying the person paying the said tax and the amount paid.

SECTION 4-105: CERTIFICATES

The receipt issued after payment of any occupation tax shall be the Occupation Tax Certificate. The said certificate shall specify the amount of the tax and the name of the person and/or business that paid the said tax. The occupation tax certificate shall then be displayed in a prominent place or carried in such a way as to be easily accessible while business is being conducted.

SECTION 4-106: DUTIES OF PARTIES LIABLE

It is hereby made the duty of each and every person, firm, association or corporation to pay the tax levied against him, her, them or it at the time the same becomes due as provided in Section 4-103.

SECTION 4-107: PAID TO TREASURER; NOT ASSIGNABLE

The tax herein levied shall be paid in cash to the city treasurer or other person designated by resolution of the mayor and City Council who, upon the payment thereof, shall issue receipt therefor to the person, persons, partnership, firm or corporation paying the same, properly dated and specifying on behalf of whom and for what the sum is paid. The city treasurer's receipt shall be the warrant and proper authority of any person to carry on and conduct the business specified in said receipt and for which the money has been paid; provided, said receipt shall not be assignable.

SECTION 4-108: NO REFUND

No person paying occupational tax shall be entitled to a refund of any part of the tax so paid.

SECTION 4-109: VIOLATION; PENALTY

Any person, firm, association or corporation who shall refuse or neglect to pay the occupational tax or taxes herein levied or who shall transact any such business or engage in any such occupation without having complied with the provisions of this article shall, upon conviction thereof, be fined in a sum not less than \$5.00 nor more than \$500.00 and assessed the court costs of prosecution; provided that every suit brought under this section shall be in the name of this city and may be commenced by a warrant and arrest of the person or persons against whom the suit is brought, or that suit may be commenced by a common summons; and provided further, whenever any of the above-enumerated businesses or occupations shall be conducted by an agent for a corporation or a non-resident, such agent shall be subject to arrest and punishment under the provisions of this section if his/her principal shall not have complied with the provisions of this ordinance.

ARTICLE II - LIQUOR REGULATIONS

SECTION 4-201: TERMS, DEFINED

Unless the context otherwise requires, the words and phrases defined in Neb. Rev. Stat. §53-103, or as hereafter amended or revised, shall be adopted for the purpose of construing this article; and said words and phrases are hereby incorporated by reference the same as though copied at full length herein.

SECTION 4-202: LICENSE REQUIRED

No persons shall manufacture for sale, sell, keep for sale, barter, or exchange under any pretext any alcoholic liquor within this city unless said person shall have in full force and effect a license therefor as provided by the Nebraska Liquor Control Act as amended. A violation of this section shall constitute a misdemeanor, and any persons convicted of such shall be fined in any sum not exceed permitted by Nebraska law and assessed the court costs of prosecution. (Ref. Neb. Rev. Stat. §53-168.06)

SECTION 4-203: LIQUOR APPLICATION; RETAIL LICENSING STANDARDS

The City Council adopts the following licensing standards and criteria for consideration by the Liquor Control Commission of any applicant for a retail alcoholic liquor license, for the upgrading of a license to sell alcoholic liquor, or for the expansion or change in location of the premises, in accordance with the Nebraska Liquor Control Act, Neb. Rev. Stat. §53-132 (3) (a) and Section 7 of LB 911, 89th Legislature, Second Session, 1986:

1. The adequacy of existing law enforcement resources and services in the area.
2. Existing motor vehicle and pedestrian traffic flow in the vicinity of the proposed licensed premises, potential traffic and parking problems, and the proximity and availability of on- street and off-street parking.
3. Zoning restrictions.
4. Sanitation or sanitary conditions on or about the proposed licensed premises.
5. The existing population and projected growth, both city- wide and within the area to be served.
6. Existing liquor licenses, the class of such license and the distance and time of travel to such licenses.

7. The nature and needs of the neighborhood or community where the proposed premises are located as well as its projected growth.

8. Whether the type of business or activity proposed to be operated in conjunction with the proposed license is and will be consistent with the public interest.

(Ref. Neb. Rev. Stat. §53-134)

SECTION 4-204: SALE TO MINORS AND INCOMPETENTS PROHIBITED

1. No persons shall within this city sell, give away, dispose of, exchange or deliver, or permit the sale, gift or procuring of any alcoholic liquors, to or for any person who is physically or mentally incapacitated by the consumption of such liquors.

2. No minor shall have in his/her possession alcoholic liquor in any tavern, public place, street or alley in this city or inside a vehicle while upon any street, alley or public place in this city.

3. No minor shall obtain or attempt to obtain alcoholic liquor, by misrepresentation of age or any other method, in any tavern or other public place where liquor is sold in this city.

(Ref. Neb. Rev. Stat. §53-180)

SECTION 4-205: HOURS OF SALE

1. It shall be unlawful for any licensed person or persons or their agents to sell any alcoholic beverages, for consumption off the premises, within the City except during the hours provided herein:

Alcoholic Liquors (except beer and wine)

Secular Days

6:00 A.M. to 1:00 A.M.

Sundays

12:00 Noon to 1:00 A.M.

Beer and Wine

Secular Days

6:00 A.M. to 1:00 A.M.

Sundays

6:00 A.M. to 1:00 A.M.

2. It shall be unlawful for any licensed person or persons or their agents to sell any alcoholic beverages, for consumption on the premises, within the City except during the hours provided herein:

Alcoholic Liquors (except beer and wine)

Secular Days

6:00 A.M. to 2:00 A.M.

Sundays

12:00 Noon to 2:00 A.M.

Beer and Wine	
Secular Days	6:00 A.M. to 2:00 A.M.
Sundays	6:00 A.M. to 2:00 A.M.

3. Provided, that such limitations shall not apply after 12:00 noon on Sunday to a licensee which is a nonprofit corporation holding a license pursuant to Neb. Rev. Stat. §53-124(5)(C) and (H), Reissue 1943.

4. 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 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.

5. Nothing in this section shall be construed to prohibit licensed premises from being open for other business on days and hours during which the sale or dispensing of alcoholic beverages is prohibited by this section. (Ref. Neb. Rev. Stat. §53-179)

(Section 4-205 modified by Ordinance #836 on 6/9/2010)

SECTION 4-206: RESTRICTIONS ON PLACE OF CONSUMPTION

No person shall drink or consume alcoholic liquors on any street or alley in this city or inside any vehicle on any street or alley of this city or in any place open to the general public, other than a premises having an on-sale liquor license. (Ref. Neb. Rev. Stat. §53-186, 53-186.01)

SECTION 4-207: OCCUPATION TAX

There is hereby levied on all businesses in the City which sell alcoholic liquors an annual occupation tax in the sum of twice the amount of the Nebraska state licensing fee, except for non-profit corporations and farm wineries which qualify for a Class Y liquor license, which shall be charged a fee of \$50.00 per year.

The amount of such liquor license fee and occupation tax set forth above shall be deposited with the city treasurer at the time the application for license is made, whether such application be filed with the city clerk or the Nebraska Liquor Control Commission, and the city treasurer shall hold such occupation tax as a trust fund until the application is finally passed on, and if the application is refused and license denied, then the amount thereof shall be returned to the applicant without interest. The occupation tax year shall commence on May 1 of

each year and shall end on April 30th the next succeeding year; provided, during any license year no license shall be issued, unless the occupation tax for the full license year shall have been deposited with the city treasurer as hereinabove provided, regardless of the time when the application for license shall be made, and no reduction shall be made in the amount of the occupation tax, regardless of the time when the application for license shall have been made and regardless of the time when such license is issued.

The city treasurer shall credit such occupation tax fees to the general fund of the City. Upon the failure of any such applicant to pay such occupation tax as provided for by this section, it shall be mandatory upon the mayor and City Council to pass a resolution denying the application for a license, or requesting the Liquor Control Commission to deny such application and such resolution shall state the reason therefore and shall be forwarded to the Nebraska Liquor Control Commission.

(Ref. Neb. Rev. Stat. §17-525)

SECTION 4-208: ENTRY OF PREMISES FOR INSPECTION

The mayor, any member of the City Council, the city marshal, any policeman or the city attorney shall have the right to enter any licensed premises at any time for the purpose of determining whether or not the licensee is violating any provision of the Nebraska Liquor Control Act or of this article, and for that purpose to examine and inspect said premises.

SECTION 4-209: FORM FOR CITIZEN COMPLAINT

The following form is hereby prescribed for the use of residents of this city desiring to complain to the mayor and the City Council that any licensee is violating any provision of the Nebraska Liquor Control Act, regulations prescribed by the Nebraska Liquor Control Commission or any provision of this ordinance.

To the mayor and City Council of the City of Louisville, Nebraska.

The undersigned respectfully state:

1. That they are each residents of the City of Louisville, Nebraska.
2. That they believe that _____, the holder of a Class ____ license in the aforesaid city, has violated Section _____ of (check one or more)

_____ the Nebraska Liquor Control Act.

_____ the regulations prescribed by the Nebraska Liquor Control Commission.

_____ the Municipal Code of the City of Louisville, Nebraska.

(Ref. Neb. Rev. Stat. §53-134.04)

SECTION 4-211: COMPLAINT INITIATED BY CITY COUNCIL

The mayor and City Council may on their own motion, by resolution, fix the time and place for a hearing on whether or not a licensee has violated any section of the Nebraska Liquor Control Act, the regulations of the Nebraska Liquor Control Commission or this code, which resolution shall state the section or sections in question. Said resolution shall be served in the same manner and within the same time as the initial resolution mentioned in Section 4-210 of this code, and insofar as possible the procedure shall be the same as is provided in that section.

SECTION 4-212: PREREQUISITES TO DELIVERY OF LICENSE

Retail licenses issued or renewed by the Nebraska Liquor Control Commission for licensees within this city shall be delivered to said licensee by the city clerk, but he/she shall not deliver any such license to a licensee who does not exhibit receipts showing payment of the occupation tax levied under Section 4-207 of this code, payment of the license fee, payment of the publication fee for giving notice of the hearing before the City Council on any application for license and, if a renewal, payment of the publication fee of the automatic renewal notice provided for in this code.

SECTION 4-213: ACTION ON APPLICATION FOR LICENSE

Upon receipt from the Nebraska Liquor Control Commission of the notice and copy of the application provided for in Neb. Rev. Stat. §53-131, the city clerk shall present it to the mayor and the City Council at their next meeting, and said mayor and City Council shall, by resolution, fix a time and place at which a hearing will be had and evidence taken under oath from any person desiring to be heard on the propriety of the issuance of the license in question.

Notice of the time and place of such hearing shall be published in a legal newspaper in this city one time, not less than three nor more than seven days before the time of hearing. The hearing shall be held not more than 21 days after the date of receipt of the notice and copy of the application by the city clerk. After said hearing, the mayor and City Council shall, by resolution, spread at large in the minute record of their proceedings, recommend either the issuance or the refusal of said license. The city clerk shall thereupon mail to the Nebraska Liquor Control Commission by first class mail, postage prepaid, a copy of the resolution which shall state the cost of the published notice.

(Ref. Neb. Rev. Stat. §53-131, 53-132, 53-134)

SECTION 4-214: RENEWAL OF LICENSE

It shall be unlawful for any person or persons who own, manage or lease any premise in which the sale of alcoholic beverages is licensed, to serve or offer for sale any beer to which there has been added any alcohol, or permit any person to add alcohol to any beer on the licensed premise of such licensee.
(Ref. Neb. Rev. Stat. §53-174)

SECTION 4-217: CHANGE OF PREMISES

Any retailer licensee desiring to transfer his/her license from one premises to another shall file a written request for permission to do so with the city clerk, and shall also file with said clerk a sworn statement showing that the premises to which removal is to be made comply with all respects with the requirements of the Nebraska Liquor Control Act as amended. The city clerk shall present said application and statement to the mayor and City Council at their next meeting, and they shall, by resolution, approve or disapprove the transfer. If they approve the transfer, the approval thereof shall be endorsed on the license by the mayor and attested by the city clerk.

SECTION 4-218: GAMBLING

Unless sanctioned by Nebraska law, no licensee in this city holding a license covering premises open to the public for the sale of intoxicating liquor or beer shall directly or indirectly permit gambling on or in the licensed premises; nor shall he permit the operation or possession of any pay-off gambling device, slot machine, or punchboard, mechanical or otherwise, whether pay-off is in cash or merchandise, in, on or about the licensed premises.

SECTION 4-219: SALE FOR RESALE

No retail licensee in this city shall engage, directly or indirectly, in any transaction including or conspiring as to the resale of any liquors owned by him/her as a licensee, nor shall such licensee so permit the sale or delivery of any such liquors in such quantities as would place a reasonable-minded person on notice that such liquor might be intended for resale.

SECTION 4-220: TRANSPORTATION OF LIQUOR OF RETAIL LICENSEES

No retail licensee in this city shall permit the transportation of alcoholic liquor from his/her licensed premises for storage purposes in any manner for any purpose, or to any location other than has been expressly authorized in writing by the commission.

SECTION 4-221: NO DELIVERY AFTER CLOSING HOURS

No retail licensee in this city operating premises open to the public shall act as retainer or keeper of liquor for customers or other persons for the purpose of

delivering or disposing of such liquor after closing hours as provided by state law, ordinance or resolution or on days when sales are prohibited.

SECTION 4-222: RESTRICTIONS ON CONDUCT OF OTHER BUSINESS

Retail licensees in this city shall not maintain in their licensed premises any door opening into or access leading into the premises owned, used, or occupied by other persons; nor shall any retail licensee permit any other person to use his/her licensed premises for the purpose of carrying on within such licensed premises any business activity of such other persons in any of its phases, such as solicitation, sale, service, delivery, storage or otherwise.

SECTION 4-223: CONDUCT PROHIBITED ON LICENSED PREMISES

No licensee in this city 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 4-224: ADVERTISEMENTS AND SALES

Advertising by licensees in this city shall not contain misrepresentation or misleading statements, and no sales shall be promoted or made by any licensee by unlawful means. Alcoholic liquors shall not be offered, delivered or disposed of by any licensee as a prize.

SECTION 4-225: SANITATION

Sanitary conditions conducive to public health and welfare must be maintained at all times in or about licensed premises in this city.
(Ref. Neb. Rev. Stat. §53-118)

SECTION 4-226: SALES FOR CASH ONLY

No person shall, in this city, sell or furnish alcoholic liquor at retail: (1) on credit or on a passbook, or (2) order on a store, or (3) in exchange for any goods, wares or merchandise, or (4) in payment for any services rendered.
(Ref. Neb. Rev. Stat. §53-183)

SECTION 4-227: DISPLAY OF LICENSE

Every licensee in this city shall cause his/her license to be framed and hung in plain view in a conspicuous place on the licensed premises.
(Ref. Neb. Rev. Stat. §53-148)

SECTION 4-228: REMOVAL OF INTOXICATED PERSONS FROM PUBLIC OR QUASI-PUBLIC PROPERTY

Any law enforcement officer with the 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 person to his/her home or to place such person in any hospital, clinic, 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 as long as is necessary to preserve life or to prevent injury, and under no circumstances longer than 24 hours. The placement of such person in civil protective custody shall be recorded at the facility or jail at which he/she is delivered and communicated to his/her family or next of kin, if they can be located, or to such person designated by the person taken into civil protective custody.

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

For purposes of this section, "public property" shall mean any public right-of-way, street, highway, alley, park or other state, county or city-owned property; and "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.

(Ref. Neb. Rev. Stat. §53-1,121)

SECTION 4-229: CATERING LICENSE

1. The holder of a Class C, Class D, or Class I license issued under subdivision (5) of Section 53-124 RS Neb., or a brewpub license, may obtain an annual catering license as prescribed in this section. Any such licensee desiring to obtain a catering license shall file an application with the Liquor Control Commission.

2. Upon receipt from the Commission of the notice and copy of the application as provided in Section 53-124.12 RS Neb., the City Council shall fix a time and

place at which a hearing will be held and at which time the City Council shall receive evidence, under oath, either orally or in writing, from the applicant and any other person concerning the propriety of the issuance of such license. Such hearing shall be held not more than 45 days after the receipt of the notice from the Commission. The City Council may examine, or cause to be examined, under oath, any applicant; examine, or cause to be examined, the books and records of any such applicant, 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 City Council may authorize its agent, the city clerk or the city attorney, to act on its behalf.

3. Notice of the time and place of such hearing shall be published in a legal newspaper in, or of general circulation in, the City one time not less than seven nor 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 City Council in support of or in protest against the issuance of such license may do so at the time of the hearing.

4. The City Council shall, after the hearing provided in subsection (2), approve or deny the application within 45 days of receipt of such application from the Commission, and shall cause to be spread at large in the minute record of its proceedings a resolution approving or denying such application. The city clerk shall thereupon mail or deliver to the Commission a copy of the decision to approve or deny the application.

5. Any resolution denying an application rendered by the City Council shall be in writing or stated in the record and shall be accompanied by findings. The findings shall consist of concise statements of the conclusions upon each contested issue. The applicant shall be notified of the decision in person or by mail.

6. The City Council, with respect to catering licensees within its corporate limits, may cancel a catering license for cause for the remainder of the period for which such license is issued. Any person whose catering license is canceled may appeal to the District Court.
(Ref. Neb. Rev. Stat. §53-124.12)

ARTICLE III - NONRESIDENT SALESMEN

SECTION 4-301: REGULATION

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 City, make application with the city clerk and be issued a permit. The application shall contain all necessary information and documents required for the protection of the residents of the City. Any person or persons granted a peddlers and hawkers' permit shall be subject to any fees, occupation taxes and other rules and regulations which the City Council deems appropriate for the purposes of this article; provided, however, that local non-profit organizations are exempt from this article.

SECTION 4-302: HOURS OF SOLICITATION

It shall be unlawful for any license holder to solicit house to house any individual between the hours of 8:00 P.M. and 8:00 A.M., unless they have a previous appointment with the resident of the premises solicited. It shall be unlawful at any hour for any person to solicit without having a proper license on his/her person at all times.

SECTION 4-303: EXCEPTIONS

Nothing herein shall be construed to apply to any person selling produce raised within the county, to wholesale salespeople soliciting merchants directly or to residential route salespersons. Nor shall these provisions be applicable for local non-profit organizations. This article shall also not pertain to nor apply to persons canvassing residents within the City for religious, political or other noncommercial purposes.

ARTICLE IV – LOTTERY

SECTION 4-401: PARTICIPATION; RESTRICTIONS

No person under 19 years of age shall play or participate in any way in the lottery established and conducted by the City.

No owner or officer of a lottery operation with whom the City contracts to conduct its lottery shall play the lottery conducted by the City. No owner or officer of an authorized sales outlet location for the City shall play the lottery conducted by the City. No employee or agent of the City, lottery operator or authorized sales outlet location shall play the lottery of the City for which he/she performs work during such time as he/she is actually working at such lottery or while on duty. No member of the City Council, municipal official or immediate family of such member or official shall play in the lottery conducted by the City.

No person, or employee or agent of any person or the City, shall knowingly permit an individual under 19 years of age to play or participate in any way in the lottery conducted by the City.

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

(Ref. Neb. Rev. Stat. §9-646)

ARTICLE V – MOVING BUILDINGS

SECTION 4-501: TERMS DEFINED

"Building" is a structure designated, built or occupied as a shelter or roofed enclosure for persons, animals or property and used for residential, business, mercantile, storage, industrial, institutional, assembly, educational or recreational purposes. A structure with the following dimensions or less shall not fall within this definition: 10 feet wide, 20 feet long, and, when in a position to move, 15 feet high.

SECTION 4-502: PERMIT REQUIRED

No person shall move any building over, along or across any highway, street or alley in the City without first obtaining a permit from the city clerk.

SECTION 4-503: APPLICATION

Any person seeking issuance of a permit hereunder shall file an application for such permit with the city clerk. Upon approval of the City Council, the city clerk shall then issue the said permit.

A. Form. The application shall be made in writing upon forms provided by the city clerk and shall be filed in the office of the city clerk.

B. Contents. The application shall set forth:

1. A description of the building proposed to be moved, giving street number, construction materials, dimensions, number of rooms and condition of exterior and interior;

2. A legal description of the lot from which the building is to be moved, giving the lot, block and tract number, if located in the City.

3. A legal description of the lot to which the proposed such building be removed, giving lot, block and tract number, if located in the City.

4. The portion of the lot to be occupied by the building when moved;

5. The highways, streets and alleys over, along or across which the building is proposed to be moved;

6. Proposed moving date and hours;

7. Any additional information which the City Council shall find necessary to a fair determination of whether a permit should be issued.

C. Accompanying Papers.

1. Tax Certificate. The owner of the building to be moved shall file with the application sufficient evidence that the building and lot from which it is to be removed are free of any entanglements and that all taxes and any city charge against the same are paid in full.

2. Certificate of Ownership or Entitlement. The applicant, if other than the owner, shall file with the application a written statement of bill of sale signed by the owner, or other sufficient evidence, that he/she is entitled to move the building.

3. Liability Policy. The applicant shall file with the application a certificate of insurance providing coverage for both personal injury or property damage which might occur during the moving of said building. The minimum amount of coverage allowable shall be \$10,000.00 property damage coverage and \$10,000.00 personal injury coverage. The City Council may require coverage in greater amounts if they deem it to be necessary.

D. Fee. The application shall be accompanied by a permit fee in the amount of \$25.00 which shall be paid over by the city clerk to the city treasurer, who shall credit it to the general fund.

SECTION 4-504: INTERFERENCE

Whenever it shall be necessary for any permittee in moving a building to interfere with any electric, telephone or telegraph poles or wires, the public service company or companies owning, using or operating such poles or wire shall, upon such notice as is provided in their respective franchises, or if no provisions for notice is made therein, then upon 48 hours notice, be present and assist, or, if necessary remove such poles and wires; and the expense of said removal, as estimated, shall be paid in advance by applicant, unless it is otherwise provided in said companies' franchises. Whenever the moving of any building necessitates interference with any water main or sewer main belonging to the City, notice in writing of the time and route of such building moving operations shall be given to the building inspector of the City, who shall proceed in behalf of the city marshal as the managing officers or public service companies are required to proceed in the premises in behalf of the companies. The notice herein provided for shall be given to said city official or public service company or companies, as the case may be, by the licensed housemover.

SECTION 4-505: DUTIES OF PERMITTEE

Every permittee under this ordinance shall:

- A. Use Designated Streets. Move a building only over streets designated for such use in the written permit.
- B. Notify of Revised Moving Time. Notify the city clerk in writing of a desired change in moving date and hours as proposed in the application.
- C. Notify of Damage. Notify the city clerk in writing of any and all damage done to property belonging to the City within 24 hours after the damage or injury has occurred.
- D. Display Lights. Cause red lights to be displayed during the night time on every side of the building, while standing on the street, in such a manner as to warn the public of the obstruction, and shall at all times erect and maintain barricades across the streets in such a manner as to protect the public from damage or injury by reason of the removal of the building.
- E. Street Occupancy Period. Remove the building from the city streets after four days of such occupancy, unless an extension is granted by the mayor and the City Council.
- F. Comply with Governing Law. Comply with the building code, the fire zone, and any zoning ordinances now existing or hereinafter adopted and all other applicable ordinances and laws, if any upon relocating the building in the City.
- G. Clear Old Premises. Within ten days from the removal of the building, the permittee shall remove all rubbish and materials and fill all excavations to existing grade at the original site so that the premises are left in a safe and sanitary condition.
- H. Remove Services Connections. See that the sewer line is plugged with a concrete stopper, the water shut off, and the meter returned to the city water office. Permittee shall notify the gas and electric service companies to remove their services.

SECTION 4-506: NO GENERAL LICENSE

There shall be no license issued or general permit given to anyone to move buildings at will or generally within the City.

ARTICLE VI – SALE OF TOBACCO

SECTION 4-601: LICENSE; APPLICATION; CONTENTS; FEE

Every person, partnership, limited liability company or corporation desiring a license to sell tobacco at retail shall file with the city clerk a written application on forms provided by the City, stating the name of the person, partnership, limited liability company, or corporation for whom the license is desired and the exact location of the place of business, and shall deposit with the application a license fee in the amount of \$15.00. If the applicant is an individual, the application shall include the applicant's social security number.

(Ref. Neb. Rev. Stat. §28-1422, 28-1423)

ARTICLE VII - FAIR HOUSING REGULATIONS

SECTION 4-701: PURPOSE

The purpose of this article is to promote the general welfare of the residents of Louisville, Nebraska, by endorsing the provisions of the Nebraska Fair Housing Act, Sections 20-301 through 20-344 RS Neb., to the effect that there shall be no discrimination in the City of Louisville, Nebraska, in the acquisition, ownership, possession or enjoyment of housing in accordance with Article I, Section 25, of the Constitution of the State of Nebraska.

SECTION 4-702: DEFINITIONS

As used in this article unless the context otherwise requires:

1. "Aggrieved person" shall include any person who: (a) claims to have been injured by a discriminatory housing practice, or (b) believes that he or she will be injured by a discriminatory housing practice that is about to occur;
2. "Commission" shall mean the Nebraska Equal Opportunity Commission;
3. " Dwelling " shall mean any building, structure or portion thereof which is occupied as, or designed or intended for occupancy as, a residence for one or more families and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof;
4. "Familial status" shall mean one or more minors being domiciled with: (a) a parent or another person having legal custody of such individual; or (b) the designee of a parent or other person having legal custody, with written permission of the parent or other person;
5. "Handicap" shall mean, with respect to a person: (a) a physical or mental impairment, excluding the current illegal use of or addiction to a controlled substance as defined in Section 28-401 RS Neb., which substantially limits one or more of such person's major life activities, (b) a record of having such an impairment, or (c) being regarded as having such an impairment;
6. "Person" shall include one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers and fiduciaries;
7. "Rent" shall include lease, sublease, let, and otherwise grant for consideration the right to occupy premises not owned by the occupant; and

8. "Restrictive covenant" shall mean any specification limiting the transfer, rental or lease of any housing because of race, creed, religion, color, national origin, sex, handicap, familial status or ancestry.

SECTION 4-703: UNLAWFUL ACTS

Except as exempted by Section 4-707, it shall be unlawful to:

1. Refuse to sell or rent after the making of a bona fide offer, refuse to negotiate for the sale or rental of or otherwise make unavailable or deny, refuse to show, or refuse to receive and transmit an offer for a dwelling to any person because of race, color, religion, national origin, familial status or sex;
2. Discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling or in the provision of services or facilities in connection therewith because of race, color, religion, national origin, familial status or sex;
3. Make, print, publish, or cause to be made, printed or published any notice, statement or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination based on race, color, religion, national origin, handicap, familial status or sex or an intention to make any such preference, limitation or discrimination;
4. Represent to any person because of race, color, religion, national origin, handicap, familial status or sex that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.
5. Cause to be made any written or oral inquiry or record concerning the race, color, religion, national origin, handicap, familial status or sex of a person seeking to purchase, rent or lease any housing;
6. Include any transfer, sale, rental or lease of housing any restrictive covenants or honor or exercise or attempt to honor or exercise any restrictive covenant pertaining to housing;
7. Discharge or demote an employee or agent or discriminate in the compensation of such employee or agent because of such employee's compliance with this article on the Nebraska Fair Housing Act; and
8. Induce or attempt to induce, for profit, any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, national origin, handicap, familial status or sex.

The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any minor.

SECTION 4-704: HANDICAPPED PERSON; DISCRIMINATORY PRACTICES PROHIBITED; DESIGN AND CONSTRUCTION STANDARDS

1. Except as exempted by Section 4-707, it shall be unlawful to:

(a) Discriminate in the sale or rental of or otherwise make unavailable or deny a dwelling to any buyer or renter because of a handicap of:

- (i) The buyer or renter;
- (ii) Any person associated with the buyer or renter; or
- (iii) A person residing in or intending to reside in the dwelling after it is so sold, rented or made available; or

(b) Discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling or in the provision of services or facilities in connection with a dwelling because of a handicap of:

- (i) Such person;
- (ii) Any person associated with such person; or
- (iii) A person residing in or intending to reside in the dwelling after it is so sold, rented or made available.

2. For purposes of this section, "discrimination" shall include:

(a) A refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by the person if the modifications may be necessary to afford the person full enjoyment of the premises, except that in the case of rental, the landlord may, when it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear expected;

(b) A refusal to make reasonable accommodations in rules, policies, practices or services when such accommodations may be necessary to afford the handicapped person equal opportunity to use or enjoy a dwelling; and

(c) In connection with the design and construction of covered multi-family dwellings, a failure to design and construct the dwellings in such manner that:

- (i) The public use and common use portions of the dwelling are readily accessible to and usable by handicapped persons;

- (ii) All the doors designed to allow passage into and within all premises within the dwellings are sufficiently wide to allow passage by handicapped persons in wheelchairs; and
- (iii) All premises within the dwellings contain the following features of adaptive design:
 - (A) An accessible route into and through the dwelling;
 - (B) Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;
 - (C) Reinforcements in bathroom walls to allow later installation of grab bars; and
 - (D) Kitchens and bathrooms such that a handicapped person in a wheelchair can maneuver about the space.

3. Compliance with the appropriate requirements of the American National Standards Institute standard for buildings and facilities providing accessibility and usability for physically handicapped people, ANSI A117.1, shall satisfy the requirements of subdivision (2)(c)(iii) of this section.

4. For purposes of this section, "covered multifamily dwellings" shall mean:

- (a) Buildings consisting of four or more units if such buildings have one or more elevators; and
- (b) Ground floor units in other buildings consisting of four or more units.

5. Nothing in this section shall require that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

SECTION 4-705: TRANSACTION RELATED TO RESIDENTIAL REAL ESTATE; DISCRIMINATORY PRACTICES PROHIBITED

1. It shall be unlawful for any person or other entity whose business includes engaging in transactions related to residential estate to discriminate against any person in making available such a transaction because of race, color, religion, sex, handicap, familial status or national origin.

2. For purposes of this section, "transaction related to residential estate" shall mean any of the following:

- (a) The making or purchasing of loans or providing other financial assistance:

- (i) For purchasing, constructing, improving, repairing or maintaining a dwelling; or
- (ii) Secured by residential real estate; or

(b) The selling, brokering or appraising of residential real property.

3. Nothing in this section shall prohibit a person engaged in the business of furnishing appraisals of real property from taking into consideration factors other than race, color, religion, national origin, handicap, familial status or sex.

**SECTION 4-706: MULTIPLE LISTING SERVICE; OTHER SERVICE;
DISCRIMINATORY PRACTICES PROHIBITED**

It shall be unlawful to deny any person access to or membership or participation in any multiple listing service, real estate brokers' organization or other service, organization or facility relating to the business of selling or renting dwellings or to discriminate against any person in the terms or conditions of such access, membership or participation on account of race, color, religion, national origin, handicap, familial status or sex.

**SECTION 4-707: RELIGIOUS ORGANIZATION, PRIVATE HOME, PRIVATE
CLUB, OR HOUSING FOR OLDER PERSONS;
RESTRICTING USE NOT PROHIBITED**

1. Nothing in this article shall prohibit a religious organization, association or society or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society from limiting the sale, rental or occupancy of a dwelling which it owns or operates, for other than commercial purposes, to persons of the same religion or from giving preferences to such persons unless membership in such religion is restricted on account of race, color, national origin, handicap, familial status or sex.

2. Nothing in this article shall prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than commercial purposes, from limiting the rental or occupancy of such lodging to its members or from giving preference to its members.

3. Nothing in this article shall prohibit or limit the right of any person or his or her authorized representative to refuse to rent a room or rooms in his or her own home for any reason or for no reason or to change tenants in his or her own home as often as desired, except that this exception shall not apply to any person who makes available for rental or occupancy more than four sleeping rooms to a person or family within his or her home.

4. Nothing in this article regarding familial status shall apply with respect to housing for older persons. For purposes of this subsection, "housing for older persons" shall mean housing:

(a) Provided under any state program that the commission determines is specifically designed and operated to assist elderly persons or defined in the program;

(b) Intended for and solely occupied by persons 62 years of age or older; or

(c) Intended and operated for occupancy by at least one person 55 years of age or older per unit.

SECTION 4-708: INFORMATION

The city clerk, upon request, shall make available to an aggrieved person, or any other person, information regarding the Nebraska Fair Housing Act and the Nebraska Equal Opportunity Commission without cost to such individual. (Ref. Neb. Rev. Stat. §20-301 through 20-322)

ARTICLE VIII - BUILDING REGULATIONS

SECTION 4-801: BUILDING INSPECTOR; POWERS AND AUTHORITY

The City Council has the power and authority to appoint a building inspector. In the event such appointment is made, the building inspector shall have the duty of enforcing all building and housing regulations as herein prescribed. He/she shall inspect all buildings repaired, altered, built, moved or demolished in the City or its zoning jurisdiction as often as necessary to ensure compliance with all city ordinances. He/she shall have the power and authority to order, at the direction of the City Council, all work stopped on any construction, alteration or relocation which violates any provisions prescribed herein. He/she shall, at the direction of the City Council, issue permission to continue any construction, alteration or relocation, when the City Council is satisfied that no provision will be violated. If the stop order is an oral one, it shall be followed by a written stop order within one hour. Such written order may be served by any peace officer.

SECTION 4-802: BUILDING INSPECTOR; RIGHT OF ENTRY

It shall be unlawful for any person to refuse to allow the building inspector entry into any building or structure where the work of construction, alteration, repair or relocation is taking place, for the purpose of making official inspections at any reasonable hour.

SECTION 4-803: BUILDING PERMITS REQUIRED; APPLICATION

It shall be unlawful to construct or alter any building or structure in the City or the area one mile beyond the corporate limits thereof, except fences, without having first procured a written permit from the city building inspector. No structural construction shall commence before the building inspector issues a building permit when a permit is required by city code. The applicant for the building permit shall obtain an application from the city clerk and present the completed application and the building plans to the city building inspector. The building inspector will issue the building permit only when satisfied that the building plans comply with the City's building codes. Except as required by the building code, an applicant is not required to seek approval from either Planning and Zoning or the City Council.

(Ref. Neb. Stat. §18-1743)

SECTION 4-804: BUILDING PERMIT; SURVEY REQUIRED

The City shall require a survey prior to the issuance of any building permit, except that accessory buildings of less than 120 square feet shall be exempt from this survey requirement, but shall meet all other zoning regulations,

including all setback regulations. All required surveys shall not be over five years old and shall be performed by a licensed surveyor.

SECTION 4-805: BUILDING PERMIT; DUPLICATE TO COUNTY ASSESSOR

Whenever a building permit is issued for the erection, alteration or repair of any building within the City's jurisdiction and the improvement is \$1,000.00 or more, a duplicate of such permit shall be issued to the county assessor.

(Neb. Rev. Stat. §18-1743)

SECTION 4-806: BUILDING PERMIT; INSPECTION FEES; COLLECTION; SCHEDULE

The city clerk shall have the power and authority to collect payments of building inspection fees as set from time to time by the City Council and report the collection and the amount of the same to the City Council at its request.

SECTION 4-807: BUILDING PERMIT; VARIANCE NOT PERMITTED

It shall be unlawful for any person to whom a permit to construct or repair a building within the corporate limits and zoning jurisdiction of the City is issued, as provided in this article, to vary in any manner from the plans and specifications submitted to the City Council in the construction or repair authorized, so that such construction or repair shall not conform to the ordinances of the City.

SECTION 4-808: BUILDING PERMIT; TIME OF INSPECTION

The building inspector, upon notification from the permit holder or his/her agent, shall make the following inspections of the building or structure and shall either approve that portion of the construction as completed or shall notify the permit holder or his/her agent that the work fails to comply with the requirements of the municipal code:

Foundation inspection shall be made after trenches are excavated and the necessary forms erected;

Frame inspection shall be made after the roof, framing, fire-blocking and backing is in place and all pipes, chimneys and vents are complete;

And final inspection shall be made after the building is completed and ready for occupancy.

It shall be unlawful for any person to do work or cause work to be done beyond the point indicated in each successive inspection without the written approval of the building inspector.

SECTION 4-809: PERMIT LIMITATION

If the work for which a permit has been issued shall not be begun within six months of the date thereof, or if the construction shall be discontinued for a period of six months, or if work shall not have been completed within two years from date of issuance, the permit shall be void; and before such work can be resumed, a new permit shall be obtained in the same manner and form as an original permit.

SECTION 4-810: BOND REQUIREMENT

It shall be the duty of the owner, lessee or tenant intending the destruction of any building or improvement to post a \$1,000.00 cash bond with the city clerk prior to such destruction. This bond will be refunded upon payment of all damages to city property occasioned by such destruction and any cleanup work resulting from such destruction. In the event that a nuisance remains on the building permit site for more than six months after the issuance of the building permit, then the bond shall be forfeited and shall be applied to offset the cleanup by the City.

SECTION 4-811: BUILDING WITHOUT PERMIT; NUISANCE

Every building or other structure hereafter erected, remodeled or moved into or within said city without a permit therefor, as herein required, or which is not constructed, remodeled or located in accordance with the permit granted and issued therefor, shall be deemed and considered to be a public nuisance and may be abated or removed by the City at the expense of the owner.

SECTION 4-812: UNIFORM CODES; ADOPTED BY REFERENCE

1. To provide certain minimum standards, provisions, and requirements for safe and stable design, methods and construction, and uses of materials and buildings hereafter erected, constructed, enlarged, altered, repaired, relocated, and converted, the City of Louisville adopts by reference the following codes:

- (a) The International Building Code (IBC), 2009 edition, published by the International Code Council;
- (b) The International Residential Code (IRC), 2009 edition, except section R313, published by the International Code Council;
- (c) The International Existing Building Code, 2009 Edition, published by the International Code Council.

2. These codes shall govern the issuance of all building permits and all construction within the City and its zoning jurisdiction to the extent not in conflict

with the law of the State of Nebraska. All city officials shall be governed by the above codes, and no building permit shall be issued nor construction approved unless such building permit and construction conform to such codes.

3. Not less than one (1) copy of the codes shall be on file at the office of the City Clerk and made available for public inspection at any reasonable time.

4. It shall be unlawful for any person, firm or corporation, or other entity, to the rack, constructed, enlarged, alter, repair, move, improve, remove, convert, the mileage, equipped, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of this ordinance.

(Section 4-812 was modified by Ordinance # 871 on 4/11/2012)

ARTICLE IX - TRAILER REGULATIONS

SECTION 4-901: TERMS DEFINED

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

The term "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 city building code.

The term "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 4-902: TRAILER COURTS; PERMIT REQUIRED

It shall be unlawful for any person to establish, or continue to operate after January 1, 2011, a trailer court within the City or within one mile beyond the corporate limits until he or she shall first obtains a permit for such purpose from the City Council. The city 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 located thereon or which currently are located thereon.

Upon receipt of any such permit application, the city clerk shall furnish the city inspector with a copy of the application. The city inspector 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 the laws of the State of Nebraska. The city inspector's findings shall then be submitted in writing to the City Council. For purposes of existing trailer courts, the city inspector shall examine the premises involved for the purpose of determining whether the existing court or trailers thereon appear safe and habitable, and do not constitute a nuisance as defined by the municipal code.

The City Council 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 or that for existing courts the same appear to be safe and habitable and not in such a condition to constitute a nuisance , shall issue a permit for the operation or continued operation of the trailer court. In the event that any of the provisions of this ordinance shall not be provided for in such permit application, then such trailer court permit shall not be issued until the City Council receives assurances that all provisions of this ordinance shall be complied with.

In the event that all of the terms and conditions of this ordinance have been complied with and the City Council votes to permit such trailer court to exist, then the city clerk shall issue a permit to such applicant, which permit shall be for a one-year period, to be renewed annually.

SECTION 4-903: PERMIT RENEWAL

The annual fee for such permit shall be set by the City Council and shall be on file at the office of the city 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 4-904: ASSIGNING PERMIT PROHIBITED

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

SECTION 4-905: PERMIT REVOCATION

Any permit granted under the provisions of this code shall be subject to revocation at any time by the City Council. Notice shall be served by the city 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/her an opportunity for a hearing before the City Council 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 4-906: UNIT SPACES

For each new trailer court, each trailer shall be located on a site not less than 1,000 square feet. No trailer shall be parked closer than five feet to

the lot lines of the trailer court without the permission of the City Council; 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, and in the event that the lot line is adjacent to the public ways and property, the trailer shall be parked not less than ten 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 ten 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 4-907: 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 4-908: PLUMBING FACILITIES

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

SECTION 4-909: WASTE DISPOSAL

For garbage and refuse collection, tight receptacles of the type permitted for use within the City shall be provided for each unit space within the trailer court.

SECTION 4-910: ELECTRICAL SUPPLY

Each unit space within the trailer court shall be provided with an electrical service outlet installed and maintained in accordance with state and local laws and regulations.

SECTION 4-911: UNLAWFUL PARKING

It shall hereafter be unlawful for any person to place, allow to be placed, or occupy for any purpose a trailer within the City or one mile beyond the corporate limits unless the same shall be located within the boundaries of a duly established trailer court. Modular homes shall not be subject to this prohibition if they have their towing tongue and axles removed and are placed on a permanent concrete or concrete block foundation.

SECTION 4-912: 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 City Council; 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 city clerk.

SECTION 4-913: COURTS LIMITED

There shall be a limit of three trailer courts which shall be licensed within the City or within one mile beyond the corporate limits.

SECTION 4-914: 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 City to the owner or occupant of a trailer located thereon.

SECTION 4-915: INSPECTIONS

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

Said inspection shall address whether there is:

1. a proper water connection;
2. a proper sanitary sewer connection;
3. an intact skirt on said home;
4. a trash container to service the home;
5. any nuisance which shall be ordered abated;
6. any junk vehicle which shall be removed;
7. any damage to the home which requires repair; and
8. any comment regarding the general condition of the home.

The inspector shall provide a date by which all specific repairs shall be completed or nuisances removed.

(Section 4-901 through 4-915 were enacted by Ordinance 844 on 9/8/2010)
(Section 4-915 was modified by Ordinance 908 on 3/12/14)

ARTICLE X - PENAL PROVISION

SECTION 4-1001: VIOLATION; PENALTY

Anyone violating any of the terms and conditions of any of the foregoing chapter and articles shall be deemed guilty of a misdemeanor and shall be fined in a sum of not more than \$500.00 for each offense, recoverable with costs, or by imprisonment in the county jail for a term not to exceed 30 days. Each day such violation continues may be considered a separate offense.

(Section 4-1001 was re-numbered by Ordinance 844 on 9/8/2010)