

## CHAPTER IV BUSINESS REGULATIONS

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## CHAPTER IV

## BUSINESS REGULATIONS

### ARTICLE I - FAIR HOUSING

#### SECTION 4-101: PURPOSE

The purpose of this article is to promote the general welfare of the residents of Cairo, Nebraska, by endorsing the provisions of the Nebraska Fair Housing Act, Sections 20-301 through 20-344, R.S. Neb., to the effect that there shall be no discrimination in the Village in the acquisition, ownership, possession or enjoyment of housing in accordance with Article 1, Section 25, of the Constitution of the State of Nebraska.

#### SECTION 4-102: DEFINITIONS

1. "Aggrieved person" shall include any person who: (a) claims to have been injured by a discriminatory housing project, 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 R.S. 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.

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 4-103: UNLAWFUL ACTS

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 in 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 or 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 a minor.

#### SECTION 4-104: HANDICAPPED PERSON; DISCRIMINATORY PRACTICES PROHIBITED; DESIGN AND CONSTRUCTION STANDARDS

1. 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 rent 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 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 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 excepted;

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 for first occupancy after September 1, 1991, a failure to design and construct the dwellings in such a 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 dwelling 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 multi-family 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 4-105: 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 real 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 real 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 or real property from taking into consideration factors other than race, color, religion, national origin, handicap, familial status or sex.

SECTION 4-106: 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 4-107: 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 operators for other than commercial purposes to persons of the same religion or from giving preference 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/her authorized representative to refuse to rent a room or rooms in his/her own home for any reason or for no reason or to change tenants in his/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/her own 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 4-108: INFORMATION

The village clerk, upon inquiry, 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.

## ARTICLE II - LIQUOR REGULATIONS

### SECTION 4-201: TERMS DEFINED

Unless the context otherwise requires, the words and phrases defined in R.R.S. Neb. 1943, 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.

Source: Neb. Rev. Stat. §53-103

### 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 village unless said person shall have in full force and effect a license therefor as provided by the Nebraska Liquor Control Act, as amended.

Source: Neb. Rev. Stat. §53-168.06

### SECTION 4-203: LIQUOR APPLICATION; RETAIL LICENSING STANDARDS

The Village Board 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, R.R.S. Neb. 1943 and Section 7 of LB 911, 89th Legislature, Second Session, 1986:

1. The adequacy of existing law enforcement 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 citywide and within the area to be served.
6. Existing liquor licenses, the class of such licenses and the distance and time of travel to such licenses.
7. The nature and needs of the neighborhood or community where the

proposed premises is 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.

#### SECTION 4-204: SALE TO MINORS AND INCOMPETENTS PROHIBITED

1. No persons shall within this village 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 incompetent or 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 village or inside a vehicle while upon any street, alley or public place in this village.

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 village.

4. Any person violating subsection (1) of this section shall, on conviction thereof, be fined not less than \$50.00 nor more than \$100.00 and shall be assessed the court costs of prosecution. Any person violating subsections (2) or (3) of this section shall, on conviction thereof, be fined not less than \$25.00 nor more than \$100.00 and shall be assessed the court costs of prosecution.

Source: Neb. Rev. Stat. §53-180 and 53-180.01

#### SECTION 4-205: HOURS OF SALE

1. 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.

2. It shall be unlawful for any person or persons, or their agents, to sell at retail or dispense any alcoholic beverages within the Village except during the hours specifically provided herein:

<i>Alcoholic Liquors (except Beer and Wine)</i>	
Monday through Saturday	
Off Sale	6:00 A.M. to 1:00 A.M.
On Sale	6:00 A.M. to 1:00 A.M.
Sunday	
Off Sale	6:00 A.M. to 1:00 A.M.
On Sale	6:00 A.M. to 1:00 A.M.

<i>Beer and Wine</i>	
Monday through Saturday	
Off Sale	6:00 A.M. to 1:00 A.M.
On Sale	6:00 A.M. to 1:00 A.M.
Sunday	
Off Sale	6:00 A.M. to 1:00 A.M.
On Sale	6:00 A.M. to 1:00 A.M.

3. Such limitations shall not apply after 12:00 noon on Sunday to a licensee which is a nonprofit corporation and the holder of a Class C license or a Class I license.

4. No person or persons shall be allowed to consume any alcoholic beverages on licensed premises for a period of time longer than 15 minutes after the time fixed herein for the stopping of sales of alcoholic beverages on said premises.

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.

Source: Neb. Rev. Stat. §53-179 (Am. by Ord. No. 424, 9/25/12)

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#### SECTION 4-206: OCCUPATION TAX

There is hereby levied an occupation tax upon alcoholic beverage dispensing businesses within the corporate limits of this village. The amounts of such taxes shall be established by ordinance from time to time by the Village Board. Said ordinance shall be on file in the office of the village clerk, available for public inspection during office hours.

Source: Neb. Rev. Stat. §17-525

#### SECTION 4-207: REVOCATION OF LICENSE

The chairman and the Village Board shall, by resolution and subject to the right of appeal to the Nebraska Liquor Control Commission, revoke the license of any licensee finally convicted of violating any provisions of this article.

#### SECTION 4-208: ENTRY OF PREMISES FOR INSPECTION

The chairman, any member of the Board, any village police officer, or the village attorney shall have the right to enter any licensed premises at any time for the purpose of determining whether 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 village desiring to complain to the chairman and the Board 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 Chairman and Board of the Village of Cairo, Nebraska.

The undersigned respectfully state:

1. That they are each residents of the Village of Cairo, Nebraska.
2. That they believe that \_\_\_\_\_, the holder of a Class \_\_\_\_ license in the aforesaid village, 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 Village of Cairo, Nebraska.

3. That the aforesaid belief is based on the following facts, to-wit:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Name)

STATE OF NEBRASKA

) ss.

COUNTY OF \_\_\_\_\_ )

Subscribed in my presence and sworn to before me by

and

his

\_\_\_\_\_ day of

20

My commission expires \_\_\_\_\_.

Notary Public

## SECTION 4-210: FORMS, CONTINUED; PROCEDURE

The village clerk shall supply the forms prescribed herein and shall, on request, supply one to any resident of this village desirous of initiating a complaint thereon. Any complaint duly executed on the aforesaid form by five residents of this village and filed with the village clerk shall be presented by the clerk to the chairman and Board at their next meeting. If the chairman and the Board are satisfied that the complaint substantially charges a violation and that from the facts alleged there is a reasonable cause for such belief, they shall, by resolution, set the matter for hearing within ten days from the filing of the complaint. Said resolution shall state the time and place of said hearing and shall direct the village police officer to serve the same on the licensee by delivering to him/her personally a true and certified copy thereof at least 72 hours prior to the time of hearing. Said resolution shall also state the section or sections of the Nebraska Liquor Control Act, the regulations prescribed by the Nebraska Liquor Control Commission or this code alleged to have been violated and the facts on which said allegations are based as stated in the complaint.

Present at said hearing shall be the village attorney and the licensee, who may be represented by counsel employed by him/her. The complainants shall be present and may be represented by counsel employed by them. The chairman and the Board shall, within 30 days from the date the complaint is filed, by resolution, dispose of the complaint, which resolution shall be deemed the final order for purposes of appeal to the Nebraska Liquor Control Commission.

## SECTION 4-211: COMPLAINT INITIATED BY BOARD

The chairman and Board may on their own motion, by resolution, fix the time and place for a hearing on whether 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 4-209 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 village shall be delivered to said licensee by the village clerk, but he/she shall not deliver any such license to a licensee who does not exhibit receipts showing payment of the license fee, payment of the publication fee for giving notice of the hearing before the Village Board 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 R.R.S. Neb. 1943, the village clerk shall present it to the chairman and the Village Board at their next meeting, and said chairman and Board 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 village 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 village clerk. After said hearing, the chairman and Board shall, by resolution, spread at large in the minute record of their proceedings, recommend either the issuance or the refusal of said license. The village 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.

#### SECTION 4-214: RENEWAL OF LICENSE

The village clerk shall cause to be published in a legal newspaper in this village one time between January 10th and January 30th of each year, individual notice of the right of automatic renewal of each retail liquor and beer license, except that notice of the right of automatic renewal of Class C licenses shall be published between the dates of July 10th and July 30th of each year within this village, for which provisions are made in R.R.S. Neb. 1943 in the following form:

#### NOTICE OF RENEWAL OF RETAIL LIQUOR LICENSE

Notice is hereby given that pursuant to Nebraska law, the liquor license may be automatically renewed for one year from May 1, 20\_\_\_\_, or August 10, 20\_\_\_\_, for the following retail liquor licensee, to-wit:



(Name of Licensee)  
(Address of licensed premises)

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

(NAME)  
(VILLAGE CLERK)

The village clerk shall file or cause to be filed with the Nebraska Liquor Control Commission proof of publication of said notices on or before February 6th or August 6th of each year.

#### SECTION 4-215: PROTESTS AGAINST RENEWAL

In the event written protests are filed with the village clerk by three or more residents of this village against the automatic renewal of a license, the village clerk shall present the same to the chairman and Village Board at their next meeting and they shall thereupon, by resolution, direct the licensee to submit an application in the same manner as he/she would be required to do for an original license, and the village police officer shall forthwith serve said resolution on said licensee by delivering to him/her personally a true and certified copy thereof. Upon receipt by the village clerk from the Nebraska Liquor Control Commission of the notice and copy of application, the same procedure shall be followed as is provided for in the case of an application for an original license.

#### SECTION 4-216: 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 village clerk, and shall also file with said clerk a sworn statement showing that the premises to which removal is to be made comply in all respects with the requirements of the Nebraska Liquor Control Act as amended. The village clerk shall present said application and statement to the chairman and Village Board 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 chairman and attested by the village clerk.

#### SECTION 4-217: SIGNS

1. No retailer licensed in this village shall use an exterior sign describing or with reference to his/her liquor business larger than 600 square inches, and

only one such sign shall be used at any time.

2. No retailer licensee shall use an interior sign describing or with reference to his/her liquor business larger than 28 square feet, including its frame, and no brand name included in said sign shall exceed 100 square inches.

3. All signs in or about any licensed retail premises shall be considered exterior signs when the same, in whole, at all times cannot be conveniently read by those within that portion of the licensed premises normally occupied by customers or the general public, exclusive of entryway or entry hall.

#### SECTION 4-218: GAMBLING

Unless sanctioned by Nebraska law, no licensee in this village 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/she 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 village 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 village 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 village 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 village shall not maintain in their licensed premises any door opening into or access leading into 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 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 4-224: ADVERTISEMENTS AND SALES

Advertising by licensees in this village 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 village.

#### SECTION 4-226: SALES FOR CASH ONLY

No person shall, in this village, sell or furnish alcoholic liquor at retail: (1) on credit or on a passbook; (2) order on a store; (3) in exchange for any goods, wares or merchandise; or (4) in payment for any services rendered.

#### SECTION 4-227: PREMISES OPEN TO VIEW

In premises within this village in which the sale of alcoholic liquor for consumption upon the premises is licensed, other than as a restaurant, hotel or club, no screen, blind, curtain, partition, article or thing shall be permitted in the windows or upon the door of such premises which shall prevent a clear view into the interior of such licensed premises from the street, road or sidewalk at all times. No booth, screen, partition or other obstruction nor any arrangement of lights or lighting shall be permitted in or about the interior of such licensed premises which shall prevent a full view of the entire interior of such licensed premises from the street, road or sidewalk. All rooms where liquor is sold for consumption upon the premises shall be continuously lighted during business hours by natural or artificial white light so that all parts of the interior of the premises shall be clearly visible.

## SECTION 4-228: DISPLAY OF LICENSE

Every licensee in this village shall cause his/her license to be framed and hung in plain view in a conspicuous place in the licensed premises.

Source: Neb. Rev. Stat. §53-148

## SECTION 4-229: CATERING LICENSE

1. The holder of a Class C, Class D or Class I license issued under subdivision (5) of Neb. Rev. Stat. §53-124, or a craft brewery 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 Neb. Rev. Stat. §53-124.12, the Village Board shall fix a time and place at which a hearing will be held and at which the Village Board 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. The hearing shall be held not more than 45 days after the receipt of the notice from the Commission. The Village Board 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; hear testimony; and 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, the village clerk or the village attorney, to act on its behalf.

3. Notice of the time and place of the hearing shall be published in a legal newspaper in or of general circulation in the Village one time not less than seven nor more than 14 days before the time of the hearing. The 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 the license may do so at the time of the hearing.

4. After the hearing, the Village Board shall approve or deny the application within 45 days after receipt of the application from the Commission and shall cause to be spread at large in the minute record of its proceedings a resolution approving or denying issuance of the license. The village clerk shall thereupon mail or deliver to the Commission a copy of the resolution within ten days of its adoption.

5. Any resolution rendered by the Village Board denying an application 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. A copy of the decision and order and accompanying findings shall be delivered or mailed to the applicant upon request.

6. The Village Board with respect to catering licenses within its corporate limits may cancel a catering license for cause for the remainder of the period for which the license is issued. Any person whose catering license is canceled may appeal to the District Court.

(Neb. Rev. Stat. §53-124.12, 53-132, 53-134)

#### SECTION 4-230: REMOVAL OF INTOXICATED PERSONS FROM PUBLIC OR QUASI-PUBLIC PROPERTY

1. Any law enforcement officer with the power of 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 semi-public property. Any officer removing an intoxicated person from public or quasi-public property shall make a reasonable effort to take such intoxicated 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 doctor 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.

2. 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.

3. 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, 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.

(Neb. Rev. Stat. §53-1,121)

## SECTION 4-231: SPECIAL DESIGNATED LICENSE

1. Pursuant to Neb. Rev. Stat. §53-124.11, the village clerk, or in her absence the deputy village clerk, is hereby authorized and designated as the agent of the Village to approve or deny a special designated license applied for by the holder of a liquor license.

2. In determining whether an application shall be approved or denied, the clerk shall consider the following criteria:

- a. Whether the applicant holds a current liquor license, with all occupation taxes paid in full;
- b. Whether the application is for a location previously approved by the Village Board for serving alcoholic liquor;
- c. Whether any citizen's protest has been filed against said application.

3. The village clerk, or in her absence the deputy village clerk, may, in her discretion, refer any such application to the Village Board of Trustees for determination. Upon denial of any application by the village clerk or deputy village clerk, the applicant may further request that the application be submitted to the Village Board.

(Ord. No. 414, 11/13/11)

## ARTICLE III - BUILDING REGULATIONS

### SECTION 4-301: BUILDING INSPECTOR

The Village Board has entered into an interlocal agreement with Hall County, Nebraska, to provide building inspection services for the Village. The Village incorporates herein all of the rules, regulations and codes utilized by Hall County in performing such inspections. Said building inspector shall have the power to issue permits for construction, repairs and alterations within said village, and shall have the power and authority to order all work stopped on any construction, repair or alteration which violates any provision prescribed by such rules, regulations and codes as set forth herein.

### SECTION 4-302: 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 4-303: BUILDING PERMITS REQUIRED; APPLICATION, ISSUANCE

Any person desiring a building permit to commence or proceed to erect, construct, repair, relocate or destroy any building or dwelling, or cause the same to be done, including but not limited to, a lawful burning pursuant to Neb. Rev. Stat. §28-506, shall file with the village clerk an application therefor, on a form to be furnished by the village clerk for that purpose, before proceeding with the work. Every such application shall set forth the legal description of the land upon which the construction or relocation is to take place, the nature of the use or occupancy, the principal dimensions, the estimated cost, the names of the owner, architect and contractor, and such other information as may be requested thereon. If such application and included information are in conformity with the provisions of the ordinances of the Village, the Board of Trustees shall order the issuance forthwith of a permit to the applicant thereof.

### SECTION 4-304: PERMIT, FEE

The fees charged for building inspections and permits shall be that established by Hall County for services performed by the Hall County building inspector or as set forth in the interlocal agreement with Hall County for such inspection services.

### SECTION 4-305: VARIANCE NOT PERMITTED

It shall be unlawful for any person to whom a permit to construct or repair a build-

ing within the corporate limits of the Village is issued, as provided in this article, to vary in any manner from the plans and specifications submitted to the Board of Trustees in the construction or repair authorized, so that such construction or repair shall not conform to the ordinances of the Village.

#### SECTION 4-306: 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, 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 4-307: BARRICADES AND LIGHTS

It shall be the duty of the owner, lessee or tenant causing the construction or destruction of any building or improvement upon or near any public street, alley or sidewalk to have during such construction all excavations, building materials and debris protected by suitable guards or barricades by day and by warning lights at night. The failure, neglect or refusal of said persons to erect such guards shall constitute a violation of this section and the village police shall stop all work until guards are erected and maintained as required.

#### SECTION 4-308: 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 village clerk prior to such destruction. This bond will be refunded upon payment of all damages to village 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 Village.

#### SECTION 4-309: BUILDING WITHOUT PERMIT; NUISANCE

Every building or other structure hereafter erected, remodeled or moved into or within the Village 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 Village at the expense of the owner.

#### SECTION 4-310: APPEAL FROM DECISION

In the event that it is claimed that (1) the true intent and meaning of this chapter has been wrongly interpreted by the building inspector; (2) the time allowed for



compliance with any order of the building inspector is too short; or (3) conditions peculiar to a particular building make it unreasonably difficult to meet the literal requirements prescribed by this chapter and the building inspector, then the owner, his/her agent or the occupant may file a notice of appeal within ten days after the decision or order of the building inspector has been made. The Village Board shall sit and act as the Village Board of Appeals and shall have the power and authority, when appeal is made, to modify the decision or order of the building inspector. Such a decision shall be final, subject only to any remedy which the aggrieved person may have at law or equity. Applications for review shall be in writing and shall state the reasons why the variance should be made. A variance shall be granted only where it is evident that reasonable safety and sanitation is assured and may include conditions not generally specified by this Code to achieve that end. A copy of any variance so granted shall be sent to the applicant.



compliance with any order of the building inspector is too short; or (3) conditions peculiar to a particular building make it unreasonably difficult to meet the literal requirements prescribed by this chapter and the building inspector, then the owner, his/her agent or the occupant may file a notice of appeal within ten days after the decision or order of the building inspector has been made. The Village Board shall sit and act as the Village Board of Appeals and shall have the power and authority, when appeal is made, to modify the decision or order of the building inspector. Such a decision shall be final, subject only to any remedy which the aggrieved person may have at law or equity. Applications for review shall be in writing and shall state the reasons why the variance should be made. A variance shall be granted only where it is evident that reasonable safety and sanitation is assured and may include conditions not generally specified by this Code to achieve that end. A copy of any variance so granted shall be sent to the applicant.

#### SECTION 4-311: CARGO STORAGE CONTAINERS

1. "Cargo storage container" is defined as an industrial, standardized, reusable, enclosed container not permanently attached to a semi-trailer and wheels and which is:

- A. Originally, specifically or formerly designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities;
- B. Designed for or capable of being mounted or moved on a rail car; and/or
- C. Designed for or capable of being mounted on a chassis for movement by truck, train or loaded on a ship.

2. Cargo storage container units as described above are not permissible in the Village in residential areas.

3. Commercial/industrial areas are permitted to have cargo storage containers so long as they are not stacked. There shall be a limit of two containers unless a conditional use permit is approved by the Village Board.

4. An exterior storage building must be a permanent structure and an approved building permit must be obtained before being placed. Village ordinances and housing division covenants must be followed.

(Ord. No. 459, 7/1/18)



## ARTICLE IV - PEDDLERS AND HAWKERS

### SECTION 4-401: REGULATION

All non-resident individuals going door to door in the residential district with the intent to sell any goods, service, product or insurance or to solicit money for any purpose, shall, before doing business within the Village, make application for and be issued a license. This registration and licensing is to prevent the sale of fraudulent, dangerous and unhealthful goods and services, to protect the public by maintaining records of the products sold and the persons and companies responsible for such sales and for the purpose of raising revenue. Application for a license shall be made to the village clerk upon blank forms supplied by the Village and shall contain all the necessary information and documents required for the protection of the residents of the Village. Any person or persons granted a license shall be subject to any fees, occupation taxes and other rules and regulations which the Village Board deems appropriate for the purposes stated herein. Any license so granted shall be subject to revocation in the event that the information provided is inaccurate or misleading.

### SECTION 4-402: HOURS OF SOLICITATION

It shall be unlawful for any license holder to solicit any individual between the hours of 6:00 P.M. and 8:30 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 4-403: EXCEPTIONS

Nothing herein shall be construed to apply to any person selling produce raised within the county, to wholesale salespeople soliciting merchants directly, to residential route salespersons, to local non-profit organizations, or to persons canvassing residents within the Village for religious, political or other noncommercial purposes.



## ARTICLE V – PRIVATE SWIMMING POOLS

### SECTION 4-501: DEFINITION

“Private swimming pool” means any constructed or assembled pool that is not publicly owned which is more than 24 inches in depth and has a surface area of more than 100 square feet and which is used or intended to be used as a swimming pool.

### SECTION 4-502: PERMIT REQUIRED

It shall be required that a permit be issued by the chief building official for the construction or replacement of a private swimming pool prior to such construction or placement. An application for a permit shall be submitted by the owner (or his/her agent) of the property upon which the pool is to be located. Such application shall be accompanied by a duplicate set of plans, specifications and plot plans. The plot plan shall show the accurate location of the proposed pool on the property and properly establish distances to existing lot lines, buildings and fences, and to additional proposed structures or fences. No permit shall be issued until such plans, specifications and plot plans have been approved by the chief building official as being in conformance with all local and state regulations pertaining to private swimming pools.

### SECTION 4-503: CONSTRUCTION

The pool shall be constructed or assembled so as to be watertight, easily cleaned and maintained, made of nonabsorbent and durable material, and be free of open cracks and joints.

### SECTION 4-504: CONFORMANCE WITH CODES

All building, plumbing, electrical and other codes as adopted by the Board of Trustees shall be adhered to in the construction or assembly of the private swimming pool.

### SECTION 4-505: ENCLOSURE REQUIRED

Every private swimming pool shall be completely surrounded by a fence or wall not less than four feet in height which shall be of a type which precludes passage through or under and is not readily climbable by small children. This shall not mean an additional fence within a completely fenced yard, provided the fence meets the stated minimum requirement. All gates shall be equipped with a latch which is not readily operated by small children.

The main building or any accessory structure on the site may form part of the enclosure. The sides of aboveground pools are acceptable as integral barriers, provided that the sides extend not less than four feet above the outside ground at all points, and provided further that access steps or ladders are capable of being rendered inaccessible by being removed or raised more than four feet above the outside grade.

#### SECTION 4-506: RETROACTIVITY

The lack of a minimum enclosure as herein described on any existing pool is hereby deemed to be a serious public safety hazard. The owner of the property upon which such a pool is located shall comply with the enclosure requirements of Section 4-505 within 30 days after the date of notification to comply.

#### SECTION 4-507: DISCHARGE SYSTEM

All private swimming pools shall be provided with an approved drainage outlet to the village sanitary sewage system or may be used for surface irrigation of the owner's property, provided that no water shall overflow into adjacent private or public property.



## ARTICLE VI – MANUFACTURED HOME PARK

(Adopted by Ord. No. 418, 9/13/11)

### SECTION 4-601: DEFINITIONS

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them in this section.

“Manufactured home” means a structure, transportable in one or more sections, which in the traveling mode, is 8 body feet or more in width, and 40 body feet or more in length, or when erected on site is 320 or more square feet in size and which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities.

“Manufactured home lot” means any individually owned plot of ground zoned and platted so that is permissible to place a single manufactured home upon it after a permit is issued by the chief building official or his/her designee. The manufactured home may be attached to a permanent foundation or basement built in accordance with approved codes.

“Manufactured home park” means any lot of ground zoned and licensed as such by the Village within which two or more manufactured home spaces are located.

“Manufactured home space” means an area within a manufactured home park for the placement of a single manufactured home and reserved for the exclusive use of its occupants.

“Manufactured home stand” means that facility for the placing of a single manufactured home and appurtenant structures thereto onto a foundation system designed to resist horizontal wind pressure of 15 pounds per square foot minimum and 9 pounds per square foot minimum for uplift, or upon a surface foundation system designed to resist the same forces.

“Permit” means a written permit issued by the chief building official or his/her designee promulgated thereunder.

“Recreational vehicle” shall mean watercraft, travel trailer, truck camper or utility trailer.

“Service building” means a building housing toilet and bathing facilities for men and women with laundry facilities and such other facilities as may be required by this chapter.

#### SECTION 4-602: JURISDICTION

It is intended that the provisions of this chapter shall be enforced within the Village and in the one mile area beyond its corporate limits insofar as compliance with regulations is possible.

#### SECTION 4-603: PERMIT REQUIRED

It shall be unlawful for any person to open, conduct, establish or maintain any place or ground for the purpose of a manufactured home park unless a permit to do so shall have first been issued by the Village.

#### SECTION 4-604: APPLICATIONS; NEW PERMITS

Applications for a manufactured home park permit shall be in writing and signed by the applicant or authorized agent and shall contain the following:

1. The name and address of the applicant.
2. The interest of the applicant in and the location and legal description of the manufactured home park.
3. A complete plan of the manufactured home park, showing compliance with all applicable provisions of this chapter and regulations promulgated thereunder.
4. Such further information as may be requested by the Village Board or its designee to determine that the proposed manufactured home park will comply with legal requirements.

#### SECTION 4-605: RENEWED PERMIT

Applications for renewal of permits under this chapter shall be made in writing by the holder of the permit or authorized agent and shall contain the following:

1. Any change in the information submitted since the time the original permit was issued or the latest renewal granted.
2. Such other information as the proper village officials may require.

#### SECTION 4-606: PARK PLAN TO BE FILED

1. The applicant for a permit required by this chapter or authorized agent shall file with the village clerk or his/her designee a complete plan showing:

- A. The area and dimensions of the tract of land to be used for such

manufactured home park.

- B. The number, location and size of all manufactured home spaces.
- C. The location and width of roadways and walkways.
- D. The location of service buildings and any other proposed structures.
- E. The location and size of water and sewer lines.
- F. Plans and specifications of all buildings and other improvements constructed or to be constructed within the manufactured home park.

2. Parks may have spaces for recreational vehicles provided that such spaces shall be identified on the park plan filed and shall not exceed 20% of the total number of spaces. Recreational vehicles shall be limited in duration of stay. No recreational vehicles shall be allowed to remain in a space for more than 180 days within any consecutive 365-day period. Any revisions or additions to such plan must be reviewed and approved by the Village as provided in Section 4-607.

#### SECTION 4-607: INVESTIGATION; VILLAGE BOARD

Before any permit is issued to construct a manufactured home park, it shall be the duty of the Village Board or its designee to examine the plans and specifications of such park on file as well as the proposed premises, ascertaining whether or not all ordinances pertaining to zoning, plumbing, heating, electrical installations, storm water drainage and traffic flows have been observed and whether all regulations of the Village concerning the construction and operation of sewer and water mains and the handling of removal of garbage comply with village ordinances and state laws. The application for such permit, together with the findings and recommendations of the Village Board or its designee, shall then be referred to the board for its approval or rejection.

#### SECTION 4-608: PERMIT FEE

If the Village Board grants such permit required by this chapter to any such applicant, it shall thereupon direct the village clerk or his/her designee to issue such permit upon prepayment of a permit fee to the Village in an amount which shall be set by the board and filed in the office of the village clerk for public inspection.

#### SECTION 4-609: PERMIT; REVOCATION; NOTICE; HEARING

If any operator of a manufactured home park to whom a permit has been issued shall continue to violate village ordinances or state laws pertaining to sanitation, public health and welfare after due notice of such violation by the officials of the Village or the State, the Village Board shall have the right to revoke such permit to operate such park in the following manner: A notice shall be served on the person holding such permit, setting forth wherein permittee has failed to comply with village ordinances or state laws and citing permittee to appear before the Village Board at day and hour therein specified, not less than three days after the

personal service of such notice of such permittee or agent in charge of such manufactured home park and show cause, if any, why such permit should be revoked or suspended. At the time and place mentioned in such notice, the permittee shall have the right to appear in person or by counsel and to introduce evidence.

#### SECTION 4-610: PERMIT; TRANSFERABILITY

No permit issued under the provisions of this article shall be transferable.

#### SECTION 4-611: PERMIT; EXPIRATION

All permits granted hereunder shall expire on December 31 following the date of issuance unless sooner revoked.

#### SECTION 4-612: PARKING ON PRIVATE PROPERTY

1. It shall be unlawful for any person to park or permit the parking of any manufactured home on private or public property unless such property is within an approved zoning district permitting manufactured home or within a permitted manufactured home park or an approved space. A permit for the placement of the manufactured home must be issued by the village clerk prior to placement.

2. Any person engaged in the business of selling manufactured homes and having manufactured home inventory on the site shall be permitted to use one home on the lot or tract of land where such established business is conducted for a business office. Such homes may be connected to public utilities.

3. Nothing contained in this section shall be construed to prevent the keeping and parking of trailers used for carrying luggage, baggage and boats on private property, nor shall it be construed to prevent the owner of a trailer used for vacation and camping purposes from storing or keeping the same on private property if the same is not used for living or sleeping purposes where kept or stored.

#### SECTION 4-613: SEMI-ANNUAL INSPECTIONS; REPORTS

It shall be the duty of the village maintenance director or his/her designee to inspect all manufactured home parks now existing in the Village and in the area one mile beyond its corporate limits and all manufactured home parks hereafter established at least semi-annually. No charge shall be made for such inspection and the owners of such manufactured home parks shall be furnished in writing the results of such inspection.

#### SECTION 4-614: REGISTER OF MANUFACTURED HOMES IN PARK

The owner or operator of any manufactured home park shall keep a register containing a record of all manufactured homes within the park to include the name, address, and occupation of each owner; the make, year, model, width, trade name, and length of each manufactured home; the present license plate, if any, of each manufactured home; and the date of arrival and departure of each manufactured home. Such record shall at all times be open for inspection to law enforcement or officials of the Village.

#### SECTION 4-615: CONDITION AND REPAIR OF PARK GROUNDS

Every person owning, operating or caring for a manufactured home park shall maintain such park ground, service buildings, baths, or other permanent equipment in connection herewith in a clean and sanitary condition and shall maintain such equipment in a state of good repair and shall in all respects comply with all the ordinances of the Village.

#### SECTION 4-616: RESTRICTION ON LOCATION OF PARKS

It shall be unlawful for any person to erect or conduct a manufactured home park within the Village or in the one-mile area beyond its corporate limits except in districts zoned for that purpose.

#### SECTION 4-617: LOCATION, AREA, GENERAL LAYOUT AND IMPROVEMENTS

1. The manufactured home park shall be located on a well-drained site and shall be so located that its drainage will not endanger any water supply. A storm water drainage plan shall be submitted and approved by the village engineer. All such manufactured home parks shall be in the areas free from marshes, swamps, or other potential breeding places for insects or rodents.

2. The area of the manufactured home park shall be large enough to accommodate:

- A. The designated number of home spaces;
- B. Necessary streets and roadways;
- C. Off-street parking of automobiles; two spaces shall provided per dwelling and shall be hard surfaced. Parking spaces may be provided on unit space where homes are parked, by separate parking areas, or both.

3. Each manufactured home space shall contain a minimum of 2,800 square feet.

4. Every manufactured home space shall abut on a driveway or other clear area with unobstructed access to a public street. Such places shall be defined and enumerated.

5. Manufactured homes shall be parked in such spaces so that there will be a minimum of 15 feet between manufactured homes and so that no manufactured home will be less than 10 feet from the exterior boundary of the manufactured home park. It shall be unlawful to locate a manufactured home less than 30 feet from any state highway or so that any part of such manufactured home will obstruct any roadway or walkway in a manufactured home park.

6. It shall be unlawful to allow any manufactured home to be occupied in a manufactured home park unless the said home is situated on a manufactured home space.

7. Access roads shall be provided to each manufactured home space. Each access road shall provide for continuous forward movement, shall connect with a street or highway, shall have a minimum width of 40 feet, and provide access for emergency vehicles.

8. All newly constructed roadways, access roads and parking spaces shall be constructed with a permanent-type, dust-free surface such as asphaltic concrete, Portland cement concrete, or paving brick.

9. The 10-foot exterior boundary shall be landscaped as to provide screening from neighboring properties.

#### SECTION 4-618: WATER SUPPLY

An adequate supply of potable water from the Village's water system for drinking and domestic purposes shall be supplied to meet the requirements of such park ground. Such water supply shall be connected by pipes to all manufactured home spaces for connection to manufactured home units.

#### SECTION 4-619: SEWAGE DISPOSAL

Each manufactured home park shall have an adequate connection with the sanitary sewer system of the Village and there shall be a sanitary sewer connection on each unit space in such park for connection with manufactured homes when unit spaces are occupied. It is expressly provided that when such unit spaces are unoccupied, the outlet in the sanitary sewer shall be capped by a device which would require tools to remove.

#### SECTION 4-620: PRIVATE WATER AND SANITARY SEWAGE SYSTEMS

In all cases where manufactured home parks or manufactured home lots are so

situated that connections with the village water main or with the sanitary sewer are not available, the private water supply and sanitary sewer disposal system for such parks or lots shall be located and constructed or reconstructed to meet the standards of the Uniform Plumbing Code as adopted by the county.

#### SECTION 4-621: APPURTENANCES; ACCESSORY AND ADMINISTRATIVE BUILDINGS

1. All accessory and service buildings shall be detached, located in accordance with zoning and shall be constructed in conformance with the building, plumbing and electrical codes pursuant to a permit issued by Hall County prior to construction. No additions shall be permitted to be added onto a manufactured home except an add-on unit constructed by a manufacturer of manufactured homes recognized by the State of Nebraska. Such add-ons shall receive a permit from the county prior to placement and attachment to the manufactured home and shall be placed onto a foundation system equal to that which the manufactured home rests upon.

2. Exceptions:

- A. A 120-square-foot or less entry porch (no living space);
- B. Carport or patio cover open on at least three sides;
- C. Manufactured home on a private lot placed upon a permanent foundation.

3. No additions shall be constructed without first obtaining a permit.

#### SECTION 4-622: REFUSE STORAGE AND COLLECTION

1. The storage, collection and disposal of refuse in the manufactured home park shall be so managed as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or air pollution.

2. All refuse shall be stored in approved containers. Containers shall be provided in sufficient number and capacity to properly store all refuse.

3. Racks or holders shall be provided for all refuse containers. Such container racks or holders shall be so designated as to prevent containers from being tipped, to minimize spillage and container deterioration and to facilitate cleaning around them.

4. All refuse shall be collected at least once weekly by the manufactured home park operator where suitable collection service is not available from municipal or private agencies. All refuse shall be collected and transported in covered vehicles or covered containers.

5. Common use or central collection sites shall be visually screened or fenced.

#### SECTION 4-623: EXTERIOR ELECTRICAL AND LIGHTING FACILITIES

1. An electrical outlet supplying at least 115 volts shall be provided for each manufactured home space. The installation shall comply with all applicable state and local electrical codes and ordinances. Such electrical outlets shall be grounded and weatherproof. No main power supply line shall be permitted to lie on the ground or to be suspended less than 18 feet above the ground.

2. Streets, driveways and walkways shall be adequately lighted.

#### SECTION 4-624: MANUFACTURED HOME STANDS AND SKIRTING

1. If a manufactured home is not placed upon a permanent foundation, it shall then be placed upon a manufactured home stand to provide an adequate and approved foundation for the positioning of the superstructure against uplift, sliding, rotation or overturning in accordance with the manufacturer's specifications.

2. Skirting shall be required for all manufactured homes placed on a manufactured home stand unless such unit will be on the manufactured home stand for less than 45 days. The skirting shall be sufficient to withstand wind load requirements and shall not provide a harborage for junk or rodents nor create a fire hazard. Such skirting shall be provided with removable or hinged access panels sufficient to provide easy access to all utility connection points of the manufactured home and its subsequent connection to the utility risers if they are located within the skirted area. Skirting shall be colored to harmonize with the manufactured home.

#### SECTION 4-625: DOGS, CATS, ETC. RUNNING AT LARGE

No owner or person in charge of a dog, cat, or other pet animal shall permit it to run at large or commit any nuisance within the limits of any manufactured home park.

#### SECTION 4-626: FUEL STORAGE TANKS

All piping from outside fuel storage tanks or cylinders to manufactured homes shall be copper or other acceptable tubing and shall be permanently installed and securely fastened in place. All fuel storage tanks or cylinders shall be securely fastened in place and shall not be located inside or beneath the manufactured home or less than five feet from any manufactured home.



#### SECTION 4-627: FIRE PREVENTION

1. Manufactured home park areas shall be kept free of litter, rubbish and other flammable materials.

2. Portable fire extinguishers of a type approved by the fire prevention authority shall be kept in service buildings and at all other places designated by such fire prevention authority and shall be maintained in good operating condition.

#### SECTION 4-628: AUTHORITY OF OFFICIALS TO INSPECT

All proper officials, agents and employees of the governmental authority charged with the duty of inspection of manufactured home parks or the enforcement of the provisions of this article or of repairing and maintaining the utilities constructed on such park grounds shall have the right and are hereby empowered to enter upon the premises of any manufactured home park ground now operating or which may hereafter be operated within the Village or its one mile jurisdictional area to inspect the same and all accommodations connected therewith or located thereon and to enforce the provisions of this article.

#### SECTION 4-629: EXISTING MANUFACTURED HOME PARKS

This article shall not apply to existing mobile home parks, now referred to as manufactured home parks, in existence prior to September 13, 2011, except in the following instances:

1. Any installation, reconstruction, remodeling or reconfiguration of manufactured home spaces, utility connections, streets, sidewalks, or other infrastructure upon which work is commenced after September 13, 2011, shall comply with all provisions of this chapter.

2. Any placement of a new or different manufactured home on an existing manufactured home space occurring after September 13, 2011, shall comply with all provisions of this article; provided, however, that the size of an existing manufactured home space shall not prevent the placement of new manufactured home to replace an existing home. Under no circumstances shall the degree of compliance with this code be increased as to other manufactured homes as a result of the location of a new or different manufactured home on a new or existing manufactured home space.

#### SECTION 4-630: MINIMUM CONSTRUCTION CODES

All manufactured homes and manufactured home parks shall comply with the minimum housing standards as set for the in Title 178 – Nebraska Department of Health, Chapter 5, Rules, Regulations and Standards Governing Mobile Home

Parks, Section 001, Definitions and Scope, 005, Utility Systems, 006, Sanitary Conditions and 007, Observance of Regulations. In any instance in which there is a conflict between the provisions of this ordinance and the rules and regulations of the Nebraska Department of Health, the more stringent provisions shall govern.

#### SECTION 4-631: CONDITIONAL USES

The owner of any manufactured home may apply to the Village Board through a form available at the office of the village clerk for a conditional use permit for the purposes of placing a previously owned manufactured home upon a manufactured home space which may result in insufficient front, rear or side yard setbacks, contrary to the provisions of this ordinance. Upon receipt and hearing, said permit shall be granted by the Village Board except for good cause shown.

## ARTICLE VII – GARAGE SALES

(Ord. No. 453, 6/26/17)

### SECTION 4-701: DEFINITIONS

For the purpose of this article, the following terms are defined as follows:

"Garage sale" shall mean a sale open to the public conducted from or on a residential premises or from a temporarily arranged site elsewhere within the Village for the purpose of disposing of personal property only. The term "garage sale" includes but is not limited to all sales entitled "garage," "moving," "lawn," "yard," "attic," "porch," "backyard," "patio," "basement," "estate" or other sales of a similarly intended nature.

"Sign" shall mean any sign advertising a garage sale or directing the public by way of arrows or other directional signals to a particular location. "Sign" shall include any materials to which the sign is affixed as well as any support or anchor.

### SECTION 4-702: NUMBER OF GARAGE SALES

Except as allowed by this article, no person or group shall hold more than three garage sales during a calendar year. If members of more than one residence join in holding a garage sale, then such sale shall be considered as having been held by each and all such residents. The above limit of the number of garage sales held during any calendar shall not apply to garage sales held by non-profit corporations, not-for-profit associations or organizations, or garage sales to fundraise for charitable, educational, religious or athletic purposes for community members, groups, or causes.

### SECTION 4-703: HOURS OF OPERATION

Garage sales may be held only between the hours of 7:00 a.m. and 7:00 p.m., with the exception of the "Junk Jaunt."

### SECTION 4-704: NUMBER OF DAYS

Garage sales may be held for no more than three consecutive days at the same location.

### SECTION 4-705: DISPLAY OF MERCHANDISE

Personal property offered for sale may be displayed within the residence, in a garage, carport, and/or in the yard of a residence or on other private property with the consent of the owner of such private property. No personal property offered for sale or to be given away shall be displayed on any public right-of-way, sidewalk, alley or street.

#### SECTION 4-706: SIGNS

No signs may be placed on any utility poles or on regulatory signs or posts. No signs shall be placed in the street. Signs may be placed on private property with permission of the property owner. Each sign must have the name and address of the person conducting the garage sale advertised by the sign. All signs must be removed by 8:00 p.m. of the last day of the garage sale. Signs may not be exhibited for more than one day prior to the day the garage sale is to commence.

#### SECTION 4-707: RESPONSIBILITY

The individual or individuals operating a garage sale and the owner or tenant of the property upon which the sale or activity is conducted shall be jointly and severally held responsible for the maintenance, order, and decorum on the premises during all hours of such sale or activity. No such individual shall permit any loud or boisterous conduct on the premises nor permit vehicles to impede the passage of traffic on any road, alley, or street in the area of the premises.

#### SECTION 4-708: OWNER PRESUMPTION

In the enforcement of this article, there is a presumption that a name, address, or telephone number listed on a sign shall be that of the individual responsible for posting the sign. In addition, signs directing the public to a particular residence are presumed to have been erected by the owner or occupant of the said residence.

#### SECTION 4-709: ILLEGAL SIGNS

Signs found within the Village which do not comply with this article are hereby declared a nuisance to public safety, as they detract from the driving public's attention to traffic signals as well as to other vehicular and pedestrian traffic. Such signs may be summarily removed as evidence of unlawful activity in preparation for prosecution. If no prosecutorial action is taken, the signs may be destroyed.

#### SECTION 4-710: SALE RESTRICTION

Only personal property shall be sold at garage sales.

## ARTICLE VIII - PENAL PROVISION

### SECTION 4-801: VIOLATION; PENALTY

Any and all persons violating any of the provisions of the several articles of this chapter for which a penalty is not therein provided shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in an amount not more than \$500.00, and each day that maintenance of the same continues shall constitute a separate offense.

