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CHAPTER IV

BUSINESS REGULATIONS

ARTICLE I - PLUMBERS

SECTION 4-101: LICENSED PLUMBER DEFINED

The term "licensed plumber" as used in the ordinances of this village is hereby defined to denote any person to whom a plumber's license has been duly issued or renewed, as hereinafter provided, which has not been revoked or terminated by lapse of time.

SECTION 4-102: PROCEDURE TO OBTAIN LICENSE

Any person wishing to obtain a license as a plumber shall file in the office of the village clerk a written application and stating his/her willingness to be governed in all respects by the ordinances of said village and all rules and regulations now in effect or hereafter to be adopted by said village concerning its water system. Such application shall be presented by the village clerk to the Board at its next meeting thereafter held. Said Board may grant to such applicant a license to be issued by the village clerk, authorizing the applicant to engage in business as a licensed plumber in said village for and during the then current municipal year upon the following conditions:

1. Satisfaction of the Board of the business capacity, qualifications, and good reputation of the applicant and of his/her worthiness to receive a license;
2. Payment to the village clerk of a license fee of \$5.00;
3. Filing with the village clerk of a bond with corporate surety to be approved by the Board in the penal sum of \$2,000.00, conditioned upon the following: (A) indemnifying and keeping harmless the Village from all liability for any damage arising from any negligence or unskilled act in doing or protecting his/her work, or from any unfaithful or inadequate work done in pursuance of his/her license; (B) restoring the streets, alleys, sidewalks, and pavements over the pipes he/she may lay and filling all excavations made by him/her so as to leave said streets, alleys, sidewalks, and pavements in as good condition as he/she found them, and keeping and maintaining the same in good order to the satisfaction of the chairman of the Board for the period of one year next thereafter; (C) paying all fines that may be imposed upon him/her for a violation of any of the ordinances, rules, and regulations adopted by this village and in force during the term of his/her license.

Said license and bond shall cover all employees of the applicant.

SECTION 4-103: RENEWAL OF LICENSE

Any license granted as provided in the preceding section may be renewed from year to year at the option of the Village Board, on application therefor, upon payment of the license fee of \$5.00 for the year and the renewal of applicant's bond.

SECTION 4-104: REVOCATION OF LICENSE

Any license or renewal may be revoked at any time at the option of the Board.

SECTION 4-105: FEES TO BE PAID TO VILLAGE TREASURER

The village clerk shall pay over to the village treasurer all license fees collected pursuant to this article.

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

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.

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:

Alcoholic Liquors (except beer and wine)

Monday through Saturday

Off Sale

6:00 A.M. to 1:00 A.M. the following day

On Sale

6:00 A.M. to 1:00 A.M. the following day

Sunday

Off Sale
On Sale

12:00 Noon to 1:00 A.M. the following day
12:00 Noon to 1:00 A.M. the following day

Beer and Wine

Monday through Saturday

Off Sale
On Sale

6:00 A.M. to 1:00 A.M. the following day
6:00 A.M. to 1:00 A.M. the following day

Sunday

Off Sale
On Sale

6:00 A.M. to 1:00 A.M. the following day
6:00 A.M. to 1:00 A.M. the following day

Provided that such limitation shall not apply after 12:00 noon on Sunday to a licensee which is a nonprofit corporation, but such licensee shall not sell or dispense alcoholic beverages on more than six days each week.

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 the stopping of sales of alcoholic beverages on said premises.

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.

SECTION 4-206: REVOCATION OF LICENSE

The chairman and the 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 4-207: ENTRY OF PREMISES FOR INSPECTION

The chairman, any member of the Board, the village police officer, any policeman 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 4-208: 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 Oconto, Nebraska.

The undersigned respectfully state:

1. That they are each residents of the Village of Oconto, 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 Oconto, 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 _____, this _____ day of
_____, 20____.

My commission expires _____.

Notary Public

SECTION 4-209: 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 4-210: 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 4-211: 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 4-212: 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 4-213: 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 Oconto 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 4-214: 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 4-215: 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 4-216: 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 4-217: 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 4-218: 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 4-219: 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 4-220: 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 4-221: 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 4-222: 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 4-223: 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 4-224: SANITATION

Sanitary conditions conducive to public health and welfare must be maintained at all times in or about licensed premises in this village.

SECTION 4-225: 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 4-226: 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 4-227: 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

ARTICLE III - OCCUPATIONAL TAX

SECTION 4-301: PURPOSE

For the purpose of raising revenue, there is hereby levied an occupational tax upon each and every occupation and business carried on within the corporate limits of this village as hereinafter specified and enumerated; and every person, firm, association or corporation carrying on the occupation or business herein specified within the limits of said village shall pay to the village treasury the sum hereinafter named as a tax upon such occupation or business. All money so collected shall be credited to the general fund of said village; the said money shall be and remain under the control of the Village Board for such use and purpose as other monies belonging to the general fund.

SECTION 4-302: OCCUPATIONS ENUMERATED; AMOUNT OF TAX; EXEMPTION

There is hereby levied an occupational tax upon each and every occupation and business within the corporate limits of this village as hereinafter enumerated, in the several different amounts and upon the several respective occupations, professions and lines of business, as follows:

Retailers (on-sale and off-sale), manufacturers
and distributors of alcoholic beverages, per year-----\$400.00

Fire Insurance companies, per year----- 5.00

SECTION 4-303: FIRE INSURANCE COMPANIES

For the use, support and maintenance of the Village Fire Department, all revenue realized from the occupation tax on fire insurance companies shall be appropriated to the Special Occupation Tax Fund of the Volunteer Fire Department of the Village.

SECTION 4-304: 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 village 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 4-305: WHEN DUE

On all occupations and businesses on which said tax is levied at a yearly rate,

the year for such tax shall be deemed to begin the first day of May following; and said tax for the year shall be due and payable in advance on the first day of May of every year and thereafter shall be delinquent. On all occupations or businesses on which said tax is levied at a daily rate, the tax shall be due and payable in advance before the business begins, for the number of days for which the occupation or business is to be carried on within the taxing year. Occupation taxes collected from Class C liquor licensees shall be due and payable on the 1st day of November.

SECTION 4-306: 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 the foregoing section.

SECTION 4-307: PAID TO TREASURER; NOT ASSIGNABLE

The tax herein levied shall be paid in cash to the village treasurer or other person designated by resolution of the chairman and Board 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 village 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 4-308: DAILY OR YEARLY PAYMENTS; NO REFUND

Every occupational tax levied at a daily or yearly rate must be paid in one payment, in advance, before the business is commenced, whether commenced at the beginning of the day or year or at any time thereafter. No person paying occupational tax shall be entitled to a refund of any part of the tax so paid.

SECTION 4-309: 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 village 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 IV - BUILDING REGULATIONS

SECTION 4-401: BUILDING INSPECTOR

The Village Board may appoint an individual to serve as building inspector for the Village to regulate and inspect all construction, repairs and alterations for compliance with the Nebraska statutes and village building rules and regulations. The appointed building inspector shall use as guidelines the National Building Code pertaining to housing construction, plumbing, electrical and fire prevention in making his/her inspections. The Village Board shall also have the power to contract said duties with another governmental subdivision whenever it deems the appointment of a resident inspector impractical. 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 herein.

SECTION 4-402: 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 4-403: 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 Nebraska Revised Statute 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 4-404: PERMIT, FEE

The village clerk shall, at the time of filing the application for the issuance of any permit as aforesaid, charge and collect in advance a fee of \$25.00 for residential structures and \$50.00 for commercial structures. Said fee shall be the property of the Village and shall be paid over to the village treasurer for credit to the

general fund of the Village.

SECTION 4-405: VARIANCE NOT PERMITTED

It shall be unlawful for any person to whom a permit to construct or repair a building 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 4-406: 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 4-407: 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 4-408: 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 4-409: BUILDING WITHOUT PERMIT; NUISANCE

Every building or other structure hereafter erected, remodeled or moved into or within said 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 4-410: 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, 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 appealed to, 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.

ARTICLE V - MOVING BUILDINGS

SECTION 4-501: PERMIT AND BOND REQUIRED; PERMIT FEE

It shall be unlawful for any person to move any building over or across any street or public way of this village until a permit therefor has been issued by the chairman of the Board and all other provisions of this article complied with. The chairman of the Board is hereby authorized to issue such permit upon the written application of the owner of said building proposed to be removed, or of his/her agent, showing the size and kind of building, its present location and its proposed location. All applications shall be accompanied by a permit fee set by resolution of the chairman and Board of Trustees and on file in the office of the village clerk.

However, said permit shall not be issued until the owner of said building has furnished a bond with good and sufficient surety of \$10,000.00. Said bond is to be issued on condition, among other things, that said licensee will in all things strictly comply with all the provisions of the ordinances of this village relating to house-moving, and that said licensee will save, indemnify and keep harmless the said village from all liabilities, judgments, costs and expenses which may in any wise accrue against it in consequence of the granting of such license.

In addition, said licensee will pay to said village any and all damages which may be sustained by any pavement, curb, gutter, sidewalk, street or other village property through the moving of such building by said licensee, and said licensee shall pay the owner any and all damages caused in a like manner to any private property in said village. Said bond shall be approved in writing by the chairman of the Board before such license is issued.

The chairman of the Board in said permit shall limit the time of removal and shall specify the route to be followed in moving said building over and across the streets and public ways of said village, which shall be the route that least interferes with telephone systems and lighting systems in said village under all circumstances. It shall be unlawful for any such licensee to digress from such time or specified route without permission or written consent of the chairman of the Board.

SECTION 4-502: NOTICE TO PUBLIC SERVICE COMPANIES REQUIRED

Before moving any building, the licensee shall notify all public service companies whose wires or other appliances may obstruct the moving of such building of the time when such building will be moved, and request such public service companies to arrange for the passage of such building. Such licensee shall pay said public service companies the reasonable and actual cost and expense of the work required to be done.

SECTION 4-503: CARE REQUIRED OF LICENSEE

It shall be unlawful for any licensee to make any openings or excavations in any street pavement or to set any stakes therein, and it is hereby made a duty of every licensee to move any buildings in a careful manner and with the least possible injury to the public or private property. For every such injury or damage, he/she shall be liable on his/her bond. The estimate of the chairman of the Board of any damage shall be final and conclusive upon said licensee.

SECTION 4-504: NO GENERAL PERMIT

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

ARTICLE VI - PEDDLERS AND HAWKERS

SECTION 4-601: REGULATION

All peddlers and hawkers shall, before doing business within the Village, make application for and be issued a license 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 peddler's and hawker's 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 for good and sufficient cause by the officials of the Village.

SECTION 4-602: HOURS OF SOLICITATION

It shall be unlawful for any solicitor, salesman or peddler to solicit any individual between the hours of 6:00 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 a solicitor, salesman or peddler to solicit without having a proper license on his/her person at all times.

SECTION 4-603: EXCEPTIONS

Nothing herein shall be construed to apply to any person selling produce raised within the county, to wholesale salespeople soliciting merchants directly, to a representative of a nonprofit or charity organization soliciting on behalf of that organization, nor to persons canvassing residents within the Village for religious, political or other noncommercial purposes. (Amended October 21, 2002, Ord. No. 10-21-02)

ARTICLE VII - PENAL PROVISION

SECTION 4-701: VIOLATION; PENALTY

Any person, firm, association or corporation violating any of the provisions of Chapter IV hereof for which no other penalty is imposed shall, upon conviction, be deemed guilty of a misdemeanor, and be fined in an amount not more than \$500.00. Each day's maintenance of the same shall constitute a separate offense and may be prosecuted as such.