

CHAPTER 10

BUSINESS REGULATIONS

ARTICLE 6. BUSINESS ENTERPRISES

10-501 BUSINESS ENTERPRISES; BUILDING MOVING; REGULATION. It shall be unlawful for any person, firm or corporation to move or dismantle any building or structure within the Municipality without a written permit to do so. Application may be made to the Municipal Clerk and shall include the location of the building to be moved, the proposed route, the equipment to be used and such other information as the Governing Body may require. The application shall be accompanied by a certificate issued by the County Treasurer to the effect that all the provisions regulating the moving of buildings have been complied with on the part of the owner of the real estate upon which the said building is presently located. The Municipal Clerk shall refer the said application to the Governing Body for approval of the proposed route over which the said building is to be moved. Upon approval of the Governing Body, the Municipal Clerk shall then issue the said permit; provided, that a good and sufficient corporate surety bond, check or cash in an amount set by motion of the Governing Body and conditioned upon moving said building without doing damage to any private or Municipal property is filed with the Municipal Clerk prior to the granting of any permit. In the event it will be necessary for any licensed building mover to interfere with the telephone or telegraph poles and wires or a gas line, the company or companies owning, using or operating the said poles, wires or line shall, upon proper notice of at least twenty-four (24) hours, be present and assist by disconnecting the said poles, wires or line relative to the building moving operation. All expense of the said disconnection, removal or related work shall be paid in advance by the licensee unless such disconnection or work is furnished on different terms as provided in the said company's franchise. Whenever the moving of any building necessitates interference with a water main, sewer main, pipes or wire belonging to the Municipality, notice in writing of the time and route of the said building moving operation shall be given to the various Municipal officials in charge of the Municipal utility departments who shall proceed in behalf of the Municipality and at the expense of the mover to make such disconnections and do such work as is necessary.

10-502 BUSINESS ENTERPRISES; BUILDING MOVING; DEPOSIT. At such time as the building moving has been completed, the Municipal Law Enforcement Officer shall inspect the premise and report to the Municipal Clerk as to the extent of damages, if any, resulting from the said relocation and whether any Municipal ordinances have been violated during the said operation. Upon a satisfactory report from the Municipal Law Enforcement Officer, the Municipal Clerk shall return the corporate surety bond, cash or check deposited by the applicant. In the event the basement, foundation or portion thereof is not properly filled, covered or in a clean and sanitary condition, the Governing Body may apply the money deposited for the purpose of defraying the expense of correcting the said conditions. If the expense of correcting the hazardous condition is greater than the amount of the deposit set by resolution of the Governing Body, as required herein, the Governing Body may recover such excess expense by civil suit or otherwise as prescribed by law.

10-603 BUSINESS ENTERPRISES; FIREWORKS VENDOR; REGULATION. It shall be unlawful for any person or persons to sell fireworks of any description whatsoever, except sparklers, vesuvius fountains, spray fountains, torches, color fire cones, star and comet type color aerial shells without explosive charges for the purpose of making a noise, color wheels, toy cap pistols and permissible caps may be sold at retail at all times; provided, that all other fireworks named may be sold only between June twenty-fourth (24th) and July fifth (5th); provided, that fireworks of any description are permissible for purposes of public exhibitions or displays as authorized by the Governing Body; and further provided that said vendor shall secure a license prior to such sales. Application shall be filed with the Municipal Clerk upon forms supplied by the Municipality and requesting such information and documents as the Governing Body may deem necessary as to whether or not to grant said license. Upon the determination to grant the license, the Governing Body shall direct the Municipal Clerk to collect the appropriate fee and issue said license. Any license so issued may be revoked at any time by the Governing Body upon proper notice and hearing if one is requested by the licensee. (Ref. 17- 137, 28-1241 through 28-1252 RS Neb.)

10-604 BUSINESS ENTERPRISES; RAILROAD COMPANIES; SAFE CROSSINGS. It shall be the duty of every railroad company doing business in or traveling through the Municipality to keep in a suitable and safe condition the crossing and right-of-way in the Municipality. If any such crossing shall at any time fall into disrepair and become unsafe or inconvenient for public travel, the Governing Body may by resolution call upon the said company to make whatever repairs that they may deem necessary to correct the dangerous condition. Notice of the said resolution shall be served upon the local agent of the said company. In the event that the railroad shall fail or neglect to repair and correct the said condition as aforesaid within thirty (30) days, neglect for each twenty-four (24) hours thereafter shall be deemed and is hereby made a separate and distinct offense against the provisions herein.

10-605 RAILROAD COMPANIES; LIGHTING. It shall be the duty of all railroad companies owning, operating and maintaining a railroad through the Municipality to sufficiently light all crossings and to install as many signal systems as the Governing Body shall deem necessary at the expense of the said company. (Ref. 17-561 RS Neb.)

10-606 RAILROAD COMPANIES; OBSTRUCTING TRAFFIC. It shall be unlawful for any railroad company, its employees, agents or servants operating a railroad through the Municipality to obstruct traffic on any public street except in the event of an emergency for a longer period at one time than five (5) minutes. (Ref. 17-552 RS Neb.)

10-607 RAILROAD COMPANIES; WARNING. It shall be the duty of every such railroad company, its agents or servants to ring a bell continually or to sound a whistle while crossing the streets within the corporate limits. When any such train shall be standing between streets, it shall be unlawful for any such company or its servants in charge to start or permit such train or engine to be started without first ringing a bell or sounding a whistle for at least fifteen (15) seconds before starting.

10-608 RAILROAD COMPANIES; DRAINAGE. It shall be the duty of any railroad company owning, maintaining or operating a railroad within or through the corporate limits to construct and keep in repair all ditches, drains and culverts along and under their railroad tracks at all places within the corporate limits where the same may be necessary for the escape of water and the proper draining of the territory on either side of the railroad right-of-way. If the railroad company should fail or neglect to construct or repair the drain, ditch or culvert and to put the same in a proper condition for the escape of water, the Governing Body shall by resolution order the railroad to provide for the proper drainage of water on the right-of-way. A copy of the resolution shall be served on the local agent for the railroad and failure or neglect by the railroad to correct the drainage within fourteen (14) days shall constitute a separate and distinct misdemeanor for each twenty-four (24) hour period thereafter.

10-609 RAILROAD COMPANIES; OBSTRUCTING VIEW AT CROSSINGS PROHIBITED. It shall be unlawful for any railroad company to obstruct or obscure the traveling public's view by storing or parking any railroad car on a railroad track within forty (40) feet of the crossing of any such railroad track and a public road within the corporate limits of the Municipality; provided, however, in no instance shall any person who is authorized to control the movement of such railroad car or cars within such distance be prevented from reasonably conducting his business. (Ref. 74-1323 RS Neb.)