

CHAPTER VIII

LICENSING AND REGULATION BUSINESSES AND TRADES

ARTICLE I. GENERAL RULES

8-101. LICENSES: APPLICATION FOR. All applications for licenses to pursue any business or calling, etc., where a license is required, shall be made in writing to the Mayor and City Council and shall be filed with the City Auditor. The applicant shall at the time of filing his application deposit with the City Treasurer the amount of license fee required, if any. At the next regular meeting of the City Council, the City Auditor shall lay such application before it. If such application is granted and the bond approved by the City Council the City Auditor shall issue the license accordingly. If such application is refused, the license money deposited with the City Treasurer shall be refunded to the applicant.

8-102. SAME: EXPIRATION AND PERIOD OF. No license shall be granted for a longer period than one (1) year, except as herein provided, and all yearly licenses shall commence on the first day of January in each year and expire on the last day of December in each year, except in the instance of liquor license which is herein separately provided for, and, except in such other instances which may be specially provided for; and all licenses shall be signed by the City Auditor under the corporate seal. No license shall be valid until so signed and sealed nor shall any person be deemed licensed until a license shall be duly issued to him. Each license shall be dated the day of the issuance thereof; but if the applicant or applicants shall have been acting without a license, the license shall commence with the date the business commenced, and if the business calls for a yearly license, then in that case the license shall commence on the first day of January in the year for which the license shall issue, and the date of the issuance of the license, together with the time of commencing and expiration shall be given in the license and license record.

8-103. SAME: MAYOR, AUTHORIZED TO FIX LICENSE FEES NOT EXPRESSLY MENTIONED. The Mayor is hereby authorized and empowered whenever in his judgment any calling, vocation or business not expressly named herein ought to be required to obtain a license for such calling, vocation, or business, and fix the amount thereof, and the sum so fixed by him shall be paid for any such license and such license shall be issued in the manner herein provided.

8-104. SAME: NOT TRANSFERABLE. No license shall be assignable or transferable; nor shall any person be authorized to do business or act under such license except the person to whom it is granted, or at any place other than the place specified therein. Provided, that the Mayor and City Council may grant the continuance of the business licensed to any other portion of the City, the said permission to be certified on such license by the City Auditor, nor shall any license authorize any person to act under it at more than one (1) place at the same time, or at any other place than is therein specified. Whoever shall violate any of the provisions

of this section shall be deemed to be acting without a license, and shall be subject to the same penalty as prescribed for acting without license.

8-105. SAME: SUBJECT TO ORDINANCES . All licenses granted shall be subject to the ordinance in relation to licenses, which may be in force at the time of issuing thereof, or which may be subsequently passed by the City Council, and if any person shall violate any provision of an ordinance relating to his license he may be proceeded against for any fine or penalty imposed thereby, and his license may be revoked, or forfeited in the discretion of the Mayor and City Council, or of the Court before which any action may be brought for the recovery of any fine or penalty.

8-106. SAME: CHIEF OF POLICE TO ENFORCE ORDINANCES IN RELATION TO. The Chief of Police shall enforce all ordinances in relation to licenses, and shall from time to time examine the license record on file in the City Auditor's Office and shall prosecute all persons who shall be acting without license, and refusing to comply with the provisions of the ordinance in relation to taking out a license and said Chief of Police shall collect from them the sum which may be taxed for their license; and his receipt shall be good to the extent and purport thereof; but no person shall be considered licensed until license shall be issued in the due form as required hereby.

8-107. LICENSES: RULES TO GOVERN. Unless otherwise specifically provided, licenses required for carrying on of a business or trade within the City of Gwinner shall be applied for, issued, terminated and revoked according to the provisions of this article.

8-108. SAME: ISSUANCE OF. If it shall appear that the applicant is entitled to a license, the City Auditor shall issue a license signed by the City Auditor. Licenses shall be issued from a bound book and shall be consecutively numbered. Each license shall be entered. Upon surrender or cancellation of a license, the fact that it has been surrendered or canceled shall be entered by the City Auditor on the stub from which it was detached.

8-109. SAME: PAYMENT OF, FEE FOR. No license shall be issued until the fee prescribed therefor has been paid to the City Auditor. The amount paid and the date thereof and the term for which the license was issued shall be shown on each license.

8-110. SAME.- NOT TO ISSUE UNLESS PROPERTY TAXES PAID. Whenever, pursuant to any ordinance of the City of Gwinner, now existing or which may hereafter be enacted, a license is required to be obtained from the said City for the conduct of any business, trade, or occupation or for any other purpose except dog licenses, no license shall be issued to any person, firm, or corporation until any such person, firm, or corporation shall have paid all delinquent and current property taxes owing by such person, firm, or corporation to the County of Sargent in the State of North Dakota.

8-111. RENEWAL OF LICENSES, REQUIREMENTS TO BE MET. When any person, firm, or corporation has heretofore been issued a license pursuant to any ordinance of the City and such person, firm, or corporation desires to renew such license as provided by the ordinance requiring said license, such person, firm, or corporation shall furnish and file like information as required thereof and no license shall be renewed unless the applicant for such license has paid all delinquent and current property taxes assessed against such applicant in Sargent County, North Dakota.

ARTICLE II. BEER

8-201. BEER DEFINED. The term beer as used in this chapter shall be construed to be a beverage of such alcoholic content as is now or may be hereafter defined by the act of Congress of the United States as beer.

8-202. WHO MAY SELL BEER. Any person, firm or corporation, partnership or association having a legal or bona fide residence in and being a citizen of the State of North Dakota and engaged in any legitimate and lawful business may engage in the retail sale of beer as described herein in the City of Gwinner, and under such further restrictions as may be hereinafter provided.

8-203. PERSON DEFINED. The term "person" shall mean every natural person, firm, partnership, association, or corporation.

8-204. RETAIL SALE OF BEER DEFINED. The term "retail sale of beer" is hereby defined to include all sales of beer except sales made for purposes of resale.

8-205. UNLAWFUL TO SELL BEER WHEN. It shall be unlawful for any person to engage in the sale of beer without first obtaining a license so to do as provided herein. No licensee licensed pursuant to this Article shall sell, serve, or permit to be sold, served or consumed on the premises named in the license any beer between the hours of 1:00 o'clock Midnight and 8:00 o'clock A.M. on any day. No sale or dispensing of beer shall be made as is provided in NDCC 5-02-05 and the City of Gwinner hereby adopts any amendments to said statute as may be adopted by the State of North Dakota. Sunday sale shall be permitted as provided in NDCC 5-02-05.1.

8-206. SALES TO CERTAIN PERSONS UNLAWFUL. No retailer of beer shall be permitted under the provisions of this article to sell beer to a minor, person under the age of 21 years, incompetent person, or a person who is an inebriate or habitual drunkard; nor shall any such retailer permit such beer to be served, given to, or consumed by any such person upon the premises licensed.

8-207. LICENSE: TRANSFER OF PROHIBITED. No license issued under the provisions of this article shall be assignable or transferable without first making application to and receiving the approval of the City Council of the City of Gwinner, to such transfer. Such application shall be accompanied by the application of the

proposed transferee of such license, for a beer license on form, approved by the City of Gwinner.

8-208. LICENSEE LIMITED TO ONE LOCATION. No license to sell beer under the provisions of this article shall entitle the holder thereof to carry on such business at more than one (1) location under any one license, and each license shall contain the legal description of the place where the holder thereof operates his business. No person shall be employed in the sale of such beer who is under the age of twenty-one (21) years.

8-209. LICENSES: TERMINATION, SUSPENSION AND REVOCATION OF. All licenses issued under the provisions of this article, unless otherwise specifically provided, shall terminate one (1) year next following the date of issuance, or at such earlier date as may be required by reason of the revocation of such license for cause, which shall include among other grounds, the following:

- (1) Death of the Licensee.
- (2) When the licensee ceases business at the location licensed.
- (3) When the licensee be adjudged bankrupt.
- (4) When the licensee, if an individual, or one of the partners, if the licensee be a partnership, or one of the officers, if the licensee be a corporation, or the individual in active management of the business, be convicted of violating any of the provisions of this article.
- (5) When the licensee ceases to be a legal and bonafide resident and citizen of the State of North Dakota.
- (6) When the license or permit of licensee from the United States Government or the State of North Dakota to sell beer at the location licensed has terminated or been revoked.
- (7) When the licensee has been convicted of a felony under the laws of the United States, or under the laws of one of the several states.
- (8) When the business of the licensee, at the location licensed, shall be conducted in violation of the health or sanitary regulations or other ordinances of the City of Gwinner.
- (9) When the licensee has made any false statement in his application for a license.

The City Council, in its discretion, for any cause, may by written notice to licensee suspend the license and shall present its reason or reasons thereof at a hearing thereon held at its next regular meeting thereafter, at which time licensee may appear and be heard if he so desires; the Council shall then either lift said suspension, continue the suspension, or revoke the license.

Such causes as hereinbefore enumerated and described shall not be deemed to be exclusive; and such license may be terminated at any time by the City Council of the City of Gwinner, and the said license revoked for any cause deemed by said City Council to be sufficient cause, and justified by reason of public health or public morals. The City Council, in its discretion and for the causes hereinbefore set forth in above,

may suspend the license of the licensee, during the period of such suspension, to sell beer.

When any license is suspended, terminated or revoked for cause, or the licensee voluntarily ceases business, no portion of the license fee previously paid shall be returned to the licensee or to any one claiming under or through him.

8-210. SAME: DISPOSITION OF FEES FOR. All license fees collected by the City Auditor shall be credited to the current fund (general) of the City.

8-211. SAME: ISSUED TO OWNERS ONLY. No license shall be issued to any person, firm, or corporation engaged in business as the representative or agent of another. The license may be issued only to the owner of the business being conducted at the location sought to be licensed.

8-212. SAME: FEE TO BE PAID IN FULL, WHEN. The annual license fee provided for in Section 8-216, shall be paid in semi-annual installments with the first semi-annual payment at the time of filing of the application.

8-213. SAME: PAYMENT. License fees shall be paid semi-annually in full and no partial payment shall be allowed. Fee payment shall be based on a fiscal year when the first application was made to the city.

8-214. SAME: CITY AUDITOR TO REFUND FEE IF APPLICATION DENIED. If the application for a license provided in this article be denied, the City Auditor shall return to the applicant on demand the amount deposited by the applicant with such City Auditor as a license fee.

8-215. SAME TYPES TO BE ISSUED. There shall be issued by the City of Gwinner one kind of license, namely; "On Premises Beer".

8-216. PREMISES LICENSE, APPLICATION Any person, firm, or corporation may obtain a license to sell beer within the City by executing under oath and filing with the City Auditor, a written application therefore on forms provided by the City Auditor setting forth the name, citizenship, and place of residence of the applicant and the legal description of the premises where it is proposed to sell. The application must also show the age of the applicant, if any individual, the name, place of residence, citizenship and age of each partner, if the applicant is a partnership. If the applicant be a corporation, the application must show the name and address of each officer together with the date of the charter and the state of incorporation. There shall also be incorporated in such application the following words:

"The applicant herein does hereby consent that the Mayor or any police officer of the City or any persons duly authorized by the City Council may enter upon the premises described in this application at any hour of the day or night and that they shall have free access for the purpose of inspecting said premises and the records of this

applicant relating to the purchase and sale of beer, and applicant does hereby waive any and all rights that he may have under the Constitution of the United States or the Constitution of the State of North Dakota relative to searches and seizures without issuance of a search warrant, and the applicant does hereby agree that such immunities will never be claimed by him, and that such search and inspection may be made at any time without a search warrant."

The applicant shall also furnish as part of the application satisfactory proof that the applicant is duly authorized to sell beer at the location stated pursuant to the license or permit from the United States and the State of North Dakota. The application shall be accompanied by the license fee. Annual license fee shall be Two Hundred Fifty Dollars (\$250.00) and the annual Sunday permit fee shall be Twenty Dollars (\$20.00). If approved by the City Council, the City Auditor shall issue the applicant a receipt showing the date and amount paid and by whom and for what location, which shall constitute the license. The license must be displayed at all times in a prominent place on the premises described therein. Each license must be given an identification number and permanent record thereof must be kept by the City Auditor showing the name and address of the licensee and the legal description of the place licensed.

8-217. STREET SALE OR USE FORBIDDEN. The sale, serving, or consumption of beer as defined in this article upon or across any streets, alleys, or public ways is prohibited.

8-218. CLOSED BOOTHS, ENCLOSURES, ETC., PROHIBITED. No licensee shall construct, place, or maintain, or suffer to be constructed, placed, or maintained any side room, any closed booth, or other enclosure in any part of such place of business for which license has been issued, and all booths within said premises shall open into the main part of said room and shall be accessible from the aisles therein, and no booth shall be more than forty-eight (48) inches high, nor have thereon any screen, curtain, partition, blind or obstruction of any kind preventing a clear view into the said booth from the main room or aisle of the said premises. Such licensee shall at all times maintain the interior of said premises in a clean and sanitary condition and conduct and maintain his business in a clean, orderly, and respectable manner.

8-219 TOILET REQUIREMENTS IN ESTABLISHMENTS. The premises where license is granted must be equipped with adequate and sufficient lavatories and toilets separately maintained for men and women, and kept in a clean and sanitary condition. The license may be revoked where the foregoing requirement or any other health ordinance or regulation is not, at all times, strictly observed.

8-220. NON-OBSTRUCTION OF VIEW FROM OUTSIDE. No licensee shall be permitted to place in the windows or door of the licensed premises any sign, advertising matter, paper, cards, or any other material which shall in any manner obstruct the view into the said premises and through the same from the street level in front of said premises. The view from the street level and through the windows and door of said premises at all times shall be maintained in an open, clear, and

unobstructed manner from the street, and no screen, partition, or other matter obstructing the view through any portion of the said licensed premises shall be maintained therein at any time. Provided, however, that a curtain not over sixty (60) inches in height as measured from the street level shall be allowed in the windows of said licensed premises.

8-221. POLICE POWER DEFINED. This article is declared to be an exercise of the police power directly affecting and designed to promote the peace, safety, good order, health, and well-being, of the people of this City, and shall apply to all territory within the corporate limits of this City, and to such outlying contiguous territory without the corporate limits within which the City may exercise police jurisdiction as defined by laws.

ARTICLE III. INTOXICATING LIQUOR

8-301. DEFINITIONS.

- (1) Person. The word "person" whenever used in this article shall mean any individual who is a bona fide resident of the State of North Dakota, domestic private corporation organized under the laws of the State of North Dakota, or co-partnership, all of the members of which said partnership are bona fide residents of the State of North Dakota.
- (2) Intoxicating Liquor and Liquor. The terms "Intoxicating Liquor" and "Liquor" whenever use in this article shall mean and include such alcohol or alcoholic beverages as defined by the Liquor Control Act of the State of North Dakota or any amendments or acts supplementary thereto.
- (3) Sale and Sell. The terms "sale" and "sell" shall mean and include all barter, and all manners or means of furnishing of intoxicating liquor or liquors, including the selling, exchange, barter, disposition of, and keeping for sale of such intoxicating liquors.
- (4) Package and Original Package. The terms "package" and "original package" shall mean and include any container or receptacle holding liquor, which container or receptacle is corked or sealed by the manufacturer thereof and which cork or seal has not been removed or broken prior to the sale of such package to the consumer.
- (5) On-Sale. The term "on-sale" shall mean the sale of liquor for consumption on the premises where sold only, and an "on-sale" license shall authorize the persons named therein to conduct such on-sales at the place designated in such license and not elsewhere.
- (6) Off-Sale. The term "off-sale" shall mean the sale of liquor in original packages for consumption off or away from the premises where sold, and an "off-sale" license shall authorize the persons named therein to conduct such off-sales at the place designated in such license and not elsewhere.
- (7) Retailer. The term "retailer" for the purpose of this article shall be deemed to mean and include any person engaged in the sale and distribution of liquor under any type of license except a wholesale license.
- (8) Wholesaler. The term "wholesaler" for the purposes of this article shall be deemed to mean and include any person engaged in the sale and distribution of

intoxicating liquor within the State of North Dakota or for the sale and distribution of intoxicating liquor in interstate commerce, and which wholesaler has been duly licensed under the provisions of the Liquor Control Act of the State of North Dakota, and any amendments or acts supplementary thereto.

8-302. INTOXICATING LIQUOR LICENSE: REQUIRED. No person as defined in this article shall sell, exchange, dispose of, or keep for sale any intoxicating liquor as defined herein and as defined in the Liquor Control Act of the State of North Dakota or any supplementary thereto, without first having obtained a license therefor.

8-303. LICENSES TO BE ISSUED HEREUNDER. Licenses to be issued hereunder shall be of two (2) kinds as follows, to-wit: Wholesaler's licenses and retailer's license.

The license fee for a wholesaler's license shall be the sum of One Hundred Dollars (\$100.00) per year, payable at the time of the issuance of the license.

Retail licenses shall consist of two (2) kinds, to-wit: an "on and off sale" license and an "on sale club" license.

The license fee for an "on and off sale" license shall be the sum of One Thousand Dollars (\$1,000.00) per year and for an "on sale club" license, the sum of Seven Hundred Fifty Dollars (\$750.00) per year, and the annual Sunday permit fee shall be Twenty Dollars (\$20.00) for each class. License fees shall be paid semi-annually in full and no partial payment shall be allowed. Fee payment shall be based on a fiscal year when the first application was made to the city.

8-304. APPLICATION. Any person desiring to sell intoxicating liquor at wholesale or retail as hereinbefore described shall make and file with the City Council of the City of Gwinner, North Dakota, through the City Auditor an application for such license accompanied by the fee as hereinbefore provided. Such application shall be verified by the person making the application. If the applicant is a corporation, it shall be verified by the president and secretary of said corporation, if an individual, by such individual, and if a co-partnership, by each member of said co-partnership. The following information, together with such information as may, from time to time be required by the City Council of the City shall be contained in such application:

a. The Name of the Applicant. If the applicant is a corporation, the name and address of all persons holding twenty-five per cent (25%) or more of the stock in said corporation; if the applicant is a co-partnership, the name and address and place of residence of each member of said co-partnership and any persons having any financial interest therein.

b. Whether the applicant is a citizen of the United States and if a naturalized citizens the date and place of naturalization. whether the applicant is a resident of the State of North Dakota and the place of residence of the applicant for a period of one (1) year last preceding the date of the application if the applicant is a corporation, the

date of incorporation, the state where incorporated, the amount of the authorized capital, the amount of the paid-in capital, whether such corporation is a subsidiary of any corporation, and if so, the name of the parent corporation, the purpose for which said corporation was incorporated, the names and addresses of the officers, directors and managing agents of said corporation and the names and addresses of all stockholders holding twenty-five per cent (25%) or more of the capital stock of such corporation.

- c. The legal description of the place for which the license is sought.
- d. The name and address of the owner of the premises for which license is sought and if the license is sought by a person other than the owner of said premises, the terms of the lease under which applicant holds possession of the premises, insofar as the terms of such lease and the rental to be paid therefor are concerned. The applicant shall when required by the City Council of the City of Gwinner furnish to said City Council a copy of the lease under which he holds possession of said premises. If the license is sought by the owner of the premises sought to be licensed, the applicant shall state the time when such applicant acquired title thereto.
- e. Whether the taxes on such property are delinquent.
- f. Whether the applicant has ever engaged in the sale or distribution of liquor prior to this application, and if so, the date and type of business and the place where so engaged, whether within or without the State of North Dakota. If the application is for a renewal license, the date the applicant first began to operate; provided however, that this provision shall apply to a license first issued hereunder.
- g. Whether the applicant has ever had a license revoked or canceled by any municipal, state or Federal authority, and if so the date of such cancellation, the place and authority canceling the same and the reason for such cancellation.
- h. Whether the applicant has ever been convicted of the violation of any law of the United States or of any State or of the violation of any local ordinance with regard to the manufacture, sale, distribution or possession of intoxicating liquor and if so, the dates, names of places and courts in which said convictions were had.
- i. Whether the applicant has ever had a license for the sale of intoxicating liquor revoked for any violation of state laws or local ordinances and if so, the names of the bodies revoking such license, the dates of such revocations and the reasons assigned therefor.
- j. Whether the applicant has ever been convicted of any crime other than stated in sections (h) and (i) hereof, in this or any other state or under any Federal law, and if so, the date of such conviction, the name of the crime for which convicted, the amount and terms of sentence passed and the court in which convicted.

k. The name and address as hereinbefore provided for all co-partners all members of said co-partnership having any financial interest in the said business silent or otherwise, and name and address of the person who will have charge, management or control, of the establishment for which license is sought.

l. Whether any other person than the applicant has any right, title, estate or interest in the leasehold or in the furniture, fixtures or equipment on the premises for which license is sought and if so, the name and address of such person, together with a statement of the interest so held.

m. Whether the applicant has any agreement, understanding or intention to have any agreement or understanding with any person, co-partnership or corporation to obtain for any other person or to transfer to any other person this license or to obtain it for any other than for the specific use of the applicant, and if so, the names and address of such persons and the conditions of such agreement.

n. Whether the applicant has any interest whatsoever directly or indirectly, in any other liquor establishment, either at wholesale or retail, within or without the State of North Dakota, and if so, the names and address of such establishments. This provision is meant to include the holders of capital stock in any corporation dealing in liquor at wholesale or retail and within the borders of the United States.

o. The occupations which the applicant has followed during the past three (3) years.

p. The names and addresses of at least three (3) business references and a brief statement of the nature and extent of the business relations with each.

q. Whether the applicant is rated by any commercial agency and if so, the name and address of said agency.

r. Whether the applicant is engaged in any other business or intends to engage in any other business than the sale of liquor under the license applied for; if so, the type of business and the name and address of employer.

s. The classification of licenses applied for, whether, "wholesale", "on and off sale", or "on sale club".

8-305. Saved for future use.

8-306. INVESTIGATION OF FITNESS. The City Council of the City of Gwinner or such other person or officer as may be designated by said City Council shall, upon the application being filed, investigate the facts as stated in the application and the character, reputation and fitness of the applicant. If such investigation is made by a person other than the City Council, he shall report all such matters to the said City Council.

8-307. LICENSES TO BE ISSUED TO WHOM. No license shall be issued to any applicant unless he is a legal and bona fide resident and citizens of the State of North Dakota and has established a residence within the City of Gwinner prior to the filing of the application. No license shall be issued to any person, co-partnership, or corporation engaged in business as the representative or agent of another. A license may be issued only to the owner or owners of the business being conducted at the location for which license is sought, and no business except the business for which license is issued under this ordinance shall be conducted on the premises, in the case of any off-sale license.

No license shall be issued to any person under the age of twenty-one (21) years or to any person deemed by the City Council of the City of Gwinner to be morally unfit to engage in the business for which license is sought.

8-308. SAVED FOR FUTURE USE.

8-309. SELLING, SERVING OR DISPENSING INTOXICATING LIQUOR. No licensee, his agent or employee, shall sell, serve or dispense any intoxicating liquor to any habitual drunkard, person under the guardianship or to any person under twenty-one (21) years of age. No licensee shall permit any person under twenty-one (21) years of age to be furnished with any liquor on the premises for which license is granted or elsewhere under any license pursuant to this ordinance. No person under twenty-one (21) years of age shall purchase, attempt to purchase, receive or drink any intoxicating liquor in any public place or on any street or alley, or park or business place within the city limits of the City of Gwinner.

8-310. PERSONS UNDER TWENTY-ONE YEARS OF AGE NOT PERMITTED ON LICENSED PREMISES. No person under twenty-one (21) years of age shall be permitted to enter any establishment selling serving or dispensing intoxicating liquor, under a license issued by the City of Gwinner.

8-311. HOURS AND TIME OF SALE. No sale or dispensing of intoxicating liquor shall be made as provided in NDCC 5-02-05 and the City of Gwinner hereby adopts any amendments to said statute as may be adopted by the State of North Dakota. Sunday sale shall be permitted as provided in NDCC 5-02-05.1.

8-312. LICENSEE TO FORBID CONSUMPTION OF INTOXICATING LIQUOR ON LICENSE PREMISES: SALE TO BE COMPLETED ON PREMISES: DELIVERY PROHIBITED. No person holding a license hereunder shall permit the consumption of intoxicating liquor upon the licensed premises or the opening of the container containing the alcoholic beverage, the same being, the original package in which the sale is made on the premises where sold. All sales of intoxicating liquor made by a licensee shall be completed upon the licensed premises by the delivery or the container containing the intoxicating liquor sold to the purchaser upon such premises.

No delivery shall be made by any person holding an "off sale" license to any person or premises other than that licensed hereunder.

8-313. STREET SALE, USE AND CONSUMPTION RESTRICTED AND PROHIBITED. The sale or serving or consumption of intoxicating liquor as defined in this ordinance upon or across any street, alley, public walk, park, automobile, or in any business place in the City of Gwinner, and the having in one's possession in the City of Gwinner, any container of any such intoxicating liquor, with the seal broken, except in the possessor's home, shall be deemed to be illegal and a violation of this ordinance and is hereby prohibited.

8-314. SAVED FOR FUTURE USE.

8-315. DANCING PERMITTED, EXCEPTION. Dancing shall be permitted in any establishment or on any premises holding a liquor license issued under this ordinance. No license shall be issued for any premises or rooms -which are adjacent to any licensed 'hall, which dance hall is not entirely separated from such licensed premises by means of a permanent wall or partition containing no communicating doors or openings into such dance hall. Dancing shall be permitted on premises only and not in any separate room adjacent to the premises connected by doors or archways.

8-316. CITY COUNCIL TO APPROVE TRANSFER OF LICENSE AND LOCATION CHANGES. No license issued hereunder shall be transferable and no location change permitted without first making application to and receiving the approval of the City Council. and the City of Gwinner, to such transfer of license or location change.

The application for permission to transfer a license by holder thereof, shall be accompanied by the application of the proposed transferee and by a bond, as required in this ordinance for an original application for a license.

8-317. PERSONS UNDER TWENTY-ONE YEARS OF AGE NOT BE EMPLOYED. No person under twenty-one (21) years of age shall be employed in any room or rooms constituting the place in which intoxicating liquor is sold pursuant to a liquor license issued under this ordinance.

8-318. LICENSEE RESPONSIBLE FOR CONDUCT OF PLACE OF BUSINESS. Every licensee is hereby made responsible for the conduct of his place of business and is required to maintain order and sobriety in such place of business. No intoxicated person or persons shall be permitted to remain upon the premises or to be sold intoxicating liquor by any person holding any license issued pursuant to this ordinance.

No licensee hereunder shall be permitted to extend any credit or to sell to any person upon credit any intoxicating liquor or alcohol.

No licensee hereunder shall be permitted to own or have in his possession and located on the premises for which license is obtained pursuant to this ordinance any card game, dice, slot machine, gambling device, punch board, in ball or any other machine or other device of similar nature. The possession of cards, dice or such machines upon the premises licensed shall be sufficient cause for the revocation of the license issued hereunder, and such license shall be revoked should any such card game, dice, slot machine, punch board, pin ball or other machine or device as herein defined be found upon the licensed premises.

8-319. INSPECTION OF LICENSED PREMISES TO BE ALLOWED POLICE OFFICERS. In addition to the requirements as hereinbefore stated to be set forth in the application made by a person seeking the license for the sale of intoxicating liquor, such person, co-partnership, corporation seeking such license shall state therein that he consents to any police officer, sheriff or any peace officer of the City of Gwinner or of the State of North Dakota entering upon the premises for which license is sought for the purpose of inspecting said premises and any part thereof and the record of sales made at any time, and that such person seeking such application waives all rights, constitutional and otherwise, against unreasonable search or seizures and further conditions that any liquor found upon said premises or any property found therein held in violation of the laws of the State of North Dakota or of this ordinance may be seized and taken away by such officer, and that such intoxicating liquor or other property so seized may be received in evidence against him in any procedure brought pursuant to the laws of the State of North Dakota or this ordinance.

8-320. LICENSE TO BE POSTED. Licenses issued to licensees hereunder shall be posted in a conspicuous place in the premises for which, the license has been issued.

8-321. LIMITATION OF LICENSES. There shall be granted not more than two (2) licenses to sell at retail intoxicating liquor under this ordinance of "on and off sale" licenses, and not more than zero (0) "on sale club" licenses, and that not more than one (1) retail license, either wholesale or an "on and off sale" shall directly or indirectly be issued or granted to any one person, nor shall more than one license be issued for the premises licensed for retail sale of liquor. There shall be granted not more than one (1) wholesale license which license shall be restricted to sales to retailers only and said wholesale license shall not be used in conjunction or with a retail sale license nor for the sale of intoxicating liquor to the consumer but only for wholesale distribution.

8-322. NO LIQUOR PERMITTED TO BE SOLD UNLESS STAMP TAX PAID AND LIQUOR PURCHASED FROM WHOLESALERS LICENSED UNDER LIQUOR CONTROL ACT. No intoxicating liquor shall be permitted to be owned, held or possessed upon any licensed premises or by any person to whom a license for the retail sale of liquor has been issued unless the stamp tax as provided by the Liquor Control Act of the State of North Dakota has been properly affixed to the containers thereof and unless the taxes on said intoxicating liquor have been paid. The possession of any container of intoxicating liquor, which container does not bear the proper stamp issued by the State of North Dakota pursuant to the Liquor Control Act of

the State of North Dakota shall be deemed to be illegal and a violation of this ordinance.

No off sale licensee hereunder shall purchase, have or possess any intoxicating liquor unless he has purchased the same from a wholesaler duly licensed pursuant to the provisions of the Liquor Control Act of the State of North Dakota. Each licensee hereunder shall keep on file all invoices covering purchases by him of intoxicating liquor showing the name and license number of the wholesaler and the name of the municipality issuing such wholesale license. Such records shall be retained in possession of the licensee and at all times be open to inspection by any police officer or peace officer of the State of North Dakota.

Each off sale licensee licensed under this ordinance shall keep a book showing the kinds and quantities of all liquor purchased by him, together with the name of the person from whom purchased, the license number of the wholesaler selling such liquor to said licensee and the name of the municipality issuing such wholesale license.

8-323. LOCATION. No license shall be issued to any applicant for the retail sale of intoxicating liquor outside of the "Fire Limits" of the City of Gwinner, or what is to be located in any building having more than one (1) entrance and that entrance must open upon Main Street. No building used by a licensee under a license issued under this ordinance shall have a side or rear door or any door not opening on Main Street. No license shall be issued for the retail sale of intoxicating liquor where the premises sought to be licensed is located in any basement or below or above the first or ground floor of any building.

8-324. SIGNS, ADVERTISING AND DISPLAY. No licensee hereunder shall be permitted to display in show window any bottle, package or other container showing the liquor kept on said premises for sale or for any other purpose. No window display or other display in show windows shall be made showing prices for any class of liquor permitted to be sold pursuant to this ordinance. No licensee hereunder shall be permitted to display outside of the premises licensed any neon sign, electric sign or any other sign of any description containing any statement or words showing or tending to show that the premises is a liquor store or place where liquor is sold. He shall be required to place in letters not exceeding four (4) inches in height upon the door or windows of the licensed premises the words "Licensed Liquor Store, City of Gwinner, License No.", and no other words. No licensee hereunder shall be permitted to advertise by means of any billboards or outdoor advertising, which advertising shows or tends to show other than that the advertiser and licensee is the operator of a liquor store. No billboard advertising shall contain the name of any brand of intoxicating liquor or the price thereof. No licensee hereunder shall be permitted to advertise in any newspaper, circular delivered from house to house or in any other publication which has circulation throughout the City the names or prices of any brand of liquor kept or sold by him, or showing or tending to show other than that the licensee is the operator of a liquor store.

Further, that no other medium of advertising not specifically mentioned hereinbefore shall show other than that the licensee is the operator of a liquor store.

8-325. BOOTHS AND WINDOWS. No licensee for the retail sale of liquor shall maintain or suffer to be constructed, maintained or placed in the premises licensed any side rooms, booths, or other enclosure. No licensee for the retail sale of liquor shall be permitted to place in windows or door of the licensed premises any sign advertising matter paper, cards or any other material which shall in any manner obstruct the view in the said premises and through the same from the street level in front of said premises. The view from the street level and through the windows and door of said premises at all times shall be maintained in an open, clear and unobstructed manner from the street, and no screen, partition or other matter obstructing the view through any portion of the said licensed premises shall be maintained therein at any time.

8-326. LICENSES: TERMINATION, SUSPENSION AND REVOCATION OF. All licenses issued under the provisions of this article, unless otherwise specifically provided, shall terminate on the December 31st next following the date of issuance, or at such earlier date as may be required by reason of the revocation of such license for cause; which shall include among other grounds, the following:

1. The death of the licensee.
2. When the licensee ceases business at the location licensed.
3. When the licensee be adjudged bankrupt.
4. When the licensee, if an individual, or one of the partners if the licensee be a partnership, or one of the officers if the licensee be a corporation, or the individual in active management of the business, be convicted of violating any of the provisions of this article, where the licensee is also the holder of a beer license issued by the City of Gwinner.
5. When the licensee ceases to be a legal and bona fide resident and citizen of the State of North Dakota.
6. When the license or permit of the licensee from the United States Government or the State of North Dakota to sell beer or intoxicating liquor at the location licensed has terminated or been revoked.
7. When the licensee has been convicted of a felony under the laws of the United States, or under the laws of one of the several states.
8. When the business of the licensee, at the location licensed, shall be conducted in violation of the health or sanitary regulations or other ordinances of the City of Gwinner.
9. When the licensee has made any false statement in his application for a license. The City Council, in its discretion, for any cause, may be written notice to licensee suspend the license and shall present its reason or reasons therefor at a hearing thereon held at its next regular meeting, thereafter, at which time licensee may appear and be heard if he so desires; the Council shall then either lift said suspension, continue the suspension, or revoke the license.

Such causes as hereinbefore enumerated and described shall not be deemed to be exclusive, and such license may be terminated at any time by the City Council of the

City of Gwinner, and the said license revoked for any cause deemed by said City Council to be sufficient cause, and justified by reason of public health or public morals. The City Council, in its discretion and for the causes hereinbefore set forth in Subdivisions 4, 7, 8, or 9, may suspend the license of the licensee for such period as it may determine, and it shall be unlawful for such licensee, during the period of such suspension, to sell liquor.

When any license is suspended, terminated or revoked for cause, or the licensee voluntarily ceases business, no portion of the license fee previously paid shall be returned to the licensee or to anyone claiming under or through him.

8-327. DISPOSITION OF LICENSE FEES. All license fees collected under this ordinance shall be credited to the General Fund of the said City.

8-328. SANITARY REQUIREMENTS. All premises licensed pursuant to this ordinance must provide adequate and sufficient lavatories and toilets and meet such other health and sanitary requirements as may be prescribed by the City Council of the City of Gwinner.

8-329. PROPRIETOR OF UNLICENSED PREMISE WHERE MEALS OR SOFT DRINKS ARE SOLD NOT TO ALLOW CONSUMPTION OF LIQUOR THEREIN. It shall be unlawful for any person other than a licensed retail on-sale liquor dealer, operating any business establishment in which meals, luncheons, or soft drinks are sold, served, or dispensed to dispense intoxicating liquor, or to permit the consumption of intoxicating liquor upon such premise by any person, provided, however, that this article shall not be construed to prohibit the opening and consumption of intoxicating liquor in a private room of any hotel by a guest thereof.

8-330. PERSONS IN UNLICENSED PREMISE WHERE MEALS OR SOFT DRINKS ARE SOLD NOT TO CONSUME LIQUOR THEREIN. It shall be unlawful for any person to open any package containing intoxicating liquor or to consume or attempt to consume intoxicating liquor in any business establishment in which meals, luncheons, or soft drinks are sold, served, or dispensed, except as provided in the preceding paragraph.

8-331. Saved for future use.

8-332. Saved for future use.

8-333. APPLICATION OF ARTICLE. This article is declared to be an exercise of the police power directly affecting and designed to promote the peace, safety, good order, health, morals, and well-being of the people or this City. This article shall apply to all territory within the corporate limits of the City, and to such outlying contiguous territory without the corporate limits within which the City may exercise police jurisdiction, as defined by law.

ARTICLE IV. REGULATIONS OF TAXICABS

8-401. TAXICAB DEFINED. The term taxicab as used in this article shall be construed to mean any vehicle used for the transportation of passengers.

8-402. TAXICAB BUSINESS DEFINED. One who transports passengers for hire, within the City of Gwinner shall be under the terms of this ordinance regarded as conducting and operating a taxicab business.

8-403. APPLICATION. Any person desiring to conduct and operate a taxicab business within the City of Gwinner shall make application to the City Council, through the City Auditor, which application shall be accompanied by the fee hereinafter provided for, which application shall state the following facts, viz:

- a. The name, age, sex and address of the applicant.
- b. A description of the premises from which said business will be conducted.
- c. The kind of equipment with which he intends to carry on the business.
- d. A brief statement of his experience in the taxicab business and in operating such a business, if any.
- e. A schedule of fees to be charged within the City of Gwinner, which shall be filed with the City Auditor and open to public inspection, and an agreement to file with the City Auditor any amendment of such schedule.
- f. Applicant, if an individual, must be a resident of Gwinner, North Dakota.
- g. If applicant is a co-partnership, names of all partners and their addresses, one of whom must be a resident of the City of Gwinner.
- h. If a corporation, at least one stockholder and officer must be a resident of Gwinner, North Dakota, and names of all stockholders must be given.
- i. Applicant must produce for inspection a license issued by the State of North Dakota, to carry on a taxicab business.
- j. Names of three (3) local residents as reference.
- k. Statement as to whether engaged in any other business and if so what.

8-404. SAME: MINOR. No license will be issued to a minor.

8-405. NOT TRANSFERABLE. Licenses shall not be transferable.

8-406. SAME; FEE. The license fee shall be Fifty Dollars (\$50.00) and license shall expire on December 31, after issued. If application is made prior to June 30th of any year, full fee shall be charged, if after July 31st, one-half (1/2) thereof.

ARTICLE V. JUNK DEALERS AND JUNK YARDS

8-501. DEFINITION OF JUNK BUSINESS AND JUNK DEALERS. Any business or person who deals in old metals, ropes, rags, automobiles, machinery, etc., salvaging useable parts for resale and which is or who is engaged in the purchase, salvage, and selling such old metals, ropes, rags, automobiles, machinery, etc., whether as a main business or as a side line, or otherwise.

8-502. DEFINITION OF A JUNK YARD. A place where old metals, ropes, rags, automobiles, machinery, etc., are salvaged, stored and sold.

8-503. APPLICATION. Any person desiring to maintain and continue a junk yard and business, now in operation, or to establish, operate and maintain a junk yard and business shall first make an application in writing for a license, which application shall state:

1. The proposed location of said junk yard and business, describing the lot or lots and block or blocks and addition in the City of Gwinner, by exact description;
2. And contain an agreement on the part of the applicant to abide by and perform all of the terms, provisions and requirements of this article and of the license issued to such applicant, if any.

8-504. APPLICATION FILED WITH CITY AUDITOR. The application provided for in Section 8-603 above for a license to establish, operate and maintain a junk yard and business, shall be filed with the City Auditor, together with a fee of Two Thousand Dollars (\$2000.00) which fee in the event of refusal to grant a license to applicant shall be returned to said applicant.

8-505. CITY AUDITOR TO KEEP RECORD. The City Auditor shall keep a record of all applications filed with him and of all licenses issued under the provisions of this article in some suitable and convenient form for reference.

8-506. LICENSE SHALL CONTAIN WHAT. The City Council may require, as a condition to granting a license, that the proposed location of said junk yard and business be enclosed with a tight board fence not less than eight (8) feet high and require that the same be kept painted in such color as may be ordered and maintained in a good state of repair at all times, which conditions shall be set forth in detail in the license issued to such applicant to authorize applicant to continue as an established junk yard and business or to establish, operate and maintain a junk yard or business, which license with conditions shall be made in duplicate and one copy thereof retained by the City and one delivered to applicant and licensee.

8-507. BUYING FROM MINORS, FORBIDDEN WHEN. That all second hand and junk stores and dealers are hereby forbidden to purchase or receive any articles of property whatever from any minor without the written consent of such minor's parents or guardian, which written consent must be kept on file by such second hand and junk store or dealer receiving any article from any minor and must be shown to the Chief of Police or City Attorney of the City of Gwinner upon request.

8-508. NUISANCE PROHIBITED. Such junk yard shall at all times be kept and maintained in a sanitary condition, and the keeping of any goods, wares and merchandise of any kind, or property whatsoever which tends to annoy, injure or endanger the comfort, repose, health or safety of others, or in any way renders other

person insecure in life, or the use of property, is hereby declared a nuisance and is prohibited.

8-509. POLICE POWERS DEFINED. This article is declared to be an exercise of the police powers directly effecting and designed to promote and maintain the peace, decency, safety and welfare and well-being of the people of this City.

ARTICLE VI. TRANSIENT MERCHANTS

8-601. TRANSIENT MERCHANT DEFINED. A transient merchant within the meaning of this article is defined as anyone who engages in the vending, sale or offering for sale at any place temporarily; or one who engages in the manufacturing, making, producing, creating or processing and vending at any place temporarily, of merchandise, and who does not intend to become and does not become, a permanent merchant of the City of Gwinner, provided that the word "merchandise" as used herein shall not be considered to mean any agricultural product when sold or offered for sale by the producer thereof.

8-602. LICENSE REQUIRED. No person shall engage in, or follow, the business or occupation of a transient merchant, as hereinbefore defined, at any place within the City of Gwinner, without first obtaining a license authorizing him to do so.

8-603 . APPLICATION FOR LICENSE. The application for a license as a transient merchant shall be made in writing to the City Auditor who shall submit the application to the City Council for approval. Upon the approval of said application by the City Council of the City of Gwinner, the City Auditor shall issue such license to an applicant for a period of no longer than one (1) year from the date of issuance, provided, that such license shall not be issued until compliance by the applicant with the terms of this article and due proof by the applicant of the issuance to him of a state license to do business as a transient merchant, as provided by law. Making sales or offering to do so without such license as provided by this article shall subject such person to the penalties provided therein.

8-604. LICENSE FEE; BOND, AMOUNT OF. Any person or corporation desiring a license as a transient merchant shall, before receiving the same, pay to the treasurer of the City of Gwinner the sum of Fifty Dollars (\$50.00) per day for each day that he may be engaged in carrying on his business within the City of Gwinner; provided, that if complaint be made to the Mayor of the City of Gwinner, that any person doing business within the City of Gwinner is a transient merchant, and that such person claims to be a permanent merchant; he shall be required, as a condition of transacting business in such City of Gwinner without the payment of the license fee provided for herein, to give a bond to such City of Gwinner to secure the payment of the state license provided by law and the license provided for herein, in the event that he fails to become a permanent merchant under the terms of this article, said bond to be in the penal sum of Five Hundred Dollars (\$500.00) with sureties to be approved by the City Auditor of Gwinner; and which bond shall be enforced, in case of breach thereof, by

the proper officers of the City of Gwinner, and, upon its collection, the amount of the state license shall be paid to the State Treasurer and the remainder, so far as applicable, shall be paid into the treasury of the City of Gwinner and shall become a part of the license fund.

ARTICLE VII. HAWKERS AND PEDDLERS

8-701. SOLICITATION OF ORDERS, PEDDLING AND HAWKING DECLARED TO BE A NUISANCE. The practice of going in and upon private residences in the City of Gwinner by solicitors, magazine salesmen, book salesmen, insurance salesmen, peddlers, hawkers, itinerant merchants or transient vendors or merchandise, not having been requested or invited to do so by the owner or owners, occupant or occupants, of said private residences, for the purpose of soliciting orders for the sales of goods, wares and merchandise and/or disposing of and/or peddling or hawking the same is hereby declared to be a nuisance and punishable in the manner herein provided.

8-702. EXCEPTIONS. The provisions of this article shall not apply to the sale or solicitation or orders for the sale of milk, dairy products, vegetables, poultry, eggs, and other farm and garden products, so far as the sale of said commodities is now authorized by law.

8-703. POLICE OFFICERS TO ENFORCE. The Chief of Police and all police officers of the City of Gwinner are hereby required and directed to suppress the same and to abate any such nuisance as is described in the first section of this ordinance.

ARTICLE VIII. HOUSE MOVING

8-801. HOUSE MOVING: PERMIT REQUIRED. Every person who shall remove, raise or support free of its foundation any building or structure within the limits of the City of Gwinner shall comply with the provisions of Chapter XIV of these ordinances and shall obtain a permit therefore from the City Council on application forms provided. The foregoing shall not be construed as applying to owners of a building or structure from personally raising, moving, or supporting such building or structure upon his own premises.

8-802. PERMIT: FEE FOR. When any building or structure is to be moved across or through any street or alley, a fee of Fifty Dollars (\$50.00) shall be paid by the person receiving a permit therefor, provided, however, that for a one story garage, shed, and the like, having a floor area not to exceed four hundred (400) square feet the fee shall be Twenty Dollars (\$20.00).

Fee for permits to raise, move, or support any building or structure where the use of a street or alley is not involved, shall be Fifty Dollars (\$50.00).

The above permits and fees shall permit all excavation, erection of foundations, and setting of the building or structure in place at its new location only.

8-803. REMOVAL OF WIRE, CABLES, PIPES: BY WHOM, NOTICE OF

(1) The person to whom a removal permit has been issued shall, before raising or moving any building or structure to which electric wires, cables, or piping for any purpose are attached, notify the persons, associations, or corporations owning or controlling such electric wiring, cables, or piping of the proposed moving of said building or structure. The person, association or corporation so notified shall, within a reasonable time not exceeding twenty-four (24) hours thereafter, disconnect and make safe all such electric wires, cables or piping.

(2) In every case in which a permit shall be issued as herein provided for the removal of any house or structure, when such removal requires the displacement of any overhead electrical or other wire or cable, it shall be the duty of the person, association, or corporation owning, operating, or controlling such wire or cable to remove or displace the same, as far as may be necessary, to permit the removal of such.

(3) The person to whom a removal permit shall have been issued shall notify the person, association, or corporation owning, operating, or controlling such wire or cable, to remove or displace the same to facilitate the removal of said house, building, or structure; and shall exhibit to said persons, associations, or corporations the properly issued permit, authorizing the removal of said house, building, or structure; and it shall thereupon be the duty of said persons, associations or corporations, within a reasonable time not exceeding twenty-four (24) hours thereafter, to remove or displace such wires or cables sufficiently to allow the passage of said house, building, or structure.

8-804. PERMIT REQUIRED TO MOVE BUILDINGS THAT WILL INJURE TREES:

TREE TRIMMING COST TO BE PAID. No person, firm or corporation, whether licensed or otherwise, shall move any building, or structure, along any street, alley or other public way in such a manner as to interfere with or house, building, or structure or injure any tree, shrub, or other vegetable growth without a written permit first obtained from the Superintendent of Streets. The application shall specify the building or structure to be removed and the proposed route. All necessary tree or shrub trimming costs shall be paid by applicant.

8-805. MOVING BUILDINGS ACROSS TRACKS, WHEN PERMITTED. No house, building, or structure shall be moved across any railway tracks except at such time as permitted by the person, associations, or corporation owning or controlling such tracks.

8-806. BUILDINGS IN STREETS, LIGHTS REQUIRED. When any building or structure is being moved upon or adjoining any street, alley or sidewalk, a red light must be kept burning at each corner of such building or structure from sunset to sunrise. All roes, blocks, winches, windlasses, or other equipment used in the moving of said building or structure must, when obstructing the free use of a street or alley, be protected by suitable lights from sunset to sunrise.

8-807. NOTIFICATION TO POLICE DEPARTMENT. At least twenty-four (24) hours before any building is moved across or through any street or alley the Police

Department of the City of Gwinner shall be notified thereof by such mover, and of the route on which such move will be made and the probable hour of such move.

8-808. HOURS OF MOVING OPERATIONS: BUILDINGS NOT TO STAND ON STREETS WITHOUT WRITTEN PERMISSION. Moving operations upon a street or alley shall be carried on continuously for at least eight (8) hours daily, except Sunday, and in such manner as to cause the least inconvenience to the public use of such street or alley. No building shall be left, or be permitted to stand, on any street, alley or public place in the City without written permission from the City Street Commissioner.

ARTICLE IX. TRAILER PARKS AND TRAILER COACHES USED FOR RESIDENTIAL PURPOSES

8-901. DEFINITIONS. The following words and phrases, when used in this article, shall have the meanings respectively ascribed to them except in those instances where the context clearly indicates a different meaning:

- (1) "Natural or artificial barrier" means any river, pond, canal, railroad, levee, embankment, a painted board or metal fence not less than six (6) feet high, or hedge.
- (2) "Park" means trailer coach park.
- (3) "Person" means any natural individual, firm, trust, partnership, association and corporation.
- (4) "Trailer Coach" means any portable structure or vehicle so constructed and designed as to permit occupancy thereof for dwelling or sleeping purposes.
- (5) "Trailer coach park" means any plot of ground upon which two or more trailer coaches occupied for dwelling or sleeping purposes are located regardless of whether or not a charge is made for such accommodation.
- (6) "Trailer coach space" means a plot of ground within a trailer coach park designed for the accommodation of one (1) trailer coach.

8-902. LICENSE. It shall be unlawful for any person to maintain or operate within the limits of the City any trailer coach park unless such person shall first obtain a license therefor. All trailer coach parks in existence upon the effective date of this ordinance shall, within ninety (90) days thereafter, obtain such license and in all other respects comply fully with the requirements of this ordinance.

8-903. LICENSE FEES. The annual license fee for each trailer coach park shall be Fifty Dollars (\$50.00) for each block of one hundred (100) trailer coach spaces or fraction thereof. The fee for the transfer of a license as provided in this article shall be Twenty Dollars (\$20.00).

8-904. SAME: DISPOSITION OF. All license fees collected under this article shall be paid over to the auditor of the City of Gwinner and credited to the general fund of the said city.

8-905. APPLICATION FOR LICENSE. Application for a trailer coach park license shall be filed with, and such license shall be issued by, the City Council of the City of

Gwinner, North Dakota. Each application shall be in writing and signed by the applicant and shall contain the following:

1. The name and address of the applicant.
2. The location and legal description of the proposed trailer coach park.
3. A complete plan of the proposed park, showing compliance with Section 8-1206 of this article.
4. Plans and specifications of all buildings and other improvements constructed or to be constructed with the proposed trailer coach park.
5. Such further information as may be requested by the City Health Officer to enable him to determine if the proposed park complies with health regulations as required by law.

The City Council shall investigate the moral character of the applicant and the Health Officer shall inspect the proposed plans and specifications. If the applicant is found to be of good moral character, and the proposed trailer coach park complies with all provisions of this article and with all other applicable articles or statutes, the City Council shall approve the application, and upon completion of the park according to the plans, shall issue the license.

Upon change in ownership of the trailer coach park and application for a transfer of the license, the City Council shall issue such transfer if investigation shows the transferee to be of good moral character.

8-906. TRAILER COACH PARK PLAN. The trailer coach park shall conform to the following requirements:

1. The park shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.
2. Trailer coach spaces shall be provided consisting of a minimum of one thousand (1,000) square feet for each space, which shall be at least twenty-five (25) feet wide and clearly defined. Trailer coaches shall be so harbored on each space that there shall be at least a fifteen (15) foot clearance between trailer coaches. No trailer coach shall be located closer than ten (10) feet from any property line bounding the park.
3. All trailer coach spaces shall abut upon a driveway of not less than twenty (20) feet in width and which shall have unobstructed access to a public street, alley or highway. All driveways shall be all-weather surfaced, well-marked in the daytime, and lighted at night with twenty-five (25) watt lamps at intervals of one hundred fifty (150) feet, located approximately fifteen (15) feet from the ground.
4. Walkways not less than two (2) feet wide shall be provided from the trailer coach spaces to the service buildings. The walkways shall be all-weather surfaced, well-marked in the daytime, and lighted at night with twenty-five (25) watt lamps at intervals of one hundred (100) feet, located approximately fifteen (15) feet from the ground.
5. Each park shall provide service buildings to house toilet facilities, bathing facilities, laundry facilities, and other sanitary facilities as hereinafter more particularly described.
6. An electrical outlet supplying at least 110 volts shall be provided for each trailer coach space.

8-907. LOCATION. Trailer coach parks shall be located only within the following locations: Are as zoned commercial and industrial. Each boundary of the park must be at least two hundred (200) feet from any permanent residential building located outside the park unless separated therefrom by a natural or artificial barrier, or unless a majority of the owners of the property lying within the said two hundred (200) foot area consent in writing to be the establishment of the park.

8-908. WATER SUPPLY. An adequate supply of pure water furnished through a pipe distribution system connected directly with and metered by a master meter from the city water main, shall be supplied to meet the requirements of the park.

8-909. Saved for Future Use.

8-910. SEWAGE AND REFUSE DISPOSAL. Waste from showers, bath tubs, toilets, slop sinks and laundries shall be discharged into the city sewer system in compliance with applicable ordinances.

8-911. GARBAGE RECEPTACLES. Tightly covered metal garbage cans shall be provided in quantities adequate to permit disposal of all garbage and rubbish. Garbage cans shall be located not farther than two hundred (200) feet from any trailer coach space. The cans shall be kept in sanitary condition at all times. Garbage and rubbish shall be collected and disposed of as frequently as necessary to insure that the garbage cans shall not overflow.

8-912. FIRE PROTECTION. Every park shall be equipped at all times with at least one (1) fire extinguisher in good working order for every ten (10) trailer coach spaces and which shall be located not farther than two hundred (200) feet from each trailer coach space. No open fires shall be permitted at any place.

8-913. ANIMALS AND PETS. No owner or person in charge of any dog, cat or other pet animal shall permit it to run at large or commit any nuisance within the limits of any trailer coach park.

8-914. REGISTER OF OCCUPANTS. It shall be the duty of the licensee to keep a register containing a record of all trailer coach owners and occupants located within the park. The register shall contain the following information:

1. Name, and address of each occupant of a trailer coach.
2. The make, model and year of all automobiles and trailer coaches.
3. License number of each trailer coach and of the automobile by which it is towed, and the name of the owner of each such trailer coach and automobile.
4. The state issuing the above license.
5. The dates of arrival and departure of each trailer coach.

The park owner or manager shall keep the register available for inspection at all times by law enforcement officers, public health officials, and other officials whose duties necessitate acquisition of the information contained in the register. The register

records shall not be destroyed for a period of three (3) years following the date of registration.

8-915: REVOCATION OF LICENSE. The City Council may revoke any license to maintain and operate a park when the licensee has been found guilty by a court of competent jurisdiction of violating any provision of this article. After such conviction, the license may be re-issued if the circumstances leading to conviction have been remedied and there is reasonable evidence that the park will be maintained and operated in full compliance with the law.

8-916. POSTING OF LICENSE. The license certificate shall be conspicuously posted at all times in the office or on the premises of the trailer coach park.

8-917. REGISTRATION OF AUTOMOBILE TRAILER COACHES REQUIRED. Automobile trailer coaches used by persons for residential purposes may be parked or left standing upon a lot or lots, not within a trailer coach park and upon which there is an occupied residence, for a period of not more than thirty (30) days, provided that permission has been received from the owner of such lot for parking and from the owner or occupant of the residence for the use of sanitary facilities within the residence; and provided further that the owner of such trailer coach, before parking the same on said lot, shall have registered the coach with the City Auditor of the City of Gwinner. The owner of the automobile trailer coach shall supply the following information:

- (1) The name and address of each occupant of the trailer coach.
- (2) The license number of the trailer coach and the state where registered;
- (3) The license number of the automobile by which such trailer coach is propelled, and the state .here registered;
- (4) Any other information which may be required by the City Auditor.

The owner of the automobile trailer coach shall also file with the City Auditor the written consent of the owner of or occupant of the residence of the lot where said trailer coach is proposed to be parked to such parking and to the use of the sanitary facilities within the residence, and the length of time during which such consent is effective. Sanitary facilities shall be approved by the City Health Officer. No more than one trailer coach shall be permitted to be parked or left standing upon one lot, and no residence shall provide sanitary facilities for more than one automobile trailer coach, except in trailer coach parks as defined by the ordinances of the City of Gwinner, North Dakota. Any lot owner or occupant who permits the parking of any automobile trailer coach upon a lot owned or occupied by him without such automobile trailer coach having been registered as aforesaid, shall be deemed guilty of a violation of this article.

8-918. PERMITS AND PERMIT FEES. When all the requirements set forth in Section 8-917 have been met, the City Auditor shall issue a permit to park to the owner of the automobile trailer coach. Such permit shall not entitle the owner of the automobile trailer coach to park for a period of more than thirty (30) days, and such permits shall

not be issued until the owner of said trailer coach shall pay to the City of Gwinner the sum of Thirty Dollars (\$30.00) for such permit.

ARTICLE X. PENALTY

8-1001. SAVING CLAUSE. Should any section, paragraph, sentence, clause, or phrase of this chapter be declared unconstitutional or invalid for any reason, the remainder of said chapter shall not be affected thereby, and it is hereby expressly declared that all of the remaining portions of this article would have been adopted notwithstanding the invalid portions thereof and that such portions not declared unconstitutional or contrary to the laws of the State of North Dakota shall remain in full force and effect.

8-1002. PENALTY FOR VIOLATION OF CHAPTER. Any person, firm, or corporation violating any of the terms or provisions of this chapter shall upon conviction be punished by a fine not to exceed Five Hundred Dollars (\$500.00), or imprisonment not to exceed thirty (30) days, or by both such fine and imprisonment in the discretion of the court; the court to have power to suspend said sentence and to revoke the suspension thereof.