

Chapter 10

BUSINESS REGULATIONS

Article 1. Alcoholic Beverages

§10-101 ALCOHOLIC BEVERAGES; DEFINITIONS. For purposes of this chapter, the definitions found in section 53-103.01 through 53-103.42 shall be used.

§10-102 ALCOHOLIC BEVERAGES; LICENSE REQUIRED. It shall be unlawful for any person to manufacture for sale, sell, keep for sale, or to barter any alcoholic liquors within the Municipality unless said person shall have in full force and effect a license as provided by the Nebraska Liquor Control Act. *(Ref. 53-102 RS Neb.)*

§10-103 ALCOHOLIC BEVERAGES; RETAIL ESTABLISHMENTS; LOCATION.

(A) Except as otherwise provided in division (B) of this section, no license shall be issued for the sale at retail of any alcoholic liquor within one hundred fifty (150) feet of any church, school, hospital, or home for indigent persons or for veterans and their wives and children. This prohibition does not apply to any location within such distance of one hundred fifty (150) feet:

(1) For which a license to sell alcoholic liquor at retail has been granted by the Nebraska Liquor Control Commission for two (2) years continuously prior to making application for license;

(2) To hotels offering restaurant service, to regularly organized clubs, or to restaurants, food shops, or other places where sale of alcoholic liquor is not the principal business carried on, if such place of business so exempted was established for such purposes prior to May 24, 1935; or

(3) To a college or university in the state which is subject to section 53-177.01 RS Neb.

(B) If a proposed location for the sale at retail of any alcoholic liquor is within one hundred fifty (150) feet of any church, a license may be issued if the Commission gives notice to the affected church and holds a hearing as prescribed in section 53-133 RS Neb. if the affected church submits a written request for a hearing. *(Ref. 53-177 RS Neb.)*

(C) No alcoholic liquor, other than beer, shall be sold for consumption on the premises within three hundred (300) feet from the campus of any college or university within the Municipality, except that this section:

(1) Does not prohibit a nonpublic college or university from contracting with an individual or corporation holding a license to sell alcoholic liquor at retail for the purpose of selling alcoholic liquor at retail on the campus of such college or university at events sanctioned by such college or university but does prohibit the sale of alcoholic liquor at retail by such licensee on the campus of such nonpublic college or university at student activities or events; and

(2) Does not prohibit sales of alcoholic liquor by a community college culinary education program pursuant to section 53-124.15 RS Neb. *(Ref. 53-177.01 RS Neb.)(Amended by Ord. Nos. 605, 1/10/12; 649, 12/8/15)*

Statutory Reference:

State Commission may waive three hundred (300) feet requirement, see 53-177.01 RS Neb.

§10-104 ALCOHOLIC BEVERAGES; DWELLINGS. Except in the case of hotels and clubs no alcoholic liquor shall be sold at retail upon any premise which has any access which leads from such premise to any other portion of the same building used for dwelling or lodging purposes, and which is permitted to be used by the public. Nothing herein shall prevent any connection with such premise, and such other portion of the building which is used only by the licensee, his family, or personal guests. *(Ref. 53-178 RS Neb.)*

§10-105 ALCOHOLIC BEVERAGES; LICENSE DISPLAYED. Every licensee under the Nebraska Liquor Control Act shall cause his license to be framed and hung in plain public view in a conspicuous place on the licensed premise. *(Ref. 53-148 RS Neb.)*

§10-106 ALCOHOLIC BEVERAGES; LICENSEE REQUIREMENTS. It shall be unlawful for any person or persons to own an establishment that sells at retail any alcoholic beverages unless said person is a resident of the county in which the premise is located; a person of good character and reputation; a citizen of the United States; a person who has never been convicted of a felony or any Class 1 misdemeanor pursuant to Chapter 28, Article 3, 4, 7, 8, 10, 11, or 12 Reissue Revised Statutes of Nebraska, 1943, or any similar offense under a prior criminal statute or in another state; a person who has never had a liquor license revoked for cause; a person whose premises, for which a license is sought, meets standards for fire safety as established by the State Fire Marshal; or a person who has not acquired a beneficial interest in more than two (2) alcoholic beverage retail establishments since March 4, 1963; provided the beneficial interest requirement in this section shall not apply to a person applying for an additional license for use in connection with the operation of a hotel containing at least twenty-five (25) sleeping rooms, or where the request is limited to on premises sale of beer only in a restaurant. *(Ref. 53-124.03, 53-125 RS Neb.)*

§10-107 ALCOHOLIC BEVERAGES; LICENSE RENEWAL; MUNICIPAL POWERS AND DUTIES.

(A) A retail license issued by the Nebraska Liquor Commission and outstanding may be automatically renewed by the commission in the absence of a written request by the Governing Body to require the licensee to submit an application for renewal. Any licensed retail premises located in an area which is annexed to the municipality shall file a formal application for a license, and while such application is pending, the licensee may continue all license privileges until the original license expires or is canceled or revoked. If such license expires within sixty (60) days following the annexation date of such area, the license may be renewed by order of the commission for not more than one year. *(Ref. 53-135 RS Neb.)*

(B) The Municipal Clerk shall cause to be published in a legal newspaper in or of general circulation in the Municipality, one (1) time between January 10 and January 30 of each year, individual notice in the form prescribed by law of the right of automatic renewal of each retail liquor and beer license within the Municipality, except that notice of the right of automatic renewal of Class C licenses shall be published between the dates of July 10 and July 30 of each year. If written protests to the issuance of automatic renewal of a license are filed in the office of the Municipal Clerk by three (3) or more residents of the Municipality on or before February 10, or August 10 for Class C licenses, the Governing Body shall hold a hearing to determine whether continuation of the license should be allowed. Upon the conclusion of any hearing required by this section, the Governing Body may request a licensee to submit an

application as provided in section 53-135 RS Neb. (*Ref. 53-135.01 RS Neb.*)(*Amended by Ord. No. 557, 1/11/05*)

§10-108 ALCOHOLIC BEVERAGES; LICENSES; MUNICIPAL POWERS AND DUTIES.

(A) The Governing Body is authorized to regulate by ordinance, not inconsistent with the Nebraska Liquor Control Act, the business of all retail, craft brewery, and microdistillery licensees carried on within the corporate limits of the Municipality. (*Ref. 53-134.03 RS NEB.*)

(B) During the period of forty-five (45) days after the date of receipt by mail or electronic delivery from the Nebraska Liquor Control Commission notice and a copy of an application for a new license to sell alcoholic liquor at retail, a craft brewery license, or a microdistillery license, the Governing Body may make and submit to the Commission recommendations relative to the granting or refusal to grant the license to the applicant. (*Ref. 53-131 RS Neb.*)

(C) The Governing Body, with the respect to licenses within the corporate limits of the Municipality, has the following powers, functions, and duties with respect to retail, craft brewery, and microdistillery licenses:

(1) To cancel or revoke for cause retail, craft brewery, or microdistillery licenses to sell or dispense alcoholic liquor issued to person for premises within its jurisdiction, subject to the right of appeal to the Nebraska Liquor Control Commission;

(2) To enter or to authorize any law enforcement officer to enter at any time upon the premises licensed under the Nebraska Liquor Control Act to determine whether any provision of the Act, any rule or regulation adopted and promulgated pursuant to the Act, or any ordinance, resolution, rule, or regulation adopted by the Governing Body has been or is being violated, and at that time examine the premises of the licensee in connection with such determination. Any law enforcement officer who determines that any provision of the Act, any rule or regulation adopted and promulgated pursuant to the Act, or any ordinance, resolution, rule, or regulation adopted by the Governing Body has been or is being violated shall report such violation in writing to the Executive Director of the Commission:

(a) Within thirty days after determining that such violation occurred;

(b) Within thirty (30) days after the conclusion of an ongoing police investigation; or

(c) Within thirty (30) days after the verdict in a prosecution related to such an ongoing police investigation if the prosecuting attorney determines that reporting such violation prior to the verdict would jeopardize such prosecution, whichever is later;

(3) To receive a signed complaint from any citizen within its jurisdiction that any provision of the Act, any rule or regulation adopted and promulgated pursuant to the Act, or any ordinance, resolution, rule, or regulation relating to alcoholic liquor has been or is being violated and to act upon these complaints in the manner provided by the Act;

(4) To receive retail, craft brewery, and microdistillery license fees as provided in section 53-124 and 53-124.01 RS Neb. and pay the same, after the license has been delivered to the applicant, to the Municipal Treasurer;

(5) To examine or cause to be examined any applicant or any retail, craft brewery, or microdistillery licensee upon whom notice of cancellation or revocation has been served as provided in the Act, to examine or cause to be examined the books and records of any applicant or licensee, and to hear testimony and to take proof for its information in the performance of its duties. For purposes of

obtaining any information desired, the Governing Body may authorize its agent or attorney to act on its behalf;

(6) To cancel or revoke on its own motion any license if, upon the same notice and hearing as provided for citizen complaints, it determines that the licensee has violated any of the provisions of the Nebraska Liquor Control Act or any valid and subsisting ordinance, resolution, rule, or regulation duly enacted, adopted, and promulgated relating to alcoholic liquor. The order of cancellation or revocation may be appealed to the Commission within thirty (30) days after the date of the order by filing a notice of appeal with the Commission. The Commission shall handle the appeal in the manner provided for hearing on an application in section 53-133 RS Neb.

(7) Upon receipt from the Commission of the notice and copy of application as provided in section 53-131 RS Neb., to fix a time and place for a hearing at which the Governing Body shall receive evidence, either orally or by affidavit from the applicant and any other person, bearing upon the propriety of the issuance of a license. Notice of the time and place of the hearing shall be published in a legal newspaper in or of general circulation in the Municipality, one time not less than seven (7) and not more than fourteen (14) days before the time of the hearing. The notice shall include, but not be limited to, a statement that all persons desiring to give evidence before the Governing Body in support of or in protest against the issuance of the license may do so at the time of the hearing. The hearing shall be held not more than forty-five (45) days after the date of receipt of the notice from the Commission, and after the hearing the Governing Body shall cause to be recorded in the minute record of its proceedings a resolution recommending either issuance or refusal of the license. The Municipal Clerk shall mail to the Commission by first class mail, postage prepaid, a copy of the resolution which shall state the cost of the published notice, except that failure to comply with this provision shall not void any license issued by the Commission. If the Commission refuses to issue such a license, the cost of publication of notice shall be paid by the Commission from the security for costs. *(Ref. 53-134 RS Neb.)*

(D)(1) When the Nebraska Liquor Control Commission mails or delivers to the Municipal Clerk a retail, craft brewery, or microdistillery license issued or renewed by the Commission, the Clerk shall deliver the license to the licensee upon receipt from the licensee of proof of payment of:

(a) The license fee if by the terms of section 53-124 RS Neb. the fee is payable to the Municipal Treasurer;

(b) Any fee for publication of notice of hearing before the Governing Body upon the application for the license;

(c) The fee for publication of notice of renewal, if applicable, as provided in section 53-135.01 RS Neb.; and

(d) Occupation taxes, if any, imposed by the Municipality.

(2) Notwithstanding any ordinance or charter power to the contrary, the Municipality shall not impose an occupation tax on the business of any person, firm, or corporation licensed under the Nebraska Liquor Control Act and doing business within the corporate limits of the Municipality in any sum which exceeds two (2) times the amount of the license fee required to be paid under the Act to obtain that license. *(Ref. 53-132 RS Neb.)(Amended by Ord. Nos. 456, 7/11/00; 504, 5/13/02; 555, 1/11/05; 606, 1/10/12)*

§10-109 ALCOHOLIC BEVERAGES; OWNER OF PREMISES. The owner of any premise used for the sale at retail of alcoholic beverages shall be deemed guilty of a violation of these laws to the same extent as the said licensee if the owner shall knowingly permit the licensee to use the said licensed premises in violation of any Municipal Code section or Nebraska Statute. *(Ref. 53-1,101 RS Neb.)*

§10-110 ALCOHOLIC BEVERAGES; EMPLOYER. The employer of any officer, director, manager, or employees working in a retail liquor establishment shall be held to be liable and guilty of any act or omission or violation of any law or ordinance, if such act is committed or omission made with the authorization, knowledge, or approval of the employer or licensee, and each such act or omission shall be deemed and held to be the act of the employer, and will be punishable in the same manner as if the said act or omission had been committed by him personally. *(Ref. 53-1,102 RS Neb.)*

§10-111 ALCOHOLIC BEVERAGES; SALE OR GIFT TO MINOR OR MENTALLY INCOMPETENT PERSON PROHIBITED. No person shall sell, furnish, give away, dispose of, exchange, or deliver, or permit the sale, gift, or procuring of any alcoholic liquors, to or for any minor or to any person who is mentally incompetent. *(Ref. 53-180 RS Neb.)(Ord. No. 506, 5/13/02)(Amended by Ord. No. 607, 1/10/12)*
Statutory Reference:

Authority, see 17-135 RS Neb.

§10-112 ALCOHOLIC BEVERAGES; CREDIT SALES PROHIBITED.

(A) No person shall sell or furnish alcoholic liquor at retail to any person on credit, on a passbook, on an order on a store, in exchange for any goods, wares, or merchandise, or in payment for any services rendered, and if any person extends credit for any such purpose, the debt thereby attempted to be created shall not be recoverable at law.

(B) Nothing in this section shall prevent the following:

(1) Any club holding a Class C license from permitting checks or statements for alcoholic liquor to be signed by members or bona fide guests of members and charged to the account of such members or guests in accordance with the bylaws of such club;

(2) Any hotel or restaurant holding a retail license from permitting checks or statements for liquor to be signed by regular guests residing at such hotel or eating at such restaurant and charged to the accounts of such guests; or

(3) Any licensed retailer engaged in the sale of wine or distilled spirits from issuing tasting cards to customers. *(Ref. 53-183 RS Neb.)(Amended by Ord. Nos. 608, 1/10/12; 643, 5/12/15)*

§10-113 ALCOHOLIC BEVERAGES; SPIKING BEER. *(Repealed 2010)*

§10-114 ALCOHOLIC BEVERAGES; ORIGINAL PACKAGE. It shall be unlawful for any person or persons who own, manage, or lease any premise in which the sale of alcoholic beverages is licensed, to have in their possession for sale at retail any alcoholic liquor contained in casks, or other containers except in the original package. Nothing in this section shall prohibit the refilling of original packages of alcoholic liquor for strictly private use and not for resale. *(Ref. 53-184 RS Neb.)(Amended by Ord. No. 283, 3/10/92)*

§10-115 ALCOHOLIC BEVERAGES; MINOR'S PRESENCE. It shall be unlawful for any person or person who own, manage, or lease an establishment selling alcoholic beverages at retail to allow any minor under the age of eighteen (18) years to frequent or otherwise remain in the said establishment unless the said minor is accompanied by his parent or legal guardian, and unless said minor remains seated with, and under immediate control of, the said parent or legal guardian. *(Ref. 53-147 RS Neb.)*

§10-116 ALCOHOLIC BEVERAGES; HOURS OF SALE.

(A) No alcoholic liquor, including beer, shall be sold at retail or dispensed on any day between the hours of 1:00 AM and 6:00 AM except that the Board of Trustees with respect to area inside the corporate limits of the Village may by ordinance require closing prior to 1:00 AM on any day or if adopted by a vote of at least two-thirds (2/3) of the members of the Board of Trustees, permit retail sale or dispensing of alcoholic liquor for consumption on the premises, excluding sales for consumption off the premises, later than 1:00 AM and prior to 2:00 AM on any day.

(B) Except as provided for and allowed by ordinance of the Board of Trustees, no alcoholic liquor, including beer, shall be sold at retail or dispensed inside the corporate limits of the Village between the hours of 6:00 AM Sunday and 1:00 AM on Monday. This division (B) shall not apply after 12:00 noon on Sunday to a licensee which is a nonprofit corporation and the holder of a Class C license or a Class I license.

(C) It shall be unlawful on property licensed to sell alcoholic liquor at retail to allow alcoholic liquor in open containers to remain or be in possession or control of any person for purposes of consumption between the hours of fifteen (15) minutes after the closing hour applicable to the licensed premises and 6:00 AM on any day.

(D) Nothing in this section shall prohibit licensed premises from being open for other business on days and hours during which the sale or dispensing of alcoholic liquor is prohibited by this section. *(Ref. 53-179 RS Neb.)(Ord. No. 216, 1/9/82)(Amended by Ord. Nos. 269, 12/11/90; 290, 11/10/92; 632, 5/12/14)*

§10-117 ALCOHOLIC BEVERAGES; SANITARY CONDITIONS. It shall be unlawful to open for public use any retail liquor establishment that is not in a clean and sanitary condition. Toilet facilities shall be adequate and convenient for customers and patrons and said licensed premise shall be subject to any health inspections the Governing Body or the Municipal Police may make, or cause to be made. All applications for liquor licenses shall be viewed in part from the standpoint of the sanitary conditions, and a report concerning the said sanitary conditions shall be made at all hearings concerning the application for, or renewal of, a liquor license. *(Ref. 53-118 RS Neb.)*

§10-118 ALCOHOLIC BEVERAGES; HIRING MINORS. It shall be unlawful for any person to hire a minor regardless of sex under the age of nineteen (19) years to serve or dispense alcoholic liquors, including beer, to said licensee's customers. *(Ref. 53-102 RS Neb.)*

§10-119 ALCOHOLIC BEVERAGES; CONSUMPTION IN PUBLIC PLACES OR PLACES OPEN TO THE PUBLIC; RESTRICTIONS.

(A) Except when the Nebraska Liquor Control Commission has issued a license as provided in section 53-186(2) RS Neb. or as provided in section 60-6,211.08 RS Neb., it is unlawful for any person to consume alcoholic liquor upon property owned or controlled by the State or any governmental subdivision thereof unless authorized by the governing bodies having jurisdiction over such property. *(Ref. 53-186 RS Neb.)*

(B) It is unlawful for any person owning, operating, managing, or conducting any dance hall, restaurant, café, or club or any place open to the general public to permit or allow any person to consume alcoholic liquor upon the premises except as permitted by a license issued for such premises pursuant to the Nebraska Liquor Control Act. It is unlawful for any person to consume alcoholic liquor in any dance hall, restaurant, café, club or any place open to the general public except as permitted by a license issued for such premises pursuant to the Act. This subsection does not apply to a retail licensee while lawfully engaged in the catering of alcoholic beverages or to limousines or buses operated under section 60-6,211.08 RS Neb. *(Ref. 53-186.01 RS Neb.)(Amended by Ord. Nos. 455, 7/11/00; 609, 1/10/12)*

§10-120 ALCOHOLIC BEVERAGES; MANUFACTURE, SALE, DELIVERY, AND POSSESSION; GENERAL PROHIBITIONS; EXCEPTIONS.

(A) No person shall manufacture, bottle, blend, sell, barter, transport, deliver, furnish, or possess any alcoholic liquor for beverage purposes except as specifically provided in this Chapter and the Nebraska Liquor Control Act.

(B) Nothing in this Chapter shall prevent:

(1) The possession of alcoholic liquor legally obtained as provided in this chapter or the Act for the personal use of the possessor and his or her family or guests;

(2) The making of wine, cider, or other alcoholic liquor by a person from fruits, vegetables, or grains, or the product thereof, by simple fermentation and without distillation, if made solely for the use of the maker and his or her family and guests;

(3) Any duly licensed practicing physician or dentist from possessing or using alcoholic liquor in the strict practice of his or her profession, any hospital or other institution caring for the sick and diseased persons from possessing and using alcoholic liquor for the treatment of bona fide patients of such hospital or other institution, or any drug store employing a licensed pharmacist from possessing or using alcoholic liquor in the compounding of prescriptions of licensed physicians;

(4) The possession and dispensation of alcoholic liquor by an authorized representative of any religion on the premises of a place of worship, for the purpose of conducting any bona fide religious rite, ritual, or ceremony;

(5) Persons who are sixteen (16) years old or older from carrying alcoholic liquor from a licensed establishments when they are accompanied by a person not a minor;

(6) Persons who are sixteen (16) years or older from handling alcoholic liquor containers and alcoholic liquor in the course of their employment;

(7) Persons who are sixteen (16) years or older from removing and disposing of alcoholic liquor containers for the convenience of the employer or customers in the course of their employment; or

(8) Persons who are nineteen (19) years or older from serving or selling alcoholic liquor in the course of their employment. *(Ref. 53-168.06 RS Neb.)(Amended by Ord. Nos. 373, 4/9/96; 503, 5/13/02)*

§10-121 ALCOHOLIC BEVERAGES; REMOVAL OF INTOXICATED PERSONS FROM PUBLIC OR QUASI-PUBLIC PROPERTY.

(A) Any law enforcement officer with the power to arrest for traffic violations may take a person who is intoxicated and in the judgment of the officer dangerous to himself, herself, or others, or who is otherwise incapacitated, from any public or quasi-public property. An officer removing an intoxicated person from public or quasi-public property shall make a reasonable effort to take the intoxicated person to his or her home or to place the person in any hospital, clinic, or mental health substance use treatment center, or with a medical doctor as may be necessary to preserve life or to prevent injury. The effort at placement shall be deemed reasonable if the officer contacts such facilities or doctor which have previously represented a willingness to accept and treat such individuals and which regularly do accept such individuals. If these efforts are unsuccessful or are not feasible, the officer may then place the intoxicated person in civil protective custody, except that civil protective custody shall be used only as long as is necessary to preserve life or to prevent injury, and under no circumstances longer than 24 hours.

(B) The placement of the person in civil protective custody shall be recorded at the facility or jail at which he or she is delivered and communicated to his or her family or next of kin, if they can be located, or to the person designated by the person taken into civil protective custody.

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

(D) The taking of an individual into civil protective custody under this section shall not be considered an arrest. No entry or other record shall be made to indicate that the person has been arrested or charged with a crime.

(E) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

MENTAL HEALTH SUBSTANCE USE TREATMENT CENTER. Has the same meaning as in Neb. RS 71-423.

PUBLIC PROPERTY. Any public right-of-way, street, highway, alley, park, or other state, county, or city-owned property.

QUASI-PUBLIC PROPERTY. Private or publicly owned property utilized for proprietary or business uses which invites patronage by the public or which invites public ingress and egress. (*Ref. 53-1,121 RS Neb.*)(*Amended by Ord. No. 701, 4/14, 2020*)

§10-122 ALCOHOLIC BEVERAGES; LICENSED PREMISES; INSPECTIONS. The Governing Body shall cause frequent inspections to be made on the premises of all retail licensees. If it is found that any such licensee is violating any provision of this Article, the Nebraska Liquor Control Act, or the rules and regulations of the Nebraska Liquor Control Commission or is failing to observe in good faith the purposes of this article or the act, the license may be suspended, canceled, or revoked after the licensee is given an opportunity to be heard in his or her defense. (*Ref. 53-116.01 RS Neb.*)(*Amended by Ord. No. 556, 1/11/025*)

§10-123 ALCOHOLIC BEVERAGES; CITIZEN COMPLAINTS. Any five (5) residents of the Municipality shall have the right to file a complaint with the Governing Body stating that any retail licensee subject to the jurisdiction of the Governing Body has been or is violating any provision of the Nebraska Liquor Control Act or the rules or regulations issued pursuant to the Act. Such complaint shall be in writing in the form

prescribed by the Governing Body and shall be signed and sworn to by the parties complaining. The complaint shall state the particular provision, rule, or regulation believed to have been violated and the facts in detail upon which belief is based. If the Governing Body is satisfied that the complaint substantially charges a violation and that from the facts alleged there is reasonable cause for such belief, it shall set the matter for hearing within ten (10) days from the date of the filing of the complaint and shall serve notice upon the licensee of the time and place of such hearing and of the particular charge in the complaint. The complaint shall in all cases be disposed of by the Governing Body within thirty (30) days from the date the complaint was filed by resolution thereof, which resolution shall be deemed the final order for purposes of appeal to the Nebraska Liquor Control Commission as provided in section 53-1,115 RS Neb. (Ref. 53-134.04 RS Neb.)(Amended by Ord. 559, 1/11/05)

§10-124 ALCOHOLIC BEVERAGES; LIQUOR APPLICATIONS; MUNICIPAL EXAMINATION. (Ord. Nos. 259, 11/14/89; 286, 3/10/92))(Repealed by Ord. No. 456, 7/11/00)

§10-125 ALCOHOLIC BEVERAGES; LIQUOR APPLICATIONS; RETAIL LICENSING STANDARDS; BINDING RECOMMENDATIONS. (Ord. No. 232A, 8/12/86; 260, 11/14/89)(Repealed by Ord. No. 456, 7/11/00)

§10-126 ALCOHOLIC BEVERAGES; LIQUOR APPLICATIONS; NOTICE; PROCEDURE. (Ord. No. 261, 11/14/89)(Repealed by Ord. No. 456, 7/11/00)

§10-127 ALCOHOLIC BEVERAGES; CATERING LICENSES.

(A) The holder of a license to sell alcoholic liquor at retail issued under section 53-124 RS Neb., a craft brewery license, a microdistillery license or a farm winery license may obtain an annual catering license as prescribed in this section. The catering license shall be issued for the same period and may be renewed in the same manner as the retail license, craft brewery license, or farm winery license.

(B) Any person desiring to obtain a catering license shall file with the Commission:

(1) An application in triplicate original upon such forms as the Commission prescribes; and

(2) A license fee of one hundred dollars (\$100.00) payable to the Commission, which fee shall be returned to the applicant if the application is denied.

(C)(1) When an application for a catering license is filed, the Commission shall notify, by registered or certified mail, return receipt requested with postage prepaid:

(a) The Clerk of the village in which such applicant is located; or

(b) If the applicant is not located within a city or incorporated village, the county clerk of the county in which such applicant is located.

(2) The Board of Trustees and the Commission shall process the application in the same manner as provided in section 53-132 RS Neb.

(D) The Governing Body, with respect to catering licensees within its liquor license jurisdiction as provided in section 53-132(5) RS Neb. may cancel a catering license for cause for the remainder of the period for which such catering license is issued. Any person whose catering license is canceled may appeal to the District Court of the county in which the local governing body is located.

(E) The Governing Body may impose an occupation tax on the business of a catering licensee doing business within the liquor license jurisdiction of the Governing Body as provided in section 53-132(5) RS

Neb. The tax may not exceed double the license fee to be paid under this section. (*Ref. 53-124.12 RS Neb.*)(*Amended by Ord. Nos. 284, 3/10/92; 347, 3/14/95; 406, 7/8/97; 454, 7/11/00; 505, 5/13/02; 558, 1/11/05*)

§10-128 ALCOHOLIC BEVERAGES; KEG SALES; REQUIREMENTS; PROHIBITED ACTS.

(A) When any person licensed to sell alcoholic liquor at retail sells alcohol for consumption off the premises in a container with a liquid capacity of five (5) or more gallons or 18.92 or more liters, the seller shall record the date of the sale, the keg identification number, the purchaser's name and address, and the number of the purchaser's motor vehicle operator's license, state identification card, or military identification, if the military identification contains a picture of the purchaser, together with the purchaser's signature. This record shall be on a form prescribed by the Nebraska Liquor Control Commission and shall be kept by the licensee at the retail establishment where the purchase was made for not less than six (6) months. The records kept pursuant to this section shall be available for inspection by any law enforcement officer during normal business hours or at any other reasonable time. Any person violating this section shall be guilty of an offense. (*Ref. 53-167.02 RS Neb.*)

(B) Any person who unlawfully tampers with, alters, or removes the keg identification number from a container described in division (A) or is in possession of a container described in division (A) with an altered or removed keg identification number after the container has been taken from the licensed premises pursuant to a retail sale and before its return to the licensed premises or other place where returned kegs are accepted shall be guilty of an offense. (*Ref. 53-167.03 RS Neb.*)(*Ord. No. 652, 12/8/15*)