

**TITLE XI: BUSINESS REGULATIONS**

Chapter

**110. GENERAL REGULATIONS**

**111. AMUSEMENTS**

**112. ALCOHOLIC BEVERAGES**



## CHAPTER 110: GENERAL REGULATIONS

### Section

110.01 Carrying advertising banners through streets

110.02 Peddlers and hawkers

### **§ 110.01 CARRYING ADVERTISING BANNERS THROUGH STREETS.**

It shall be unlawful for any person or persons, to carry any banner, placard or advertisement for the purposes of displaying it in or upon any street, sidewalk or public place within the village.

(1974 Code, § 3-5-4) Penalty, see § 10.99

### **§ 110.02 PEDDLERS AND HAWKERS.**

(A) *Regulation.* To prevent the sale of fraudulent, dangerous and unhealthful goods and services; to protect the public by maintaining records of the products sold and the persons and companies responsible for such sales; and for the purpose of raising revenue, all peddlers and hawkers shall, before doing business within the village, make application for, and be issued, a license. Application for a license shall be made to the Village Clerk upon forms supplied by the village, and shall contain all the necessary information, and documents required for the protection of the residents of the village. Any person or persons granted a peddler and hawker license shall be subject to any fees, occupation taxes and other rules and regulations which the governing body deems appropriate for the purposes stated herein. Any license so granted shall be subject to revocation for good and sufficient cause by the Village Marshal.  
(1974 Code, § 28-1-1)

(B) *Exceptions.* Nothing herein shall be construed to apply to any person or persons selling produce raised within the county, to wholesale salespersons soliciting merchandise directly to residents of the village, or to salespersons invited by the residence visited and not soliciting orders generally.

(1974 Code, § 28-1-2)

Penalty, see § 10.99



## CHAPTER 111: AMUSEMENTS

### Section

- 111.01 Pool, billiards and bowling
- 111.02 Public dance

### § 111.01 POOL, BILLIARDS AND BOWLING.

#### (A) *Regulation.*

(1) Any person desiring to open, maintain or operate any public pool hall, billiard hall or bowling alley for pay or hire shall make application in writing to the Village Clerk upon a form provided by the village for that purpose.

(2) Said applicant shall particularly describe the location of the proposed billiard hall, pool hall or bowling alley and shall set out the name or names of the person or persons applying for said license.

(3) The applicant shall accompany his or her application with the occupation tax as prescribed in §§ 33.30 through 33.35.

(4) The payment of said occupation tax shall entitle said licensee to operate his or her pool hall, billiard hall or bowling alley until May 1 succeeding the date of issuance.

(5) All occupation taxes so paid shall be credited to the General Fund.

(6) When an application is made, the Clerk shall request the Marshal to examine the premises upon which the license is to be granted and to investigate the character and reputation of the applicant.

(7) Said Marshal shall make a report thereof to the governing body at its next regular meeting and upon receiving such report, the governing body shall determine whether or not a license should be granted to said applicant.

(8) The Clerk shall issue said license when granted by the governing body under the seal of the village, and the license shall authorize applicant to conduct a billiard hall, pool hall or bowling alley at the location described in the application.

(9) The license year shall commence on May 1, and shall end on the thirtieth day of the succeeding April.

(1974 Code, § 28-2-1)

(B) *Notice.* The owner or operator of every billiard hall or pool hall shall at all times keep posted at the entrance to such hall or place a notice or sign which can be easily read from the outside stating that minors under the age of 18 years are prohibited from entering.

(1974 Code, § 28-2-2)

(C) *Time.* It shall be unlawful for any licensee to maintain or operate his or her pool hall or billiard hall on the first day of the week, commonly called Sunday. It shall be unlawful to operate a pool hall or billiard hall between the hours of 11:00 p.m. and 6:00 a.m. on the secular days.

(1974 Code, § 28-2-3)

(D) *Inspections.* Every room or place used for the purpose of playing pool, billiards or bowling shall be subject to inspection by the Village Marshal at any time.

(1974 Code, § 28-2-4)

(E) *Miscellaneous prohibitions.* It shall be unlawful for the recipient of any license under this section to permit in said hall or alley any disturbance of the peace, drunkenness, fighting, the sale, use, presence or drinking of any alcoholic liquors therein, unless the licensees hereunder are also recipients of licenses under the Nebraska Liquor Control Act to sell beer or liquor at retail. It shall further be unlawful to allow or permit therein any lewd or obscene pictures or practices, gambling of any nature, or the use of any checks or chips, except in exchange for merchandise.

(1974 Code, § 28-2-5)

(F) *Obstructions in windows.* It shall be unlawful for any person operating any pool hall, billiard hall or bowling alley to keep the windows or doors of their places of business obstructed by screens, blinds, paint or other means, or to keep screens or curtains in front of the pool tables, billiard tables, card tables or bowling alleys, or between the said tables and alleys, or in front of the windows or doors of the building in which they are placed.

(1974 Code, § 28-2-6)

Penalty, see § 10.99

## § 111.02 PUBLIC DANCE.

(A) *Defined.* The term **PUBLIC DANCE** as used herein shall include any dance, masquerade, rock festival, concert or ball given or conducted for which a fee, contribution or collection for purposes of admission is charged; provided the term **PUBLIC DANCE** shall not be construed to include dances, music festivals, masquerades or balls, to which admission is limited strictly to persons expressly invited by the person, organization or society giving or holding such dance, masquerade or ball, and which is not given, or conducted designedly for profit or gain to such person, organization or society giving

or conducting the same; and provided further that the provisions herein shall not apply to any dance conducted under the supervision and direction of the governing body of any school district within the village.

(1974 Code, § 28-2-7)

(B) *License required.* It shall be unlawful for any person to conduct, maintain or operate a public dance without first having made application to the Village Clerk for a license to conduct the same and having received a license from the Clerk therefor. The Clerk shall refer the application to the governing body, which shall determine the advisability of granting such license and shall, within a reasonable time, order the granting or disapproval of the same.

(1974 Code, § 28-2-8)

(C) *Facilities.* All places where dancing is permitted shall be provided with adequate toilet facilities which are readily accessible to all patrons. The place for the public dance shall be kept in a clean and safe condition. All stairways or rooms shall be well-lighted and free from obstructions. No license shall be issued if the place where dancing is to be held is not in a sanitary condition or if the same is not safe from the dangers of fire.

(1974 Code, § 28-2-9)

(D) *Supervision.* The Village Marshal shall be permitted to enter any public dance for the purpose of inspection at any time. The governing body is hereby empowered to appoint or designate a matron or inspector to be present at any and all public dances conducted within the village. The matron or inspector shall take the oath required of the Village Marshal, and shall have all the powers and duties conferred upon regularly appointed marshals. It shall be the duty of said matron or inspector to enforce the provisions herein. Said matron or inspector may call upon any marshal, or the person, or persons conducting the said dance for assistance in ejecting any person from the dance if that person is offending against the decent and peaceful properties of a social gathering. The matron or inspector so appointed shall be entitled to charge for his or her services at each dance, and shall receive such fee as the governing body shall, by motion, designate. Said fee shall be paid by the person or persons conducting the public dance prior to the opening of said public dance. It shall be unlawful for any person or persons conducting a public dance to begin the said dance until a matron or inspector is present, unless the governing body waives its right to make such an appointment. The said matron or inspector shall make a written report to the governing body concerning each dance attended. The governing body may, in its discretion, designate one or more additional peace officers to work with the matron or inspector during the hours of the public dance, and the compensation of any additional peace officer so appointed shall be equal to and paid in the same manner as the matron or inspector's compensation.

(1974 Code, § 28-2-10)

(E) *Responsibility of sponsor.* Any person or persons who sponsor or manage a public dance are hereby charged with the knowledge and notice of all the provisions herein as well as the responsibility of enforcing all village and state laws. Any person or persons who fail to manage and control a dance in a lawful and peaceful manner shall be guilty of a misdemeanor.

(1974 Code, § 28-2-11)

(F) *Patrons*. It shall be unlawful for any sponsor or manager of a public dance to permit any person or persons to enter and participate in the said public dance if the sponsor or manager has reason to believe that the said patron is in an intoxicated or disorderly state, or intends to solicit and engage in prostitution.

(1974 Code, § 28-2-12)

(G) *Hours*. It shall be unlawful for any person or persons to manage, sponsor or participate in a public dance later than the hour of 1:00 a.m., except on Sunday, when no public dance may be held.

(1974 Code, § 28-2-13)

Penalty, see § 10.99



## CHAPTER 112: ALCOHOLIC BEVERAGES

### Section

#### *General Provisions*

- 112.01 Definitions
- 112.02 Sale or gift to minor or mentally incompetent person prohibited
- 112.03 Consumption in public places or places open to the public; restrictions
- 112.04 Removal of intoxicated persons from public or quasi-public property
- 112.05 Village powers and duties

#### *Licenses Required*

- 112.20 Manufacture, sale, delivery, and possession; general prohibitions; exceptions
- 112.21 Licensee requirements
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#### *Retail Establishments*

- 112.45 Location
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**GENERAL PROVISIONS****§ 112.01 DEFINITIONS.**

For purposes of this chapter, the definitions found in Neb. RS 53-103.01 through 53-103.42 shall be used.

**§ 112.02 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. (Neb. RS 53-180) Penalty, see § 10.99

**§ 112.03 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 Neb. RS 53-186(2) or as provided in Neb. RS 60-6,211.08, 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. (Neb. RS 53-186)

(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, or club or any place open to the general public except as permitted by a license issued for such premises pursuant to the Act. This division does not apply to a retail licensee while lawfully engaged in the catering of alcoholic beverages or to limousines or buses operated under Neb. RS 60-6,211.08. (Neb. RS 53-186.01)

**§ 112.04 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, alcoholism 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) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***PUBLIC PROPERTY.*** Any public right-of-way, street, highway, alley, park, or other state, county, or village-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. (Neb. RS 53-1,121) Penalty, see § 10.99

**§ 112.05 VILLAGE POWERS AND DUTIES.**

The governing body shall have the power and duties in respect to licensed retailers of alcoholic beverages to revoke for cause retail licenses to sell alcoholic liquors issued to persons for premises within its jurisdiction subject to the right of appeal to the Commission; to enter or to authorize any law enforcement officer to enter at any time upon any premises licensed by the state to determine whether any of the provisions of the village code, or the laws of the state are being violated; to receive signed complaints from any citizens within its jurisdiction that any of the village laws of the state are being violated, and to act upon such complaints in the manner herein provided; and to collect for the benefit of the state and the village all license fees and occupation taxes as prescribed by law. (1974 Prior Code, § 28-3-9)

***LICENSES REQUIRED***

**§ 112.20 MANUFACTURE, SALE, DELIVERY, AND POSSESSION; GENERAL PROHIBITIONS; EXCEPTIONS.**

(A) It shall be unlawful for any person to manufacture for sale, sell, keep for sale or to barter any alcoholic liquors within the village unless said person shall have in full force and effect a license as provided by the Nebraska Liquor Control Act. (1974 Prior Code, § 28-3-2)

(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) Persons who are 19 years old or older from serving or selling alcoholic liquor in the course of their employment.  
(Neb. RS 53-168.06)  
Penalty, see § 10.99

#### **§ 112.21 LICENSEE REQUIREMENTS.**

(A) No license shall be issued to:

(1) A person who is not a resident of this state;

(2) A person who is not of good character and reputation in the community in which he or she resides;

(3) A person who is not a citizen of the United States;

(4) A person who has been convicted of or has pleaded guilty to a felony under the laws of this state, any other state, or the United States;

(5) A person who has been convicted of or has pleaded guilty to any Class I misdemeanor pursuant Neb. RS Chapter 28, art. 3, 4, 7, 8, 10, 11, or 12, or any similar offense under a prior criminal statute or in another state, except that any additional requirements imposed by this division on May 18, 1983, shall not prevent any person holding a license on that date from retaining or renewing that license if the conviction or plea occurred prior to May 18, 1983;

(6) A person whose license issued under the Nebraska Liquor Control Act has been revoked for cause;

(7) A person who at the time of application for renewal of any license issued under the Act would not be eligible for that license upon initial application;

(8) A partnership, unless one of the partners is a resident of this state and unless all the members of that partnership are otherwise qualified to obtain a license;

(9) A limited liability company, unless one of the members is a resident of this state and unless all the members of that company are otherwise qualified to obtain a license;

(10) A corporation, if any officer or director of the corporation or any stockholder owning in the aggregate more than 25% of the stock of that corporation would be ineligible to receive a license under this section for any reason other than the reasons stated in divisions (A)(1) and (A)(3) of this section, or if a manager of a corporate licensee would be ineligible to receive a license under this section for any reason. This division shall not apply to railroad licenses;

(11) A person whose place of business is conducted by a manager or agent, unless that manager or agent possesses the same qualifications required of the licensee;

(12) A person who does not own the premises for which a license is sought or does not have a lease or combination of leases on the premises for the full period for which the license is to be issued;

(13) Except as provided in this division, an applicant whose spouse is ineligible under this section to receive and hold a liquor license. Such an applicant shall become eligible for a liquor license only if the Nebraska Liquor Control Commission finds from the evidence that the public interest will not be infringed upon if the license is granted. It shall be prima facie evidence that when a spouse is ineligible to receive a liquor license, the applicant is also ineligible to receive a liquor license. This prima facie evidence shall be overcome if it is shown to the satisfaction of the Commission:

- (a) The licensed business will be the sole property of the applicant; and
- (b) The licensed premises will be properly operated.

(14) A person seeking a license for premises which do not meet standards for fire safety as established by the State Fire Marshal; or

(15) A person less than 21 years of age.

(B) When a trustee is the licensee, the beneficiary or beneficiaries of the trust shall comply with the requirements of this section, but nothing in this section shall prohibit any such beneficiary from being a minor or person who is mentally incompetent.

(Neb. RS 53-125)

**§ 112.22 LICENSES; VILLAGE POWERS AND DUTIES.**

(A) The Board of Trustees 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 village.

(Neb. RS 53-134.03)

(B) During the period of 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 Board of Trustees may make and submit to the Commission recommendations relative to the granting or refusal to grant the license to the applicant.

(Neb. RS 53-131)

(C) The Board of Trustees, with respect to licenses within the corporate limits of the village, 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 persons 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 any 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 Board of Trustees 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 local governing body has been or is being violated shall report such violation in writing to the Executive Director of the Commission:

(a) Within 30 days after determining that such violation has occurred;

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

(c) Within 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 in the Act;

(4) To receive retail, craft brewery, and microdistillery license fees as provided in Neb. RS 53-124 and 53-124.01 and pay the same, after the license has been delivered to the applicant, to the Village 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 of the information desired, the Board of Trustees 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 in § 112.30, 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 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 Neb. RS 53-133; and

(7) Upon receipt from the Commission of the notice and copy of application as provided in Neb. RS 53-131, to fix a time and place for a hearing at which the Board of Trustees 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 village, one time not less than seven and not more than 14 days before the time of the hearing. The notice shall include, but not be limited to, a statement that all persons desiring to give evidence before the Board of Trustees 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 45 days after the date of receipt of the notice from the Commission, and after the hearing the Board of Trustees shall cause to be recorded in the minute record of its proceedings a resolution recommending either issuance or refusal of the license. The Village 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.

(Neb. RS 53-134)

(D) (1) When the Nebraska Liquor Control Commission mails or delivers to the Village 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 Neb. RS 53-124 the fee is payable to the Village Treasurer;

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

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

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

(2) Notwithstanding any ordinance or charter power to the contrary, the village 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 village in any sum which exceeds two times the amount of the license fee required to be paid under the Act to obtain that license.

(Neb. RS 53-132)

### **§ 112.23 LICENSE RENEWAL; VILLAGE POWERS AND DUTIES.**

(A) Retail liquor licenses issued by the Commission and outstanding may be automatically renewed in the absence of a request by the governing body to require the said licensee to issue an application for renewal.

(B) The Village Clerk, upon notice from the Commission, between February 20 and March 5 of each year, shall cause to be published in a legal newspaper in, or of general circulation in the village one time a notice in the form prescribed by law of the right of automatic renewal of each retail liquor and beer license within the village.

(C) The Village Clerk shall then file with the Commission proof of publication of said notice on or before March 12 of each year.

(D) In the event that written protests are filed by three or more residents of the village against said license renewal, the Village Clerk shall deliver the protests to the governing body, who shall thereupon proceed to notify the Commission that they are to require the said licensee to submit an application.  
(1974 Code, § 28-3-8)

### **§ 112.24 CATERING LICENSES.**

(A) The holder of a license to sell alcoholic liquor at retail issued under Neb. RS 53-124, a craft brewery license, a microdistillery license, or a farm winery license may obtain an annual catering license by filing an application and license fee with the Nebraska Liquor Control Commission.

(B) Upon receipt from the Commission of the notice and a copy of the application as provided in Neb. RS 53-124.12, the Board of Trustees shall process the application in the same manner as provided in § 112.22.

(C) The Board of Trustees, with respect to catering licensees within its corporate limits, may cancel a catering license for cause for the remainder of the period for which that catering license is issued. Any person whose catering license is canceled may appeal to the District Court.

(D) The Board of Trustees may impose an occupation tax on the business of a catering licensee doing business within the liquor license jurisdiction of the Board of Trustees. The tax may not exceed double the license fee for a catering license.  
(Neb. RS 53-124.12)



**§ 112.25 DISPLAY OF LICENSE.**

Every licensee under the Nebraska Liquor Control Act shall cause his or her license to be framed and hung in plain public view in a conspicuous place on the licensed premises.  
(1974 Code, § 28-3-5) Penalty, see § 10.99

**§ 112.26 OWNER OF PREMISES OR AGENT; LIABILITY.**

The owner of any premises 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 permit the licensee to use the said licensed premises in violation of any village code section or state statute.  
(1974 Code, § 28-3-10) Penalty, see § 10.99

**§ 112.27 CITIZEN COMPLAINTS.**

Any three residents of the village shall have the right to file a complaint with the Board of Trustees stating that any retail licensee subject to the jurisdiction of the Board of Trustees has been or is violating any provision of the Nebraska Liquor Control Act or the rules or regulations issued pursuant to the Act. The complaint shall be in writing in the form prescribed by the Board of Trustees 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 Board of Trustees is satisfied that the complaint substantially charges a violation and that from the facts alleged there is reasonable cause for that belief, it shall set the matter for hearing within ten days from the date of the filing of the complaint and shall serve notice upon the licensee of the time and place of the hearing and of the particular charge in the complaint. The complaint shall in all cases be disposed of by the Board of Trustees within 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 Neb. RS 53-1,115.  
(Neb. RS 53-134.04)

**§ 112.28 VILLAGE EXAMINATION.**

(A) Any person or persons desiring to obtain a license to sell alcoholic liquors at retail shall file with the Liquor Control Commission. The Commission shall then notify by registered or certified mail the Village Clerk. The governing body shall then meet and determine the desirability of the application and report in writing or in person to the Commission within 30 days.

(B) The governing body may examine, or cause to be examined, under oath, any applicant; examine, or cause to be examined, the books and records of any such applicant; to hear testimony, and to take proof for its information in the performance of its duties. For the purpose of obtaining any of the information desired, the governing body may authorize its agent, or the Village Attorney, to act on its behalf.

(C) The governing body may hold the said examination and hearing upon the receipt from the Commission of the notice and copy of the application.

(D) The governing body shall fix a time and place at which a hearing will be held, and at which time the governing body may receive competent evidence under oath, either orally, or by affidavit, from any person, concerning the propriety of the issuance of such license.

(E) Notice shall be published in a legal newspaper in, or of general circulation in, the village one time not less than seven, nor more than 14 days before the time of the hearing.

(F) Such hearing shall be held not more than 21 days after the receipt of the Commission's letter of notice and after such hearing, the governing body shall cause to be spread at large in the minute record of their proceedings a resolution recommending either issuance or refusal of said applicant.

(G) The Village Clerk shall thereupon mail to the Commission a copy of the resolution, which shall state the cost of the published notice; provided, that failure to hold a hearing and to examine the said applicant shall not render void any license issued by the Commission.

(H) In the event the Commission refuses to issue a license, the cost of the publication of notice as herein required shall be paid by the Commission.

(1974 Prior Code, § 28-3-7) Penalty, see § 10.99

### ***RETAIL ESTABLISHMENTS***

#### **§ 112.45 LOCATION.**

(A) It shall be unlawful for any person or persons to own, maintain, manage or bold open to the public any establishment for the purpose of selling at retail any alcoholic liquor within 150 feet of any church, school, hospital or home for aged or indigent persons or veterans, their wives or children; provided, this prohibition shall not apply to any location within such distance when the said establishment has been licensed by the Nebraska Liquor Control Commission at least two years, and to hotels offering restaurant service, regularly organized clubs, or to restaurants where the selling of alcoholic liquors is not the principal business carried on, if the said hotel, club or restaurant were licensed, and in operation prior to May 24, 1935.

(B) No alcoholic liquor, other than beer, shall be sold for consumption on the premises within 300 feet from the campus of any college within the village.

(1974 Code, § 28-3-3) Penalty, see § 10.99

**§ 112.46 ACCESS TO DWELLINGS.**

(A) No person holding a license hereunder shall sell any liquors or alcoholic beverages in a room not provided with a public entrance at the front thereof, opening on a public street. No person holding such license shall permit the use of any entrance, other than the front entrance for any purposes other than the use thereof by the licensee, his or her family and employees, or for ingress and egress by other persons for the purpose of lawful labor or business, other than the purchase at retail or the consumption of alcoholic liquors.

(1974 Code, § 28-3-20)

(B) No alcoholic liquor shall be sold at retail upon any premise which has any access which leads from such precise to any other portion of the same building used for dwelling or lodging purposes, and which is permitted to be used by the public.

(C) Nothing herein shall prevent any connection with such premises, and such other portion of the building which is used only by the licensee, his or her family or personal guests.

(1974 Prior Code, § 28-3-4) Penalty, see § 10.99

**§ 112.47 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 premises shall be subject to any health inspections the governing body or the Village Marshal 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.

(1974 Prior Code, § 28-3-19) Penalty, see § 10.99

**§ 112.48 HOURS OF SALE.**

(A) It shall be lawful for any licensed person or persons to sell at retail, alcoholic liquor on the day of election, including county, village or primary elections, during the hours that the polls are open. No person shall sell alcoholic beverages at retail on the secular days except between the hours of 6:00 a.m. and 1:00 a.m. of the following day; alcoholic beverages may be sold on Sundays between the hours of 6:00 a.m. and 1:00 a.m. the following day. Hard liquors may be sold on sale from the hours of 12:00 noon on Sunday until 1:00 a.m. Monday. This division (A) shall repeal all ordinances or portions of ordinances in conflict herewith. This division (A) shall take effect from and after its date of posting or publication and passage as required by law.

(B) Liquor establishments, including bars and taverns and all businesses which hold liquor licenses issued by the State of Nebraska Liquor Control Commission, shall be permitted to remain open until 1:00 a.m., and serve alcoholic beverages until 1:00 a.m.

(1974 Code, § 28-3-18) (Ord. 122, passed 9-3-1991; Ord. 170, passed 11-1-2010; Ord. 14-184, passed 7-7-2014) Penalty, see § 10.99

#### **§ 112.49 ORIGINAL PACKAGE REQUIRED.**

No person, except a manufacturer or wholesaler, shall fill or refill, in whole or in part, any original package of alcoholic liquor with the same or any other kind or quality of alcoholic liquor. It shall be unlawful for any person to have in his or her possession for sale at retail any bottles, casks, or other containers containing alcoholic liquor except in original packages. Nothing in this section shall prohibit the refilling of original packages of alcoholic liquor for strictly private use and not for resale.

(Neb. RS 53-184) Penalty, see § 10.99

#### **§ 112.50 MINOR'S PRESENCE RESTRICTED.**

It shall be unlawful for any person who owns, manages, or leases an establishment selling alcoholic beverages at retail to allow any minor under the age of 18 years of age to frequent or otherwise remain in the establishment after 9:00 p.m. unless the minor is accompanied by his or her parent or legal guardian, and unless the minor remains seated with and under the immediate control of the parent or legal guardian.

Penalty, see § 10.99

***Statutory reference:***

*Authority to regulate, see Neb. RS 53-134.03*

#### **§ 112.51 CLEAR VIEW.**

(A) It shall be unlawful to use any screen, blind, curtain, partition, article or other device in the windows or upon the doors of any retail liquor establishment which will have the effect of preventing a clear view into the interior of such licensed premises from the street, road or sidewalk at all times. All licensed premises shall be continuously lighted during business hours by natural or artificial white lights to ensure the clear visibility into said establishment.

(B) Any licensee who willfully violates the provisions of this section shall be subject to a revocation of his or her license by the village as provided herein.

(1974 Prior Code, § 28-3-12) Penalty, see § 10.99