

ORDINANCE NO. 217

AN ORDINANCE RELATING TO ALCOHOLIC LIQUORS; MAKING VARIOUS DEFINITIONS IN RELATION THERETO; PROVIDING RULES AND REGULATIONS FOR THE MANUFACTURE, TRANSPORTATION AND SALE OF SUCH LIQUORS; ESTABLISHING CERTAIN REGULATIONS REGARDING PREMISES WHERE SUCH LIQUORS ARE SOLD; PROVIDING LEVY OF OCCUPATION TAXES UPON SUCH LIQUOR BUSINESSES; IMPOSING FINES AND PENALTIES FOR VIOLATIONS OF THE PROVISIONS OF THIS ORDINANCE; REPEALING VARIOUS ORDINANCES DESIGNATED HEREIN AND OTHER ORDINANCES IN CONFLICT HEREWITH; AND PRESCRIBING WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.

BE IT ORDAINED BY THE CHAIRMAN AND BOARD OF TRUSTEES OF THE VILLAGE OF CRAIG, NEBRASKA:

SECTION 1 TERMS, DEFINED

Unless the context otherwise requires, the words and phrases defined in Section 53-103, R.S., 1943, or as hereafter amended or revised, shall be adopted for the purpose of construing this ordinance; and said words and phrases are hereby incorporated by reference the same as though copied at full length herein.

SECTION 2 LICENSE REQUIRED

No persons shall manufacture for sale, sell, keep for sale, barter or exchange under any pretext any alcoholic liquor within this village unless said person shall have in full force and effect a license therefor as provided by the Nebraska Liquor Control Act as amended. A violation of this section shall constitute a misdemeanor, any persons convicted of which shall be fined one hundred dollars and assessed the court costs of prosecution.

SECTION 3 SALE TO MINORS AND INCOMPETENTS PROHIBITED

(a) No persons shall within this village, sell, give away, dispose of, exchange or deliver, or permit the sale, gift or procuring of any alcoholic liquors, to or for any person who is physically or mentally incapacitated by the consumption of such liquors. (b) No minor shall have in his possession alcoholic liquor in any tavern,

public place, street or alley in this village or inside a vehicle while upon any street, alley or public place in this village. (c) No minor shall obtain, or attempt to obtain, alcoholic liquor by misrepresentation of age, or by any other method, in any tavern or other public place where liquor is sold in this village. (d) Any person violating subsection (a) of this section shall, on conviction thereof, be fined not less than fifty dollars nor more than one hundred dollars and shall be assessed the court costs of prosecution. Any person violating subsection (b) or subsection (c) of this section shall, on conviction thereof, be fined not less than twenty-five dollars nor more than one hundred dollars and shall be assessed the court costs of prosecution.

SECTION 4

CARRIAGE HOUSES

Voskamp moved, Greve second that ordinance #217 section 4 be amended to read as follows:

SALE FORBIDDEN DURING CERTAIN HOURS

No persons shall, within this village, sell at retail, any alcoholic liquor on the day of any national, state, county or village election, including primary election, when the election is one in which all the electors of the village may participate in the voting, during the hours the poll are open. Alcoholic liquor, including beer, shall only be sold between the hours of 6:00 a.m. and 1:00 a.m. Monday through Saturday. Alcoholic liquor, including beer, shall only be sold between the hours of 12:00 noon and 1:00 a.m. on Sunday. All places where alcoholic liquors or beer are sold shall be closed between the hours of 1:30 a.m. and 5:00 a.m. Effective February 1, 2005.

4 ayes 0 opposed, motion carried.

be closed between the hours of 12:30 A.M. and 5:00 A.M.

SECTION 5

RESTRICTIONS ON PLACE OF CONSUMPTION

No persons shall drink or consume alcoholic liquors on any street or alley in this village or inside any vehicle on any street or alley of this village or in any place open to the general public other than a premises having a Class A or a Class C license as those terms are defined in Section 53-124, R.S. Supp., 1959, as amended by L.B. 37, Laws of 1961. No person shall consume alcoholic liquor on a premises having such license except during the periods of time when the liquor consumed may be lawfully sold on said premises and for fifteen minutes after the expiration of such periods.

SECTION 6 OCCUPATION TAX

For the purpose of raising revenue there is hereby levied an annual occupation tax upon the following occupations carried on within this village, to-wit:

Retailing of alcoholic liquors for
on and off sale-----\$ 250.00
Retailing of On Sale Beer only-----\$ 50.00
Retailing of Off Sale Liquor only----\$ 50.00

The occupation tax year shall coincide with the license year and no new or renewal license shall be delivered by the Village Clerk until the occupation tax is paid. There shall be no pro rata reduction in the tax in the event the taxpayer engages in one or more of the occupations above set out for less than a full occupation tax year.

SECTION 7 REVOCATION OF LICENSE

The Chairman and the Board shall by resolution and subject to the right of appeal to the Nebraska Liquor Control Commission revoke the license of any licensee finally convicted of violating any provision of this ordinance.

SECTION 8 ENTRY OF PREMISES FOR INSPECTION

The Chairman, any member of the Board, the Village Marshal, any policeman or the Village Attorney shall have the right to enter any licensed premises at any time for the purpose of determining whether or not the licensee is violating any provision of the Nebraska Liquor Control Act or of this ordinance and for that purpose to examine and inspect said premises.

SECTION 9 FORM FOR CITIZEN COMPLAINT

The following form is hereby prescribed for the use of residents of this Village desiring to complain to the Chairman and the Board that any licensee is violating any provision of the Nebraska Liquor Control Act, any regulation prescribed by the Nebraska Liquor Control Commission or any provision of this ordinance.

are satisfied that the complaint substantially charges a violation and that from the facts alleged there is reasonable cause for such belief, they shall, by resolution, set the matter for hearing within ten days from the filing of the complaint. Said resolution shall state the time and place of said hearing and shall direct the Village Marshal to serve the same on the licensee by delivering to him personally a true and certified copy thereof at least seventy-two hours prior to the time of hearing. Said resolution shall also state the section or sections of the Nebraska Liquor Control Act, of the regulations prescribed by the Nebraska Liquor Control Commission or of this code alleged to have been violated and the facts on which said allegation is based as stated in the complaint. At said hearing the Village Attorney shall be present, the licensee shall be present, and may be represented by counsel employed by him, the complainants shall be present and may be represented by counsel employed by them. The Chairman and the Board shall within 30 days from the date the complaint is filed by resolution dispose of the complaint which resolution shall be deemed the final order for purposes of appeal to the Nebraska Liquor Control Commission.

SECTION 11 COMPLAINT INITIATED BY BOARD

The Chairman and Board may on their own motion, by resolution, fix the time and place for a hearing on whether or not a licensee has violated any section of the Nebraska Liquor Control Act, or the regulations of the Nebraska Liquor Control Commission or of this code, which resolution shall state the section or sections in question. Said resolution shall be served in the same manner and within the same time as the initial resolution mentioned in section 10 of this code, and in so far as possible the procedure shall be the same as is provided in that section.

SECTION 12 PREREQUISITES TO DELIVERY OF LICENSE

Retail licenses issued or renewed by the Nebraska Liquor Control Commission for licensees within this village shall be delivered to said licensees by the Village Clerk, but he shall not deliver any such license to a licensee who does not exhibit receipts showing payment of the occupation tax levied under Section 6

of this code, payment of the license fee, payment of the publication fee for giving notice of the hearing before the Village Board on any application for license, and, if a renewal, payment of the publication fee of the Automatic Renewal Notice provided for in Section 14 of this code.

SECTION 13 ACTION ON APPLICATION FOR LICENSE

Upon receipt from the Nebraska Liquor Control Commission of the notice and copy of the application provided for in Section 53-131, Revised Statutes of Nebraska, the Village Clerk shall present it to the Chairman and the Village Board at their next meeting, and said Chairman and Board shall, by resolution, fix a time and place at which a hearing will be had and evidence taken under oath, from any person, desiring to be heard, on the propriety of the issuance of the license in question. Notice of the time and place of such hearing shall be published in a legal newspaper in this village, one time not less than three nor more than seven days before the time of hearing. The hearing shall be held not more than twenty-one days after the date of receipt of the notice and copy of the application by the Village Clerk. After said hearing the Chairman and Board shall by resolution spread at large in the minute record of their proceedings, recommend either the issuance or the refusal of said license. The Village Clerk shall thereupon mail to the Nebraska Liquor Control Commission by first class mail postage prepaid a copy of the resolution which shall state the cost of the published notice.

SECTION 14 RENEWAL OF LICENSE

The Village Clerk shall cause to be published in a legal newspaper in this village one time between February 20th and March 5th of each year, individual notice of the right of automatic renewal of each retail liquor and beer license for which provision is made in subdivision (5) of Section 53-124 of R.S. Nebraska in the following form:

Notice of Renewal
of Retail Liquor License

Notice is hereby given that pursuant to
Section 53-135.01, liquor license may be

automatically renewed for one year from
May 1, 19___, for the following retail
liquor licensee, to-wit:

[Name of Licensee] [Address of licensed
Premises]

Notice is hereby given that written
protest to the issuance of automatic renewal
of license may be filed by any resident of
the Village of Craig on or before March 15,
19___, in the office of the Village Clerk;
that in the event protests are filed by
three or more such persons, hearing will be
had to determine whether continuation of
said license should be allowed.

(Name)
Village Clerk

The Village Clerk shall file or cause to be filed with the
Nebraska Liquor Control Commission proof of publication
of said notices on or before March 12th of each year.

SECTION 15 PROTESTS AGAINST RENEWAL

In the event written protests are filed with the Village
Clerk by three or more residents of this village against
the automatic renewal of a license, the Village Clerk
shall present the same to the Chairman and Village Board
at their next meeting and they shall thereupon by
resolution direct the licensee to submit an application
in the same manner as he would be required to do for an
original license, and the Village Marshal shall forth-
with serve said resolution on said licensee by delivering
to him personally a true and certified copy thereof.
Upon receipt by the Village Clerk from the Nebraska
Liquor Control Commission of the notice and copy of
application the same procedure shall be followed as is
provided for in Section 13 of this code in the case
of an application for an original license.

SECTION 16 CHANGE OF PREMISES

Any retailer licensee desiring to transfer his license
from one premises to another shall file a written request
for permission to do so with the Village Clerk and shall
also file with said clerk a sworn statement showing that
the premises to which removal is to be made comply in
all respects with the requirements of the Nebraska

Liquor Control Act as amended. The Village Clerk shall present said application and statement to the Chairman and Village Board at their next meeting and they shall by resolution approve or disapprove the transfer and if they approve the transfer the approval thereof shall be endorsed on the license by the Chairman and attested by the Village Clerk.

SECTION 17 SIGNS

No retailer licensed in this village shall use an exterior sign describing or with reference to his liquor business larger than six hundred square inches and only one such sign shall be used at any one time.

No retailer licensee shall use an interior sign describing or with reference to his liquor business larger than twenty-eight square feet including its frame and no brand name included in said sign shall exceed one hundred square inches.

All signs in or about licensed retail premises shall be considered exterior signs when the same in whole at all times cannot be conveniently read by those within that portion of the licensed premises normally occupied by customers or the general public exclusive of entry way or entry hall.

SECTION 18 GAMBLING

No licensee in this village holding a license covering premises open to the public for the sale of intoxicating liquor or beer shall directly or indirectly permit gambling on or in the licensed premises; nor shall he permit the operation or possession of any pay-off gambling device, slot machine, or punch board, mechanical or otherwise, whether pay off is in cash or merchandise, in, on or about the licensed premises.

SECTION 19 SALE FOR RESALE

No retail licensee in this village shall engage, directly or indirectly, in any transaction including or conspiring as to the resale of any liquors owned by him as a licensee, nor shall such licensee so permit the sale or delivery of any such liquors in such quantities as would place a reasonable-minded person on notice

that such liquor might be intended for resale.

SECTION 20 TRANSPORTATION OF LIQUOR OF
 RETAIL LICENSEES

No retail licensee in this village shall permit the transportation of alcoholic liquor from his licensed premises for storage purposes in any manner for any purpose, or to any location other than has been expressly authorized in writing by the commission.

SECTION 21 NO DELIVERY AFTER CLOSING HOURS

No retail licensee in this village operating premises open to the public shall act as retainer or keeper of liquor for customers or other persons for the purpose of delivering or disposing of such liquor after closing hours as provided by state law, ordinance, or resolution or on days when sales are prohibited.

SECTION 22 RESTRICTIONS ON CONDUCT OF OTHER
 BUSINESS

Retail licensees in this village shall not maintain in their licensed premises any door opening or access leading into the premises owned, used or occupied by other persons; nor shall any retail licensee permit any other person to use his licensed premises for the purpose of carrying on, within such licensed premises, any business activity of such other persons in any of its phases, such as, solicitation, sale, service, delivery, storage or otherwise.

SECTION 23 CONDUCT PROHIBITED ON LICENSED PREMISES

No licensee in this village shall engage in, allow, or suffer in or upon the licensed premises any disturbances, lewdness, immoral activities, or displays, brawls, or unnecessary noises, or allow, permit, or suffer the licensed premises to be conducted in such a manner as to create public censure or become a nuisance, public or private.

SECTION 24 ADVERTISEMENTS AND SALES

Advertising of licensees in this village shall not contain misrepresentation or misleading statements and no sales shall be promoted or made by any licensee by unlawful means. Alcoholic liquors shall not be offered, delivered, or disposed of by any licensee as a prize.

SECTION 25 SANITATION

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

SECTION 26 SALES FOR CASH ONLY

No person shall, in this village, sell or furnish alcoholic liquor at retail on credit or on a pass-book, or order on a store or in exchange for any goods, wares or merchandise, or in payment for any services rendered.

SECTION 27 PREMISES OPEN TO VIEW

In premises within this village upon which the sale of alcoholic liquor for consumption upon the premises is licensed, other than as a restaurant, hotel or club, no screen, blind, curtain, partition, article or thing shall be permitted in the windows or upon the doors of such premises, which shall prevent a clear view into the interior of such licensed premises from the street, road or sidewalk at all times, and no booth, screen partition or other obstruction nor any arrangements of lights or lighting shall be permitted in or about the interior of such licensed premises which shall prevent a full view of the entire interior of such licensed premises from the street, road or sidewalk. All rooms where liquor is sold for consumption upon the premises shall be continuously lighted during business hours by natural or artificial white light so that all parts of the interior of the premises shall be clearly visible.

SECTION 28 DISPLAY OF LICENSE

Every licensee in this village shall cause his licenses to be framed and hung in plain view in a conspicuous place on the licensed premises.

SECTION 29 PENALTIES

Any violation of Sections 4, 5, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, and 28 of this code shall constitute a misdemeanor, any person convicted of which shall be fined not less than five dollars nor more than one hundred dollars and assessed the court costs of prosecution.

SECTION 30 REPEAL OF PRIOR ORDINANCES IN CONFLICT

All ordinances and parts of ordinances passed and approved prior to the passage and approval of this ordinance and in conflict therewith are hereby repealed.

SECTION 31 WHEN OPERATIVE

This ordinance shall be in full force and take effect from and after its passage, approval and publication according to law.

Passed and approved the 14th day of September, 1971.

Chairman
VIVIAN E. CARLSON

Attest:
CLIFFORD A. NELSON
Village Clerk
(SEAL)

