
City of Grand Island



Tuesday, November 21, 2006

Study Session Packet

City Council:

Carole Cornelius
Peg Gilbert
Joyce Haase
Margaret Hornady
Robert Meyer
Mitchell Nickerson
Don Pauly
Jackie Pielstick
Scott Walker
Fred Whitesides

Mayor:

Jay Vavricek

City Administrator:

Gary Greer

City Clerk:

RaNae Edwards

7:00:00 PM
Council Chambers - City Hall
100 East First Street

Call to Order

Invocation - Reverend Dr. George Mullins, First Christian Church, 2400 West 14th Street

Pledge of Allegiance

Roll Call

A - SUBMITTAL OF REQUESTS FOR FUTURE ITEMS

Individuals who have appropriate items for City Council consideration should complete the Request for Future Agenda Items form located at the Information Booth. If the issue can be handled administratively without Council action, notification will be provided. If the item is scheduled for a meeting or study session, notification of the date will be given.

B - RESERVE TIME TO SPEAK ON AGENDA ITEMS

This is an opportunity for individuals wishing to provide input on any of tonight's agenda items to reserve time to speak. Please come forward, state your name and address, and the Agenda topic on which you will be speaking.

MAYOR COMMUNICATION

This is an opportunity for the Mayor to comment on current events, activities, and issues of interest to the community.



City of Grand Island

Tuesday, November 21, 2006

Study Session

Item -1

Review of Chapter 4 of the Grand Island City Code Relative to Alcohol

Staff Contact: Dale Shotkoski

Council Agenda Memo

From: Dale M. Shotkoski, Interim City Attorney

Meeting: November 21, 2006

Subject: Revisions to Grand Island City Code
Chapter 4 – Alcoholic Beverages

Item #'s: 1

Presenter(s): Gary D. Greer, City Administrator
Dale M. Shotkoski, Interim City Attorney
RaNae Edwards, City Clerk

Background

One of the goals set this year by Administration, the Mayor and City Council was to revise and update the Grand Island City Code. As the effort to update the code is continued, meetings were held to review and discuss changes to Chapter 4, Alcoholic Beverages.

In order to provide a backdrop to the discussion, a summary history of liquor regulations, a listing of liquor license classes, and the current Chapter 4 is included.

Discussion

The City Code Revision Committee, along with the City Administrator, Chief of Police and the Building Department Director have met to discuss Chapter 4 of the Grand Island City Code. Possible revisions to Chapter 4 – Alcoholic Beverages, are as follows:

- **Section 4-1. Definitions.** Current definitions in Section 4-1 would be replaced with definitions of the State Statutes of Nebraska, which would allow the City of Grand Island to be in conformity with state statutes.
- **Section 4-6. Liquor Application Procedure.** The language in Section 4-6 pertaining to the specifics of the order of the proceedings has been simplified to conform with state statute.
- **Section 4-7. Applications for Liquor Licenses.** The language in Section 4-7 would be replaced with language contained in Section 53-131.01 of the Revised Statutes of Nebraska. Again, this would allow the city to be in conformity with

state statutes. Also added to Section 4-7 is paragraph (H), wherein it is stated that the license shall not be issued until approval of all inspections has been met.

- **Section 4-8. Grounds for Revocation.** Section 4-8 would be amended to include not only possible revocation, but also cancellation. Also included in this section is paragraph (G), which allows for revocation or cancellation when successive violations occur.

The city has received requests for policy changes to the code from outside agencies. Following are descriptions of the requests:

- **Section 4-9. Hours of Operation**

The current hours of operation section in the code is somewhat confusing. A chart is included to clarify our current regulations. Additionally, there are exceptions to the hours that are narrow in scope. There have been requests for a further exception due to New Years Eve being on a Sunday this year. Liquor license holders have also contacted city administration about simplifying the hours of operation section and eliminating exceptions. It has been proposed by many liquor license establishments to adopt the same hours as many other cities, such as Lincoln. Following is their code language:

(A) No alcoholic liquor, including beer, shall be sold at retail or dispensed on any day between the hours of 1:00 a.m. and 6:00 a.m.

(B) No alcoholic liquor, including beer, shall be sold at retail or dispensed between the hours of 6:00 a.m. and 12:00 noon on Sunday.

(C) Alcoholic liquor, including beer, may be sold at retail and dispensed from 12:00 noon on Sunday until 1:00 a.m. the following Monday.

Project Extra Mile (see attached request) is concerned about minors being given access to the bar environment, and is requesting that Section 4-20 of the City Code be amended to read as follows:

“It shall be unlawful for any licensed retailer or his, her, or its agent or employee to suffer or permit any minor to be or remain in any room or compartment of such licensed premises after 9:00 p.m. of any day; provided, that this section shall not apply to any licensed premises which derives sixty percent (60%) or more of its principal business from the sale of services or other commodities other than alcoholic liquor.”

Current language in the City Code regarding minors is as follows:

“It shall be unlawful for any licensed retailer or his, her, or its agent or employee to suffer or permit any minor to be or remain in any room or compartment of such licensed premises where alcoholic liquor is being

sold or consumed after 9 p.m. of any day; provided, that this section shall not apply to any minor who is accompanied by his or her parent or adult guardian, or to any licensed premises which derives its principal business from the sale of services or other commodities other than alcoholic liquor.”

Conclusion

This item is presented to the City Council in a Study Session to allow for any questions to be answered and to create a greater understanding of the issue at hand.

HISTORY OF GRAND ISLAND LIQUOR LICENSE'S

Ordinance No.	Date	Description
9	1873	Petition to be signed by 10 freeholders of the ward in which the applicant resides. \$500 bond approved by Mayor and Council. No gambling with cards, dice, or any other implement where alcohol was sold. Selling without a license was a misdemeanor with a fine of not less than \$25.00 nor more than \$100.00 for every offense. City Marshall was to inspect businesses on the first day of each month and report to the City Council. License fees for 1 year - \$75.00, less than 6 months - \$10.00, special licenses for the month of May - \$5.00.
Legislature	February 28, 1881	Act approved by Legislature to regulate the license and sale of malt, spirituous, and vinous liquors.
106	June 8, 1887	Petition signed by 30 freeholders of the ward in which the applicant is doing business. \$500.00 for license fee per year. Two week publication for objections before action by Council. \$5,000 bond approved by Mayor and Council.
229	April 8, 1898	Does not allow liquor sales in any building where gambling tools, instruments, or devices are used or stored.
294	April 16, 1902	Prohibits prostitutes to be in or visit any room where alcohol was sold. Prohibits doors, screens, curtains, etc. to cover front entrance leading into any booth, room or rooms constructed within any room where liquors were sold. Fine not less than \$25.00 nor more than \$100.00.
334	August 9, 1904	No alcohol sales between 12:00 midnight and 5:00 a.m. Fine not less than \$5.00 nor more than \$50.00.
481	December 7, 1910	Unlawful for a minor, habitual drunkard, or person who has received treatments for drunkenness from any institution to enter any saloon for the purpose of securing intoxicating liquors. Also unlawful for any person to procure for any of the above. Fine not less than \$25.00 nor more than \$100.00.
487	April 5, 1911	License fee increased to \$1,000.00 per year or fractional part of a year. \$5,000.00 bond approved by Mayor and Council.
514	March 29, 1912	Occupation tax of \$250.00 per year or fractional part of a year. If not paid shall be fined \$100.00 plus costs.
516	May 1, 1912	Beginning April 30, 1912 only 24 licenses in force at any one time were allowed in the City. Council to meet the third Wednesday in April of each year for the selection of such licenses.
529	November 20, 1912	Allowed for leasing property for saloons. Before this only owners of saloons could get a license. Also leases could not have a clause or lessee could not contract for the exclusive sale of any brand or make of beer or liquors.
542	April 16, 1913	Jobbers and dealers selling alcohol of 5 gallons or more in any one day shall pay license fee of \$1,000.00 per year or fractional part of a year.
572	March 18, 1914	Mayor authorized to appoint a special merchants' police officer and a special police officer for the purpose of inspecting and supervising saloons and the sale of liquors in the city under the direction of the Chief of Police. Appointments approved by Council. Officers required to give \$1,000.00 bond for faithful performance of their duties. Officers received no pay.
Legislature	1917	Prohibition Law - House Roll No. 793 of the 1917 Session Laws of the State of Nebraska

HISTORY OF GRAND ISLAND LIQUOR LICENSE'S

Ordinance No.	Date	Description
718	October 15, 1919	Prohibited the manufacture, sale, giving away, barter, carriage, possession and use of alcoholic and intoxicating liquors. It was lawful to make, keep or sell sweet cider, unfermented wine, wood alcohol, and denatured alcohol or manufacturing and selling vinegar. No person could keep or possess intoxicating liquor in his private dwelling house in an amount more than was reasonably sufficient for his personal use and needs. Any person found intoxicated was fined not less than \$10.00 nor more then \$100.00.
1120	September 16, 1925	Any car, automobile, airplane, vehicle or means of transportation which engaged in, or was used for the unlawful transportation of intoxicating liquors was declared a common nuisance. Vehicles and liquor found was sold at public sale after ten days notice with proceeds paid to the school fund.
1463	July 5, 1933	Repeals all previous Ordinances, defines intoxicating liquors containing more than one-half of one per cent by volume and not to exceed more than 3.2% per centum of alcohol by weight. Application forms provided by State of Nebraska Department of Agriculture. Unlawful for "On Sale" licensee to serve alcohol or allow any person to drink at any bar or counter, or standing near any bar or counter. Does not apply to serving customers at tables or counters upon which food is served. No "On Sale" licensee shall sell any beverages for consumption on any premises having or maintaining any blinds or screens. Sets occupation tax – Brewer \$200.00; Wholesaler \$75.00; "Off Sale" \$10.00; and "On Sale" \$15.00.
1508	June 19, 1935	Provides rules & regulations for the manufacture, transportation & sale of alcohol, premises, occupation tax, fines for violations, declaring intoxication to be a misdemeanor. No alcohol sales on election day while polls are open. No sale on Sundays except for beer. Beer could be sold on all days of the week from 6:00 a.m. and 1:00 a.m. All other alcohol could be sold on all days of the week except Sunday between the hours of 6:00 a.m. and 12:00 o'clock midnight. No blinds, screens, curtains, etc. on windows to prevent full view of entire interior of establishment. Violation – fine not less than \$25.00 nor more than \$100.00.
1711	February 15, 1940	Occupation tax levied.
1943	January 6, 1943	Selling, giving away & procuring for minor etc. Fine – not more than \$50.00.
1958	June 16, 1943	Hours of Sale: Package – all days except Sunday 6:00 a.m. to 11:00 p.m.; Alcoholic liquor – 6:00 a.m. to 11:00 p.m. except on Saturday could sell from 6:00 a.m. to 12:00 midnight. No sales on Sunday. Beer and ale, and all other malt, brewed and fermented beverages could be sold from 1:00 p.m. to 11:00 p.m. on Sunday, Monday through Friday from 6:00 a.m. to 11:00 p.m. and Saturday 6:00 a.m. to 12:00 midnight. Holidays could sell from 6:00 a.m. to 12:00 midnight. If holiday fell on Sunday could sell from 1:00 p.m. to 11:00 p.m. No sales on Election Day while polls were open. Fine – not to exceed \$100.00.

HISTORY OF GRAND ISLAND LIQUOR LICENSE'S

Ordinance No.	Date	Description
2920	February 3, 1954	Hours of Sale: Package – Monday to Friday 6:00 a.m. to 11:00 p.m. Saturday from 6:00 a.m. to 12:00 midnight. Beer & ale, etc. Sunday 1:00 p.m. to 11:00 p.m. Monday thru Friday 6:00 a.m. to 11:00 p.m. and Saturday from 6:00 a.m. to 12:00 midnight. Holidays from 6:00 a.m. to 12:00 midnight. If holiday fell on Sunday 6:00 a.m. to 12:00 midnight. No sales on Election Day while polls were open. Fine – not to exceed \$100.00.
3373	August 12, 1958	Selling liquor by the drink, except beer – ballot issue.
4055	November 6, 1963	Define terms, occupation taxes, regulate hours of dispensing and selling alcohol and provides penalties. Hours of Sale: Alcoholic liquors including beer could be sold on secular days from 6:00 a.m. to 1:00 a.m. No alcoholic liquors, except beer could be sold on Sunday's between the hours of 1:00 a.m. and 12:00 midnight. Beer could be sold on Sunday's between 1:00 p.m. and 11:00 p.m. This did not apply to non-profit corporations.
4190	March 25, 1965	Increased occupation tax.
4193	April 5, 1965	Occupation tax on bottle clubs & non-profit organizations.
4265	April 11, 1966	Provided for occupation tax on certain businesses, provided that a minor could not have alcoholic liquors in his possession or control except in his permanent place of residence, hours of sale, and consumption of alcoholic liquors in public places. Hours of Sale: <u>Secular Days</u> – no sale of alcoholic liquor including beer could be sold between 1:00 a.m. and 6:00 a.m. Could sell between 6:00 a.m. and 1:00 a.m. Hours of Sale: <u>Sundays</u> – no sale of alcoholic liquor including beer between 1:00 a.m. and 6:00 a.m. No sale of alcoholic liquor except beer between 6:00 a.m. and 12:00 midnight. (Beer could be sold at those times) Retail beer could be sold on Sunday between the hours of 1:00 p.m. and 11:00 p.m. No consumption of alcohol on public streets, alleys, road or highways or property owned by the State or governmental subdivisions or in vehicles while upon any of the aforementioned.
4480	November 6, 1967	Maximum number of Class "C" retail liquor licenses limited to 1 per 1,000 inhabitants, all other classifications of retail licenses combined for each 1,500 inhabitants. (Grand fathered existing licenses.)

HISTORY OF
GRAND ISLAND LIQUOR LICENSE'S

Ordinance No.	Date	Description
4510	December 18, 1967	<p>Hours of sale on Sunday, time for persons to clear establishments after closing hours, and sale on holidays. No retail sale of alcohol including beer on Sundays between 1:00 a.m. and 1:00 p.m. No sale of alcohol for consumption on or off the premises, except beer on Sunday between 1:00 p.m. and 11:00 p.m. No sale of alcohol, including beer for consumption on or off premises sold or dispensed after 11:00 p.m. Sunday. Provisions do not apply after 12:00 noon on Sunday to non-profit organizations. If December 31 falls on Sunday, sale permitted between 6:00 p.m. Sunday December 31 and 1:00 a.m. Monday, January 1. Persons must leave 15 minutes after closing.</p>
5047	August 23, 1971	<p>Public roads and operating motor vehicles while under the influence of intoxicating liquor or drugs, to require drivers to submit to test for alcoholic content in the blood, to prescribe an unlawful alcoholic content, provide penalties, and to make refusal to submit to such tests unlawful.</p>
6905	April 11, 1983	<p>Enact new Chapter 4 – Definitions, factors considered in issuing licenses, applicant to appear personally at hearing before Council, hours of operation, full service hours permit and occupation tax. <u>Hours of Operation:</u> No alcohol, including beer, can be sold at retail or dispensed between the hours of 1:00 a.m. and 6:00 a.m. on secular days, or between the hours of 1:00 a.m. and 12:00 noon on Sundays, or between the hours of 12:00 midnight and 1:00 a.m. on Mondays. No alcohol for consumption on the premises, except beer and wine can be sold between the hours of 12:00 noon and 6:00 p.m. on Sundays; does not apply to non-profit corporations (non-profit can not sell or dispense alcohol more than six days each week). No alcohol, including beer, can be sold at retail or dispensed between the hours of 10:00 p.m. on any day and 1:00 a.m. on the day following, unless the licensee shall hold a valid Full Service Hours Permit. Persons must leave 15 minutes after closing.</p>
7264	July 7, 1986	<p>Declared Legislative intent, provide liquor licensing standards and criteria to formulate recommendations to Nebraska Liquor Control Commission. Added new section: Liquor Application; Retail Licensing Standards.</p>

HISTORY OF
GRAND ISLAND LIQUOR LICENSE'S

Ordinance No.	Date	Description
7569	June 5, 1989	<p>Pertains to Licensing Standards, Procedures, and Hours of Operation.</p> <p><u>Hours of Operation:</u> No alcohol, including beer, can be sold at retail or dispensed between the hours of 1:00 a.m. and 6:00 a.m. on secular days, or between the hours of 1:00 a.m. and 12:00 noon on Sundays, or between the hours of 12:00 midnight and 1:00 a.m. on Mondays.</p> <p>No alcohol for consumption on the premises, except beer and wine can be sold between the hours of 12:00 noon and 6:00 p.m. on Sundays; does not apply to non-profit corporations (non-profit can not sell or dispense alcohol more than six days each week).</p> <p>No alcohol for consumption off the premises, except beer and wine, can be sold at retail or dispensed between the hours of 12:00 noon and 12:00 midnight on Sundays.</p>
7601	December 4, 1989	<p>Hours of operation in a retail establishment, particularly on the first day of January in each year.</p> <ol style="list-style-type: none"> a) No alcohol, including beer, can be sold at retail or dispensed between the hours of 1:00 a.m. and 6:00 a.m., on secular days, or between the hours of 1:00 a.m. and noon on Sundays. b) Except on the first day of January in each year, no alcohol, including beer, shall be sold at retail or dispensed within the city between the hours of 12:00 midnight and 1:00 a.m. on Mondays. c) No alcohol for consumption on the premises, except beer and wine, shall be sold at retail or dispensed between the hours of 12:00 noon and 6:00 p.m. on Sundays, does not apply to non-profit corporations (non-profit can not sell or dispense alcohol more than six days each week). d) No alcohol for consumption off the premises, except beer and wine, can be sold at retail or dispensed between the hours of 12:00 noon and 12:00 midnight on Sundays.

LIQUOR LICENSE CLASSES

- “A” Beer, On Sale Only – Inside Corporate Limits**
- “B” Beer, Off Sale Only – Inside/Outside Corporate Limits**
- “C” Spirits, Wine, Beer, On & Off Sale – Inside Corporate Limits**
- “D” Spirits, Wine, Beer, Off Sale Only – Inside Corporate Limits**
- “D1” Spirits, Wine, Beer, Off Sale Only – within extraterritorial zoning jurisdiction**
- “T” Spirits, Wine, Beer, On Sale Only – Inside Corporate Limits**
- “L” Craft Brewery (Brew Pub)**
- “O” Boat**
- “V” Manufacturer of Beer, Wine & Distilled Spirits**
- “W” Wholesale Beer**
- “X” Wholesale Liquor**
- “Y” Farm Winery**

CHAPTER 4

ALCOHOLIC BEVERAGES

§4-1. Definitions

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Alcohol means the product of distillation of any fermented liquid, whether rectified or diluted, whatever the origin thereof, and includes synthetic ethyl alcohol and alcohol processed or sold in a gaseous form. Alcohol does not include denatured alcohol or wood alcohol;

Spirits means any beverage which contains alcohol obtained by distillation, mixed with water or other substance in solution, and includes brandy, rum, whiskey, gin, or other spirituous liquors and such liquors when rectified, blended, or otherwise mixed with alcohol or other substances;

Wine means any alcoholic beverage obtained by the fermentation of the natural contents of fruits or vegetables, containing sugar, including such beverages when fortified by the addition of alcohol or spirits;

Beer means a beverage obtained by alcoholic fermentation of an infusion or concoction of barley or other grain, malt, and hops in water and includes, but is not limited to, beer, ale, stout, lager beer, porter, and near beer;

Alcoholic liquor includes alcohol, spirits, wine, beer, and any liquid or solid, patented or not, containing alcohol, spirits, wine, or beer and capable of being consumed as a beverage by a human being. Alcoholic liquor also includes confections or candy with alcohol content of more than one-half of one percent alcohol. The act does not apply to (a) alcohol used in the manufacture of denatured alcohol produced in accordance with acts of Congress and regulations adopted and promulgated pursuant to such acts, (b) flavoring extracts, syrups, medicinal, mechanical, scientific, culinary, or toilet preparations, or food products unfit for beverage purposes, but the act applies to alcoholic liquor used in the manufacture, preparation, or compounding of such products or confections or candy that contains more than one-half of one percent alcohol, or (c) wine intended for use and used by any church or religious organization for sacramental purposes;

Near beer means beer containing less than one-half of one percent of alcohol by volume;

Original package means any bottle, flask, jug, can, cask, barrel, keg, hogshead, or other receptacle or container used, corked or capped, sealed, and labeled by the manufacturer of alcoholic liquor to contain and to convey any alcoholic liquor;

Manufacturer means every brewer, fermenter, distiller, rectifier, winemaker, blender, processor, bottler, or person who fills or refills an original package and others engaged in brewing, fermenting, distilling, rectifying, or bottling alcoholic liquor, including a wholly owned affiliate or duly authorized agent for a manufacturer;

Nonbeverage user means every manufacturer of any of the products set forth and described in subsection (4) of section 53-160, when such product contains alcoholic liquor, and all laboratories, hospitals, and sanatoria using alcoholic liquor for nonbeverage purposes;

Manufacture means to distill, rectify, ferment, brew, make, mix, concoct, process, blend, bottle, or fill an original package with any alcoholic liquor and includes blending but does not include the mixing or other preparation of drinks for serving by those persons authorized and permitted in the act to serve drinks for consumption on the premises where sold;

Wholesaler means a person importing or causing to be imported into the state or purchasing or causing to be purchased within the state alcoholic liquor for sale or resale to retailers licensed under the act, whether the business of the wholesaler is conducted under the terms of a franchise or any other form of an agreement with a manufacturer or manufacturers, or who has caused alcoholic liquor to be imported into

Grand Island City Code, 2002 Edition

the state or purchased in the state from a manufacturer or manufacturers and was licensed to conduct such a business by the Nebraska State Liquor Control Commission on May 1, 1970, or has been so licensed since that date. Wholesaler does not include any retailer licensed to sell alcoholic liquor for consumption off the premises who sells alcoholic liquor other than beer or wine to another retailer pursuant to Neb. Rev. Stat. §53-175, except that any such retailer shall obtain the required federal wholesaler's basic permit and federal wholesale liquor dealer's special tax stamp. Wholesaler includes a distributor, distributorship, and jobber;

Person means any natural person, trustee, corporation, partnership, or limited liability company;

Retailer means a person who sells or offers for sale alcoholic liquor for use or consumption and not for resale in any form except as provided in Neb. Rev. Stat. § 53-175;

Sell at retail and sale at retail means sale for use or consumption and not for resale in any form except as provided in Neb. Rev. Stat. § 53-175;

Commission means the Nebraska Liquor Control Commission;

Sale means any transfer, exchange, or barter in any manner or by any means for a consideration and includes any sale made by any person, whether principal, proprietor, agent, servant, or employee;

To sell means to solicit or receive an order for, to keep or expose for sale, or to keep with intent to sell;

Restaurant means any public place (a) which is kept, used, maintained, advertised, and held out to the public as a place where meals are served and where meals are actually and regularly served, (b) which has no sleeping accommodations, and (c) which has adequate and sanitary kitchen and dining room equipment and capacity and a sufficient number and kind of employees to prepare, cook, and serve suitable food for its guests;

Club means a corporation (a) which is organized under the laws of this state, not for pecuniary profit, solely for the promotion of some common object other than the sale or consumption of alcoholic liquor, (b) which is kept, used, and maintained by its members through the payment of annual dues, (c) which owns, hires, or leases a building or space in a building suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests, and (d) which has suitable and adequate kitchen and dining room space and equipment and a sufficient number of servants and employees for cooking, preparing, and serving food and meals for its members and their guests. The affairs and management of such club shall be conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting, and no member, officer, agent, or employee of the club shall be paid or shall directly or indirectly receive, in the form of salary or other compensation, any profits from the distribution or sale of alcoholic liquor to the club or the members of the club or its guests introduced by members other than any salary fixed and voted at any annual meeting by the members or by the governing body of the club out of the general revenue of the club;

Hotel means any building or other structure (a) which is kept, used, maintained, advertised, and held out to the public to be a place where food is actually served and consumed and sleeping accommodations are offered for adequate pay to travelers and guests, whether transient, permanent, or residential, (b) in which twenty-five or more rooms are used for the sleeping accommodations of such guests, and (c) which has one or more public dining rooms where meals are served to such guests, such sleeping accommodations and dining rooms being conducted in the same buildings in connection therewith and such building or buildings or structure or structures being provided with adequate and sanitary kitchen and dining room equipment and capacity;

Nonprofit corporation means any corporation organized under the laws of this state, not for profit, which has been exempted from the payment of federal income taxes;

Minor means any person, male or female, under twenty-one years of age, regardless of marital status;

Brand means alcoholic liquor identified as the product of a specific manufacturer;

Chapter 4 ? Alcoholic Beverages

Franchise or agreement, with reference to the relationship between a manufacturer and wholesaler, includes one or more of the following: (a) A commercial relationship of a definite duration or continuing indefinite duration which is not required to be in writing; (b) a relationship by which the wholesaler is granted the right to offer and sell the manufacturer's brands by the manufacturer; (c) a relationship by which the franchise, as an independent business, constitutes a component of the manufacturer's distribution system; (d) a relationship by which the operation of the wholesaler's business is substantially associated with the manufacturer's brand, advertising, or other commercial symbol designating the manufacturer; and (e) a relationship by which the operation of the wholesaler's business is substantially reliant on the manufacturer for the continued supply of beer;

Territory or sales territory means the wholesaler's area of sales responsibility for the brand or brands of the manufacturer;

Suspend means to cause a temporary interruption of all rights and privileges of a license;

Cancel means to discontinue all rights and privileges of a license;

Revoke means to permanently void and recall all rights and privileges of a license;

Generic label means a label which is not protected by a registered trademark, either in whole or in part, or to which no person has acquired a right pursuant to state or federal statutory or common law;

Private label means a label which the purchasing wholesaler or retailer has protected, in whole or in part, by a trademark registration or which the purchasing wholesaler or retailer has otherwise protected pursuant to state or federal statutory or common law;

~~Farm winery means any enterprise which produces and sells wines produced from grapes, other fruit, or other suitable agricultural products of which at least seventy-five percent of the finished product is grown in this state;~~

Brewpub means any restaurant or hotel which produces on its premises a maximum of ten thousand barrels of beer per year;

Manager means a person appointed by a corporation to oversee the daily operation of the business licensed in Nebraska. A manager shall meet all the requirements of the act as though he or she were the applicant, except for residency and citizenship;

Shipping license means a license granted pursuant to section 53-123.15 of the Revised Statutes of Nebraska;

Sampling means consumption on the premises of a retail licensee of not more than five samples of one fluid ounce or less of alcoholic liquor by the same person in a twenty-four-hour period;

Microbrewery means any small brewery producing a maximum of ten thousand barrels of beer per year;

Craft brewery means a brewpub or a microbrewery;

Local governing body means (a) the city council ~~of the City of Grand Island~~ village board of trustees of a city or village within which the licensed premises are located or (b) if the licensed premises are not within the corporate limits of a city or village, the county board of the county within which the licensed premises are located; and

Consume means knowingly and intentionally drinking or otherwise ingesting alcoholic liquor.

~~Alcohol. This word means the product of distillation of any fermented liquid, whether rectified or diluted, whatever may be the origin thereof, and includes synthetic ethyl alcohol. It does not include denatured alcohol or wood alcohol.~~

~~Alcoholic liquor. These words include the four varieties of liquor defined in this section as "alcohol," "spirits," "wine," and "beer", and every liquid or solid, patented or not, containing alcohol, spirit, wine, or beer, and capable of being consumed as a beverage by a human being. The provisions of this chapter shall not apply to alcohol used in the manufacture of denatured alcohol produced in accordance with acts of congress and regulations promulgated thereunder, nor shall the provisions of this chapter apply~~

~~to flavoring extracts, syrups, or medicinal, mechanical, scientific, culinary or toilet preparations, or food products unfit for beverage purposes, but the provisions of this chapter shall not be construed to exclude or not apply to the alcoholic liquor used in the manufacture, preparation, or compounding of such products. None of the provisions of this chapter shall apply to wine intended for use and used by any church or religious organization for sacramental purposes.~~

~~———Beer. This word means a beverage obtained by alcoholic fermentation of an infusion or concoction of barley, or other grain, malt and hops in water, and includes, among other things, beer, ale, stout, lager beer, near beer, porter, and the like.~~

~~———Commission. This word means the Nebraska Liquor Control Commission.~~

~~———Distributor. This word means the person importing or causing to be imported into the state, or purchasing or causing to be purchased within the state, alcoholic liquors for sale or resale to retailers licensed under the Nebraska Liquor Control Act.~~

~~———Engaged principally in the sale of goods, wares and merchandise other than liquor or beer. The words "engaged principally in the sale of goods, wares and merchandise other than liquor or beer" shall be defined as any establishment where over sixty percent of the gross sales are of goods, wares, and merchandise other than liquor and beer.~~

~~———Non-profit corporation. This definition means a corporation, whether located within any incorporated city or village or not, organized under the laws of this state, not for profit, and which has been exempted from the payment of federal income taxes, as provided by 501(c) 4, (7), or (8), Internal Revenue Code of 1954.~~

~~———Retailer. This word means a person who sells, or offers for sale, alcoholic liquors for use and consumption, and not for resale in any form.~~

~~———Sale. This word means any transfer, exchange, or barter in any manner or by any means whatsoever for a consideration, and includes and means all sales made by any person, whether principal, proprietor, agent, servant, or employee.~~

~~———Sell at retail and sale at retail. These phrases refer to and mean sales for use or consumption and not for resale in any form.~~

~~———Spirit. This word means any beverage which contains alcohol obtained by distillation, mixed with water or other substance in solution, and includes brandy, rum, whiskey, gin, or other spirituous liquors, and such liquors when rectified, blended or otherwise mixed with alcohol or other substances.~~

~~———To sell. These words include to solicit or receive an order for, to keep, or expose for sale, and to keep with intent to sell.~~

~~———Wine. This word means any alcoholic beverage obtained by the fermentation of the natural contents of fruits or vegetables, containing sugar, including such beverages when fortified by the addition of alcoholic spirits, as defined in this section.~~

§4-2. Declared Legislative Intent

It is hereby declared to be the intent and purpose of the city council in adopting and administering the provisions of this chapter:

(A) To express the community sentiment that the control of availability of alcoholic liquor to the public in general and to minors in particular promotes the public health, safety, and welfare;

(B) To encourage temperance in the consumption of alcoholic liquor by sound and careful control and regulation of the sale and distribution thereof; and

(C) To ensure that the number of retail outlets and the manner in which they are operated is such that they can be adequately policed by local law enforcement agencies so that the abuse of alcohol and the occurrence of alcohol-related crimes and offenses is kept to a minimum.

§4-3. Liquor Application; Standards

The city council shall consider the licensing standards and criteria at the hearing and evaluate any applicant for a retail alcoholic liquor license, whether for a new license, a renewal of an existing license, or a modification of an existing license, for the purpose of formulating a final order from the governing body to the Nebraska Liquor Control Commission in accordance with the Nebraska Liquor Control Act.

§4-4. Applicant to Appear Personally at Hearing

It shall be the duty of every applicant for an alcoholic liquor license, whose application is pending before the council, to appear before the council personally (if a partnership, at least one of the partners; and if a corporation, at least one managing officer thereof) on the date of the hearing upon the propriety of granting or recommending such license, provided for by §53-134, R.R.S. 1943, of said Liquor Control Act, to answer such questions as may be asked him or her in determining the facts required by law and this chapter, concerning the propriety of granting such license, and a failure to so appear without reasonable excuse, shall be grounds for denying such application. Such applicant may at said hearing present evidence, other than his or her own testimony, which shall be considered by the council in determining the propriety of recommending approval of such license. In adopting any recommendation for approval of such license, the council may require certain conditions to be effected to ensure that the applicant performs in conformance with applicant's representations and to protect the public health, safety, and welfare.

§4-5. Notice

Notice of a hearing held pursuant to Neb. Rev. Stat. §53-134 shall be given to the applicant by the city clerk and shall contain the date, time, and location of the hearing. Two or more proceedings which are legally or factually related may be heard and considered together unless any party thereto makes a showing sufficient to satisfy the council that prejudice would result therefrom.

~~§4-6. Liquor Application Procedure~~

~~Hearings will be informal and presided over by the Mayor. The purpose is an inquiry into the facts, not an adversary proceeding. The name of each individual who desires to cross-examine the applicant's witnesses or present rebuttal evidence shall be registered with the city clerk at least one (1) working day in advance of the hearing. Such individuals so registered shall select a spokesperson to perform such functions who shall notify the mayor of his representation prior to the start of the hearing. The mayor may at his discretion allow more than one such spokesperson to appear. All witnesses shall be sworn and may present testimony in narrative fashion or by question and answer.~~

~~The governing body or the applicant may order the hearing to be recorded by an official court reporter, at the expense of the applicant(s).~~

~~The governing body and its representatives shall not be bound by the strict rules of evidence, and shall have full authority to control the procedures of the hearing, including the admission or exclusion of testimony or other evidence. The governing body may admit and give probative effect to evidence which possesses probative value commonly accepted by reasonably prudent individuals. The mayor may limit testimony where it appears incompetent, irrelevant, or unduly repetitious.~~

~~The order of the proceeding is as follows:~~

- ~~(i.) Exhibits will be marked in advance by the clerk and presented to the mayor during the presentation;~~
- ~~(ii.) Presentation of evidence, witnesses, and arguments by applicant.~~
- ~~(iii.) Testimony of any other citizens in favor of such proposed license;~~
- ~~(iv.) Examination of applicant, witnesses or citizens by city attorney, city administrator, governing body, or duly appointed agent.~~

~~(v.) Cross examination of applicant, witnesses or citizens by spokesperson for opposition, if any;~~

~~(vi.) Presentation of evidence and witnesses by opposition;~~

~~(vii.) Testimony of any other citizens in opposition to such proposed license;~~

~~(viii.) Presentation of evidence by City and law enforcement personnel;~~

~~(ix.) Cross examination by applicant;~~

~~(x.) Rebuttal evidence by both parties, and by city administration and agent;~~

~~(xi.) Summation by applicant and opposition spokesperson, if any. In all cases, the burden of proof and persuasion shall be on the party filing the application. Any member of the governing body and the city attorney may question any witness, call witnesses, or request information.~~

~~_____ All witnesses shall be sworn. The governing body may make further inquiry and investigation following the hearing. After the hearing, the city council shall, by resolution, order approval or denial of the application.~~

~~_____ The hearing will be informal and conducted by the Mayor. The hearing shall be held for the purpose of inquiring into the facts and shall not be an adversary action. Each witness may present testimony in narrative fashion or by question and answer.~~

~~_____ The governing body or the applicant may order the hearing to be recorded by an official court reporter or by the Clerk, at the expense of the applicant.~~

~~_____ The governing body and its representatives shall not be bound by the strict rules of evidence, and shall have full authority to control the procedures of the hearing including the admission or exclusion or testimony or other evidence. The governing body may admit and give consideration to evidence which possesses probative value commonly accepted by reasonably prudent individuals. The Mayor may limit testimony where it appears to be incompetent, irrelevant, or unduly repetitious. If there is opposition to any application and such opposition desires the opportunity to present arguments and to cross-examine the applicant and any witnesses in favor of such application, they shall choose a spokesperson to perform such function who shall notify the Mayor of his/her representation prior to the start of the hearing.~~

§4-7. Applications for Liquor Licenses

In order to assist the council in determining the general fitness of an applicant for a retail liquor license, and the character and reputation of the applicant in the community, the applicant shall provide the city clerk at least ten days before the council hearing on the application the following information:

~~_____ In order to assist the council in determining the general fitness of an applicant for a retail liquor license, and the character and reputation of the applicant in the community, the applicant shall provide the city clerk at least ten days before the council hearing on the application the following information:~~

~~_____ (A) The legal name of the applicant. If the applicant is a partnership, the legal partnership name, and names of all partners and percentage of ownership. If the applicant is a corporation, the legal name of the corporation and the names of the manager, officers, directors, and all stockholders and number of shares owned by each.~~

~~_____ (B) The dates and places of birth of all the persons listed in subsection (A) of this section.~~

~~_____ (C) The current residential addresses and all residential addresses for the past five years of all the persons listed in subsection (A) of this section.~~

~~_____ (D) The names and addresses of the places of employment or self-employment for the immediate past five years of all the persons listed in subsection (A) of this section.~~

~~_____ (E) The names and addresses of references for each place of employment or self-employment for the immediate past five years of each person listed in subsection (A) of this section, including the name of the applicant's employer, the name of a person known by the applicant in a business capacity, and the name of a person known by the applicant socially.~~

Chapter 4 ? Alcoholic Beverages

~~In addition to the above, the applicant, including all partners of a partnership and the manager of a corporation, shall provide sufficient information to the chief of police to permit positive identification, which information may include birth certificate, driver's license, passport, or fingerprints, as requested by the chief of police.~~

~~The city clerk shall distribute the information required in subsections (A) through (E) of this section, together with any other information requested by any member of the council, to the mayor, each member of the city council, and the chief of police, prior to the applicant's hearing before the council.~~

~~The application for a new license shall be submitted upon such forms as the commission may prescribe. Such forms shall contain:~~

~~(A) The name and residence of the applicant and how long he or she has resided within the State of Nebraska.~~

~~(B) The particular premises for which a license is desired designating the same by street and number if practicable or, if not, by such other description as definitely locates the premises.~~

~~(C) The name of the owner of the premises upon which the business licensed is to be carried on.~~

~~(D) A statement that the applicant is a citizen of the United States, that the applicant and the spouse of the applicant are not less than twenty-one years of age, and that such applicant has never been convicted of or pleaded guilty to a felony or been adjudged guilty of violating the laws governing the sale of alcoholic liquor or the law for the prevention of gambling in the State of Nebraska, except that a manager for a corporation applying for a license shall qualify with all provisions of this subdivision as though the manager were the applicant, except that the provisions of this subdivision shall not apply to the spouse of a manager-applicant.~~

~~(E) A statement that the applicant intends to carry on the business authorized by the license for himself or herself and not as the agent of any other persons and that if licensed he or she will carry on such business for himself or herself and not as the agent for any other person.~~

~~(F) A statement that the applicant intends to superintend in person the management of the business licensed and that if so licensed he or she will superintend in person the management of the business, and~~

~~(G) Such other information as the Nebraska Liquor Control Commission may from time to time direct. The applicant shall also submit two legible sets of fingerprints to be furnished to the Federal Bureau of Investigation through the Nebraska State Patrol for a national criminal history record check and the fee for such record check payable to the patrol.~~

~~(H) No license for the retail sale of alcoholic liquor for consumption on the premises shall be recommended for approval until the Building Department, Fire Department and Police Department have completed inspections and have certified that the premises meets all Building and Life Safety Codes. If a license is recommended for approval pending final inspections, the City Clerk shall not issue the license until such time as all inspections have been complete fro full compliance.~~

~~The application shall be verified by the affidavit of the petition made before a notary public or other person duly authorized by law to administer oaths. If any false statement is made in any part of such application, the applicant or applicants shall be deemed guilty of perjury and upon conviction thereof, the license shall be revoked and the applicant subjected to the penalties provided by law for that crime.~~

§4-7.1. Special Designated Liquor Licenses

All applications for a special designated liquor license shall be reviewed administratively, and approved or denied, in accordance with established criteria adopted by the City of Grand Island. Any applicant denied a special designated liquor license based on the adopted criteria may request that such application be heard by the City Council.

§4-8. Grounds for Revocation or Cancellation

A retail license to sell alcoholic liquors, which this council is legally empowered to revoke, may be revoked by the city council whenever it shall find, after notice and hearing as provided by law, that the holder of any such license has violated any of the provisions of said Nebraska Liquor Control Act, or of this chapter, or rule or regulation of the Nebraska Liquor Control Commission; or any statutory provision or ordinance of the City now existing or hereafter passed, enacted in the interest of good morals and decency; or for any one or more of the following causes:

(A) The licensee, his her manager or agent in charge of the premises licensed, has been convicted of or has pled guilty to a felony under the laws of the State of Nebraska, or of any other state of the United States.

(B) The licensee, his her manager or agent in charge of the premises licensed, has been convicted of or has pled guilty to being the proprietor, manager or agent in charge of a gambling house, or of pandering or other crime or misdemeanor opposed to decency and morality.

(C) The licensee, his her manager or agent in charge of the premises licensed, has been convicted of or pled guilty to violation of any federal or state law concerning the manufacture, possession, or sale of alcoholic liquors.

(D) That the licensee either swore falsely to any question in his her application for said license, or has failed to comply with the statements and representations made by the answer to any question or questions in said application; or has failed to perform in accordance with any other statement or representation, or keep any promise, oral or written, made to the council, in connection with such licensee's request for said license.

(E) The licensee, his her manager or agent in charge of the premises licensed, shall have forfeited bond to appear in court to answer charges for any one of the violations of law or ordinances referred to in this section.

(F) It shall be cause for revocation as herein provided if the licensee, his her manager or agent, shall allow any live person to appear, or have reasonable cause to believe that any live person shall appear in any licensed premises in a state of nudity, to provide entertainment, to provide service, to act as hostess, manager or owner, or to serve as an employee in any capacity. For the purposes of this subsection, the term "nudity" shall mean the showing of the human male or female genitals, pubic area or buttocks, or the human female breast including the nipple or any portion below the nipple with less than a full opaque covering.

(G) It shall be cause for revocation when a licensee, his/her manager or agent in charge of the premises has successive violations that meet the Nebraska Liquor Control Commission standard of violation, the City Council may revoke or cancel the liquor license.

~~For the purposes of this subsection, the term "nudity" shall mean the showing of the human male or female genitals, pubic area or buttocks, or the human female breast including the nipple or any portion below the nipple with less than a full opaque covering.~~

§4-9. Hours of Operation; Retail Establishment

(A) No alcoholic liquors, including beer, shall be sold at retail or dispensed within the city between the hours of 1:00 a.m. and 6:00 a.m., on ~~secular~~ Monday through Saturdaydays, or between the hours of 1:00 a.m. and 12:00 Noon on Sundays.

(B) Except on the first day of January in each year, no alcoholic liquors, including beer, shall be sold at retail or dispensed within the city between the hours of 12:00 Midnight and 1:00 a.m. on Mondays.

(C) No alcoholic liquors for consumption on the premises, except beer and wine, shall be sold at retail or dispensed within the city between the hours of 12:00 Noon and 6:00 p.m. on Sundays; provided, this limitation shall not apply to a licensee which is a non-profit corporation as defined in §53-103 R.R.S. 1943, and is the holder of a license issued under the provisions of either subdivision (5)C or subdivision

Chapter 4 ? Alcoholic Beverages

(5)H of §53-124, R.R.S. 1943, but such licensee shall not sell or dispense liquors on more than six days each week.

(D) No alcoholic liquors for consumption off the premises, except beer and wine, shall be sold at retail or dispensed within the city between the hours of 12:00 Noon and 12:00 Midnight on Sundays.

§4-10. Reserved

§4-11. Reserved

§4-12. Reserved

§4-13. Reserved

§4-14. Reserved

§4-15. Occupation Tax; Amounts

(A) For the purpose of raising revenue, there is hereby levied upon distributors, retailers, and nonbeverage users of alcoholic liquor in the City of Grand Island an annual occupation tax in accordance with the City of Grand Island Fee Schedule. No reduction in occupation tax except as hereinabove stated shall be made regardless of the time when the application for license is made, or the license is issued. Such occupation tax, or any part of it, shall not be refunded for any cause.

(B) All occupation taxes levied pursuant to section (A) above, shall be due and payable within thirty days of the date of the renewal of the licensee's state liquor license.

§4-16. Delivery by Distributor on Sunday

It shall be unlawful for any licensed distributor or wholesaler of beer to deliver such beverage to any retailers of the same in the city on the first day of the week, commonly called Sunday.

§4-17. Licensed Premises; Lights Required

All rooms where alcoholic liquors are sold shall be continuously lighted during business hours by natural or artificial light.

§4-18. Consumption in Public Places

It shall be unlawful for any person to consume alcoholic liquors within the city in the public streets, alleys, roads or highways, or upon property owned by the state or any governmental subdivision thereof, or inside vehicles while upon the public streets, alleys, roads, or highways, in any dance hall, restaurant, cafe, club, or any place open to the general public except as permitted by a license issued to such premises. It shall be unlawful for any person owning, operating, managing or conducting any dance hall, restaurant, cafe, 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 to such premises.

§4-19. Possession in Parks Prohibited

It shall be unlawful for any person to have in his her possession or physical control any alcoholic liquors upon any of the property belonging to the City designated as a city park or playground.

§4-20. Minors Not Permitted After 9 P.M.

It shall be unlawful for any licensed retailer or his, her, or its agent or employee to suffer or permit any minor to be or remain in any room or compartment of such licensed premises where alcoholic liquor is being sold or consumed after 9 p.m. of any day; provided, that this section shall not apply to any minor who is accompanied by his or her parent or adult guardian, or to any licensed premises which derives its principal business from the sale of services or other commodities other than alcoholic liquor.

§4-21. Violations; Liability of Licensee

Any act or the omission of any act constituting a violation of any of the provisions of this chapter by any officer, director, manager, or other agent or employee of any licensee under the Nebraska Liquor Control Act, if such act is committed or such omission is made with the authorization, knowledge, or approval of such licensee, shall be deemed and held to be the act of such employer or licensee, and such employer or licensee shall be punishable in the same manner as if such act or omission had been done or omitted by him personally.

§4-22. Right of Entry of Officers

All police officers of the city are authorized to enter at any time upon the premises of any license under the Nebraska Liquor Control Act within the City to determine whether or not any of the provisions of such Act or of this chapter, or any rules or regulations adopted by the City or by the Nebraska Liquor Control Commission have been or are being violated and at such time to examine sufficiently such premises of such licensee in connection therewith.

§4-23. Unlawful Presence in Establishments

It shall be unlawful for any person to be present in any establishment where alcoholic liquors are sold or dispensed at any time during which sales of alcoholic liquors are prohibited by the foregoing sections; provided, that a person may be present in such an establishment for only fifteen minutes after the time required for cessation of sales of alcoholic liquors set out in prior §4-9 to allow the person present in the establishment at closing time to leave the premises; provided further, that the word "person" shall not include the owner or operator or his her agent or employee when actually engaged in cleanup or custodial work. This section shall not apply to restaurants which are open for business.

CURRENT SUNDAY – ALCOHOL SALES LINCOLN, NEBRASKA

1:00 a.m.	No Alcoholic Liquors can be Sold
2:00 a.m.	
3:00 a.m.	
4:00 a.m.	
5:00 a.m.	
6:00 a.m.	
7:00 a.m.	
8:00 a.m.	
9:00 a.m.	
10:00 a.m.	
11:00 a.m.	
12:00 noon	

12:00 noon	All Alcoholic Liquors can be Sold
1:00 p.m.	
2:00 p.m.	
3:00 p.m.	
4:00 p.m.	
5:00 p.m.	
6:00 p.m.	
7:00 p.m.	
8:00 p.m.	
9:00 p.m.	
10:00 p.m.	
11:00 p.m.	
12:00 midnight	
1:00 a.m.. Monday	

CURRENT SUNDAY – ALCOHOL SALES CITY OF GRAND ISLAND

1:00 a.m.	No Alcoholic Liquors On/Off Sale can be Sold at Retail or Dispensed within the City
2:00 a.m.	
3:00 a.m.	
4:00 a.m.	
5:00 a.m.	
6:00 a.m.	
7:00 a.m.	
8:00 a.m.	
9:00 a.m.	
10:00 a.m.	
11:00 a.m.	
12:00 noon	

12:00 noon	On Sale Beer/Wine Allowed	Off Sale Beer/Wine Allowed	No On Sale Alcoholic Liquors Allowed	Non-Profit Corporation Allowed to Sell Alcoholic Liquors including Beer/Wine	No Off Sale Alcoholic Liquors Allowed
1:00 p.m.					
2:00 p.m.					
3:00 p.m.					
4:00 p.m.					
5:00 p.m.					
6:00 p.m.			On Sale Alcoholic Liquors Allowed		
7:00 p.m.					
8:00 p.m.					
9:00 p.m.					
10:00 p.m.					
11:00 p.m.					
12:00 midnight					

Violations/Penalty Schedule for Successive Violations

Violations <i>City Code of the City of Grand Island</i>	1st Offense Days of Suspension	1st Offense Fine Amount	2nd Offense Days of Suspension	2nd Offense Fine Amount	3 rd Offense Days of Suspension	3 rd Offense Fine Amount	4 th Offense Cancel
Sales to a Minor (if previous violation ten years or longer, penalty would be half)	10-20 days on guilty plea; 5 days upon written certification from licensee that person making sale had completed within the last 3 years training program approved by Nebraska Liquor Control Commission	\$500-\$1000	20-40 days unless occurring within 4 years, 2 days close plus 20 days; within 3 years 2 days close plus 30 days; within 2 years, 2 days close plus 40 days; within 1 year, 2 days close plus 50 days. Written certification or proof that person making sale has received approved training between the 1 st and 2 nd sale would avoid mandatory closure, but would be added to total suspension (i.e., instead of 2 plus 20, would be 22 days suspension)	\$2000-\$5000	40-60 unless occurring within 4 years; 5 days close plus 20 days; within 3 years, 10 days close plus 30 days; within 2 years, 12 days close plus 40 days; within 1 years, 15 days close plus 50 days.	\$4000-\$6000	Cancel
Minor in Possession	10-20 days	\$500-\$1000	20-40 days; same as above	\$2000-\$4000	40-60 days; same as above	\$4000-\$6000	Cancel
Open Containers after Hours	3-7	\$150-\$350	7-12	\$700-\$1200	12-15	\$1200-\$1500	Cancel
Sales after Hours, Including Sunday Sales	5-10	\$250-\$500	10-20	\$1000-\$2000	20-30	\$2000-\$3000	Cancel
Disturbance not Involving Serious Injury or Death	5-15	\$250-\$750	10-20	\$1000-\$2000	20-30	\$2000-\$3000	Cancel
Refilling	3-7	\$150-\$350	7-12	\$700-\$1200	12-15	\$1200-\$1500	Cancel
Sale to Intoxicated Person	10-20	\$500-\$1000	20-40	\$2000-\$4000	40-60	\$4000-\$6000	Cancel
Open Containers Off Licensed Premises	5-10	\$250-\$500	10-20	\$1000-\$2000	20-30	\$2000-\$3000	Cancel
Purchase from Other than a Wholesaler	5-10	\$250-\$500	10-20	\$1000-\$2000	20-30	\$2000-\$3000	Cancel
Sale for Resale a. Without Actual Knowledge b. With Actual Knowledge	5-10 10-20	\$250-\$500 \$500-\$1000	10-20 20-30	\$1000-\$2000 \$2000-\$3000	20-30 Cancel	\$2000-\$3000	Cancel
Sale Off Licensed Premises	5-10	\$250-\$500	10-20	\$1000-\$2000	20-30	\$2000-\$3000	Cancel
Sale on Credit	5-15	\$250-\$750	15-20	\$1500-\$2000	20-30	\$2000-\$3000	Cancel
Unauthorized Sales Such as Liquor or Wine Sales from Beer License Off Premises Sales from On Premises Only License	5-15	\$250-\$750	15-20	\$1500-\$2000	20-30	\$2000-\$3000	Cancel
Failure to Keep Record of Quantitive Sales	5-15	\$250-\$750	15-20	\$1500-\$2000	15-20	\$1500-\$2000	Cancel
Illegal Activities	10-20	\$500-\$1000	20-30	\$2000-\$3000	30-40	\$3000-\$4000	Cancel
Illegal Gambling Device with Evidence of Payout	20	\$1000	Cancel				

Violations <i>City Code of the City of Grand Island</i>	1st Offense Days of Suspension	1st Offense Fine Amount	2nd Offense Days of Suspension	2nd Offense Fine Amount	3 rd Offense Days of Suspension	3 rd Offense Fine Amount	4 th Offense Cancel
Gambling	5-10	\$250-\$500	10-20	\$1000-\$2000	20-30	\$2000-\$3000	Cancel
Minor Dispensing Liquor	7-12	\$350-\$600					
Sale to Non-Members	5-15	\$250-\$750					
Failure to Permit		\$500		\$2000		\$4000	
Timely Entry	10-20	\$1000	20-40	\$4000	40-60	\$6000	Cancel
Sanitation	5-10	\$250-\$500	10-20	\$1000-\$2000	20-30	\$2000-\$3000	Cancel
Allowing Another to Operate on License	10-20	\$500-\$1000	20-40	\$2000-\$4000	Cancel		
Unlawful Delivery	5-10	\$250-\$500	10-20	\$1000-\$2000	20-30	\$2000-\$3000	Cancel
Violation of Spousal Affidavit	Cancel						
Failure to Comply with Order of Nebraska Liquor Control Commission	15-20	\$750-\$1500					
Late Renewals	0-10 days late, 3 days; 10-30 days late, 5 days; Over 30 days late, will require the filing of a new long form application.						
Delinquent Credit	5 days or cancel if not paid in 30 days.						

- Sale to minor and minor in possession do not work independently but are combined together.
- For any penalty in abeyance, penalty will be triple per above.
- First suspension is \$50 per day. All Subsequent suspensions at \$100 per day.
- Exception would be when previous suspension is older than four years, then suspension reverts back to \$50 per day.

Project Extra Mile

Underage Drinking Prevention Project

MISSION STATEMENT October 26, 2006

To create a

community

consensus that

clearly states

that underage

alcohol use

is illegal,

unhealthy, and

unacceptable.

Mr. Dale Shotkoski, Interim City Attorney
Grand Island City Hall
P.O. Box 1968
Grand Island, NE 68801

Dear Mr. Shotkoski:

Project Extra Mile is a statewide network of community coalitions in Nebraska whose mission is to create a community consensus that clearly states that underage alcohol use is illegal, unhealthy, and unacceptable. An important part of our work is to address policies that send young people under 21 a mixed message about the use of alcohol.

Grand Island City Code, Chapter 4, section 20, states:

It shall be unlawful for any licensed retailer or his, her, or its agent or employee to suffer or permit any minor to be or remain in any room or compartment of such licensed premises where alcoholic liquor is being sold or consumed after 9 p.m. of any day; provided, that this section shall not apply to any minor who is accompanied by his or her parent or adult guardian, or to any licensed premises which derives its principal business from the sale of services or other commodities other than alcoholic liquor.

The Hall County coalition would like to take this opportunity to share some concerns regarding the current ordinance in place:

- In order to provide enforcement of this code, officers must verify that every minor in a bar after 9:00 p.m. is with his/her lawful parent or legal guardian. The only forms of documentation certifying those relationships are birth certificates or court appointed guardianship papers. It is very unlikely a patron of a bar would be able to provide these documents at an officer's request.
- Minors under the age of 16 are very unlikely to have any forms of reliable identification to verify their age or name. Without legal identification, an officer has no way to substantiate that a minor is who they say they are or their connection to adults in the bar.
- A bar, as defined by city code, is any Grand Island business that earns 40 percent or more of gross sales through the sale of alcohol. Current city code forbids minors from being in such an establishment without a parent or legal guardian after 9:00 p.m. while "alcoholic liquor is being sold or consumed." Despite the lack of active alcohol sales at some locations in Grand Island, a minor clientele will continue to associate this business location with the use of alcohol. A bar that hosts "teen nights" promotes underage consumption regardless of the direct availability of alcohol through the retailer. By adjusting this code to prohibit minors from bars with or without the active service of alcohol, the city of Grand Island would help establish a clear message to our community's youth that alcohol use is unacceptable until the age of 21.



The following information on the importance of restricting minors' access to bars can be found at www.AlcoholPolicyMD.com:

One thing is clear: allowing minors into drinking establishments such as bars and nightclubs is, in the words of one enforcement official, "a regulator's nightmare." (Inspector General 1991). It creates numerous difficulties for servers, who must conduct repeated identification checks and continuously track who is actually drinking the beverages being served. It allows minors to consume alcohol purchased from older individuals. And it encourages minors to drink as a way to socialize and become one with their peers.

Strategies that limit access to alcohol by minors are some of the most powerful and well-documented approaches to reduce underage drinking and related problems. And one of the key ways to reduce access is to prohibit minors from entering bars.

Project Extra Mile has been working with the Norfolk Police Division to address problems associated with teen nights held at The Depot where youth are allowed to gather and socialize in the bar on Tuesday evenings during the summer months. During these events, Norfolk law enforcement officers have issued a number of citations in the parking lot and surrounding areas of the business. Since May 30, 2006, these violations include: 17 – Minor in Possession/Minor in Consumption of Alcohol; 1 – Driving Under the Influence of Alcohol; 2 – Urinating in Public; and 1 – Zero Tolerance.

To help prevent the problems that occur when young people are given access to the bar environment, the coalition respectfully requests that the Grand Island City Code §4-20 be amended to read as follows:

It shall be unlawful for any licensed retailer or his, her, or its agent or employee to suffer or permit any minor to be or remain in any room or compartment of such licensed premises after 9 p.m. of any day; provided, that this section shall not apply to any licensed premise which derives 60 percent or more of its principal business from the sale of services or other commodities other than alcoholic liquor.

If you have additional questions, please do not hesitate to contact me at (308) 398-0413 or via e-mail at grandisland@projectextramile.org. I would be happy to visit with you about the coalition's efforts to address underage alcohol use. We appreciate your assistance and look forward to working with you on this issue.

Sincerely,



Lex Ann Roach
Project Coordinator

cc: Grand Island City Clerk RaNae Edwards



November 6, 2006

Gary Greer, City Administrator
City of Grand Island
Post Office Box 1986
Grand Island, NE 68802



Dear Gary:

Thank you for notifying the Chamber of the City's intent to review Chapter 4 of the City Code, Alcoholic Beverages.

There are two issues we would forward for the Council's discussion and consideration:

1. The hours of sale for various alcohol products is cumbersome. I refer to Chapter 4, Section 9 of the City Code and the various products that can be sold on different days, and at different times (ie Sunday sales). Is it possible to modify the dates to avoid unintended non-compliance?
2. The Chamber has recently received a grant to assist minority businesses. One area we believe we can be of assistance to the City is by working with businesses who are seeking liquor licenses. With a bi-lingual staff person who can address questions relating to the liquor license process, it may result in more complete application submittals.

If there are other areas you believe the Chamber could be of benefit to the City in this regard, please let us know.

The Grand Island Area
Chamber of Commerce

Sincerely,

309 West Second Street
Post Office Box 1486

Grand Island, NE 68802-1486

Cindy K. Johnson

Phone 308.382.9210

Fax 308.382.1154

www.gichamber.com