

ORDINANCE NO. 945

AN ORDINANCE AMENDING TITLE XI, CHAPTER 111, SECTION 111.22 OF THE GOTHENBURG CODE OF ORDINANCES RELATING TO ALCOHOLIC BEVERAGES; LICENSEE REQUIREMENTS; REVISING TO PROHIBIT LICENSES ISSUED TO ANYONE WHO IS NOT A RESIDENT AND LEGALLY ABLE TO WORK IN THIS STATE; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GOTHENBURG, NEBRASKA:

Section 1. Section 111.22 of Title XI, Chapter 111 of Gothenburg's Code of Ordinances is revised to read as follows regarding alcoholic beverages:

**LICENSEE REQUIREMENTS.**

(A) No license shall be issued to:

- (1.) A person who is not a resident of this state, except in case of railroad, airline, or boat licenses;
- (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 resident of this state and legally able to work in this state;
- (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 A person whose license issued under the Nebraska Liquor Control Act has been revoked for cause;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;

(15) A law enforcement officer, except that this division shall not prohibit a law enforcement officer from holding membership in any nonprofit organization holding a liquor license or from participating in any manner in the management or administration of a nonprofit organization; or

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

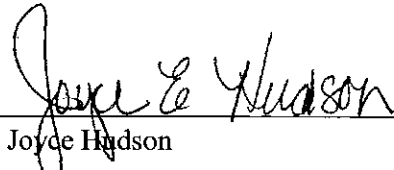
(B) When a trustee is the licensee, the beneficiary or beneficiaries of the trust shall comply with the requirements of this section, but nothing in this section shall prohibit any such beneficiary from being a minor or person who is mentally incompetent.

(Neb. RS 53-125)

Section 2. Any other ordinance or code section passed and approved prior to passage, approval, and publication or posting of this ordinance and in conflict with its provisions is repealed.

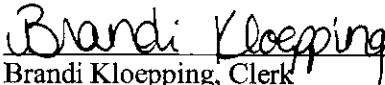
Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

Passed and approved this 19th day of September, 2017

  
\_\_\_\_\_  
Mayor, Joyce Hudson

(SEAL)

ATTEST:

  
\_\_\_\_\_  
Brandi Kloeping, Clerk