

ORDINANCE 1174

AN ORDINANCE OF THE CITY OF ASHLAND, SAUNDERS COUNTY, NEBRASKA, PROVIDING FOR APPOINTMENT OF THE CITY CLERK TO APPROVE SPECIAL DESIGNATED LIQUOR LICENSE APPLICATIONS; PROVIDING FOR CONDITIONS FOR SPECIAL DESIGNATED LIQUOR LICENSE APPROVAL; PROVIDING AN EFFECTIVE DATE; AND REPEALING ALL ORDINANCES IN CONFLICT.

WHEREAS, Neb.Rev.Stat. §53-124.11 provides that the Mayor and City Council of a second class city may provide procedures for approval of special designated liquor licenses.

WHEREAS, pursuant to such authority, the Mayor and council of the City of Ashland hereby appoint the City Clerk as the designated city official to approve or deny applications for a special designated liquor license, with the Governing Body retaining ultimate authority should it so choose.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ASHLAND, NEBRASKA:

SECTION 1. That Ashland Municipal Code §10-112 be adopted to read as follows:

The City Clerk is authorized to consider and approve applications for special designated liquor licenses as set forth in this Code section. In the event the City Clerk determines that an application complies with the provisions herein, the City Clerk shall approve such application and notify the Nebraska Liquor Control Commission of said approval.

(1) Prior to approval of any such special designated liquor license, the applicant shall provide the following information to the City Clerk, along with the application for the special designated license:

- a. Review and recommendation for approval or denial of such application by the chief of police or his designated officer.
- b. A detailed plan for providing restroom facilities for the expected number of persons attending the event.

- c. A detailed plan for traffic control and vehicle parking for event participants.
- d. A statement that the proposed activity will comply with all City ordinances and state statutes.
- e. A detailed, workable plan to prevent under aged persons from purchasing or possessing alcoholic liquor on or about the premises.

(2) The City Clerk shall not approve an application for a special designated liquor license when:

- a. No workable plan is provided with the application to prevent underage persons from purchasing or possessing alcoholic liquor on or about the premises to be licensed.
- b. Any municipal department of the City notifies the City Clerk that the issuance of such license shall violate any applicable fire code, building code, health code or other applicable ordinance or regulation.
- c. The application is made by a corporation, association, organization or other legal entity whose local membership consists of a majority of individuals who are under the legal drinking age, where the use of such special designated liquor license is for a social event for such corporation, association, organization or legal entity.
- d. The area included within a special designated permit is outside of any fully enclosed structure, except when the application is made in conjunction with a festival or other similar sponsored or city-supported community event.
- e. The application requests authorization to sell or consume alcoholic liquors beyond the hours for sale at retail and dispensing authorized by the Municipal Code.

(3) The City Clerk may decline to consider or defer consideration of the special designated license for any reason. In such event, the City Clerk shall submit the same to the City Council for consideration at a special meeting or at the City Council's next regularly scheduled meeting.

(4) In the event the City Clerk denies a request for a special designated liquor license for any reason, the applicant may resubmit the application to be heard by the Governing Body.

SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3. This ordinance shall go into force and effect from and after its passage, approval and publication as required by law.

PASSED AND APPROVED this 19th day of December, 2019.

CITY OF ASHLAND
SAUNDERS COUNTY, NEBRASKA

BY: *Richard Grauerholz*
Richard Grauerholz, Mayor

ATTEST:

Kathleen Sliva
Kathleen Sliva, City Clerk

