

**ORDINANCE NO. 4572**

**AN ORDINANCE OF THE CITY OF HASTINGS, NEBRASKA, TO AMEND SECTION 8-101 OF THE OFFICIAL CITY CODE TO PROVIDE FOR DEFINITIONS REGARDING ALCOHOLIC LIQUORS; TO AMEND SECTION 8-103 OF THE OFFICIAL CITY CODE TO PROVIDE FOR THE DISPLAY OF LIQUOR LICENSES AND REQUIRED WARNING SIGN; TO AMEND SECTION 8-105 TO PROVIDE HOURS OF SALE OF ALCOHOLIC LIQUORS, BEER, AND WINE, AND WHEN BOTTLE CLUBS MAY BE IN OPERATION; TO AMEND SECTION 8-109 OF THE OFFICIAL CITY CODE TO PROVIDE FOR OCCUPATION TAXES FOR LIQUOR LICENSES; TO AMEND SECTION 8-117 OF THE OFFICIAL CITY CODE TO PROVIDE THAT THE APPLICANT FOR A LIQUOR LICENSE ATTEND THE HEARING BEFORE THE MAYOR AND CITY COUNCIL WHEN THE APPLICANT'S APPLICATION IS CONSIDERED; TO PROVIDE ANY ORDINANCE OR PROVISION IN CONFLICT WITH THIS ORDINANCE BE REPEALED; TO PROVIDE AN EFFECTIVE DATE FOR THIS ORDINANCE; AND TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.**

**BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HASTINGS, NEBRASKA THAT:**

**Section 1.** That Section 8-101 of the Official City Code of the City of Hastings, Nebraska, be and the same is hereby amended to read as follows:

**8-101. Definitions.**

Unless the context otherwise requires, the definitions found Neb. Rev. Stat. §§53-103.01 to 53-103.47, as the same may from time to time be amended are hereby adopted for the purpose of construing this chapter. Said definitions are hereby incorporated by reference as though set forth herein.

**Section 2.** That Section 8-103 of the Official City Code of the City of Hastings, Nebraska, be and the same is hereby amended to read as follows:

**8-103. Display of license and Warning.**

Every licensee under the Nebraska Liquor Control Act within the city shall cause his/her license to be framed and hung in plain view in a conspicuous place on the licensed property. In addition every retail or bottle club licensee shall post in a conspicuous place a sign which clearly reads as follows: "Warning: Drinking alcoholic beverages during pregnancy can cause birth defects" in the form prescribed the Nebraska Liquor Control Commission.

**Section 3.** That Section 8-105 of the Official City Code of the City of Hastings, Nebraska,

be and the same is hereby amended to read as follows:

**8-105. Hours of sale -- Generally.**

(1) It shall be unlawful for any licensed person or persons or their agents to sell any alcoholic beverages within the City of Hastings except during the hours provided herein:

ALLOWED HOURS OF SALE

Alcoholic Liquors (except beer and wine)

Secular Days

Off Sale	6:00 a.m. to 1:00 a.m.
On Sale	6:00 a.m. to 1:00 a.m.

Sunday

Off Sale	12:00 noon to 1:00 a.m.
On Sale	12:00 noon to 1:00 a.m.

Beer and Wine

Secular Days

Off Sale	6:00 a.m. to 1:00 a.m.
On Sale	6:00 a.m. to 1:00 a.m.

Sunday

Off Sale	6:00 a.m. to 1:00 a.m.
On Sale	6:00 a.m. to 1:00 a.m.

Bottle Clubs

Secular Days and Sunday	6:00 a.m. to 5:00 a.m.
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(2) No provision herein shall be construed to prohibit licensed premises from being open for other business on days and hours during which the sale or dispensing of alcoholic beverages is prohibited by this section.

(3) It shall be unlawful on property licensed to sell alcoholic liquor at retail to allow alcoholic liquor in open containers to remain or be in possession or control of any person for purposes of consumption after 1:15 a.m. on any day.

**Section 4.** That Section 8-109 of the Official City Code of the City of Hastings, Nebraska, be and the same is hereby amended to read as follows:

**8-109. Occupation tax.**

(1) For the purpose of raising revenue for the City, there is hereby levied upon the following described businesses conducted in the City, the following designated annual occupation taxes:

(a) Manufacture of alcohol and spirits	\$1,000.00
(b) Manufacture of beer (State Class V)	\$500.00
(c) Manufacture of wine (State Class Y)	\$250.00
(d) Alcoholic liquor distributor, except beer (State Class X)	\$500.00
(e) Beer distributor (State Class W)	\$250.00
(f) Retailer of beer only for consumption on premises (State Class A)	\$200.00
(g) Retailer of beer only for consumption off premises (sale in original package only) (State Class B)	\$200.00
(h) Retailer of alcoholic liquors for consumption on the premises and off the premises (sale in original package only)(State Class C)	\$600.00
Provided, however, a nonprofit corporation doing business under this section shall pay an occupation tax of	\$100.00
(i) Retailer of alcoholic liquors, including beer for consumption off the premises (sale in original package only)(State Class D)	\$400.00
(j) Bottle Club (State Class M)	\$600.00
(k) Retailer of spirits, wine and beer for consumption on the premises (State Class I)	\$500.00
(l) Craft brewery (Brew Pub) in conjunction with State Class C or State Class I license (State Class L)	\$100.00
(m) Craft brewery (Brew Pub) not in conjunction with State Class C or State Class I license	\$500.00
(n) Catering license (per year)	\$200.00
(o) Special designated permit (per day)	\$40.00

(2) Such occupation tax shall be paid to the City Treasurer for the benefit of the general fund of the city upon the final issuance of license under the Nebraska Liquor Control Act for any such business. The City Treasurer shall issue receipts for such tax when paid, specifying the person who paid the same and for what purpose. Collection of the occupation tax may be enforced by civil action. Any person who shall refuse, neglect or evade the payment of the occupation tax shall be guilty of a misdemeanor; and, upon conviction thereof, shall be punished as provided in this Code. The year for which such annual occupation tax is levied shall commence on the first day of May of each year and shall end on the thirtieth day of April next succeeding for non-class C liquor licenses and shall commence on the first day of November of each year and shall end on the thirty-first

day of October next succeeding for class C liquor licenses. No refund of any occupation tax paid shall be made for any cause whatever. New license holders shall pay a quarterly prorated tax for the remainder of the licensed year.

**Section 5.** That Section 8-117 of the Official City Code of the City of Hastings, Nebraska, be and the same is hereby amended to read as follows:

**8-117. Liquor application; municipal examination; hearing.**

(1) Hearing will be informal and conducted by the Mayor. The applicant shall attend the hearing in the event there are questions regarding the applicant's application. 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.

(2) 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.

(3) 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 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.


**Section 6.** That any ordinance or provision in conflict with this Ordinance be and the same is hereby repealed.

**Section 7.** This Ordinance shall take effect and be in full force from and after its passage, approval and publication in pamphlet form, said effective date being the 24<sup>TH</sup> day of October, 2018, and this Ordinance shall be included in the Hastings City Code Book.

**PASSED AND APPROVED** by the Mayor and City Council of the City of Hastings, Nebraska, this 8th day of October, 2018.

ATTEST:

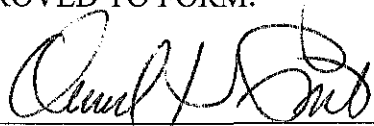
  
City Clerk

  
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Mayor

(SEAL)



APPROVED TO FORM:

A handwritten signature in cursive script, appearing to read "C. H. Smith", written over a horizontal line.

City Attorney