

# APPLICATION FOR CATERING ENDORSEMENT TO LICENSE

NEBRASKA LIQUOR CONTROL COMMISSION  
301 CENTENNIAL MALL SOUTH  
PO BOX 95046  
LINCOLN, NE 68509-5046  
PHONE: (402) 471-2571  
FAX: (402) 471-2814  
website: [www.lcc.nebraska.gov](http://www.lcc.nebraska.gov)

License  
Class:     K    

License  
Number: \_\_\_\_\_

- Application fee \$100.00, refundable if application is denied §53-124.12 (2b);
- Check needs to be made payable to the Nebraska Liquor Control Commission or you may pay online at:  
[www.ne.gov/go/NLCCpayport](http://www.ne.gov/go/NLCCpayport);
- Processing time is approx. 45-60 days from receipt of application by the Nebraska Liquor Control Commission;
- Per Neb. Rev. Stat. §53-134(7), a copy of this application will be forwarded to your local governing body for recommendation. After approval by the local governing body, there is a 10-day holding period by the NLCC for citizen protest;
- Annual Renewal Fee of \$100 is payable when renewing primary liquor license §53-124.12 (1);

- The holder of a catering license may deliver, sell, or dispense alcoholic liquor/beer for consumption at events **that hold a Special Designated License** (SDL) issued pursuant to section §53-124.11;
- SDL must be received 10-working days prior to the date of each event. This count does not include weekends, holidays or the date of the event - Please check the SDL calendar for due date;
- Only twelve (12) SDLs will be issued at any one specific location that could otherwise hold a liquor license. Rules and Regulations Chapter 2-013.06. This (12) count includes all license holders that would go to this particular location. It is not (12) licenses per caterer.

Office Use only

Date Stamp **HERE ONLY**  
Do not stamp any of the following pages

## LICENSEE

\_\_\_\_\_

## TRADE NAME

\_\_\_\_\_

## PREMISES ADDRESS

\_\_\_\_\_

## CITY

## ZIP CODE

\_\_\_\_\_

## CONTACT PERSON

\_\_\_\_\_

## PHONE NUMBER

\_\_\_\_\_

## EMAIL

\_\_\_\_\_

Signature of AUTHORIZED LICENSEE REPRESENTATIVE

(Do not sign until in the presence of the Notary Public)

Printed Name of AUTHORIZED LICENSEE REPRESENTATIVE

State of Nebraska, County of \_\_\_\_\_

The foregoing instrument was acknowledged before me this:

\_\_\_\_\_  
(Date)

By: \_\_\_\_\_

Name of person signing document in front of Notary

## Notary Public Signature

\_\_\_\_\_

Affix Seal

PAYMENT TYPE \_\_\_\_\_

AMOUNT: \_\_\_\_\_

Ret. # \_\_\_\_\_ Received: \_\_\_\_\_

Office Use Only

# BARCODE LABEL

## Applicable Statutes of the Nebraska Liquor Control Act

### §53-123. Licenses; types.

Licenses issued by the commission shall be of the following types: (1) Manufacturer's license; (2) alcoholic liquor wholesale license, except beer; (3) beer wholesale license; (4) retail license; (5) railroad license; (6) airline license; (7) boat license; (8) nonbeverage user's license; (9) farm winery license; (10) craft brewery license; (11) shipping license; (12) **special designated license**; (13) **catering license**; (14) microdistillery license; (15) entertainment district license; and (16) pedal-pub vehicle license.

### §53-123.04. Retail license; rights of licensee; sampling; removal of unsealed bottle of wine; conditions.

- (1) A retail license shall allow the licensee to sell and offer for sale at retail either in the original package or otherwise, as prescribed in the retail license, on the premises specified in the retail license or the entertainment district license **or on the premises where catering is occurring**, alcoholic liquor or beer for use or consumption but not for resale in any form except as provided in section 53-175.

### §53-124.11. Special designated license; issuance; procedure; fee.

- (1) **The commission may issue a special designated license for sale or consumption of alcoholic liquor at a designated location** to a retail licensee, a craft brewery licensee, a microdistillery licensee, a farm winery licensee, the holder of a manufacturer's license issued pursuant to subsection (2) of section 53-123.01, a municipal corporation, a fine arts museum incorporated as a nonprofit corporation, a religious nonprofit corporation which has been exempted from the payment of federal income taxes, a political organization which has been exempted from the payment of federal income taxes, or any other nonprofit corporation the purpose of which is fraternal, charitable, or public service and which has been exempted from the payment of federal income taxes, under conditions specified in this section. The applicant shall demonstrate meeting the requirements of this subsection.
- (2) No retail licensee, craft brewery licensee, microdistillery licensee, farm winery licensee, holder of a manufacturer's license issued pursuant to subsection (2) of section 53-123.01, organization, or corporation enumerated in subsection (1) of this section may be issued a special designated license under this section for more than six calendar days in any one calendar year. Only one special designated license shall be required for any application for two or more consecutive days. **This subsection shall not apply to any holder of a catering license.**
- (3) **Except for any special designated license issued to a holder of a catering license**, there shall be a fee of forty dollars for each day identified in the special designated license. Such fee shall be submitted with the application for the special designated license, collected by the commission, and remitted to the State Treasurer for credit to the General Fund. The applicant shall be exempt from the provisions of the Nebraska Liquor Control Act requiring an application or renewal fee and the provisions of the act requiring the expiration of forty-five days from the time the application is received by the commission prior to the issuance of a license, if granted by the commission. The retail licensees, craft brewery licensees, microdistillery licensees, farm winery licensees, holders of manufacturer's licenses issued pursuant to subsection (2) of section 53-123.01, municipal corporations, organizations, and nonprofit corporations enumerated in subsection (1) of this section **seeking a special designated license shall file an application on such forms as the commission may prescribe. Such forms shall contain, along with other information as required by the commission, (a) the name of the applicant, (b) the premises for which a special designated license is requested, identified by street and number if practicable and, if not, by some other appropriate description which definitely locates the premises, (c) the name of the owner or lessee of the premises for which the special designated license is requested, (d) sufficient evidence that the holder of the special designated license, if issued, will carry on the activities and business authorized by the license for himself, herself, or itself and not as the agent of any other person, group, organization, or corporation, for profit or not for profit, (e) a statement of the type of activity to be carried on during the time period for which a special designated license is requested, and (f) sufficient evidence that the activity will be supervised by persons or managers who are agents of and directly responsible to the holder of the special designated license.**
- (4) **No special designated license provided for by this section shall be issued by the commission without the approval of the local governing body. The local governing body may establish criteria for approving or denying a special designated license. The local governing body may designate an agent to determine whether a special designated license is to be approved or denied. Such agent shall follow criteria established by the local governing body in making his or her determination. The determination of the agent shall be considered the determination of the local governing body unless otherwise provided by the local governing body. For purposes of this section, the local governing body shall be the city or village within which the premises for which the special designated license is requested are located or, if such premises are not within the corporate limits of a city or village, then the local governing body shall be the county within which the premises for which the special designated license is requested are located.**
- (5) **If the applicant meets the requirements of this section, a special designated license shall be granted and issued by the commission for use by the holder of the special designated license. All statutory provisions and rules and regulations of the commission that apply to a retail licensee shall apply to the holder of a special designated license with the exception of such statutory provisions and rules and regulations of the commission so designated by the commission and stated upon the issued special designated license, except that the commission may not designate exemption of sections 53-180 to 53-180.07. The decision of the commission shall be final. If the applicant does not qualify for a special designated license, the application shall be denied by the commission.**
- (6) A special designated license issued by the commission shall be mailed or delivered to the city, village, or county clerk who shall deliver such license to the licensee upon receipt of any fee or tax imposed by such city, village, or county.

### §53-124.12. Annual catering license; issuance; procedure; fee; occupation tax.

- (1) **The holder of a license to sell alcoholic liquor at retail issued under subsection (6) of section 53-124, a craft brewery license, a microdistillery license, a farm winery license, or a manufacturer's license issued under subsection (2) of section 53-123.01 may obtain an annual catering license as prescribed in this section. The catering license shall be issued for the same period and may be renewed in the same manner as the retail license, craft brewery license, microdistillery license, farm winery license, or manufacturer's license.**
- (2) **Any person desiring to obtain a catering license shall file with the commission:**
  - a. **An application in triplicate original upon such forms as the commission prescribes; and**
  - b. **A license fee of one hundred dollars payable to the commission, which fee shall be returned to the applicant if the application is denied.**
- (3) **When an application for a catering license is filed, the commission shall notify the clerk of the city or incorporated village in which such applicant is located or, if the applicant is not located within a city or incorporated village, the county clerk of the county in which such applicant is located, of the receipt of the application. The commission shall include with such notice one copy of the application by mail or electronic delivery. The local governing body and the commission shall process the application in the same manner as provided in section 53-132.**
- (4) **The local governing body with respect to catering licensees within its liquor license jurisdiction as provided in subsection (5) of this section may cancel a catering license for cause for the remainder of the period for which such catering license is issued. Any person whose catering license is canceled may appeal to the district court of the county in which the local governing body is located.**
- (5) **For purposes of this section, local governing body means (a) the governing body of the city or village in which the catering licensee is located or (b) if such licensee is not located within a city or village, the governing body of the county in which such licensee is located.**
- (6) **The local governing body may impose an occupation tax on the business of a catering licensee doing business within the liquor license jurisdiction of the local governing body as provided in subsection (5) of this section. Such tax may not exceed double the license fee to be paid under this section.**

**§53-124.13. Catering licensee; special designated license; application; procedure; proceeds; violation; penalty.**

- (1) The holder of a catering license may deliver, sell, or dispense alcoholic liquor, including beer, for consumption at premises designated in a special designated license issued pursuant to section 53-124.11.
- (2) At least twenty-one days prior to the event for which the special designated license is to be used, the holder of the catering license shall file an application seeking a special designated license for the event. In addition to the information required by subsection (3) of section 53-124.11, the applicant shall inform the commission of (a) the time of the event, (b) the name of the person or organization requesting the applicant's services, (c) the opening and closing dates of the event, and (d) any other information the commission or local governing body deems necessary. A holder of a catering license shall not cater an event unless such licensee receives a special designated license for the event.
- (3) If the organization for which the holder of a catering license is catering is a nonprofit organization exempted from the payment of federal income taxes, such organization may share with such licensee a part or all of the proceeds from the sale of any alcoholic liquor sold and dispensed pursuant to this section.
- (4) For purposes of this section, local governing body shall mean the governing body of the city or village in which the event will be held or, if the event will not be held within the corporate limits of a city or village, the governing body of the county in which such event will be held.
- (5) Only the holder of a special designated license or employees of such licensee may dispense alcoholic liquor at the event which is being catered. Violation of any provision of this section or section 53-124.12 or any rules or regulations adopted and promulgated pursuant to such sections occurring during an event being catered by such licensee may be cause to revoke, cancel, or suspend the class of retail license issued under section 53-124 held by such licensee.

**§53-124.15. Community college culinary education program; catering license.**

A community college which offers a culinary education program may obtain a catering license under this section upon applying for and receiving a Class I license under the Nebraska Liquor Control Act. The catering license shall be issued for the same period and may be renewed in the same manner as the Class I license.

A community college holding a catering license and a Class I license under the act may sell alcoholic beverages only (1) at events held by such culinary education program on the campus of the community college or (2) at events catered by such culinary education program as part of the requirements of such program.

**§53-134. Retail, craft brewery, microdistillery, and entertainment district licenses; city and village governing bodies; county boards; powers, functions, and duties.**

- (1) Upon receipt from the commission of the notice and copy of application as provided in section 53-131, to fix a time and place for a hearing at which the local governing body shall receive evidence, either orally or by affidavit from the applicant and any other person, bearing upon the propriety of the issuance of a license. Notice of the time and place of such hearing shall be published in a legal newspaper in or of general circulation in such city, village, or county one time not less than seven and not more than fourteen days before the time of the hearing. Such notice shall include, but not be limited to, a statement that all persons desiring to give evidence before the local governing body in support of or in protest against the issuance of such license may do so at the time of the hearing. Such hearing shall be held not more than forty-five days after the date of receipt of the notice from the commission, and after such hearing the local governing body shall cause to be recorded in the minute record of their proceedings a resolution recommending either issuance or refusal of such license. The clerk of such city, village, or county shall mail to the commission by first-class mail, postage prepaid, a copy of the resolution which shall state the cost of the published notice, except that failure to comply with this provision shall not void any license issued by the commission. If the commission refuses to issue such a license, the cost of publication of notice shall be paid by the commission from the security for costs.

## **Applicable Rules and Regulations of the Nebraska Liquor Control Commission**

**Rules and Regulations Chapter 2 Section 013 (Statutory Authority §53-131.01)**

**013 SPECIAL DESIGNATED LICENSES**

- 013.01** Except as provided for in 013.04 all applications for a special designated license, with local governing body approval, and proper fees, must be received by the Commission at least ten working days prior to the event. Such notice is required to enable a reasonable notification to the Nebraska State Patrol, local law enforcement, the fire marshal, and the sanitation division of the Department of Agriculture. Applications not received at least ten working days prior to the event will not be processed.
- 013.02** In connection with each event, the applicant must provide a written showing of estimated size of the crowd and how it intends to assure that alcohol will not be served to minors and intoxicated persons.
- 013.03** Each of the following conditions, unless waived or modified as herein provided, shall apply to all Special Designated Liquor Licenses issued to organizations that do not hold a valid retail or caterer's liquor license.
- 013.03A** Events attended by more than 150 people that includes minors unaccompanied by a parent (excluding minors acting as service personnel and minors attending as program or entertainment participants) shall conduct age checking at the entrance to the licensed area and all adults shall be identified with wrist bands that are destroyed by removal.
- 013.03B** At events attended by more than 150 people which do not involve a sit down meal served to all attendees simultaneously there shall be a minimum of one security person for attendees up to 200 and one more security person for each 200 additional. Security personnel whether paid or volunteer shall have no duties other than maintaining order and enforcing all liquor laws and license conditions including prohibiting minors and intoxicated attendees from consuming or possessing alcohol. All security personnel shall be dressed in distinctive clothing with visual markings identifying them as security personnel.
- 013.03C** The individual designated on the license as the event supervisor shall be in the licensed area at all times alcohol is being served and the immediate post clean up period. If the event supervisor is to be absent from the licensed premise during any part of the designated period, the event supervisor must designate a person to be in charge in his/her absence.
- 013.04** Applications for Special Designated Liquor Licenses by non-licensees requesting a waiver or modification of conditions along with the reasons and justification for such waiver or modification must be received by the Liquor Control Commission at least 30 calendar days prior to the licensed event. When no waiver or modification is required the Commission must receive Special Designated Liquor License applications at least 10 working days prior to the licensed event.
- 013.05** All Special Designated Liquor Licenses issued to organizations that do not hold a valid retail or caterer's liquor license will list all the applicable conditions that are a part of that license.
- 013.06** It is the declared policy of the Commission that Special Designated Licenses should not be used to avoid the oversight and accountability imposed upon a regular retail license. Therefore, applications for Special Designated Licenses may be denied if the proposed location could otherwise be granted a regular license and if such regular license best serves the purposes of the Liquor Control Act. To help accomplish this policy any location that has received twelve (12) Special Designated Licenses in one calendar year shall have any further

applications set for hearing to make a determination whether additional licenses are justified prior to the issuance of the requested Special Designated License.

§53-131.01. License; application; form; contents; criminal history record check; verification; false statement; penalty.

- (1) 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 resident of Nebraska and legally able to work in Nebraska, 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 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.
- (2) The application shall be verified by the affidavit of the petitioner 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.

#### **Rules and Regulations Chapter 6 Section 019 (Statutory Authority §53-118)**

**019.01P No retail licensee may deliver alcoholic liquor to a consumer, except:**

**019.01P1** A holder of a special designated license or a caterer's license used in conjunction with a special designated license may deliver to the licensed location or to a location expressly authorized by the Commission in writing pursuant to Chapter 4 of the Rules and Regulations of the Commission.

**019.01W SPECIAL DESIGNATED PERMIT/DELIVERY AND RETURN OF ALCOHOLIC BEVERAGES**

**019.01W1** Delivery and return of alcoholic beverages must be made within seven (7) days prior and subsequent to the date of the event.

**019.01W2** If storage is to be off the licensed premises, written request must be made to and written approval received from the Commission covering the location and dates of the storage.

**019.01W3** After the completion of the event for which a special designated permit is obtained, the permittee may remove open containers of alcoholic liquor from the premise. A licensee with a catering permit may store open containers of alcoholic liquor used for catered events provided the alcoholic liquor is stored in a separate and secure area of the licensed premise.

53-118. Rules and regulations.

The commission shall adopt and promulgate rules and regulations to carry out the Nebraska Liquor Control Act. The rules and regulations shall include, among such other things as the commission may determine, provisions: (1) Prescribing conditions as to the issuance of duplicate licenses in lieu of those lost or destroyed; (2) determining for which violations of the rules and regulations licenses shall be suspended, canceled, or revoked; (3) establishing standards of purity, sanitation, honest advertising, and representation; and (4) covering any and all the other details which are necessary or convenient to the enforcement of the intent, purpose, and requirements of the act.