

AN ORDINANCE AMENDING PROVISIONS RELATING TO ANNUAL CATERING LICENSES; TO ALLOW A LICENSEE HOLDING A BREWPUB LICENSE TO OBTAIN A CATERING LICENSE; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; TO PROVIDE FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CHAIRPERSON AND BOARD OF TRUSTEES OF THE VILLAGE OF ANSLEY, NEBRASKA:

Section 1. That Chapter 10, Article 1, Section 128, of the Municipal Code of Ansley, Nebraska be amended to read as follows:

ALCOHOLIC BEVERAGES; CATERING LICENSE. The holder of a Class C, Class D, or Class I license issued under subdivision (5) of section 53-124 RS Neb., or a brewpub license, may obtain an annual catering license as prescribed in this section. Any such licensee desiring to obtain a catering license shall file an application with the Liquor Control Commission.

(2) Upon receipt from the Commission of the notice and copy of the application as provided in section 53-124.12 RS Neb., the Governing Body shall fix a time and place at which a hearing will be held and at which time the Governing Body shall receive evidence, under oath, either orally, or in writing, from the applicant and any other person concerning the propriety of the issuance of such license. Such hearing shall be held not more than forty-five (45) days after the receipt of the notice from the Commission. The Governing Body may examine, or cause to be examined, under oath, any applicant; examine, or cause to be examined, the books and records of any such applicant, to hear testimony, and to take proof for its information in the performance of its duties. For purposes of obtaining any of the information desired, the Governing Body may authorize its agent, the Municipal Clerk or the Municipal Attorney, to act on its behalf.

(3) Notice of the time and place of such hearing shall be published in a legal newspaper in, or of general circulation in, the Municipality one (1) time not less than seven (7), nor more than fourteen (14), 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 Governing Body in support of or in protest against the issuance of such license may do so at the time of the hearing.

(4) The Governing Body shall, after the hearing provided in subsection (2), approve or deny the application within forty-five (45) days of receipt of such application from the Commission, and shall cause to be spread at large in the minute record of its proceedings a resolution approving or denying such application. The Municipal Clerk shall thereupon mail or deliver to the Commission a copy of the decision to approve or deny the application.

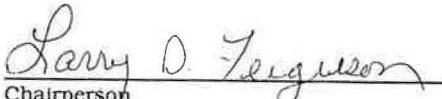
(5) Any resolution denying an application rendered by the Governing Body shall be in writing or state in the record and shall be accompanied by findings. The findings shall consist of concise statements of the conclusions upon each contested issue. The applicant shall be notified of the decision in person or by mail.

(6) The Governing Body with respect to catering licensees within its corporate limits may cancel a catering license for cause for the remainder of the period for which such license is issued. Any person whose catering license is canceled may appeal to the District Court. (Ref. 53-124.12 RS Neb.)

Section 2. That any other ordinance or section passed and approved prior to the passage, approval, and publication or posting of this ordinance and in conflict with its provisions, is hereby 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 9th day of February, 1998.


Chairperson

(SEAL)

Clerk