

# ORDINANCE RECORD

No. 72 8—REDFIELD & COMPANY INC., OMAHA

## ORDINANCE NO. 1163

AN ORDINANCE OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA, TO AMEND THE LA VISTA MUNICIPAL CODE SECTION 114.02; TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA:

SECTION 1. Section 114.02 of the La Vista Municipal Code is amended to read as follows:

### § 114.02 CITY POWERS AND DUTIES.

(A) ~~The City Council is authorized to regulate by ordinance, not inconsistent with the provisions of the Nebraska Liquor Control Act, the business of all retail, craft brewery, microdistillery and bottle club licensees carried on within the corporate limits of the city.~~

(B) ~~The City Council shall further have the following power and duties in respect to licensed retailers of alcoholic beverages licensees within the corporate limits of the city:~~

~~(1) To cancel or revoke for cause retail, or bottle club craft brewery, or microdistillery licenses to sell or dispense alcoholic liquors issued to persons for premises within its jurisdiction, subject to the right of appeal to the Nebraska Liquor Control Commission;~~

~~(2) To enter or to authorize any law enforcement officer to enter at any time upon any premises licensed by under the state of Nebraska Liquor Control Act to determine whether any of the provisions of the city laws or the laws of the state of Nebraska Act, any rule or regulation adopted and promulgated pursuant to the Act, or any ordinance, resolution, rule, or regulation adopted by the City Council has been or is are being violated; and at that time examine the premises of the licensee in connection with such determination;~~

~~(3) To receive a signed complaints from any citizens resident within its jurisdiction that any provision of the Act, any of the city laws or laws of the state of Nebraska are rule or regulation adopted and promulgated pursuant to the Act, or any ordinance, resolution, rule, or regulation relative to alcoholic liquor has been or is being violated, and to act upon such complaints in the manner herein provided in the Act; and~~

~~(4) To cancel or revoke on its own motion any license if, upon the same notice and hearing as provided for resident complaints, it determines that the licensee has violated any of the provisions of the Nebraska Liquor Control Act or any valid and subsisting ordinance resolution, rule, or regulation duly enacted relating to alcoholic liquors; and to collect for the benefit of the state of Nebraska and the city all license fees and occupation taxes as prescribed by law.~~

~~(Neb. RS 53-134) ('79 Code, § 10-112)~~

SECTION 2. Repeal of Conflicting Ordinances. All ordinances and parts of ordinances as previously enacted that are in conflict with this Ordinance or any part hereof are hereby repealed.

SECTION 3. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Mayor and City Council of the City of La Vista hereby declare that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION 4. Effective Date. This Ordinance shall be in full force and effect from and after passage, approval and publication in pamphlet form as provided by law.

PASSED AND APPROVED THIS 17TH DAY OF JANUARY 2012.

CITY OF LA VISTA

  
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Douglas Kindig, Mayor

ATTEST:

  
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Pamela A. Buethe, CMC  
City Clerk