

**LIQUOR RULES
FOR THE CITY COUNCIL OF THE CITY OF OMAHA**

After study and investigation, your Liquor Committee does recommend the following rules:

1. Each applicant for a Liquor License shall submit with his application to the City Council a statement as to whether the business is operated as a proprietorship, a partnership or a corporation, and in the event that said business is operated as a partnership or a corporation that a copy of the Partnership Agreement or the Articles of Incorporation be submitted with the application.
2. In the event that there is any material change of any interest in the Liquor License after the same has been granted, that is, a change in the Partnership Agreement or a change in the holder of any interest in the corporation, or a change of stock therein which results in any person holding in the aggregate more than twenty-five percent (25%) of all of the stock of such corporation, that the City Council be notified of any such change within ten days after the same is made.
3. In considering renewals of all types of licenses, the City Council will consider the operation of the business during the past year, violations of the Liquor Control Act, Rules and Regulations thereof, or Ordinances of the City of Omaha, the records of the persons employed by or connected with the establishment.
4. Any licensee filing a false application will, upon discovery thereof by the City Council of the City of Omaha, be cited before said City Council in such procedure, as provided by law, to show cause why said license should not be suspended or revoked.
5. In the event of the sale of a business where an application for a new liquor license will be made, the seller and the buyer shall furnish the City Council with a copy of the Sale Agreement of said business.
6. Each applicant or his/her representative for any type of license shall be personally present in the Legislative Chamber, in order that the Council may make any inquiries, on the date of public hearing of the application for said license. The applicant shall not have to personally appear in the case of a renewal of an existing license except where the applicant has been guilty of a violation of the Liquor Laws, Rules and Regulations, during the preceding year. Further, the council may, at any time request an applicant to be present regardless of whether application is being made for a new license or a renewal of an existing license.

7. The Council shall not grant any new licenses of any type or permit the transfer of an existing license to a location which is located with 300 feet of any City Park, to be measured from the nearest lot line of the Park to the nearest wall of the building where the license is to be issued; (State law 53-177 provides that license may not be located within 150 feet of any school, church, hospital, or home for aged, or indigent, or for veterans, their family, and 300 feet from campus of any college or university.
8. The "Manager" of any licensed premises shall be defined as the Manager duly appointed by law or such person who "in fact" operates said establishment and the licensee of such premises shall be responsible for all the acts of said Manager committed on the licensed premises.
9. Definition of Tavern license - Tavern License is defined as a Class C Liquor License where the main operation conducted on the licensed premises consists of the sale and consumption of alcoholic liquors.
10. Each applicant for a liquor license at a new location and each licensee seeking to transfer a license to a new location, add to licensed premises, or upgrade the retail privileges permitted by the license shall submit, at the time of an application, a list of names and addresses of the property owners within 500 feet of the licensed premises. An abstractor registered under the Nebraska Abstractors Act shall prepare the list and certify to its accuracy. The City Clerk shall post the premises advising the public of the intentions of the applicant. Further, the City Clerk shall notify the said property owners and the president of any registered neighborhood association, alliance, or coalition serving the area in which the licensed premise is located in writing of the application and date of hearing before the City Council.
11. After receiving notification of a Nebraska Liquor Control Commission decision contrary to a recommendation of the City Council, if the City Attorney determines that a basis for appeal to the District Court exists, the City Attorney may commence appeal without City Council direction. As soon as practicable thereafter the City Council shall be notified of the appeal.
12. The Council may grant a liquor license to premises that include an outdoor area when:
 - (a) The outdoor area abuts against a licensed structure; or,
 - (b) If the outdoor area does not abut against a licensed structure, no street, drive, sidewalk or other passageway used for public vehicular or pedestrian traffic is between the outdoor area and the licensed structure; and,
 - (c) A fence, wall, hedgerow or similar barrier sufficient to prevent uncontrolled entrance or exit from the licensed area separates the outdoor licensed area from unlicensed areas.

For purposes of this Rule, a licensed structure shall mean that portion of an enclosed building which is described in the same license as describes the outdoor area. The applicant shall identify all measures that will be taken to prevent customers from illegally removing alcohol from the outdoor areas.

**ORIGINAL CITY COUNCIL LIQUOR RULES, ADOPTED AS AMENDED
BY RESOLUTION NUMBER 3987, OCTOBER 1, 1957**

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