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/licenses within the corporate limits of the city:

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

(2) To enter or authorize any law enforcement officer to enter at any time upon any premises
licensed by the state of Nebraska Liquor Control Act to determine whether any of the provisions
of the city laws or 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 being violated, and at that time examine the premises of the licensee in
connection with such determination;

(3) To receive signed complaints from any citizen 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 liquor; 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

Douglas Kindig, Mayor

ATTEST:

Pamela A. Bueethe, CMC
City Clerk

K:\APPSCity Hall\ORDINANCES\1163 Amend City Code 114.02 City Powers And Duties.doc