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Article 1. Alcoholic Beverages

§10-101 ALCOHOLIC BEVERAGES; SALE AUTHORIZED; SALE FORBIDDEN DURING CERTAIN HOURS; POSSESSION OF ALCOHOLIC LIQUOR IN OPEN CONTAINERS FORBIDDEN DURING CERTAIN HOURS.

A. Alcoholic liquor may be sold at retail or dispensed within this City seven days a week; provided, however, on Monday through Saturday, no person shall sell at retail or dispense alcoholic liquor, including beer, between the hours of 1:00 a.m. and 6:00 a.m.; provided further, however, no person shall sell at retail or dispense alcoholic liquor, including beer, within this City on Sunday between the hours of 1:00 a.m. and 12:00 p.m.

B. It shall be unlawful within this City on property licensed to sell alcoholic liquor at retail to allow alcoholic liquor in open containers to remain or be in possession or control of any person for purposes of consumption between the hours of 1:15 a.m. and 6:00 a.m. on any day; provided, however, it shall be unlawful within this City on property licensed to sell alcoholic liquor at retail to allow alcoholic liquor in open containers to remain or be in possession or control of any person for purposes of consumption between the hours of 1:15 a.m. and 12:00 p.m. on Sunday.

(Ref. 53-179 RS Neb.) (Amended by Ord. No. 490, 5/25/95)

§10-102 ALCOHOLIC BEVERAGES; CONSUMPTION ON PUBLIC PROPERTY PROHIBITED; EXCEPTIONS.

A. *City Properties Covered by this Section.* The city-owned properties intended to be covered by this section are the City Auditorium, the City Fire Station, all city parks, and the public streets, alleys and parking areas.

B. *Consumption of Alcoholic Beverages.* It shall be unlawful for any person to consume alcoholic liquors or beverages in or upon any public streets, alleys, parking areas, roads or highways or inside vehicles while upon such public streets, alleys, parking areas, roads or highways or upon any property owned by the City except as provided in this section.

C. *City Parks.* The consumption of alcoholic liquors and beverages in said parks is hereby permitted, except that such consumption is not permitted between the hours of 1:00 A.M. and 7:00 A.M. and except that such consumption must not create a nuisance, be done in a boisterous or offensive manner, cause drunkenness or disorderliness or create a disturbance or loud noise or littering, any of which may disturb other persons using the park facilities or residents living adjacent to the park.

D. *City Fire Station.* The consumption of alcoholic liquors or beverages in the City Fire Station is hereby authorized, provided that the same shall be consumed only at functions sponsored or supervised by the Oakland Fire Department.

E. *City Auditorium*. The consumption of alcoholic liquors in the City Auditorium shall be governed by the provisions of Section 3-802 of this code (City Auditorium; Rentals). (Ref. 53-186 RS Neb.)

§10-103 ALCOHOLIC BEVERAGES; LICENSES; MUNICIPAL POWERS AND DUTIES.

A. The City Council is authorized to regulate by ordinance, not inconsistent with the Nebraska Liquor Control Act, the business of all retail or craft brewery licensees carried on within the corporate limits of the City. (Neb. RS 53-134.03)

B. During the period of 45 days after the date of receiving from the Nebraska Liquor Control Commission notice and a copy of an application for a new license to sell alcoholic liquor at retail or a craft brewery license, the City Council may make and submit to the commission recommendations relative to the granting or refusal to grant such license to the applicant. (Neb. RS 53-131)

C. The City Council, with respect to licenses within the corporate limits of the City, has the following powers, functions, and duties with respect to retail and craft brewery licenses:

1. To cancel or revoke for cause retail or craft brewery 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 to authorize any law enforcement officer to enter at any time upon any premises licensed under the Nebraska Liquor Control Act to determine whether any provision of the 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 such time examine the premises of such licensee in connection with such determination;

3. To receive a signed complaint from any citizen within its jurisdiction that any provision of the Act, any rule or regulation adopted and promulgated pursuant to the Act, or any ordinance, resolution, rule, or regulation relating to alcoholic liquor has been or is being violated and to act upon such complaints in the manner provided in the Act;

4. To receive retail license fees and craft brewery license fees as provided in Neb. RS 53-124 and pay the same, after the license has been delivered to the applicant, to the City Treasurer;

5. To examine or cause to be examined any applicant or any retail licensee or craft brewery licensee upon whom notice of cancellation or revocation has been served as provided in the Act, to examine or cause to be examined the books and records of any applicant or licensee, and 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 City Council may author-

