

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**MAY 18, 2021 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
CONDITIONAL USE PERMIT AMERICAN HERITAGE FIREARMS, LLC	◆ RESOLUTION ORDINANCE RECEIVE/FILE	CALE BRODERSEN ASSISTANT PLANNER

**SYNOPSIS**

A public hearing has been scheduled and resolution prepared for the consideration of a Conditional Use Permit for American Heritage Firearms, LLC to operate a home occupation gunsmithing business on Lot 492 Millard Highlands South Replat, located at 12806 Emiline Street.

**FISCAL IMPACT**

N/A.

**RECOMMENDATION**

Approval

**BACKGROUND**

The applicant intends to sell firearms on a limited basis utilizing approximately 55 square feet of the garage. The applicant must maintain a Federal Firearms License (FFL) at all times and adhere to the rules and regulations of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). The process to obtain an FFL includes a background check, interview, and home inspection. The Conditional Use Permit includes conditions that ensure that firearms and materials are handled and stored safely and securely. A detailed staff report, including the draft Conditional Use Permit, is attached.

The Planning Commission held a public hearing on April 15, 2021 and voted unanimously to recommend approval of the Conditional Use Permit, subject to any revisions deemed necessary by the City Attorney, as the request is consistent with La Vista's Comprehensive Plan and Zoning Ordinance.

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF A CONDITIONAL USE PERMIT FOR AMERICAN HERITAGE FIREARMS, LLC TO OPERATE A HOME OCCUPATION GUNSMITHING BUSINESS ON LOT 492 MILLARD HIGHLANDS SOUTH REPLAT.

WHEREAS, American Heritage Firearms, LLC has applied for approval of a conditional use permit for a home occupation gunsmithing business on Lot 492 Millard Highlands South Replat, located at 12806 Emilie Street; and

WHEREAS, the La Vista Planning Commission reviewed the application on April 15, 2021 and recommends approval; and

WHEREAS, the Mayor and City Council of the City of La Vista are agreeable to the issuance of a conditional use permit for such purposes.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista hereby authorize the execution of a Conditional Use Permit in form and content submitted at this meeting, with such modifications that the City Administrator or City Attorney may determine necessary or advisable, for American Heritage Firearms, LLC to allow for a home occupation gunsmithing business on Lot 492 Millard Highlands South Replat.

PASSED AND APPROVED THIS 18<sup>TH</sup> DAY OF MAY 2021.

CITY OF LA VISTA

ATTEST:

---

Douglas Kindig, Mayor

---

Patricia Anderson  
Deputy City Clerk



**CITY OF LA VISTA  
PLANNING DIVISION  
RECOMMENDATION REPORT**

CASE NUMBERS: PCUP21-0002;

FOR HEARING OF: MAY 18, 2021  
REPORT PREPARED ON: APRIL 27, 2021

**I. GENERAL INFORMATION**

**A. APPLICANT:**

American Heritage Firearms, LLC  
Attn: Brian Lichter  
12806 Emilie Street  
Omaha, NE 68138

**B. PROPERTY OWNER:**

Brian & Jennifer Lichter  
12806 Emilie Street  
Omaha, NE 68138

**C. LOCATION:** 12806 Emilie Street, Omaha, NE 68138.

**D. LEGAL DESCRIPTION:** Lot 492 Millard Highlands South Replat.

**E. REQUESTED ACTION(S):** Approval of a Conditional Use Permit  
for a gunsmithing home occupation.

**F. EXISTING ZONING AND LAND USE:** R-1 Single-Family  
Residential.

**G. PURPOSE OF REQUEST:** Allow for the operation of a  
gunsmithing business in a portion of the garage in the single-family  
home located at 12806 Emilie Street.

**H. SIZE OF SITE:** Approximately .25 acres.

## **II. BACKGROUND INFORMATION**

### **A. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:**

<u>Direction</u> <u>From</u> <u>Subject</u> <u>Property</u>	<u>Future Land Use</u> <u>Designation</u>	<u>Current Zoning</u> <u>Designation</u>	<u>Surrounding</u> <u>Development</u>
North	Low-Density Residential (Omaha)	R-2 Single-Family Residential District (Low Density) (Omaha)	Residential neighborhood in the City of Omaha/Douglas County
East	Medium-Density Residential	R-1 Single-Family Residential	Single-family homes; Millard Highlands South Neighborhood
South	Medium-Density Residential; Parks & Recreation	R-1 Single-Family Residential	Single-family homes; Millard Highlands South Neighborhood
West	Medium-Density Residential	R-1 Single-Family Residential	Single-family homes; Millard Highlands South Neighborhood

### **B. RELEVANT CASE HISTORY: N/A**

### **C. APPLICABLE REGULATIONS:**

1. Section 5.06 of the Zoning Regulations – R-1 Single-Family Residential
2. Article 6 of the Zoning Regulations – Conditional Use Permits
3. Section 7.10 of the Zoning Regulations – Home Occupations
4. Regulations of the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and the requirements of the Federal Firearms License (FFL)

## **III. ANALYSIS**

### **A. COMPREHENSIVE PLAN: N/A**

### **B. OTHER PLANS: N/A.**

### **C. TRAFFIC AND ACCESS:**

1. The property has driveway access to Emiline Street on the southern edge of the property.

### **D. UTILITIES: N/A**

### **E. PARKING REQUIREMENTS:**

1. Client parking will be limited to the driveway on the property.

**IV. REVIEW COMMENTS:**

- A.** In order to operate a gunsmithing business and sell firearms, the applicant must maintain a Federal Firearms License (FFL) at all times and adhere to the rules and regulations of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). The process to obtain an FFL includes a background check, interview, and inspection. If the applicant's FFL lapses, expires, or terminates, the Conditional Use Permit authorizing the gunsmithing Home Occupation will also terminate. Confirmation of local zoning approval (a valid conditional use permit) is part of the process for the applicant to obtain his FFL. Any inspection reports issued by the ATF to the applicant shall be submitted to the La Vista Community Development Department immediately upon receipt.
- B.** The Fire Marshal reviewed the application and has no objections with the Conditional Use Permit request considering the following conditions are included in the draft CUP attached as Exhibit "D":

  - 1. Owner shall comply with all sections of the International Fire Code, and NFPA 495 (2010) Sections 14.3-14.5 regarding the storage of small arms ammunition and its components in an R occupancy.
  - 2. Owner shall comply (and shall ensure that all, invitees, suppliers, structures, appurtenances and improvements, and all activities occurring or conducted, on the premises at any time comply) with any applicable federal, state and/or local laws, regulations, or other requirements, as amended or in effect from time to time, including, but not limited to, applicable environmental or safety laws, rules or regulations.
  - 3. Fire escape routes shall be properly designated.
  - 4. There will be no test firing or discharge of the firearms on the premises.
- C.** As the proposed home-occupation would result in customers coming to the home, it is considered a "Major Home Occupation" per the La Vista Zoning Ordinance. One requirement of Major Home Occupations is that a minimum of seventy-five percent (75%) of the households within two hundred feet (200') of the proposed home occupation shall indicate no objections, in writing, to the operation of such home occupation. The applicant has provided the City with a "no objections form" that includes signatures from 75% of the required surrounding properties. This "No Objections Form" satisfies the City's requirement.

- D. Waste materials from activities shall be properly disposed of as per Nebraska Department of Environmental Quality (NDEQ) guidelines.
- E. All firearms on the premises shall be stored in acceptable safes while they are not being worked on or looked at by a prospective buyer.
- F. Additional information about the proposed use is included in the "Operating Statement" as an attachment to the Draft Conditional Use Permit attached to this staff report as Exhibit "E".

**V. STAFF RECOMMENDATION – CONDITIONAL USE PERMIT:**

Staff recommends approval of the Conditional Use Permit for Lot 492 Millard Highlands South Replat, with the requirements outlined in this staff report, as the request is consistent with La Vista's Comprehensive Plan and Zoning Ordinance.

**VI. PLANNING COMMISSION RECOMMENDATION – CONDITIONAL USE PERMIT:**

The Planning Commission held a public hearing on April 15, 2021 and voted unanimously to recommend approval of the Conditional Use Permit for Lot 492 Millard Highlands South Replat, with the requirements outlined in this staff report, as the request is consistent with La Vista's Comprehensive Plan and Zoning Ordinance.

**VII. ATTACHMENTS TO REPORT:**

- A. Vicinity Map
- B. Review Letters
- C. Letter of Good Standing – Nebraska Secretary of State
- D. Draft Conditional Use Permit

**VIII. COPIES OF REPORT SENT TO:**

- A. Brian Lichter, American Heritage Firearms, LLC
- B. Pat Lichter, American Heritage Firearms, LLC
- C. Public Upon Request

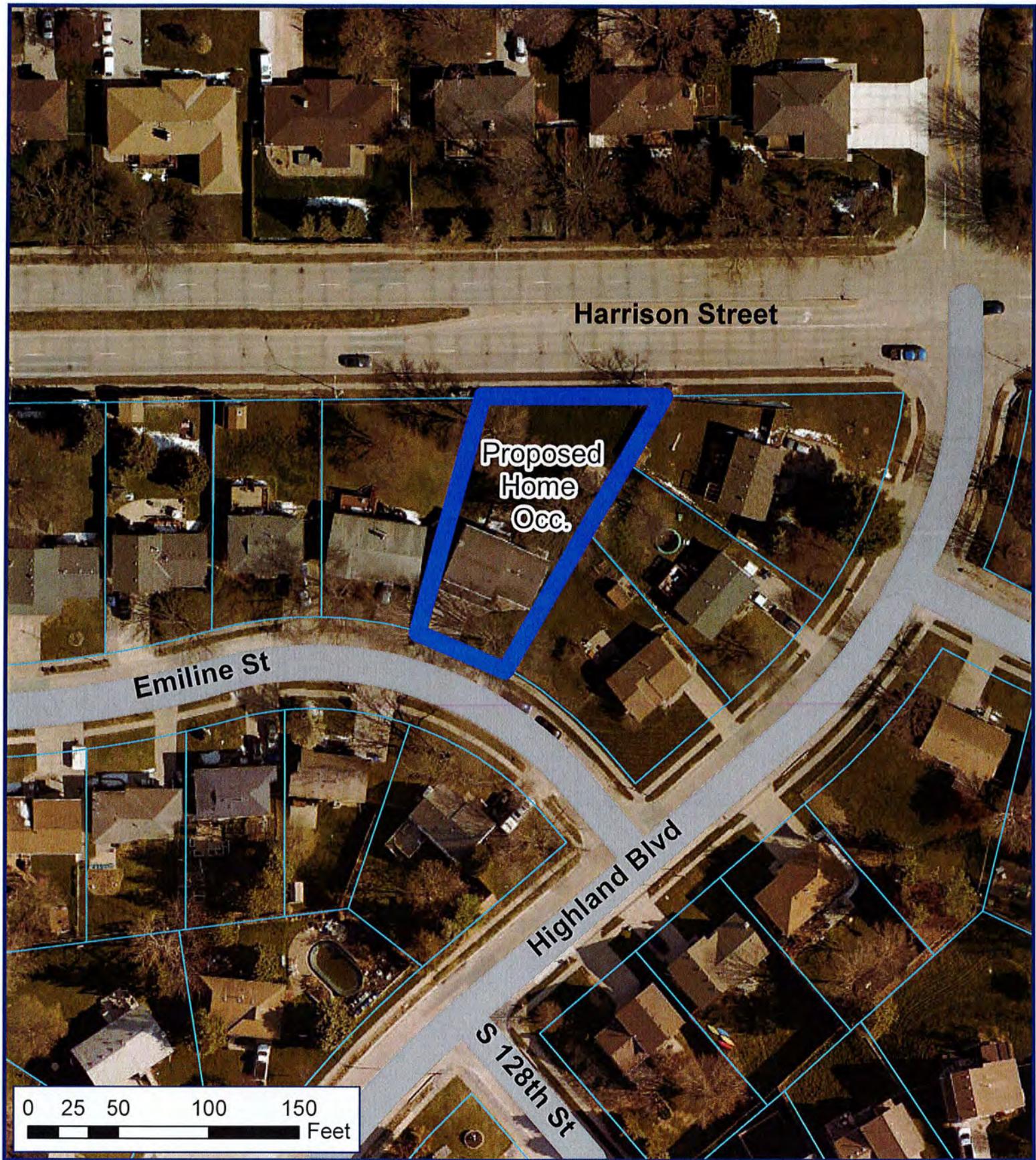


Prepared by: Assistant Planner



Community Development Director

5/10/21  
Date



### Conditional Use Permit Vicinity Map



**American Heritage Firearms, LLC**  
**12806 Emilie Street**

2/16/2021 CB





March 2, 2021

American Heritage Firearms, LLC

Attn: Brian Lichter  
12806 Emiline Street  
Omaha, NE 68138

RE: Conditional Use Permit – Initial Review  
Lot 492 Millard Highlands South Replat  
Home Occupation – Gunsmithing

Dear Mr. Lichter,

Thank you for your submittal of the above referenced Conditional Use Permit (CUP) application. Staff has reviewed the initial submittal and has provided the following initial comments:

**Section 6.05.10:**

1. Parking related to the proposed use, including parking for customers and deliveries, shall be confined to the driveway. Appointments should be limited in size and schedule as to contain parking to the driveway.

**Section 7.10:**

1. The proposed use shall remain in compliance with Section 7.10 of the La Vista Zoning Ordinance, attached to this letter for your reference. Please confirm that the operation will conform to each of the listed requirements.

**General Comments:**

1. Owner shall forward any and all inspection reports received of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) per the requirements of the Federal Firearms License to the City of La Vista Community Development Department immediately upon receipt.

**City Hall**  
8116 Park View Blvd.  
La Vista, NE 68128-2198  
402.331.4343 P  
402.331.4375 F

**Community Development**  
8116 Park View Blvd.  
402.593.6400 P  
402.593.6445 F

**Library**  
9110 Giles Rd.  
402.537.3900 P  
402.537.3902 F

**Police**  
7701 S. 96th St.  
402.331.1582 P  
402.331.7210 F

**Public Works**  
9900 Portal Rd.  
402.331.8927 P  
402.331.1051 F

**Recreation**  
8116 Park View Blvd.  
402.331.3455 P  
402.331.0299 F

2. Waste material from activities shall be properly disposed of as per all Nebraska Department of Environmental Quality (NDEQ) guidelines and other applicable laws, regulations and requirements as in effect or amended from time to time.
3. Fires escape routes shall be properly designated.
4. Please provide evidence that the owner of the home is also listed as an owner or partner in the business (American Heritage Firearms, LLC) registered with the State of Nebraska.
5. Can you please confirm that you will not be storing or dealing ammunition in relation to the proposed gunsmithing business, as referenced in your operating statement?
6. How many square feet of the garage will be dedicated to the gunsmithing home occupation?
7. A draft Conditional Use Permit is attached to this letter for your reference.

Please submit a response to this letter and to any questions that are posed above. If you are able to address these questions by Thursday, March 11<sup>th</sup>, this request can be reviewed by the Planning Commission on April 1, 2021, and by the City Council on May 4, 2021, pending no delays or obstructions. Please let me know if you have any questions.

Sincerely,



Cale Brodersen  
Assistant Planner  
City of La Vista  
(402) 593-6400  
[cbrodersen@cityoflavista.org](mailto:cbrodersen@cityoflavista.org)

Cc:     Bruce Fountain, Community Development Director  
          Chris Solberg, Deputy Community Development Director

Enclosures

## Section 7.09 Off-Street Parking Design Criteria

7.09.01 Standard parking stall dimensions shall not be less than nine (9) feet by eighteen (18) feet, plus the necessary space for maneuvering into and out of the space. Where the end of the parking space abuts a curbed area at least five (5) feet in width (with landscaping or sidewalk), an overhang may be permitted which would reduce the length of the parking space by two (2) feet. Such overhang shall be measured from the face of the curb. For standard parking lots, minimum dimensions shall be as follows:

Parking Configuration			
	90-degree	60-degree	45-degree
<b>Aisle Width (A)</b>			
One-way traffic	-----	18 feet	14 feet
Two-way traffic	24 feet	20 feet	20 feet
<b>End Parking Bay Width (B)</b>			
Without overhang	18 feet	20 feet	19 feet
With overhang	16 feet	18 feet	17 feet
<b>Center Parking Bay Width (C)</b>	18 feet	18 feet	16 feet

7.09.02 Minimum dimensions for a parallel parking space shall be nine (9) feet by twenty-three (23) feet.

7.09.03 Minimum parking dimensions for other configurations or for parking lots with compact car spaces shall be determined by the Planning Commission and City Council upon recommendation of the City Engineer.

## Section 7.10 Home Occupations

The following are the minimum standards required for a Home Occupation:

7.10.01 *No external evidence of the home occupation with the exception of one unlighted nameplate of not more than two (2) square foot in area attached flat against the building located on local or collector streets. However, four (4) square feet in area attached flat against the building located on arterial streets.*

7.10.02 Advertising displays and advertising devices displayed through a window of the building shall not be permitted.

7.10.03 No more than twenty-five percent (25%) of the home, *not to exceed four hundred (400) square feet*, can be used for the home occupation, *except for Child Care Home. This percentage is inclusive of any detached accessory buildings used for the Home Occupation.*

7.10.04 Home occupations shall employ no more than one full-time or part-time employee on-site other than the residents of the dwelling unit, provided that one off-street parking space is made available and used by that non-resident employee.

7.10.05 Unless expressly permitted by a Conditional Use Permit, no retail sales are permitted from the site.

7.10.06 No outdoor storage is permitted.

7.10.07 Additional off-street parking may be required for the business.

7.10.08 *If home occupation is for a business office for services rendered at another location then not more than two (2) business or employee vehicles parked on or adjacent to the home occupation property at any one time; provided only one said vehicle may be allowed to park on street right-of-way. Construction or maintenance equipment shall not be stored on the property other than in an enclosed garage; provided one*

*(1) piece of equipment shall be counted as one (1) of the two (2) business or employee vehicles allowed. For the purpose of enforcement of the home occupation provisions of this ordinance, a piece of construction equipment parked on a trailer shall be counted as a single business vehicle. A trailer being pulled by another vehicle, however, shall be counted as two (2) vehicles. Personal vehicles of occupants of the residential dwelling shall not be included in the count of number of business or employee vehicles.*

- 7.10.09 No offensive noise, vibration, smoke, odor, heat, or glare shall be noticeable at or beyond the property line.
- 7.10.10 *A Home Occupation License shall be required for Home Occupation I uses.*
- 7.10.11 *A Conditional Use Permit is required, except for Home Occupation II uses and Child Care Homes.*
- 7.10.12 *Child Care Homes and Child Care Centers shall require a certificate (CRED 9911) signed by the State of Nebraska Fire Marshall.*
- 7.10.13 All fees shall be paid in accordance with the Master Fee Schedule.
- 7.10.14 All businesses related to Child Care Homes and Child Care Centers shall be in accordance with Nebr. R. R. S. 1943, Sec. §71-1911. (*Ordinance No. 884, 11-19-02*)

**American Heritage Firearms, LLC  
12806 Emilie Street  
Omaha, NE 68138  
402-681-0300**

Cale,

In response to your letter dated March 2, 2021, we submit the following:

**Regarding Section 6.05.10:**

We understand the parking requirement limited to the driveway.

**Regarding Section 7.10:**

We will conform the each of the listed requirements as detailed below.

- 1) We will forward inspection reports from the ATF to the City of LaVista Immediately upon receipt.
- 2) Waste materials shall be properly disposed per NDEQ guidelines and other applicable laws. We expect to have minimal waste and intend to recycle when appropriate.
- 3) Fire escape routes from the garage (operation area) will be properly designated.
- 4) I, Brian D. Lichter, am listed as an owner with American Heritage Firearms, LLC and am also listed as an owner of the home at 12806 Emilie Street. Although the change has been made within the organization (American Heritage Firearms), the change has not been updated with the Secretary of State. Once the update is reflected on the SOS website, a copy will be provided for verification.
- 5) We will NOT be dealing in ammunition. Per our license through the ATF, it is not allowed.
- 6) Approximately 33 square feet will be utilized for the business.

Should you have additional questions, please let me know.

Regards,



Brian Lichter

# STATE OF NEBRASKA

United States of America,      } ss.  
State of Nebraska              }

Secretary of State  
State Capitol  
Lincoln, Nebraska

I, Robert B. Evnem, Secretary of State of the  
State of Nebraska, do hereby certify that

## AMERICAN HERITAGE FIREARMS LLC

**was duly formed under the laws of Nebraska on June 11, 2020;**  
**all fees, taxes, and penalties due under the Nebraska Uniform Limited  
Liability Company Act or other law to the Secretary of State have been paid;**  
**the Company's most recent biennial report required by section 21-125 has  
been filed by the Secretary of State;**  
**the Secretary of State has not administratively dissolved the company;**  
**the Company has not delivered to the Secretary of State for filing a Statement  
of Dissolution;**  
**a Statement of Termination has not been filed by the Secretary of State.**

*This certificate is not to be construed as an endorsement,  
recommendation, or notice of approval of the entity's financial  
condition or business activities and practices.*

In Testimony Whereof,



I have hereunto set my hand and  
affixed the Great Seal of the  
State of Nebraska on this date of

February 3, 2021

A handwritten signature in blue ink that reads "Robert B. Evnem".

Secretary of State

**NEBRASKA SECRETARY OF STATE ♦ ROBERT B. EVNEN**  
1201 N STREET, SUITE 120 • LINCOLN, NE • 68508  
**BUSINESS SERVICES DIVISION**

<u>Corporations</u>	<u>Uniform Commercial Code</u>	<u>Notary</u>
P.O.BOX 94608 LINCOLN, NE 68509 (402) 471-4079 <a href="mailto:sos.corp@nebraska.gov">sos.corp@nebraska.gov</a>	P.O.BOX 95104 LINCOLN, NE 68509 (402) 471-4080 <a href="mailto:sos.ucc@nebraska.gov">sos.ucc@nebraska.gov</a>	P.O.BOX 95104 LINCOLN, NE 68509 (402) 471-2558 <a href="mailto:sos.notary@nebraska.gov">sos.notary@nebraska.gov</a>

AMERICAN HERITAGE FIREARMS LLC  
12806 EMILINE ST  
OMAHA, NE, 68138  
United States

Receipt Number: 210126145410997-653617

Receipt Date: February 03, 2021

The following details your transaction(s) with the Secretary of State's Office.

Transactions posted to this receipt:

Entity Name / Filing Number	Type of Filing	Amount
AMERICAN HERITAGE FIREARMS LLC	Good Standings	\$ 0.00
	Total Amount:	\$ 0.00

**City of La Vista  
Conditional Use Permit**

**Conditional Use Permit for Home Occupation (Gunsmith)**

This Conditional Use Permit issued this \_\_\_\_\_ day of \_\_\_\_\_, 2021, by the City of La Vista, a municipal corporation in the County of Sarpy County, Nebraska ("City") to, American Heritage Firearms, LLC ("Owner"), pursuant to the La Vista Zoning Ordinance.

WHEREAS, Owner wishes to locate and operate a home occupation (Gunsmith) in a single-family dwelling at 12806 Emilie Street upon the following legally described property of land within the City of La Vista zoning jurisdiction:

Lot 492 Millard Highlands South Replat, a Subdivision of Sarpy County, Nebraska.

WHEREAS, Owner has applied for a conditional use permit for the purpose of locating and operating a home occupation (Gunsmith); and

WHEREAS, the Mayor and City Council of the City of La Vista are agreeable to the issuance of a conditional use permit to the owner for such purposes, subject to certain conditions and agreements as hereinafter provided.

NOW, THEREFORE, BE IT KNOWN THAT subject to the conditions hereof, this conditional use permit is issued to the owner to use the area of the property described herein for a home occupation (Gunsmith), said use hereinafter being referred to as "Permitted Use or Use".

**Conditions of Permit**

The conditions to which the granting of this permit is subject are:

1. The rights granted by this permit are transferable and any variation or breach of any terms hereof shall cause permit to expire and terminate without the prior written consent of the City (amendment to permit) or unless exempted herein.
2. In respect to the proposed Use:
  - a. Operation of this home occupation must be in accordance with the "Operating Statement" attached to this permit as "Exhibit A".
  - b. Permitted use will utilize approximately 33 square feet in the garage.
  - c. Hours of operation will generally be from 1:00 p.m. to 3:00 p.m. Tuesdays, and 9:30 a.m. to 11:30 a.m. Saturdays, by appointment only.
  - d. No external evidence of the home occupation is allowed with the exception of one unlighted nameplate of not more than two (2) square feet in area attached flat against the building. Advertising displays and advertising devices displayed through a window of the building shall not be permitted.
  - e. There will be no employees.
  - f. Owner will maintain a Federal Firearms License (FFL) at all times and adhere to the rules and regulations of the ATF.
  - g. Waste material from activities shall be properly disposed of as per all Nebraska Department of Environmental Quality (NDEQ) guidelines and other applicable laws, regulations and requirements as in effect or amended from time to time.
  - h. There will be no test firing or discharge of the firearms on the premises.

- i. Only ten firearms, other than those owned by the property owner, will be on site at any one time. All firearms shall be secured in an acceptable gunsafe whenever the operator is not actively working with the firearms.
- j. Fire escape routes shall be properly designated.
- k. There shall be no storage, placement or display of goods or supplies outside described areas relating to permitted use.
- l. Client parking will consist of owner's driveway.
- m. Owner shall obtain all required permits from the City of La Vista and shall comply with any additional requirements as determined by the Building Inspector.
- n. Owner shall comply with all sections of the International Fire Code, and NFPA 495 (2010) Sections 14.3-14.5 regarding the storage of small arms ammunition and its components in an R occupancy.
- o. Owner shall comply (and shall ensure that all, invitees, suppliers, structures, appurtenances and improvements, and all activities occurring or conducted, on the premises at any time comply) with any applicable federal, state and/or local laws, regulations, or other requirements, as amended or in effect from time to time, including, but not limited to, applicable environmental or safety laws, rules or regulations.
- p. Owner shall forward any and all inspection reports received of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) per the requirements of the Federal Firearms License to the City of La Vista Community Development Department immediately upon receipt.
- q. Owner hereby indemnifies the City against, and holds the City harmless from, any liability, loss, claim or expense whatsoever (including, but not limited to, reasonable attorney fees and court cost) arising out of or resulting from the acts, omissions or negligence of the owner, his/her agents, employees, assigns, suppliers or invitees, including, but not limited to, any liability, loss, claim or expense arising out of or resulting from any violation on the premises of any environmental or safety law, rule or regulation.
- r. At least one individual listed as a legal owner of the property for which this home occupation Conditional Use Permit applies shall also be a legal owner of the business entity registered with the State of Nebraska as American Heritage Firearms, LLC.

3. The applicant's right to maintain the use as approved pursuant to these provisions shall be based on the following:

- a. An annual renewal of a home occupation license and annual inspection to determine compliance with the conditions of approval. The conditional use permit may be revoked upon a finding by the City that there is a violation of the terms of approval.
- b. The use authorized by the conditional use permit must be initiated within one (1) year of approval and shall become void two (2) years after the date of approval unless the applicant has fully complied with the terms of approval.
- c. All obsolete or unused structures and accessory facilities or materials specifically pertaining to such permitted use shall be removed at owner's expense within twelve (12) months of cessation of the conditional use, if required by the City.

4. Notwithstanding any other provision herein to the contrary, this permit, and all rights granted hereby, shall expire and terminate as a permitted use hereunder upon the first of the following to occur:

- a. Owner's abandonment of the permitted use. Non-use thereof for a period of twelve (12) months shall constitute a presumption of abandonment.
- b. Cancellation, revocation, denial or failure to maintain any federal, state or local permit required for the Use.
- c. Owner's breach of any other terms hereof and his/her failure to correct such breach within ten (10) days of City's giving notice thereof.

5. In the event of the owner's failure to promptly remove any safety or environmental hazard from the premises, or the expiration or termination of this permit and the owner's failure to promptly remove any

permitted materials or any remaining environmental or safety hazard, the City may, at its option (but without any obligation to the owner or any third party to exercise said option) cause the same to be removed at owner's cost and the owner shall reimburse the City the costs incurred to remove the same. Owner hereby irrevocably grants the City, its agents and employees the right to enter the premises and to take whatever action as is necessary or appropriate to remove the structures or any environmental or safety hazards in accordance with the terms of this permit, and the right of the City to enter the premises as necessary or appropriate to carry out any other provision of this permit.

6. If any provision, or any portion thereof, contained in this agreement is held to be unconstitutional, invalid, or unenforceable, the remaining provisions hereof, or portions thereof, shall be deemed severable, shall not be affected, and shall remain in full force and effect.

### **Miscellaneous**

The conditions and terms of this permit shall be binding upon owner, his/her successors and assigns.

1. Delay of City to terminate this permit on account of breach of owner of any of the terms hereof shall not constitute a waiver of City's right to terminate, unless it shall have expressly waived said breach, and a waiver of the right to terminate upon any breach shall not constitute a waiver of the right to terminate upon a subsequent breach of the terms hereof, whether said breach be of the same or different nature.
2. Nothing herein shall be construed to be a waiver or suspension of, or an agreement on the part of the City to waive or suspend, any zoning law or regulation applicable to the premises except to the extent and for the duration specifically authorized by this permit.
3. Any notice to be given by City hereunder shall be in writing and shall be sufficiently given if sent by regular mail, postage prepaid, addressed to the owner as follows:

**Contact Name and Address:** American Heritage Firearms  
Attn: Brian D. Licher  
12800 Emilie Street  
Omaha, NE 68138

### **Effective Date:**

This permit shall take effect upon the filing hereof with the City Clerk a signed original hereof.

THE CITY OF LA VISTA

By \_\_\_\_\_  
Douglas Kindig, Mayor

Attest:

Pam Buethe  
City Clerk

CONSENT AND AGREEMENT

The undersigned does hereby consent and agree to the conditions of this permit and that the terms hereof constitute an agreement on the part of the undersigned to fully and timely perform each and every condition and term hereof, and the undersigned does hereby warrant, covenant and agree to fully and timely perform and discharge all obligations and liabilities herein required by owner to be performed or discharged.

Owner:

By: \_\_\_\_\_

Title: owner/operator \_\_\_\_\_

Date: \_\_\_\_\_

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA

)  
) ss.  
)

COUNTY OF \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 2021, before me, a Notary Public duly commissioned and qualified in and for said County and State, appeared Douglas Kindig and Pamela A. Buethe, personally known by me to be the Mayor and City Clerk of the City of La Vista, and the identical persons whose names are affixed to the foregoing Agreement, and acknowledged the execution thereof to be their voluntary act and deed and the voluntary act and deed of said City.

Notary Public

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA

)  
) ss.  
)

COUNTY OF \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 2021, before me, a Notary Public duly commissioned and qualified in and for said County and State, appeared Brian Licher personally known by me to be the owner/operator of American Heritage Firearms LLC, and the identical person whose name is affixed to the foregoing Agreement, and acknowledged the execution thereof to be his voluntary act and deed and the voluntary act and deed of said company.

Notary Public

# American Heritage Firearms, LLC Plan

## Owners: Patrick S. Licher & Brian D. Licher

The initial intent of American Heritage Firearms, LLC, was to attempt to obtain one of the 50 caliber machine guns that had been recovered when Lt. A. C. Licher's P51 Mustang was excavated in the Netherlands in 2006. We both were a part of the family group that were present for the recovery of our father's/grandfather's plane. After trying many avenues of acquiring this gun, we have been informed that the only option is for us to obtain an FFL (Federal Firearms License). That is what we are attempting here.

Since the FFL allows for us to sell firearms, we intend to do so to friends and family as well as through a yet-to-be-developed website. We do not anticipate a large volume of sales due to the current shortage of firearms, little to no marketing effort, and a lack of a storefront presence. Furthermore, our license will preclude the sale of ammunition.

Our business will be conducted at 12806 Emilie Street, Omaha, NE 68138. All sales activities shall take place in a specifically modified area of the garage that must be approved by the ATF. The ATF require specific hours of operation to allow for their annual and surprise inspections. Our hours shall be Tuesdays from 1:00pm to 3:00pm and Saturdays from 9:30am to 11:30am. Business will be conducted by appointment only.

Our inventory will be limited to firearms that are pre-purchased by customers who have filled out an ATF Form 4473 and have been approved by the ATF after the 3-day National Criminal Background Check. If they haven't filled out the Form 4473, they must do so and wait the 3 days to return for pickup. Once we have received their purchase from the supplier, we are required to secure the inventory. This is completed by us being on site to sign for and receive the inventory, storing it in a locked safe, specifically utilized for inventory, and the use of a HD camera system with off-site video storage.

We will coordinate and schedule an appointment for the customer to complete their transaction on site. All firearms must be picked up at a licensed FFL location, and purchasers must provide identification and paperwork as approved by the ATF. Transactions are limited and must be completed by the owners of American Heritage Firearms, LLC.

All deliveries and shipments will be by appointment only. All Covid-19 protocols will be observed wherever possible and masks shall be worn at all times during transactions.



Patrick S. Licher



Brian D. Licher