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AUG 10 2010

PROCEEDINGS AND PASSAGE OF ORDINANCE NO. 393:

**NEBRASKA LIQUOR
CONTROL COMMISSION**

The Mayor and City Council of the City of Bennington, Nebraska, met in regular session on August 9, 2010, at 7:00 p.m., at the Bennington City Hall, 15514 Warehouse Street, and passed the following described ordinance:

ORDINANCE NO. 393

AN ORDINANCE AMENDING SECTION 4-205 OF THE CITY OF BENNINGTON'S MUNICIPAL CODE AS ENACTED IN CITY OF BENNINGTON ORDINANCE NO. 313 REGARDING THE ON-PREMISES SALE AND DISPENSING OF ALCOHOLIC BEVERAGES UNTIL 2:00 A.M.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BENNINGTON, DOUGLAS COUNTY, NEBRASKA:

WHEREAS, it appears desirable and for the public good and the best interests of the City of Bennington that an Ordinance be passed amending Section 4-205 of the City of Bennington's Municipal Code as enacted in City of Bennington Ordinance No. 313 regarding the on-premises sale and dispensing of alcoholic beverages until 2:00 a.m.

Section 1. Section 4-205 of the City of Bennington's Municipal Code as enacted in City of Bennington Ordinance No. 313 is amended so as to provide as follows:

SECTION 4-205: HOURS OF SALE

It shall be unlawful for any licensed person or persons or their agents to sell any alcoholic beverages within the City except during the hours provided herein:

Alcoholic Liquors (except Beer and Wine)	
Monday through Saturday	
Off Sale	6:00 A.M. to 1:00 A.M.
On Sale	6:00 A.M. to 2:00 A.M.
Sunday	
Off Sale	12:00 Noon to 1:00 A.M.
On Sale	12:00 Noon to 2:00 A.M.
Beer and Wine	
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Off Sale	6:00 A.M. to 1:00 A.M.
On Sale	6:00 A.M. to 2:00 A.M.
Sunday	
Off Sale	6:00 A.M. to 1:00 A.M.
On Sale	6:00 A.M. to 2:00 A.M.

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No person or persons shall consume any alcoholic beverages on licensed premises for a period of time longer than 15 minutes after the time fixed herein for stopping such sales on said premises. For the purposes of this Section, "on sale" shall be defined as alcoholic beverages sold by the drink for consumption on the premises of the licensed establishment and "off sale" shall be defined as alcoholic beverages sold at retail in the original container for consumption off the premises of the licensed establishment.

Nothing in this Section shall be construed to prohibit licensed premises from being open for other business on days and hours during which the sale or dispensing of alcoholic beverages is prohibited by this Section.

Section 2. The previous Section 4-205 of the City of Bennington's Municipal Code as enacted in City of Bennington Ordinance No. 313 is hereby repealed, and the foregoing Section 1 of this Ordinance shall be codified in the Municipal Code of the City of Bennington as Section 4-205.

Following the introduction, the Ordinance was read by title for the first time at which time Council member Sather moved that the statutory rule requiring that an ordinance be read by title on three separate occasions be dispensed with. Council member Higgins seconded the motion. Upon roll call vote the following Council members voted YEA: all. The following voted NAY: none. The motion to suspend the rules was adopted by three-fourths of the Council and the statutory rule was declared suspended for consideration of said Ordinance.

Said Ordinance was then read by title and thereafter Council member Higgins moved for final passage of the Ordinance, which motion was seconded by Council member Sather. The Mayor then stated the question was "Shall Ordinance No. 393 be passed and adopted?" Upon roll call vote, the following Council members voted YEA: all. The following voted NAY: none. The passage and adoption of said Ordinance having been concurred by a majority of all members of the Council, the Mayor declared the Ordinance adopted and the Mayor in the presence of the Council signed and approved the Ordinance and the Clerk attested the passage and approval of the same and affixed her signature thereto.

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PASSED AND APPROVED this 9th day of August, 2010.

NEBRASKA LIQUOR
CONTROL COMMISSION

Mary Johnson
MAYOR

ATTEST:

Mini Laaker
CITY CLERK