

ORDINANCE NO 726

AN ORDINANCE OF THE VILLAGE OF EMERSON NEBRASKA, TO AMEND MUNICIPAL CODE SECTION 111.48 RELATING TO THE HOURS OF SALE OF ALCOHOLIC LIQUOR INCLUDING BEER AND WINE; TO REPEAL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; TO PROVIDE AN EFFECTIVE DATE; AND ORDERING THE PUBLICATION IN PAMPHLET FORM

BE IT ORDAINED BY THE CHAIRMAN AND VILLAGE BOARD OF THE VILLAGE OF EMERSON, NEBRASKA:

SECTION 1. Nebraska Legislative Bill 861 approved by the Governor of the State of Nebraska on April 14, 2010, and Nebraska Statute Section 53-179, Nebraska Revised Statutes authorizes a local governing body of a Village to permit retail sale or dispensing of alcoholic liquor for consumption on the premises, excluding sales for consumption off the premises, later than 1:00 a.m. and prior to 2:00 a.m. on any day if said ordinance is adopted by a vote of at least 2/3 of the members of the governing body.

SECTION 2. Section 111.48 relating to hours of sale of alcoholic liquor, including beer and wine, of the Municipal Code of the Village of Emerson, Nebraska, shall be amended to read as follows:

10-118 HOURS OF SALE:

(A) No alcoholic liquor, including beer, shall be sold at retail or dispensed on any day between the hours of 2:00 a.m. and 6:00 a.m. The Village Board with respect to area inside the corporate limits of the village may by ordinance require closing prior to 2:00 a.m. on any day.

(B) (1) It shall be permissible to sell alcoholic liquor, including beer and wine for consumption on the premises on any day between the hours of 6:00 a.m. and 2:00 a.m. the following day, except that on Sundays no alcoholic liquors, except beer and wine, shall be sold at retail or dispensed for consumption on or off the premises between the hours of 6:00 a.m. and 12:00 noon.

(2) It shall be unlawful for any licensed person or persons or their agents to sell any alcoholic beverages within the Village of Emerson except during the hours provided herein:

HOURS OF SALE

Alcoholic Liquors (except beer and wine)

Monday through Saturday:

Off Sale

On Sale

6:00 a.m. to 1:00 a.m.

6:00 a.m. to 2:00 a.m.

Sunday:

Off Sale

On Sale

6:00 a.m. to 1:00 a.m.

6:00 a.m. to 2:00 a.m.

Beer and Wine

Monday through Saturday:

Off Sale

On Sale

6:00 a.m. to 1:00 a.m.

6:00 a.m. to 2:00 a.m.

Sunday:

Off Sale

On Sale

6:00 a.m. to 1:00 a.m.

6:00 a.m. to 2:00 a.m.

Provided, that the limitations shall not apply after 12:00 noon on Sunday to a licensee which is a nonprofit corporation holding a license pursuant to Neb RS 53-124 (5) (C) and (H).

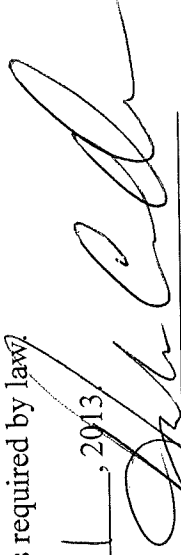
(C) It shall be unlawful on property licensed to sell alcoholic liquor at retail to allow alcoholic liquor in open containers to remain or be in possession or control of any person for purposes of consumption between the hours of 2:15 a.m. and 6:00 a.m. on any day. If the Village Board provides by ordinance for an earlier closing hour, the provisions of this division (C) shall become effective 15 minutes after such closing hour instead of 2:15 a.m.

(D) Nothing in this section shall prohibit licensed premises from being open for other business on days and hours during which the sale or dispensing of alcoholic liquor is prohibited by this section. (Neb. RS 53-179)


Section 3. That all ordinances and parts of ordinances passed and approved prior to the passage and approval of this ordinance and in conflict herewith are hereby repealed.

Section 4. This ordinance shall take effect and be in full force and take effect from and after its passage, approval, and publication or posting as required by law.

Passed and approved this 10th day of April, 2013.


Andrew Olson, Chairman

Attest:


Norma Hynek, Clerk

(SEAL)

