

City Council Proceedings
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Council member Scribner made a motion to pass and approve Ordinance No. 1146 on third and final reading. Council member Smith seconded the motion. Voting AYE: Council members Vandenberg, Smith, Svoboda, Rogers, Scribner and Kroesing. Voting NAY: None. The motion carried and Ordinance No. 1146 was passed on third and final reading as follows:

ORDINANCE NO. 1146

AN ORDINANCE TO AMEND ORDINANCE NO. 1040 CODIFYING THE GENERAL ORDINANCES OF THE MUNICIPALITY BY AMENDING CHAPTER 10: BUSINESS REGULATIONS; ARTICLE 1: ALCOHOLIC BEVERAGES §10-117 ALCOHOLIC BEVERAGES; HOURS OF SALE; TO PROVIDE FOR THE REPEAL OF ANY ORDINANCE OR RESOLUTION IN CONFLICT THEREWITH; TO PROVIDE FOR AN EFFECTIVE DATE THEREOF; AND TO AUTHORIZE PUBLICATION IN PAMPHLET FORM.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, BUTLER COUNTY, NEBRASKA, THAT CHAPTER 10, ARTICLE 1, §10-117 OF THE MUNICIPAL CODE BOOK BE AMENDED AS FOLLOWS:

§10-117 ALCOHOLIC BEVERAGES; HOURS OF SALE.

Section 1. For purposes of this section, "on sale" shall be defined as alcoholic beverages sold at retail by the drink for consumption on the premises of the licensed establishment. "Off sale" shall be defined as alcoholic beverages sold at retail in the original container for consumption off the premises of the licensed establishment.

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

HOURS OF SALE

Alcoholic Liquors (except beer and wine)

Secular Days

Off Sale..... 6:00 A.M. to 1:00 A.M.

On Sale..... 6:00 A.M. to 2:00 A.M.

Sundays

Off Sale..... 12:00 Noon to 1:00 A.M.

On Sale..... 12:00 Noon to 2:00 A.M.

Beer and Wine

Secular Days

Off Sale..... 6:00 A.M. to 1:00 A.M.

On Sale..... 6:00 A.M. to 2:00 A.M.

Sundays

Off Sale..... 12:00 P.M. (Noon) to 1:00 A.M.

On Sale..... 12:00 P.M. (Noon) to 2:00 A.M.

Provided that such limitations shall not apply after twelve (12:00) o'clock Noon on Sunday to a licensee which is a non-profit corporation holding a license pursuant to section 53-179(2) Reissue Revised Statutes of Nebraska.

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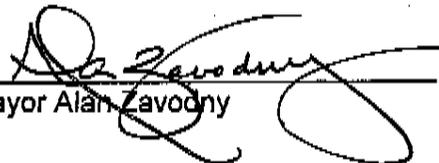
No person or persons shall consume any alcoholic beverages on licensed premises for a period of time longer than fifteen (15) minutes after the time fixed herein for stopping the sale of alcoholic beverages on the said premises. Nothing in this section shall be construed to prohibit licensed premises from being open for business on days and hours during which the sale or dispensing of alcoholic beverages is prohibited by this section. (Ref. 53-179 RS Neb.)

Section 2. That any ordinance or section of any ordinance passed and approved prior to or subsequent to the passage, approval, and publication or posting of this ordinance and in conflict with its provisions, is hereby appealed.

Section 3. This ordinance shall be published in pamphlet form and shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

PASSED AND APPROVED this 13th day of July, 2011.




 Mayor Alan Zavodny


 Interim City Clerk Tami L. Comte

Mayor Zavodny presented the name of Larry Griffiths to replace LaDonna Naiberk to the library board whose four year term had expired. Council member Smith made a motion to appoint Larry Griffiths to the library board for a four year term. Council member Scribner seconded the motion. Voting AYE: Council members Kroesing, Vandenberg, Rogers, Svoboda, Scribner and Smith. Voting NAY: None. The motion carried.

Mayor Zavodny asked if there was any public comment concerning Ordinance No. 1148 which deals with the operation of all-terrain vehicles within the corporate limits of David City.

Dana Trowbridge stated that he had yet to hear a logical reason for allowing all-terrain vehicles in David City.

Council member Kroesing stated that he had an all-terrain vehicle in the 70's that he rode all over before the State of Nebraska out-lawed them and he never had a problem.

City Attorney Egr stated that there are safety provisions in the ordinance and he read a portion of the ordinance to the public.

Discussion followed.

Council member Kroesing made a motion to pass Ordinance No. 1148 on 2nd reading only. Council member Rogers seconded the motion. Voting AYE: Council members Smith, Vandenberg, Scribner, Rogers, Svoboda and Kroesing. Voting NAY: None. The motion carried and Ordinance No. 1148 was passed on second reading only as follows: