ORDINANCE NO. 280

JUL 16 2010

NEBRASKA LIQUOR CONTROL COMMISSION

AN ORDINANCE RELATING TO THE SALE OR DISPENSING OF ALCOHOLIC LIQUOR; FORBIDDEN DURING CERTAIN HOURS; EXCEPTIONS. ALCOHOLIC LIQUOR IN OPEN CONTAINERS; UNLAWFUL AFTER HOURS; REPEALING INCONSISTENT ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Section 1. HOURS OF SALE. Section 111.48 of the Hildreth Village Code is hereby read as follows:

(A) No alcoholic liquor, including beer, shall be sold at retail or dispensed on any day between the hours of 2 a.m. and 6 a.m. Between the hours of 1 a.m. and 2 a.m. the retail sale or dispensing of alcoholic liquor shall only be for consumption on the premises and sales for consumption off the premises after 1 a.m. are prohibited. The Board of Trustees with respect to area inside the corporate limits of the village may by ordinance require closing prior to 2 a.m. on any day.

(B) Except as provided for and allowed by ordinance of the Board of Trustees, no alcoholic liquor, including beer, shall be sold at retail or dispensed inside the corporate limits of the village between the hours of 6 a.m. Sunday and 2 a.m. Monday. No such ordinance shall permit alcoholic liquor, other than beer and wine, to be sold at retail or dispensed between the hours of 6 a.m. Sunday and 12 noon Sunday. This division (B) shall not apply after 12 noon on Sunday to a licensee which is a nonprofit corporation and the holder of a Class C license or a Class I license.

(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 a.m. on any day. If the Board of Trustees 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.

Section 2. Hildreth Village Code Section 111.48 is hereby amended by this ordinance and all other ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

Section 3. This ordinance shall be full force and effect from and after its final passage and publication as required by law, or on July 15, 2010, whichever date is the latest.

Passed and approved this 14th day of June, 2010.

ATTEST:  
Village Clerk.

APPROVED:  
Chairman.

(Seal)
CERTIFICATE

STATE OF NEBRASKA   )  
COUNTY OF Franklin  )  
s  

I, La Donna Koch, Clerk of the Village of Hildreth, Nebraska, hereby certify that the foregoing is a true and complete copy and transcript of Ordinance No. 280 of said Village passed by the Village Board of the Village of Hildreth, Nebraska at a regular session open to the public and preceded by a public notice specifying the time and place for the said session, on the 11th day of June, 2010, and approved by the Chairman on the 14th day of June, 2010, and of the proceedings in relation to its passage had in said Village on the 14th day of June, 2010.

[Signature]
Village Clerk

(SEAL)
Village Board Member Lance Buoy introduced Ordinance Number 280 entitled as follows:

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and moved that the statutory rule requiring reading on three different dates be suspended. Village Board member Leon Bertrand seconded the motion to suspend the rules and upon the motion, the following Village Board Members votes Yes: Daniel Adam, Leon Bertrand, Lance Buoy, Terry Warnken

The following voted No: None

The motion to suspend the rules was adopted by three-fourths of the Village Board and the statutory rule was declared suspended for consideration of this ordinance.

This ordinance was then read by title and thereafter Village Board Member Daniel Adam moved for final passage of this ordinance and said motion was seconded by Village Board Member Leon Bertrand. The Chairman then stated the question, "Shall Ordinance Number 280 be passed and adopted?" Upon roll call vote, the following Village Board Members voted Yes: Daniel Adam, Leon Bertrand, Lance Buoy, Terry Warnken

The following voted No: None

The passage and adoption of this ordinance having been concurred in by a majority of all members of the Village Board, the Chairman declared the ordinance adopted; and the Chairman in the presence of the Village Board signed and approved the ordinance and the Clerk attested the passage and approval of the same and affixed her signature thereto and ordered the ordinance to be published in pamphlet form as provided herein. True and complete copies of this ordinance is attached hereto and incorporated by reference.