



City of Omaha
Jean Stothert, Mayor

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13 AUG -6 PM 1:35

CITY CLERK
OMAHA, NEBRASKA

Law Department

Omaha/Douglas Civic Center
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Paul D. Kratz
City Attorney

Honorable President

and Members of the City Council,

The attached ordinance is prepared at the request of the City Council Law Committee acting on a request by Council President Festersen. The ordinance expands the hours of permissible sale or distribution of alcoholic spirits on Sunday morning to the fullest extent allowed by state law.

State law long prohibited the sale or distribution of any alcohol other than beer and wine on Sunday mornings. Sales and consumption on all other days can start at 6:00 a.m. In 2012, the Legislature allowed cities to authorize sales on Sunday to the same extent as all other days. But Omaha's prohibition on Sunday morning sales and consumption has not been changed to take advantage of this statutory change. Exceptions have been made for Sunday special events that obtain a special designated license.

This ordinance, if adopted, will allow sales and consumption of any alcohol to begin at 6:00 a.m. on any day. The ordinance will continue to allow other opening or closing times to be set for special designated licenses on a case-by-case basis.

Respectfully submitted,

Thomas O. Mumgaard
Deputy City Attorney

ORDINANCE NO. 39762

1 AN ORDINANCE to amend Omaha Municipal Code section 15-2 regarding the sale or distributing
2 of alcoholic spirits before 12:00 noon on Sundays; to authorize such sales beginning at 6:00
3 a.m. on Sunday; to repeal the section as previously existing; and to provide an effective date
4 thereof.

5 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OMAHA:

6 Section 1. Section 15-2 of the Omaha Municipal Code is hereby amended to read as follows:

7 **Sec. 15-2. Closing hours for licensed premises.**

8
9 It shall be unlawful for any person on any property licensed to sell alcoholic liquor at
10 retail purposely or knowingly to sell or distribute alcoholic liquor, or to permit any person to
11 do so, during the following periods of time:

12 (a) The sale or distribution for consumption off the premises on any day between the
13 hours of 1:00 a.m. and 6:00 a.m.; or

14 (b) The sale or dispensing for consumption on the premises on any day between the
15 hours of 2:00 a.m. and 6:00 a.m.; or

16 (c) ~~On any Sunday the sale or dispensing of alcoholic liquor, other than beer and wine,~~
17 ~~for consumption on the premises or off the premises, shall be prohibited between the~~
18 ~~hours of 6:00 a.m. and 12:00 noon.~~

19 (1) ~~The hours during which a holder of a special designated permit license may~~
20 ~~sell or distribute alcoholic liquor, other than beer and wine, on Sunday stated herein,~~
21 ~~shall be established by the city council at the time the permit application is~~
22 ~~considered.~~

23 (2) ~~Nonprofit corporations holding a Class C or Class I license under R.R.S.~~
24 ~~1943, § 53-124, shall be permitted to sell alcoholic liquor for consumption on the~~
25 ~~premises between the hours of 12:00 noon on Sunday and 1:00 a.m. on the following~~
26 ~~Monday, but such nonprofit corporation licensee shall not sell or dispense alcoholic~~
27 ~~liquor on more than six days each week.~~

28 Section 2. Section 15-2 of the Omaha Municipal Code as heretofore existing is hereby
29 repealed.

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1 Section 3. This Ordinance shall be in full force and effect fifteen days from and after its
2 passage.

INTRODUCED BY COUNCILMEMBER

Pete Anderson

APPROVED BY:

Sean Storkel 8/29/13
MAYOR OF THE CITY OF OMAHA DATE

PASSED AUG 27 2013 7-0

ATTEST:

Bonnie Brown 8/29/13
CITY CLERK OF THE CITY OF OMAHA DATE

APPROVED AS TO FORM:

Thomas J. Hyland 8-5-13
DEPUTY CITY ATTORNEY DATE

REQUEST TO LAW

RECEIVED
LAW DEPARTMENT

2013 JUL 16 AM 11:58

LAW DEPARTMENT USE ONLY:

LOG BOOK # 109-13 = CLERK

TO: Paul Kratz, City Attorney

DATE ASSIGNED 07/16/13

DATE: July 16, 2013

ASSIGNED TO Mungard

DATE ANSWERED 8/5/13

WITHDRAWN _____

REQUEST BEING MADE BY:

<u>Buster Brown</u>		<u>City Clerk</u>	<u>5557</u>
(NAME)		(DEPARTMENT)	(PHONE)

TIME LINE: July 31, 2013
12 WORKING DAYS FROM DATE RECEIVED BY LAW DEPARTMENT

REQUEST FOR: Ordinance pertaining to Section 15-2 of the Omaha Municipal Codes
(State Specifically What You Are Requesting)

DETAILS:

Please prepare an Ordinance to amend the statute of the Omaha Municipal Code section 15-2 to coincide with the new hours set by State Law regarding Sunday Sales Hours

INFORMATION ATTACHED: YES X NO _____ NONE AVAILABLE _____

REVISED: 01/02/92

1105

a. CLK.
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PRESENTED TO COUNCIL

1st Reading AUG 13 2013 - Hearing
8/20/13

Hearing AUG 20 2013 - Over to
8/22/13

Final Reading AUG 27 2013
Passed 7-0

PUBLICATIONS

PUBLICATION OF HEARING

Date 8-16-13

PUBLICATION OF ORDINANCE

Date 9-9-13

BUSTER BROWN
City Clerk