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NEBRASKA LIQUOR CONTROL COMMISSION

CITY OF SCHUYLER, NEBRASKA, ORDINANCE NO. 2010-06

AN ORDINANCE OF THE CITY OF SCHUYLER, NEBRASKA, TO AMEND MUNICIPAL CODE SECTION 112.48 RELATING TO THE HOURS OF SALE OF ALCOHOLIC LIQUOR INCLUDING BEER AND WINE; TO REPEAL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; AND TO PROVIDE AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SCHUYLER, NEBRASKA AS FOLLOWS:

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 City 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 112.48 relating to hours of sale of alcoholic liquor, including beer and wine, of the Municipal Code of the City of Schuyler, Nebraska, shall be amended to read as follows:

§112.48 HOURS OF SALE

(A) No alcoholic liquor, including beer and wine, shall be sold at retail or dispensed on any day between the hours of 2:00 a.m. and 6:00 a.m. The City Council with respect to area inside the corporate limits of the City of Schuyler 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 City of Schuyler 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. Monday
On Sale	12:00 Noon to 2:00 A.M. Monday

Beer and Wine

Daily	
Off-Sale	6:00 A.M. to 1:00 A.M.
On-Sale	6:00 A.M. to 2:00 A.M.

Provided, that the limitations shall not apply after 12:00 p.m. 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 City Council 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) (Ord. 546, passed 6-20-1976; Ord. 692, passed 7-20-1982; Ord. 805, passed 9-3-1991) Penalty, see § 10.99

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ordinances passed and approved prior to the passage and approval of this ordinance and in conflict therewith are hereby repealed.

SECTION 4. That this ordinance shall be in full force and take effect from and after its passage, approval and publication according to law.

PASSED AND APPROVED this 17 day of August, 2010

City of Schuyler, Nebraska

By: David F. Reinecke
David F. Reinecke, Mayor

ATTEST:

Mary Deschel
Schuyler City Clerk

APPROVED AS TO FORM AND CONTENT:

Schuyler City Attorney