

ORDINANCE 2018- 1085

AN ORDINANCE OF THE CITY OF TECUMSEH, NEBRASKA, AMENDING SECTIONS 1-606, 4-307, AND 10-119 OF THE TECUMSEH MUNICIPAL CODE TO CHANGE PROVISIONS REGARDING THE PASSAGE OF ORDINANCES, PARKING ON RESIDENTIAL LOTS AND AMENDING THE HOURS FOR THE SALE OF ALCOHOLIC BEVERAGES.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF TECUMSEH, NEBRASKA:

SECTION 1. That Chapter 1, Section 606 of the Tecumseh Municipal Codes be amended to read as follows:

§1-606 ORDINANCES: PASSAGE.

Ordinances, resolutions or orders for the appropriation of money shall require for their passage the concurrence of the majority of all the members elected of the City Council. The Mayor of the City may vote when his or her vote would provide the additional vote required to attain the number of votes equal to a majority of the number of members elected to the council, and the Mayor shall, for the purpose of such vote, be deemed to be a member of the council. Ordinances of a general or permanent nature shall be read by the title on three (3) different days. This requirement may be suspended by three-fourths (3/4) vote of the City Council, except that such requirement shall not be suspended for any Ordinance for the annexation of territory or the redrawing of boundaries for City Council election districts or wards, in such case said ordinance may be read by title or number and then moved for final passage. Three-fourths (3/4) of the City Council may require any ordinance to be read in full before final passage under either process. (Ref. 17-614 RS Neb.) (Amended November 4, 2013) (Amended September 4, 2018)

SECTION 2. That Chapter 4, Section 307 of the Tecumseh Municipal Code be amended to read as follows:

§ 4-307 NUISANCES: PARKING ON RESIDENTIAL LOTS.

The outside parking or storage on residential zoned property in violation of the requirements set forth below is declared to be a public nuisance because such parking and storage obstructs views on streets and private property, creates cluttered and otherwise unsightly areas, drags mud and debris onto city streets, ruts the city right of way and front yards of residences, decreases adjoining landowners and occupants enjoyment of their property and neighborhood, creates hazards related to fire and life safety, and otherwise adversely affects property values and neighborhood patterns.

- A. A person must not cause, undertake, or permit parking or storage of any vehicles, except a motorcycle, car, SUV or pickup, in a residential zoned district on the City right-of-way between the sidewalk or property line and the curb line or street edge.
- B. All new driveways and parking surfaces to be constructed on a residential zoned property within the City right-of-way between the sidewalk or property line and the curb line or street edge, shall be constructed out of concrete, asphalt, brick, or similar surface and must be approved by the City as provided by § 8-110 of the Tecumseh Municipal Code. The driveway and/or parking area shall use no more than fifty percent (50%) or thirty-six feet (36'), whichever is less, of the City right-of-way between the sidewalk or property line and the curb line or street edge which is adjacent to the residential zoned property. If the residential zoned property is a corner lot, each street front shall be calculated separately in determining the 50% or 36 feet limitation.
- C. Irregardless of the above, no more than four (4) vehicles per residential dwelling unit or apartment may be parked or stored on the residential zoned property and the adjacent property owned by the residential dwelling or apartment owner, or the adjacent City Right-of-Way between the sidewalk or property line and the street curb line or street edge. This maximum number of vehicles does not include vehicles stored or parked inside a totally enclosed garage or vehicles owned by occasional guests who do not reside on the property.
- D. For purposes of this Section, vehicles are defined as any of the following: motorcycles passenger cars, pickups, trucks, recreational vehicles, trailers, boats, vans, SUV's, farm machinery, all-terrain vehicles or utility-type vehicle, and construction equipment. (July 2017)
- E. This Section shall become effective on January 1, 2019. (Amended September 4, 2018)

SECTION 3. That Chapter 10, Section 119 of the Tecumseh Municipal Code be amended to read as follows:

§10-119 HOURS OF SALE.

A. For the 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.

**HOURS OF SALE
ALCOHOLIC BEVERAGES (EXCEPT BEER & WINE)**

Secular days	Off sale	6:00 a.m. to 2:00 a.m.
Secular days	On sale	6:00 a.m. to 2:00 a.m.
Sundays	Off sale	12:00 noon to 2:00 a.m.
Sundays	On sale	12:00 noon to 2:00 a.m.

BEER & WINE

Secular days	Off sale	6:00 a.m. to 2:00 a.m.
Secular days	On sale	6:00 a.m. to 2:00 a.m.
Sundays	Off sale	6:00 a.m. to 2:00 a.m.
Sundays	On sale	6:00 a.m. to 2:00 a.m.

B. 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.

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) (Amended September 2018)

SECTION 4. That any other Ordinances or sections of Ordinances passed and approved prior to the passage, approval and publication of this Ordinance and in conflict with its provisions are hereby repealed.

SECTION 5. That this Ordinance shall take effect from and after its passage, approval and publication according to law.

SECTION 6. That this Ordinance shall be published in Pamphlet form.

PASSED AND APPROVED this 4th day of September, 2018.

CITY OF TECUMSEH, NEBRASKA


WILLIAM J. MONTZ, SR., Mayor

ATTEST:


City Clerk

