ITEM **B**

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
FEBRUARY 5, 2013 AGENDA

Subject:	Type:	Submitted By:
AMEND SECTION 114.46 OF THE MUNICIPAL CODE	RESOLUTION ◆ ORDINANCE RECEIVE/FILE	PAM BUETHE CITY CLERK

SYNOPSIS

An ordinance have been prepared to amend Section 114.46 of the La Vista Municipal Code.

FISCAL IMPACT

N/A.

RECOMMENDATION

Approval.

BACKGROUND

This change is a result of American Legal Publishing Corporation incorporating the legislative changes from the previous legislative session into our Code. This change has been reviewed by the City Attorney and City Clerk.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA, TO AMEND THE LA VISTA MUNICIPAL CODE SECTION 114.46; TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA:

SECTION 1. Section 114.46 of the La Vista Municipal Code is amended to read as follows:

§ 114.46 HOURS OF SALE.

(A) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

OFF SALE. Alcoholic beverages sold at retail in the original container for consumption off the premises of the licensed establishment.

ON SALE. Alcoholic beverages sold at retail by the drink for consumption on the premises of the licensed establishment.

(B) It shall be unlawful for any licensed person or persons or their agents to sell any alcoholic beverages within the city 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~~ 6:00 a.m. to 1:00 a.m.
	On Sale	~~12:00 noon~~ 6:00 a.m. 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	6:00 a.m. to 1:00 a.m.
	On Sale	6:00 a.m. to 2:00 a.m.

(C) It shall be unlawful on premises licensed to sell alcoholic liquor at retail to allow alcoholic liquor in open containers to remain or be in the possession or control of any person for purposes of consumption for a period of time longer than 15 minutes after the time fixed herein for stopping the sale of alcoholic beverages on the said premises.

(D) Nothing in this section shall be construed to prohibit licensed premises from being open for other business on days and hours during which the sale or dispensing of alcoholic beverages is prohibited by this section.
('79 Code, § 10-123) (Ord. 212, passed - -; Am. Ord. 259, passed 12-4-79; Am. Ord. 306, passed 5-482; Am. Ord. 536, passed 9-3-91; Am. Ord. 1123, passed 6-1-10) Penalty, see § 114.99 Statutory reference: Authority to alter statutory hours, see Neb. RS 53-179

SECTION 2. Repeal of Conflicting Ordinances. All ordinances and parts of ordinances as previously enacted that are in conflict with this Ordinance or any part hereof are hereby repealed.

SECTION 3. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Mayor and City Council of the City of La Vista hereby declare that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION 4. Effective Date. This Ordinance shall be in full force and effect from and after passage, approval and publication in pamphlet form as provided by law.

PASSED AND APPROVED THIS 5TH DAY OF FEBRUARY, 2013.

CITY OF LA VISTA

_____
Douglas Kindig, Mayor

ATTEST:

_____
Pamela A. Buethe, CMC
City Clerk

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