

## **ORDINANCE NUMBER 13-058**

An ordinance to amend Section 4-2, 4-3, and 4-4 of the Beatrice City Code regarding the hours of sale of alcoholic liquor and consumption in public; and to repeal all other conflicting ordinances or parts of ordinances; and to provide for publication in pamphlet form and for an effective date of this ordinance.

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

**SECTION 1.** That Section 4-2 of the Beatrice City Code be and hereby is amended as follows:

**“Sec. 4-2. Hours of Sale.**

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

- (a) The sale or distribution for consumption off the premises on any day between the hours of 1:00 a.m. and 6:00 a.m.; or
- (b) The sale or dispensing for consumption on the premises on any day between the hours of 2:00 a.m. and 6:00 a.m.; or
- (c) On any Sunday the sale or dispensing of alcoholic liquor, including beer and wine, for consumption on the premises, shall be prohibited between the hours of 2:00 a.m. and 6:00 a.m.; or
- (d) On any Sunday the sale or dispensing of alcoholic liquor, including beer and wine, for consumption off the premises, shall be prohibited between the hours of 1:00 a.m. and 6:00 a.m.; or
- (e) The hours during which a holder of a special designated permit may sell or distribute alcoholic liquor, other than beer and wine, on Sunday shall be established by the City Council at the time the permit application is considered.”

**SECTION 2.** That Section 4-3 of the Beatrice City Code be and hereby is amended as follows:

**“Sec. 4-3. Consumption in public – Generally.**

- (a) Except as otherwise prohibited in licenses issued by the Nebraska Liquor Control Commission, it shall be unlawful for any person to consume alcoholic liquors in the public streets, alleys, parking areas, roads or highways; or inside vehicles while upon the public streets, alleys, parking areas, roads or highways; or upon property owned by the state or any governmental subdivision thereof, unless authorized by the governing bodies having jurisdiction over such properties. This subsection shall not apply to persons who are passengers of, but not drivers of, a limousine or bus service operated under Nebraska Revised Statute section 60-6,211.08.
- (b) The dispensing, consumption, or use of alcoholic liquor in any public park shall be prohibited except the consumption of alcoholic liquor is permitted at the cabin located in the southwest corner of Chautauqua Park and the campgrounds located in Chautauqua Park and Riverside Park. The exception set forth in this section shall only apply to the individual renting the exempt location and their guests.”

**SECTION 3.** That Section 4-4 of the Beatrice City Code be and hereby is amended as follows:

**“Sec. 4-4. Same--Restaurants, clubs, limousines, buses etc.**

- (a) It shall be unlawful for any person owning, operating, managing or conducting any dance hall, restaurant, cafe, club or any place open to the general public to permit or allow any person to consume alcoholic liquor upon the premises, except as permitted by a license theretofore issued to such premises.
- (b) It shall be unlawful for any person to consume alcoholic liquor in any dance hall, restaurant, cafe, club or any place open to the general public except as permitted by a license theretofore issued to such premises.
- (c) This section shall not apply to a retail licensee while lawfully engaged in the catering of alcoholic beverages or to limousines or buses operated pursuant to Nebraska Revised Statute section 60-6,211.08.”

**SECTION 4.** That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 5.** That this ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

PASSED AND APPROVED this 4<sup>th</sup> day of November, 2013.

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Dennis M. Schuster, Mayor

Attest:

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Linda S. Koch, City Clerk