

FAILED ON FIRST READING

ORDINANCE NO. 1651

AN ORDINANCE TO AMEND SECTION 3-1 AND SECTION 3-6 OF THE CITY CODE OF LEXINGTON, DAWSON COUNTY, NEBRASKA; TO PROVIDE FOR SUNDAY OPENING OF ATHLETIC CLUBS; TO REPEAL ORIGINAL SECTIONS 3-1 AND 3-6; TO PROVIDE AN EFFECTIVE DATE AND TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM.

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

Section 1. That Section 3-1 of the Lexington City Code is hereby amended to read as follows:

Section 3-1. Definitions.

Unless otherwise indicated, the words and phrases used in this chapter are used in the sense as defined in Section 53-103, Revised Statutes of Nebraska, 1943, or as may be later amended.

Athletic Club. A license holder whose primary business or purpose is to provide physical facilities for athletic recreation, and which limits access to the facility to members or guests of members, and which charges a good faith, non-refundable, membership fee of at least \$50.00 per year.

Section 2. That Section 3-6 of the Lexington City Code is hereby amended to read as follows: Section 3-6. Hours of Sale Generally.

(a) No person shall sell at retail or dispense any alcoholic liquor, including beer, on the day of any election, including any primary election, within the boundaries of the city when the election is one in which all of the electors of the city may participate in the voting, during the hours the polls are open within the city.

(b) No alcoholic liquors, including beer, shall be sold at retail or dispensed on the first day of the week, commonly called Sunday, or on Thanksgiving Day and Christmas, between the hours of 1:00 A.M. and 1:00 A.M. on the day following; provided, that an athletic club may dispense wine and beer for consumption on the premises between the hours of 6:00 A.M. Sunday and 6:00 P.M. on Sunday, and may dispense alcoholic liquor for consumption on the premises after 6:00 P.M. on Sunday, but such licensee shall not sell or dispense liquors on more than six days each week. Such licensee shall file with the City Clerk an election to be treated as an athletic club and designating the closing day, which document shall be kept with the liquor license and made available for public inspection.

(c) No alcoholic liquors, including beer, shall be sold at retail or dispensed on secular days between 1:00 A.M. and 6:00 A.M.

(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 liquor is prohibited by this section.

Section 3. That original Sections 3-1 and 3-6 and any other ordinances or sections in conflict herewith are hereby repealed.

Section 4. That this ordinance shall be published in pamphlet form and take effect as provided by law.

PASSED AND APPROVED this _____ day of _____, 1980.

President of the Council

ATTEST:

City Clerk