

ORDINANCE NO. 553

AN ORDINANCE TO AMEND CHAPTER 112 “ALCOHOLIC BEVERAGES”, SECTION 112.02 “LOCATION ” OF THE BUSINESS REGULATIONS OF THE MUNICIPAL CODE OF THE CITY OF CHAPPELL, NEBRASKA TO PROVIDE FOR AN EXCEPTION ALLOWING THE SALE OF ALCOHOL WITHIN 150 FEET OF A CHURCH IF THE AFFECTED CHURCH IS PROVIDED WRITTEN NOTICE AND DOES NOT FILE A WRITTEN REQUEST FOR HEARING.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHAPPELL, NEBRASKA:

Section 1. That §112.02 of the City of Chappell Code of Ordinances is amended to read as follows:

§ 112.02 LOCATION.

(1) Except as otherwise provided in subsection (2) of this section, it shall be unlawful for any person or persons to own, maintain, manage, or hold open to the public any establishment for the purpose of selling at retail any alcoholic liquor within one hundred fifty feet of any church, school, hospital, or home for indigent persons or for veterans and their wives or children. This prohibition does not apply (a) to any location within such distance of one hundred fifty feet for which a license to sell alcoholic liquor at retail or for a bottle club has been granted by the Nebraska Liquor Control Commission for two years continuously prior to making of application for license, (b) to hotels offering restaurant service, to regularly organized clubs, or to restaurants, food shops, or other places where sale of alcoholic liquor is not the principal business carried on, if such place of business so exempted was established for such purposes prior to May 24, 1935, or (c) to a college or university in the state which is subject to section Neb. Rev. Stat. 53-177.01.

(2) This prohibition shall not apply to a proposed location for the sale at retail of any alcoholic liquor within one hundred fifty feet of any church if the City gives written notice to the affected church and the church does not submit a written request for a public hearing within 30 days of notice.

Section 2: That any other ordinance or passed and approved prior to the passage, approval and publication of this Ordinance and in conflict with the provisions of this Ordinance, is hereby repealed.

Section 3: This Ordinance shall go into full force and effect upon its passage, approval and publication or posting as required by law.

Passed and approved this 2nd day of January, 2024.

Kent Smith, Mayor

Ashlea Bauer
City Administrator/Clerk