

ORDINANCE NO. _____

1 AN ORDINANCE amending Section 9.36.080 of the Lincoln Municipal Code
 2 to allow the Lincoln Airport Authority to designate flight patterns that are in need of control
 3 of the bird population for the protection of the public health, safety, and welfare; and to allow
 4 City recognized homeowner associations to use nonlethal means to help reduce the bird
 5 populations with the flight patterns; and repealing Section 9.36.080 of the Lincoln Municipal
 6 Code as hitherto existing.

7 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

8 Section 1. That Section 9.36.080 of the Lincoln Municipal Code be amended
 9 to read as follows:

10 **9.36.080 Exemptions.**

11 The provisions of Sections 9.36.010 and 9.36.050 shall not apply to (a) licensed
 12 shooting galleries or archeries; (b) any range operated, supervised, and maintained by the
 13 United States of America, the State of Nebraska, or any governmental subdivision thereof,
 14 when in connection with an educational or training program and upon property owned or
 15 leased by the United States of America, the State of Nebraska, or subdivision or agency
 16 thereof; (c) a private building within which the instrument is fired, discharged, or operated in
 17 the private building in such a manner as to prevent the missile projected from traversing in the
 18 space outside of the private building; (d) any law enforcement officer in the performance of
 19 such officer's duties; ~~and~~ (e) any agent or employee of a political subdivision engaged in
 20 controlling the bird or animal population on property owned, leased, or controlled by such

1 political subdivision when authorized by such political subdivision for the protection of the
2 public health, safety, or welfare-; and (f) any City recognized homeowner association, located
3 in a flight pattern designated by the Lincoln Airport Authority and in need of bird control, may
4 engage in nonlethal means of controlling the bird population on property owned, leased or
5 controlled by the homeowner association when authorized by the City of Lincoln and while
6 under the supervision of the Nebraska Game & Parks Commission for the protection of the
7 public health, safety, or welfare. The Lincoln Airport Authority must file with the City Clerk
8 a copy of the flight patterns and areas in which control of the bird population is necessary.

9 Section 2. That Sections 9.36.080 of the Lincoln Municipal Code as hitherto
10 existing be and the same is hereby repealed.

11 Section 3. That this ordinance shall take effect and be in force from and after
12 its passage and publication according to law.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____,
2002:

Mayor