

ORDINANCE NO. _____

1 AN ORDINANCE amending Chapter 8.22 of the Lincoln Municipal Code relating
 2 to Littering by adding a new section numbered 8.22.175 to provide that persons or businesses
 3 advertising through materials distributed in a manner in violation of Chapter 8.22 shall be equally
 4 liable along with the person distributing such materials and providing a rebuttable presumption that
 5 any person or business advertised in the posting shall be guilty of violating the section; by amending
 6 Section 8.22.210, relating to penalties for violations, to increase the maximum fine for violations
 7 of Chapter 8.22 from \$100.00 to \$500.00; and repealing Section 8.22.210 of the Lincoln Municipal
 8 Code as hitherto existing.

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

10 Section 1. That Chapter 8.22 of the Lincoln Municipal Code be amended by adding
 11 a new section numbered 8.22.175 to read as follows:

12 **8.22.175 Person or Business Equally Liable.**

13 No person or business shall advertise goods, wares, events, concerts, or merchandise by
 14 causing such advertising material to be thrown, deposited, or posted in violation of any of the
 15 provisions of this chapter.

16 Any person or business that advertises goods, wares, events, concerts, or merchandise by
 17 causing such advertising material to be thrown, deposited, or posted in violation of any of the
 18 provisions of this chapter shall be guilty of violating this section along with the person so throwing,
 19 depositing, or posting the same.

20 There shall be a rebuttable presumption that any person or business advertised in any posting
 21 or the site of a concert or event shall be guilty of violating this section.

1 Section 2. That Section 8.22.210 of the Lincoln Municipal Code be amended to read
2 as follows:

3 **8.22.210 Penalty for Violations.**

4 Any person violating any of the provisions of this chapter shall be deemed guilty of a
5 misdemeanor and upon conviction thereof shall be fined in an amount not exceeding ~~\$100.00~~
6 \$500.00, or be imprisoned in the county jail for a period not exceeding six months or be both so
7 fined and imprisoned. Each day such violation is committed or permitted to continue shall constitute
8 a separate offense and shall be punishable as such hereunder.

9 Section 3. That Section 8.22.210 of the Lincoln Municipal Code as hitherto existing
10 be and the same is hereby repealed.

11 Section 4. That this ordinance shall take effect and be in force from and after its
12 passage and publication according to law.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2006: _____ Mayor
