

ORDINANCE NO. \_\_\_\_\_

1           WHEREAS, the population of the City of Lincoln has grown and the problems  
2 associated with disorderly houses are exacerbated; and

3           WHEREAS, the Police Department has identified disorderly houses as the frequent  
4 cause of other crimes in the surrounding neighborhood, such as littering, trespassing, public  
5 urination, minor in possession of alcohol, and disturbing the peace that effect public health, safety  
6 and welfare; and

7           WHEREAS, the City Council has determined that these violations can significantly  
8 disrupt and cause disrespect for property and other human beings living in the neighborhoods around  
9 the location of disorderly houses; and

10           WHEREAS, the City Council has determined these secondary violations would not  
11 occur in the absence of the disorderly house.

12           THEREFORE, the City Council has created this ordinance to amend Chapter 9.20  
13 of the Lincoln Municipal Code relating to Offenses Against Public Peace by adding a new section  
14 numbered 9.20.045 to establish minimum penalties for these violations and enhance penalties for  
15 subsequent violations; amending Section 9.20.030 to further define the persons found to be  
16 responsible for property; and repealing Section 9.20 030 of the Lincoln Municipal Code as hitherto  
17 existing.

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

19           Section 1. That Section 9.20.030 of the Lincoln Municipal Code be amended to read  
20 as follows:

21           **9.20.030     Disorderly House; Maintaining.**

1           The term "disorderly house" as used in this chapter shall be deemed to be any room, house,  
2 building, structure, or premises, where unlawful or illegal acts are being committed. It shall be  
3 unlawful for the owner, lessee, resident, manager, or proprietor of any room, house, building,  
4 structure, or premises to knowingly collect or permit to be collected therein persons who are  
5 engaging in any unlawful act, or to knowingly make, cause, permit, or suffer to be made therein any  
6 loud or improper noise to the annoyance or disturbance of any person or neighborhood.

7           Section 2. That Chapter 9.20 of the Lincoln Municipal Code be amended by adding  
8 a new section numbered 9.20.045 to read as follows:

9           **9.20.045       Disorderly House; Penalty for Violations.**

10           (a)   Any person who violates Section 9.20.030 or Section 9.20.040 shall be guilty of a  
11 misdemeanor and upon conviction of a first offense shall be punished by imprisonment in the county  
12 jail for a period not to exceed six months, or by a fine of not less than \$250.00 nor more than  
13 \$500.00, recoverable with costs, or both such fine and imprisonment.

14           (b)   Any person who violates Section 9.20.030 or Section 9.20.040 and has had one  
15 conviction for violation of either Section 9.20.030 or Section 9.20.040 in the ten years prior to the  
16 date of the current conviction shall be punished by imprisonment in the county jail for a period of  
17 not to exceed six months, or by a fine of not less than \$350.00 nor more than \$500.00, recoverable  
18 with costs, or both such fine and imprisonment.

19           (c)   Any person who violates Section 9.20.030 or Section 9.20.040 and has had two or  
20 more convictions for violation of either Section 9.20.030 or Section 9.20.040 in the ten years prior  
21 to the date of the current conviction shall be punished by imprisonment in the county jail for a period  
22 of three days to six months and a fine of not less than \$400.00 nor more than \$500.00, recoverable  
23 with costs.

1                   Section 3. That Section 9.20.030 of the Lincoln Municipal Code as hitherto existing  
2 be and the same is hereby repealed

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

Introduced by:

\_\_\_\_\_

Approved as to Form & Legality:

\_\_\_\_\_  
City Attorney

Approved this \_\_\_ day of \_\_\_\_\_, 2006:

\_\_\_\_\_  
Mayor