

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

1           AN ORDINANCE amending Chapter 8.20 of the Lincoln Municipal Code relating to  
2 the Lincoln Food Code by amending Section 8.20.030 to revise and add definitions; amending  
3 Section 8.20.040 to create a uniform reference to the Lincoln Food Code; amending Section  
4 8.20.060 to create a uniform reference to the Lincoln Food Code; repealing Section 8.20.070 relating  
5 to prohibited acts; amending Section 8.20.100 to create a uniform reference to the Lincoln Food  
6 Code; amending Section 8.20.110 to clarify the term for a temporary food establishment permit;  
7 amending Section 8.20.120 to provide exemptions to permit requirements for specific food  
8 establishments; amending Section 8.20.130 to create classifications of temporary food  
9 establishments; amending Section 8.20.140 to replace a reference to a specific section with a  
10 reference to the Lincoln Food Code; amending Section 8.20.150 relating to permit fees and  
11 temporary food establishments; amending Section 8.20.170 to replace a reference to a specific  
12 section with a reference to the Lincoln Food Code; repealing Section 8.20.180 relating to  
13 exemptions for food sales by nonprofit organizations; amending Section 8.20.190 to provide staffing  
14 and records requirements for food establishments; adding a new section numbered 8.20.195 to set  
15 forth types of food handler and food manager permits; adding a new section numbered 8.20.197 to  
16 establish requirements for submitting applications for food handler and food manager permits;  
17 repealing Section 8.20.200 relating to the duties of food managers and food handlers; amending  
18 Section 8.20.210 to create a uniform reference to the Lincoln Food Code; amending Section  
19 8.20.220 to create the term of food handler and food manager permits; amending Section 8.20.230  
20 to revise food handler and food manager permit fees to reflect the change in classifications;

1 amending Section 8.20.245 to require that the Health Director be notified if an employee is  
2 diagnosed with or suspected of having Norovirus, Enterohemorrhagic or Shiga Toxin-producing  
3 Escherichia coli; amending Section 8.20.260 to clarify and organize the section and provide uniform  
4 references to particular terms; amending Sections 8.20.262 and 8.20.264 to clarify and organize the  
5 sections for more convenient referencing; amending Section 8.20.270 to add prohibited acts;  
6 amending Section 8.20.280 to replace a reference to a specific section and provide a uniform  
7 reference to the Lincoln Food Code; amending Section 8.20.290 to delete a reference to a specific  
8 section and replace it with date of suspension; amending Section 8.20.300 to provide a uniform  
9 reference to Person In Charge and Lincoln Food Code; amending Section 8.20.310 to delete a  
10 reference to license and provide a uniform reference to the Lincoln Food Code; amending Section  
11 8.20.320 to provide for a uniform reference to permit holder and Person In Charge; amending  
12 Section 8.20.340 to provide a uniform reference to the Lincoln Food Code and to clarify that civil  
13 and criminal actions may be taken; and repealing Sections 8.20.030, 8.20.040, 8.20.060, 8.20.100,  
14 8.20.110, 8.20.120, 8.20.130, 8.20.140, 8.20.150, 8.20.170, 8.20.190, 8.20.210, 8.20.220, 8.20.230,  
15 8.20.245, 8.20.260, 8.20.262, 8.20.264, 8.20.270, 8.20.280, 8.20.290, 8.20.300, 8.20.310, 8.20.320,  
16 and 8.20.340 of the Lincoln Municipal Code as hitherto existing.

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

18 Section 1. That Section 8.20.030 of the Lincoln Municipal Code be amended to read  
19 as follows:

20 **8.20.030 Definitions.**

21 (a) Except § 1-201.10(B)(35), (36), (60), (76), (100), or as provided below, the definitions  
22 of words and phrases in the ~~2001~~ 2005 recommendations of the United States Public Health Service  
23 Food and Drug Administration "Food Code" shall apply to the same words and phrases in the  
24 Lincoln Food Code.

1 (b) For purposes of this chapter, the following definitions shall apply:

2 **Additional food preparation facility** shall mean a separate food preparation facility  
3 operated within or as an accessory to an approved food establishment owned and operated by the  
4 same person.

5 **City** shall mean the City of Lincoln, Nebraska and the area within three miles of the City of  
6 Lincoln, Nebraska.

7 **Food catering** shall mean an operation that transports ready to eat food to another location  
8 from an approved food establishment. Food catering includes both an operation that only delivers  
9 food and an operation that delivers and serves food.

10 **Food establishment** shall mean an operation that stores, prepares, packages, serves, vends  
11 or otherwise provides food for human consumption. Food establishment includes, but is not limited  
12 to:

13 (1) Additional food preparation facility;

14 (2) Temporary food establishment;

15 (3) Farmers' market;

16 (4) Event market;

17 (5) Food catering, food concession booth or stand, mobile food unit and pushcart;

18 (6) Restaurant, coffee shop, diner, cafeteria, commissary, buffet, smorgasbord, short  
19 order café, luncheonette, grill, tea room, sandwich shop, soda fountain, ice cream shop, popcorn  
20 stand, limited food service, delicatessen, bakery, and similar establishments;

21 (7) Tavern, bar, cocktail lounge, bottle club, licensed beverage establishment, and  
22 nightclub;

23 (8) Food service at a hospital, nursing home, institution, industry, or hotel;

24 (9) Food service operated by a ~~church, charity, lodge, organization or club~~ nonprofit  
25 organization; or

26 (10) Manufacturer of food for sale or distribution to the public not otherwise approved.

27 The term **food establishment** shall not include:

1 (1) An establishment ~~that offers only prepackaged~~ which is not a commercial food  
2 establishment and which sells only commercially prepackaged foods that are not potentially  
3 hazardous;

4 (2) A produce stand that only offers whole, uncut fresh fruits and vegetables;

5 ~~(3) A food processing plant;~~

6 ~~(4) A salvage operation;~~

7 ~~(5)~~ (3) A private home where food is prepared or served for personal use, a ~~small day care~~  
8 ~~in the home~~ child care, or a hunting lodge, guest ranch, bed and breakfast, or other operation lodging  
9 facility where no more than ten paying guests eat meals in the home;

10 ~~(6) A private home or other area where food that is not potentially hazardous is~~  
11 ~~prepared for sale or service at a community/cultural center, religious, charitable, or fraternal~~  
12 ~~organization's bake sale or similar function.~~

13 ~~(7)~~ (4) ~~The~~ A location where food prepared by a caterer is served so long as the caterer  
14 only minimally handles the food at the serving location.

15 ~~(8) Retail market, grocery store, salvage operation, or convenience store.~~

16 **Food H handler P permits** shall mean a serve/clean food handler and/or a prep/cook food  
17 handler permit.

18 ~~(1) **Level I Food Handler** shall mean any person who has satisfactorily completed~~  
19 ~~Level I Food Handler training involving the principles of proper hygiene, cleaning and sanitizing~~  
20 ~~according to the standards and regulations adopted under Section 8.20.060 for non-food service~~  
21 ~~employees such as dishwashers and bus staff.~~

22 ~~—————(2) **Level II Food Handler** shall mean any person who has satisfactorily completed~~  
23 ~~Level II Food Handler training involving the core knowledge of food safety and sanitation according~~  
24 ~~to the standards and regulations adopted under Section 8.20.060 for food service employees such~~  
25 ~~as wait staff and cooks.~~

26 ~~—————(3) **Level II Approved Inservice Food Handler** shall mean any person who has~~  
27 ~~satisfactorily completed Level II Food Handler training through a Department-approved inservice~~

1 training program involving the core knowledge of food safety and sanitation according to the  
2 standards and regulations adopted under Section 8.20.060 for food service employees such as wait  
3 staff and cooks.

4 ~~————— (4) **Level III Food Handler** shall mean any person who has satisfactorily completed~~  
5 ~~Level III Food Handler training according to the standards and regulations adopted under Section~~  
6 ~~8.20.060 involving the in-depth knowledge of food safety and sanitation for food service employees~~  
7 ~~such as supervisors and assistant managers.~~

8 ~~————— (5) **Restricted Food Manager** shall mean any person who has satisfactorily~~  
9 ~~completed Restricted Food Manager or Level III Food Handler training according to the standards~~  
10 ~~and regulations adopted under Section 8.20.060 involving the thorough knowledge of food safety~~  
11 ~~and sanitation for Food Managers of food service establishments that do not prepare and serve~~  
12 ~~potentially hazardous foods.~~

13 ~~————— (6) **Food Manager** shall mean any person who has satisfactorily completed Food~~  
14 ~~Manager training according to the standards and regulations adopted under Section 8.20.060~~  
15 ~~involving the thorough knowledge of food safety and sanitation for career food service employees~~  
16 ~~such as managers and owners.~~

17 **Food manager permit** shall mean a food protection manager and/or a restricted/shift food  
18 manager permit.

19 **Food permit holder** shall mean the person named as the permittee of an approved food  
20 establishment.

21 **Health Director** shall mean the Director of the Lincoln-Lancaster County Health Depart-  
22 ment or an authorized representative of the Director.

23 **Lincoln Food Code** shall mean this chapter, including all applicable laws and standards  
24 adopted by reference and all standards and regulations adopted pursuant to this chapter.

25 **Nonprofit organization** shall mean:

26 (1) A nonprofit organization holding a certificate of federal tax exemption under  
27 Section 501 of the Internal Revenue Code;

1 (2) A corporation subject to the provisions of Sections 21-1901 to 21-1991 Nebraska  
2 Revised Statutes; or

3 (3) A nonprofit organization that conducts its major activities for charitable or  
4 community betterment purposes.

5 **Occasional** shall mean no more than twenty-four times during any twelve-month period.

6 **Person** shall mean an individual, firm, partnership, company, corporation, trustee,  
7 association organization or other public or private entity. Person includes a nonprofit organization  
8 as defined in ~~this chapter~~ the Lincoln Food Code.

9 **Person In Charge** ~~shall mean the permit holder or a permitted Food Manager designated~~  
10 ~~by the permit holder as the person responsible for the operation of a food establishment~~ shall mean  
11 the individual who is responsible for the operation of the food establishment and who is present at  
12 the food establishment or is readily accessible to communicate with employees and the Health  
13 Director.

14 **Regulatory authority** shall mean the Lincoln-Lancaster County Health Department when  
15 referring to an agency and the Health Director when referring to a person.

16 **Temporary food establishment** shall mean a food establishment that:

- 17 (1) Complies with the permit conditions for an event market; or  
18 (2) Complies with the permit conditions for a farmers's market; or  
19 (3) Complies with ~~all applicable regulations for a food establishment and is in~~  
20 ~~operation for no more than fourteen consecutive days~~ the permit conditions for a single-event.

21 **Vendor** shall mean a retail food establishment selling food to an end use consumer such as  
22 a food concessions booth or stand, mobile food unit or pushcart.

23 Section 2. That Section 8.20.040 of the Lincoln Municipal Code be amended to read  
24 as follows:

25 **8.20.040 Administration; Publication.**

1 (a) The Health Director shall be responsible for administration, interpretation, and  
2 enforcement of the Lincoln Food Code, but such administration, interpretation, and enforcement  
3 shall not conflict with applicable laws or regulations of the United States or the State of Nebraska.

4 (b) The Health Director shall file the sanitation standards and regulations adopted under  
5 the provisions of this chapter and such additional sanitation standards and regulations as may be  
6 from time to time adopted hereunder in the office of the City Clerk. The Health Director may  
7 publish the Lincoln Food Code ~~and all adopted sanitation standards and regulations~~ in booklet form.  
8 One copy of the most current edition of such booklet shall be filed in the office of the City Clerk.

9 (c) The Health Director shall be responsible for keeping and maintaining all appropriate  
10 records related to administration, interpretation and enforcement of ~~this chapter~~ the Lincoln Food  
11 Code.

12 Section 3. That Section 8.20.060 of the Lincoln Municipal Code be amended to read  
13 as follows:

14 **8.20.060 Additional Sanitation Standards and Regulations; Publication Board of Health.**

15 (a) The Board of Health, following a public hearing at a regular Board of Health meeting,  
16 may adopt standards ~~in addition to those adopted pursuant to Section 8.20.050~~ to reasonably apply  
17 the Lincoln Food Code including but not limited to standards for:

- 18 (1) Temporary food establishments;
- 19 (2) Food catering;
- 20 (3) Employee training;
- 21 (4) ~~Level I, Level II, Level II Approved Inservice Food Handler, and Level III Food~~  
22 ~~Handlers~~ Food handler permits;
- 23 (5) ~~Food Managers and Restricted Food Managers~~ manager permits;
- 24 (6) Food vendors including food made in the home for sale to the public; or
- 25 (7) Food Equipment.

26 (b) The Health Director shall implement such additional standards.

27 (c) The additional standards shall be:

1 (1) ~~Consistent with the Lincoln Food Code~~ At least as restrictive as this chapter and  
2 all applicable laws and regulations;

3 (2) Provide the minimum public health and sanitation requirements; and

4 (3) Allow the use of equivalent health and sanitation practices if the practices conform  
5 to the additional standards.

6 (d) The Health Director may require that a person who uses equivalent health and  
7 sanitation practices submit sufficient evidence to substantiate that the practice is equivalent to the  
8 standards.

9 Section 4. That Section 8.20.070 of the Lincoln Municipal Code be and the same is  
10 hereby repealed:

11 **8.20.070 — Prohibited Acts:**

12 ~~— (a) It shall be unlawful for any person to sell, offer for sale, or permit the sale of a~~  
13 ~~potentially hazardous food to the public unless:~~

14 ~~— (1) The food is approved or the food is exempted from the Lincoln Food Code, and~~

15 ~~— (2) Such person is not operating a food establishment under the Lincoln Food Code.~~

16 ~~— (b) It shall be unlawful for any person to sell, offer for sale, or permit the sale of any food~~  
17 ~~at an authorized farmer's market other than food lawfully allowed to be sold under such permit.~~

18 ~~— (c) It shall be unlawful for any person other than the Health Director to remove, alter,~~  
19 ~~deface, conceal, or avoid a hold order notice or tag placed under Section 8.20.270.~~

20 ~~— (d) It shall be unlawful for any person to sell, offer for sale, or permit the sale of food~~  
21 ~~subject to a hold order notice or tag placed under Section 8.20.270.~~

22 ~~— (e) It shall be unlawful for any person to repackage, relabel, transport or alter food subject~~  
23 ~~to a hold order notice or tag placed under Section 8.20.270 without written approval of the Health~~  
24 ~~Director.~~

25 ~~— (f) It shall be unlawful for any person to fail, neglect, or refuse to perform a duty imposed~~  
26 ~~by the Lincoln Food Code, or to violate any of the provisions of the Lincoln Food Code.~~

27 Section 5. That Section 8.20.100 of the Lincoln Municipal Code be amended to read  
28 as follows:

29 **8.20.100 Food Establishment Permits; Issuance.**

30 (a) Upon receipt of an application and the applicable permit fee for a food establishment  
31 permit, the Health Director shall make an inspection to determine if the proposed food establishment  
32 complies with the ~~provisions of this chapter and any other applicable law or standard~~ Lincoln Food  
33 Code.



1 (b) The Health Director shall complete the inspection and issue or deny the food  
2 establishment permit within a reasonable time not to exceed thirty days.

3 (c) The Health Director shall issue a food establishment permit if the Health Director  
4 determines that the applicant complies with the Lincoln Food Code ~~and any other applicable law or~~  
5 ~~standard.~~

6 (d) A food establishment permit issued under the Lincoln Food Code is strictly limited to  
7 the person and premises or facility specified in the food establishment permit application.

8 (e) A food establishment permit is not transferable from one person to another person or  
9 from one premises or facility to another premises or facility.

10 (f) The Health Director shall require separate permits as follows:

11 (1) If several food establishments are located at the same address but are owned by  
12 different persons, each person shall obtain a separate food establishment permit.

13 (2) If one person operates several food establishments at different addresses, that  
14 person shall obtain a separate food establishment permit for each address.

15 (g) A food establishment regulated under ~~this chapter~~ the Lincoln Food Code shall comply  
16 with all other applicable city ordinances relating to facility design, construction and operation.

17 Section 6. That Section 8.20.110 of the Lincoln Municipal Code be amended to read  
18 as follows:

19 **8.20.110 Food Establishment Permits; Term and Expiration.**

20 (a) All food establishment permits, except those issued for temporary food establishments,  
21 shall expire on the thirty-first day of May each year.

22 (b) The Health Director may approve the renewal of food establishment permits, except  
23 those issue for temporary food establishments, without making a reinspection.

24 ~~(c) Single-event temporary food establishment permits, except those issued for farmer's~~  
25 ~~markets, shall be valid only for the time stated on the permit, and in no case longer than fourteen~~  
26 ~~consecutive days.~~

1 ~~——(d) A temporary food establishment permit for a farmer’s market shall be valid only for~~  
2 ~~the time stated on the permit, and in no case longer than one year.~~

3 Section 7. That Section 8.20.120 of the Lincoln Municipal Code be amended to read  
4 as follows:

5 **8.20.120 Food Establishment; Exemptions.**

6 ~~——The following operations do not require a permit under the Lincoln Food Code:~~

7 ~~——(a) A large commercial food manufacturer, meat processing plant, cold storage warehouse,~~  
8 ~~or an ice manufacturer licensed to operate or inspected by the State of Nebraska or an agency of the~~  
9 ~~United States Government.~~

10 ~~——(b) A retail food store operation, a retail food vendor, or any portion of the same regulated~~  
11 ~~under the Nebraska Pure Food Act.~~

12 ~~——(c) A roadside stand that sells only fresh, uncut fruits and vegetables.~~

13 ~~——(d) An exempt nonprofit organization as provided in Section 8.20.180.~~

14 ~~——(e) A bed and breakfast inn.~~

15 (a) The following food establishments which possess a valid permit from the State of  
16 Nebraska or an agency of the United States Government shall be exempt from obtaining a permit  
17 from the Health Director:

- 18 (1) Salvage operation;
- 19 (2) Food processing plant;
- 20 (3) Food storage establishment;
- 21 (4) Commercial food establishment;
- 22 (5) Retail food store;
- 23 (5) Convenience store;
- 24 (6) Itinerant food vendor; and
- 25 (7) Vending machine operation;

26 (b) The following operations by a nonprofit organization shall not require a food  
27 establishment permit:

1           (1) Occasional bake sales of food that is not potentially hazardous.

2           (2) Sales of manufactured, prepackaged foods that are not potentially hazardous and  
3 which have been prepared in an approved food preparation facility.

4           (3) Service of food that is not potentially hazardous which is limited to the members  
5 and guests of the nonprofit organization.

6           (4) Occasional service of potentially hazardous food on the nonprofit organization's  
7 own premises or at a location where a permanent food service facility is located and used by the  
8 nonprofit organization. Permanent food service facility shall mean a kitchen facility located at a  
9 church, meeting hall, or other place of public assembly that is specifically equipped for food service  
10 to a large number of people. Except, when a nonprofit organization sells potentially hazardous food  
11 to the public at a location where there is no permanent food service facility, the nonprofit  
12 organization shall obtain a temporary food establishment permit.

13           (c) A food establishment exempted by this section shall not be relieved of any other  
14 obligations including, but not limited to, handling of food under safe and sanitary conditions.

15           Section 8. That Section 8.20.130 of the Lincoln Municipal Code be amended to read  
16 as follows:

17 **8.20.130     ~~Farmer's Market and Event Market; Temporary Food Establishment Permit;~~**  
18 **Types; Permit Conditions.**

19           ~~(a) A temporary food establishment shall be a Farmer's Market if the temporary food~~  
20 ~~establishment operation:~~

21           ~~————— (1) Consists of more than one vendor operating under the supervision and direction~~  
22 ~~of one approved person, the permit holder, who is responsible for the group of vendors named on~~  
23 ~~the permit; and~~

24           ~~————— (2) Limits food sales to:~~

25           ~~————— (i) Fresh fruits and vegetables permitted by the Nebraska Department of~~  
26 ~~Agriculture or~~

27           ~~————— (ii) Other food the Health Director has expressly approved in writing on the~~  
28 ~~permit if the food:~~

1 ~~\_\_\_\_\_ A. Is labeled to truthfully identify the food and the name and address~~  
2 ~~of the vendor;~~

3 ~~\_\_\_\_\_ B. Is packaged for sale before it is transported to the market site.~~

4 ~~\_\_\_\_\_ (b) A temporary food establishment is an Event Market if the temporary food~~  
5 ~~establishment operation:~~

6 ~~\_\_\_\_\_ (1) Consists of more than one vendor operating under the supervision and direction~~  
7 ~~of the permit holder who shall be responsible for the group of vendors named on the permit, and~~

8 ~~\_\_\_\_\_ (2) The permit holder is a sponsor of the event; and~~

9 ~~\_\_\_\_\_ (3) The Event Market is in operation for no more than fourteen (14) consecutive days.~~

10 ~~\_\_\_\_\_ (c) The Health Director may change the group members of an approved farmer's market~~  
11 ~~or event market permit upon the request of the permit holder.~~

12 ~~\_\_\_\_\_ (d) The applicable permit conditions shall be set forth in writing on the permit.~~

13 (a) A single-event temporary food establishment permit shall only be valid for the time  
14 stated on the permit, and in no case longer than fourteen consecutive days.

15 (b) A farmers' market temporary food establishment permit shall be valid only for the time  
16 stated on the permit, and in no case longer than one year, and the farmers' market must operate as  
17 follows:

18 (1) A food permit holder shall provide supervision and direction to vendors;

19 (2) The food permit holder is responsible for the group of vendors named on the  
20 permit;

21 (3) Food sales shall be limited to:

22 (i) Fresh fruits and vegetables allowed by the Nebraska Department of  
23 Agriculture; or

24 (ii) Other food the Health Director has expressly approved in writing on the  
25 temporary food establishment permit, if the food:

26 A. Is labeled to truthfully identify the food and the name and address  
27 of the vendor; and

28 B. Is packaged for sale before it is transported to the market site; and

1           (4) The Health Director may change the group members of an approved farmers’  
2 market temporary food establishment permit upon the request of the food permit holder.

3           (c) An event market temporary food establishment permit shall be valid only for the time  
4 stated on the permit, and in no case longer than fourteen days, and the event market must operate  
5 as follows:

6           (1) A food permit holder shall provide supervision and direction to vendors;

7           (2) The food permit holder is responsible for the group of vendors named on the  
8 permit; and

9           (3) The Health Director may change the group members of an approved event market  
10 temporary food establishment permit upon the request of the food permit holder.

11           (d) The applicable permit conditions shall be set forth in writing on the temporary food  
12 establishment permit.

13           Section 9. That Section 8.20.140 of the Lincoln Municipal Code be amended to read  
14 as follows:

15 **8.20.140 Food Catering, Temporary Food Establishment, Pushcarts, and Mobile Food**  
16 **Unit; Permit Conditions.**

17           (a) Unless otherwise provided ~~in Section 8.20.060~~ within the Lincoln Food Code, food  
18 catering services, temporary food establishments, pushcarts, and mobile food units shall comply with  
19 all the requirements for a food establishment.

20           (b) In addition, food catering, temporary food establishments, pushcarts, and mobile food  
21 units shall:

22           (1) Transport food so that the food is protected from contamination;

23           (2) Properly maintain adequate food temperatures of potentially hazardous food so  
24 bacterial growth is kept to a minimum during transport and during service at the destination; and

25           (3) Limit food handling in delivery and on site service to only those employees  
26 properly permitted as a food manager or a food handler under the Lincoln Food Code.

1 (c) A food establishment catering permit does not allow the catering permit holder to sell  
2 food as a vendor.

3 Section 10. That Section 8.20.150 of the Lincoln Municipal Code be amended to read  
4 as follows:

5 **8.20.150 Food Establishment; Permit Fees.**

6 (a) Any person who secures a food establishment permit under the Lincoln Food Code  
7 shall pay the appropriate fee as follows:

8 (1) Food Establishment:

9	Food establishment -- new permit . . . . .	\$430.00
10	Food establishment -- renewal . . . . .	\$290.00
11	Each additional food preparation facility	
12	(new or renewal) . . . . .	\$130.00

13 (2) Mobile Food Unit:

14	New or renewal as additional facility . . . . .	\$130.00
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15 (3) Food Catering Services:

16	Operating as an additional food preparation facility to	
17	an approved food establishment:	
18	New or renewal . . . . .	\$130.00

19 (4) Temporary Food Establishment:

20 (a) Operating for a single event not to exceed  
21 fourteen consecutive days

22	Temporary food establishment . . . . .	\$115.00
23	With a related food establishment . . . . .	\$ 55.00
24	Nonprofit organization . . . . .	\$ 55.00

25 (b) Operating annually for more than one single event not to  
26 exceed fourteen consecutive days

27	Temporary food establishment . . . . .	\$370.00
28	Non-Profit Organization . . . . .	\$185.00

29 (c) Operating as an additional food preparation facility to an  
30 approved food establishment

31	New or renewal . . . . .	\$130.00
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1           (5) (d) Event Market:  
2                   One to five vendors ..... \$115.00  
3                   Each additional five vendors ..... \$115.00

4           (6) (e) Farmers’s Market:  
5                   Basic Fee ..... \$ 65.00  
6                   Plus: Vendor fee for each vendor selling foods other  
7                   than fruits, vegetables and products permitted by the  
8                   Nebraska Department of Agriculture ..... \$ 10.00

9           (b) Any person issued a new food establishment permit, other than a temporary food  
10 ~~service establishment~~ permit, after November 30 of each year shall pay 67% of the annual fee.

11           (c) Fees shall be payable to the Health Director and the Health Director shall deposit the  
12 fees at the City Treasurer’s Office. The City Treasurer shall credit the fees to the Health Fund.

13           Section 11. That Section 8.20.170 of the Lincoln Municipal Code be amended to read  
14 as follows:

15 **8.20.170 Reinstatement Fee.**

16           Any person eligible for reinstatement ~~as provided in Section 8.20.310;~~ as provided within  
17 the Lincoln Food Code shall pay a reinstatement fee of 50% of the annual fee in addition to any  
18 other applicable fees. The Health Director shall not reinstate the permit until the reinstatement fee  
19 is paid.

20           Section 12. That Section 8.20.180 of the Lincoln Municipal Code be and the same is  
21 hereby repealed:

22 **~~8.20.180 — Food Sales by Nonprofit Organizations; Exemptions.~~**

- 23 ~~— (a) The following operations by nonprofit organizations do not require a permit:~~  
24 ~~— (1) Occasional bake sales not including potentially hazardous food. Occasional shall~~  
25 ~~mean no more than twenty-four times during any twelve month period.~~  
26 ~~— (2) Sales of manufactured, prepackaged food prepared in an approved food~~  
27 ~~preparation facility except potentially hazardous food.~~  
28 ~~— (3) Food service limited to the members and guests of the organization.~~  
29 ~~— (4) Food service by an approved catering operation.~~  
30 ~~— (5) Occasional food service on the organization’s own premises or at a location where~~  
31 ~~a permanent food service facility is located and used by said organization. Permanent food service~~  
32 ~~facility shall mean a kitchen facility located at a church, meeting hall, or other place of public~~

1 assembly that is specifically equipped for food service to large numbers of people. Occasional shall  
2 mean no more than twenty-four times during any twelve month period

3 ~~———— (b) Nonprofit organizations that sell food to the public at a location where there is no  
4 permanent food service facility shall obtain a temporary food service permit.~~

5 ~~———— (c) Exempted operations shall not be relieved of any other obligations to provide, store,  
6 hold, and serve food under safe and sanitary conditions.~~

7 Section 13. That Section 8.20.190 of the Lincoln Municipal Code be amended to read  
8 as follows:

9 **8.20.190 Food Manager Permits and Food Handler Permits; Required Food**  
10 **Establishment; Staffing and Records Requirements.**

11 ~~———— It shall be unlawful for the Person in Charge to:~~

12 ~~———— (a) Operate a food establishment without at least one Food Manager, or Restricted  
13 Food Manager where allowed, in charge of the operation; or~~

14 ~~———— (b) Operate a food establishment without at least one Food Manager, or Restricted  
15 Food Manager where allowed, or Level III Food Handler on active duty on the premises; or~~

16 ~~———— (c) Knowingly permit a person to work as an employee if such person does not hold  
17 a valid food manager or food handler permit.~~

18 (a) In a food establishment serving potentially hazardous food, a food establishment must  
19 have the following minimum staffing:

20 (1) A Person In Charge with a valid food protection manager permit; and

21 (2) A person with either a valid food manager permit or a prep/cook food handler  
22 permit working on the premises during operation of the food establishment.

23 (b) In a food establishment not serving potentially hazardous food, a food establishment  
24 must have the following minimum staffing:

25 (1) One Person In Charge with a valid food manager permit; and

26 (2) One person with a valid food manager permit or a food handler permit working  
27 on the premises during operation of the food establishment.

28 (c) A food establishment shall arrange for and require all employees to have valid food  
29 handler permit and/or food manager permit as required by the Lincoln Food Code.

30 (d) A food establishment shall maintain an up to date list of all employees working in the  
31 food establishment on a form provided or approved by the Health Director. The form shall include



1 the employee's name, date of hire, food handler or food manager permit number and expiration date.  
2 The form shall be made available to the Health Director upon request.

3 (e) A food permit holder shall provide the minimum applicable training for employees of  
4 the food establishment as required by the Lincoln Food Code.

5 Section 14. That Chapter 8.20 of the Lincoln Municipal Code be amended by adding  
6 a new section numbered 8.20.195 to read as follows:

7 **8.20.195 Food Handler and Food Manager Permits; Types.**

8 (a) A serve/clean food handler permit shall be required for any person serving food and/or  
9 cleaning at a food establishment. Employee positions shall include, but not be limited to wait staff,  
10 dishwasher, or bus staff.

11 (b) A prep/cook food handler permit shall be required for any person preparing potentially  
12 hazardous foods. Employee positions shall include, but not be limited to salad prep or cook staff.

13 (c) A restricted/shift food manager permit shall be required for any person working as a  
14 Person In Charge of a food establishment not serving potentially hazardous foods.

15 (d) A food protection manager permit shall be required for any person working as the  
16 Person In Charge of a food establishment serving potentially hazardous foods.

17 Section 15. That Chapter 8.20 of the Lincoln Municipal Code be amended by adding  
18 a new section numbered 8.20.197 to read as follows:

19 **8.20.197 Food Handler and Food Manager Permits: Application and Requirements.**

20 (a) An application for a food handler or a food manager permit shall be submitted to the  
21 Health Director on a form provided by the Health Director. Each application shall include:

- 22 (1) The applicant's full name, date of birth, current mailing address, and telephone;  
23 (2) The signature of the applicant;  
24 (3) Verification of successfully completing the required food handler training course  
25 applicable to the permit; and  
26 (4) Such other pertinent information as requested on such form.

1           (b) Before a food handler or a food manager permit application can be approved, the  
2 applicant shall successfully complete a training and testing program as required by the Lincoln Food  
3 Code.

4           Section 16. That Section 8.20.200 of the Lincoln Municipal Code be and the same is  
5 hereby repealed:

6 **~~8.20.200 — Food Manager Permits and Food Handler Permits; Duties.~~**

7 ~~— (a) A food permit holder shall arrange for and require the food permit holder’s employees~~  
8 ~~to obtain and keep food manager and food handler permits as provided in this section.~~

9 ~~— (b) An owner, manager, or other person in charge of a food establishment shall hold a food~~  
10 ~~manager permit.~~

11 ~~— (c) An employee shall hold a food handler or food manager permit.~~

12 ~~— (d) An owner, supervisor, or other person in charge of a food establishment shall maintain~~  
13 ~~an up to date list of all employees working in the food establishment on a form provided or approved~~  
14 ~~by the Health Director. Such form shall include the name, current address and food handler or food~~  
15 ~~supervisor permit number, and shall be made available to the Health Director upon request.~~

16 ~~— (e) An application for a food handler or food manager permit shall be submitted to the~~  
17 ~~Health Director on forms provided by the Health Director. Each application shall include:~~

18 ~~— (1) The applicant’s full name and mailing address;~~

19 ~~— (2) The name of the food establishment;~~

20 ~~— (3) The signature of the applicant or applicants; and~~

21 ~~— (4) Such other pertinent information as requested on such forms.~~

22 ~~— (f) An applicant for a food handler or food manager permit shall meet the minimum~~  
23 ~~applicable training qualifications required by the applicable sanitation standards and regulations.~~

24 ~~— (g) A food permit holder shall provide the minimum applicable training for the food permit~~  
25 ~~holder’s employees as required by the applicable sanitation standards and regulations.~~

26           Section 17. That Section 8.20.210 of the Lincoln Municipal Code be amended to read  
27 as follows:

28 **8.20.210   Food Manager Handler Permit and Food Handler Manager Permit; Issuance.**

29           (a) Upon receipt of an application and the applicable permit fee for a food handler or food  
30 manager permit, the Health Director shall review the application to determine compliance with the  
31 provisions of the Lincoln Food Code ~~and any other applicable law or standard.~~

32           (b) The Health Director shall complete the review and issue or deny the permit within a  
33 reasonable time not to exceed thirty days.

1 (c) The Health Director shall issue a permit if the Health Director determines that the  
2 applicant complies with the Lincoln Food Code ~~and any other applicable law or standard.~~

3 (d) A food handler or food manager permit is not transferable from one person to another  
4 person.

5 Section 18. That Section 8.20.220 of the Lincoln Municipal Code be amended to read  
6 as follows:

7 **8.20.220 Food Handler or Food Manager Permit; Term and Expiration.**

8 (a) ~~A Level I or Level II Food Handler or Level II Approved Inservice Food Handler~~  
9 ~~permit shall be valid for one year after the date of issuance~~ All food handler permits shall be valid  
10 for two years after the date of issuance.

11 (b) ~~A Level III Food Handler permit shall be valid for two years after the date of issuance.~~

12 ~~——~~(c) A restricted/shift food manager permit shall be valid for ~~three~~ two years after the date  
13 of issuance.

14 (~~d~~ c) A food protection manager permit shall be valid for three years after the date of  
15 issuance.

16 (~~e~~ d) Failure to comply with the food handler permit or food manager permit requirements  
17 as required by the Lincoln Food Code ~~and the applicable sanitation standards and regulations~~ may  
18 be grounds for suspension of the related food establishment permit.

19 Section 19. That Section 8.20.230 of the Lincoln Municipal Code be amended to read  
20 as follows:

21 **8.20.230 Food Handler and Food Manager Permit Fees.**

22 (a) Any person who secures a food handler or food manager permit under the Lincoln Food  
23 Code shall pay the appropriate fee as follows:

- 1           (1) ~~Level I~~ Food Handler Permit Fee . . . . . \$ ~~5.00~~ 20.00
- 2           (2) ~~Level II~~ Food Handler Permit Fee . . . . . \$10.00
- 3           ~~(3) Level II Approved Inservice Food Handler Permit Fee . . . . . \$10.00~~
- 4           ~~(4) Level III Food Handler Permit Fee . . . . . \$20.00~~
- 5           ~~(5) Level III Approved Inservice Food Handler Permit Fee . . . . . \$20.00~~
- 6           (6 2) Restricted/Shift Food Manager Permit Fee . . . . . \$~~30.00~~ 20.00
- 7           (7 3) Food Protection Manager Permit Fee . . . . . \$30.00

8           (b) Fees shall be payable to the Health Department and the Health Director shall deposit  
 9 the fees at the City Treasurer’s Office. The City Treasurer shall credit the fees to the Health Fund.

10           Section 20. That Section 8.20.245 of the Lincoln Municipal Code be amended to read  
 11 as follows:

12           **8.20.245    Diagnosed or ill Food Employees; Duty to Notify Health Director**

13           The Person In Charge shall notify the Health Director as soon as possible, but not to exceed  
 14 two hours, after the time they know of a food employee who is diagnosed or is suspected of having  
 15 an illness due to Salmonella, Shigella, ~~Escherichia coli 0157:H7~~ Norovirus, Enterohemorrhagic or  
 16 Shiga Toxin-producing Escherichia coli, Hepatitis A virus, Campylobacter, Listeria, Yersinia,  
 17 Clostridium Perfringens, or Bacillus Cereus.

18           Section 21. That Section 8.20.260 of the Lincoln Municipal Code be amended to read  
 19 as follows:

20           **8.20.260    Enforcement; Inspections.**

21           (a) The Health Director shall inspect food establishments as frequently as necessary to  
 22 assure compliance with the Lincoln Food Code.

1 (b) ~~A food permit holder, owner, manager, or other Person in Charge shall permit the~~ The  
2 Health Director shall have the authority to inspect at any reasonable time for the purpose of  
3 determining compliance with ~~the provisions of the Lincoln Food Code.~~

4 (c) ~~A permit holder, owner, manager, or other Person in Charge shall permit the~~ The  
5 Health Director shall have the authority to inspect and examine related business records for (1)  
6 employees, and (2) food and supplies purchased, received, or used at the food establishment.

7 (d) The Health Director shall record the inspection findings on an inspection report. The  
8 Health Director shall furnish the original inspection report to ~~the food~~ a permit holder, ~~owner,~~  
9 ~~manager,~~ or ~~other~~ Person In Charge.

10 (e) The report shall:

11 (1) Set forth the specific conditions found,

12 (2) Establish a specific and reasonable period of time for correction of the unsanitary  
13 conditions found, if any,

14 (3) State that failure to comply with the warning notice may result in immediate  
15 suspension of the permit and prosecution for violation of ~~this chapter,~~ the Lincoln Food Code; and

16 (4) State that the ~~permittee~~ permit holder or Person In Charge may request a hearing  
17 before the Health Director upon such inspection findings and warning by filing a written request  
18 with the Health Director.

19 (f) After the time period given for correction of the unsanitary conditions found, the  
20 Health Director shall reinspect the food establishment to determine compliance with the warning  
21 notice.

22 Section 22. That Section 8.20.262 of the Lincoln Municipal Code be amended to read  
23 as follows:

1 **8.20.262 Food Establishment, Food Processing Plant, or Salvage Operation; Construction,**  
2 **Conversion, or Remodeling; Plans and Specifications; Requirements.**

3 (a) No food establishment shall be constructed, converted, or remodeled except in  
4 accordance with plans and specifications approved by the Health Director.

5 (b) Prior to construction of, conversion to, or remodeling of a food establishment, ~~food~~  
6 ~~processing plant, or salvage operation~~, properly prepared plans and specifications for such  
7 construction, conversion, or remodeling shall be submitted to the Health Director for review and  
8 approval. The plans and specifications shall indicate the proposed layout, arrangement, mechanical  
9 plans, construction materials of work areas, type and model of proposed fixed equipment and  
10 facilities, and description of the type of food to be served or sold.

11 (c) The Health Director shall review and approve the plans and specifications according  
12 to the requirements of the Lincoln Food Code.

13 (d) Information submitted for review that the applicant designates as "confidential" and  
14 that is not submitted to other city departments or otherwise a public record under applicable law  
15 shall be treated by the Health Director as records that contain material that may be exempt from  
16 disclosure under *Neb. Rev. Stat.* § 84-712.05(3), because disclosure could reasonably be expected  
17 to give advantage to business competitors and serve no public purpose. The Health Director's  
18 acceptance of such information shall neither constitute, nor be construed as an agreement or  
19 acquiescence by the Health Director that the designation is necessary, appropriate, or justified in any  
20 way. If any party requests the Health Director to disclose the information or brings suit seeking to  
21 compel disclosure of the information, the Health Director's sole obligation hereunder is to promptly  
22 notify the applicant of the request. ~~The Health Director shall review and approve the plans and~~  
23 ~~specifications according to the requirements of the Lincoln Food Code. No food establishment, food~~

1 ~~processing plant, or salvage operation shall be constructed, converted, or remodeled except in~~  
2 ~~accordance with plans and specifications approved by the Health Director.~~

3 Section 23. That Section 8.20.264 of the Lincoln Municipal Code be amended to read  
4 as follows:

5 **8.20.264 Inspection Reporting Requirements.**

6 (a) The Health Director shall document on an inspection report form:

7 (1) ~~Administrative information about the food establishment's legal identity, street~~  
8 ~~and mailing addresses, type of establishment and operation, inspection date, status of the permit, and~~  
9 ~~personnel certificates that may be required~~ such as, but not limited to, the following: (i) name and  
10 address of food establishment; (ii) type of food establishment; (iii) inspection date; (iv) status of  
11 required food manager and food handler permits.

12 (2) Specific factual observations of violative conditions, omissions, or other deviations  
13 from the requirements of the Lincoln Food Code that require correction by the permit holder; and

14 (3) Whether the violations listed are critical or repeated.

15 (b) The Health Director shall specify on the inspection report form the time frame for  
16 correction of the violations ~~as specified in the Lincoln Food Code.~~

17 (c) All procedures and requirements related to the inspection of food establishments ~~in the~~  
18 ~~Act~~ apply to salvage operations.

19 (d) The completed inspection report form is a public document that shall be made available  
20 for public disclosure to any person who requests it according to law.

21 Section 24. That Section 8.20.270 of the Lincoln Municipal Code be amended to read  
22 as follows:

23 **8.20.270 Examination and Condemnation of Food; Hold Orders.**

1 (a) The Health Director may examine food as necessary to determine compliance with the  
2 Lincoln Food Code.

3 (b) If the Health Director finds that food is being manufactured, processed, distributed,  
4 offered for sale, or sold without a required permit or in violation of the adulteration, misbranding,  
5 deceptive packaging, or false advertising provisions, the Health Director may issue and enforce a  
6 written stop-sale, stop-use, hold, or removal order to the Person In Charge of such food if the order  
7 is necessary for the protection of the public health, safety, or welfare. ~~It shall be unlawful to~~  
8 ~~knowingly use, sell, move, transfer, or give away food subject to the order without written~~  
9 ~~permission from the Health Director.~~

10 (c) The order shall specifically describe the nature of the violation found and the actions  
11 needed to be taken to bring the food into compliance with the Lincoln Food Code. The order shall  
12 clearly advise the Person In Charge of the food that he or she may request an immediate hearing  
13 before the Health Director on the matter. If the order directs the involuntary and immediate disposal  
14 or destruction of any food, the Person In Charge of such food shall be afforded an opportunity to be  
15 heard on the matter and an opportunity to appeal any order of the Health Director prior to the  
16 disposal or destruction; ~~H~~however, if the Health Director determines that no alternative course of  
17 action would sufficiently protect the public health, safety, or welfare under the circumstance, the  
18 Health Director may issue a ~~stop-sale, stop-use, or removal~~ an order against articles of food that are  
19 perishable, even if the practical result of the order is to bring about the involuntary disposal of such  
20 food.

21 (e) Unless specifically provided herein, actions for reinstatement, hearing, or appeal shall  
22 not stay or delay the suspension or other orders as provided in this section in any manner.



1           (e) No person shall knowingly use, sell, move, transfer, relabel, alter, or give away  
2 food subject to the order without the written permission of the Health Director.

3           (f) No person, other than the Health Director, shall remove, alter, deface, or conceal a tag  
4 or notice without the written permission of the Health Director.

5           Section 25. That Section 8.20.280 of the Lincoln Municipal Code be amended to read  
6 as follows:

7 **8.20.280    Revocation or Suspension of Permit.**

8           Any permit granted under the Lincoln Food Code shall be subject to revocation or  
9 suspension in the following manner:

10          (a) The Health Director shall notify the food establishment as provided in ~~Section 8.20.320~~  
11 the Lincoln Food Code.

12          (b) If the Health Director determines that the permit holder is in violation of the Lincoln  
13 Food Code, the Health Director may revoke ~~the permit or the Health Director may~~ or suspend the  
14 permit for an appropriate period of time not to exceed ninety days.

15          (c) The Health Director shall conduct the hearing in accordance with ~~Section 8.20.290~~ the  
16 Lincoln Food Code.

17           Section 26. That Section 8.20.290 of the Lincoln Municipal Code be amended to read  
18 as follows:

19 **8.20.290    Enforcement Hearings.**

20          (a) Unless the Lincoln Food Code provides otherwise, the Health Director shall conduct  
21 hearings allowed or required under the Lincoln Food Code as soon as practicable, but in no event  
22 later than:

1 (1) Three days after a request for hearing ~~under Section 8.20.300~~ after a suspension  
2 or revocation; or

3 (2) Fourteen days after any other request.

4 (b) The Health Director may appoint a suitable hearing officer to hear the matter. Such  
5 hearing officer shall make recommendations based on the evidence adduced at the hearing for the  
6 Health Director's final determination of the matter.

7 (c) The hearing need not be conducted according to the technical rules relating to evidence  
8 and witnesses. The person requesting the hearing and the Health Director may:

9 (1) Call and examine witnesses on any matter relevant to the issues of the hearing;

10 (2) Introduce documentary and physical evidence;

11 (3) Cross examine opposing witnesses on any matter relevant to the issues of the  
12 hearing; and

13 (4) Rebut evidence.

14 (d) The Health Director may uphold, reverse, or modify the act or findings prompting the  
15 request or the Health Director may take such other reasonable action as the Health Director may  
16 determine proper related to the request.

17 (e) The Health Director shall make a final determination within ten days after the hearing.

18 (f) The Health Director's decision shall be final and binding upon the City and upon the  
19 person making the request. The Health Director's decision may be appealed to district court as  
20 provided by law.

21 Section 27. That Section 8.20.300 of the Lincoln Municipal Code be amended to read  
22 as follows:

1     **8.20.300     Immediate Suspension.**

2             (a)    The Health Director may suspend any permit issued under the Lincoln Food Code if  
3   the Health Director finds that a permit holder, ~~owner, manager or other person in charge of a food~~  
4   ~~establishment~~ Person In Charge, or the food establishment itself is in serious violation of the Lincoln  
5   Food Code and is thereby causing an immediate and substantial hazard to the public health.

6             (b)    The Health Director shall provide the notice ~~in Section 8.20.320~~ as provided within the  
7   Lincoln Food Code. The suspension shall be effective immediately upon notice.

8             (c)    It shall be unlawful to operate or cause, permit or allow any permitted operations under  
9   a suspended permit after service upon the permit holder.

10            Section 28. That Section 8.20.310 of the Lincoln Municipal Code be amended to read  
11   as follows:

12     **8.20.310     Application for Reinstatement After Suspension.**

13            (a)    Any person whose permit has been suspended may apply for reinstatement of such  
14   permit. The application shall provide the same information as for a new permit and shall also include  
15   a statement signed by the applicant that the conditions causing suspension of the permit have been  
16   corrected.

17            (b)    The Health Director shall inspect or review the application as for a new ~~license~~ permit  
18   except that the Health Director shall make the inspection within three days after receiving the  
19   application for reinstatement and the fee charged shall be for a reinstatement.

20            (c)    The Health Director shall reissue the permit if the conditions causing suspension of the  
21   permit have been corrected. The applicant for reinstatement the permit shall be reinstated upon  
22   payment of any reinstatement fee provided ~~in this chapter~~ within the Lincoln Food Code.

1 (d) Actions for reinstatement, hearing, or appeal shall not stay or delay the suspension  
2 provided in this section in any manner.

3 Section 29. That Section 8.20.320 of the Lincoln Municipal Code be amended to read  
4 as follows:

5 **8.20.320 Notice; Service.**

6 (a) The Health Director may serve notice authorized or required by the Lincoln Food Code  
7 as follows:

8 (1) By personal service to:

9 (i) ~~The food~~ A permit holder, owner, manager or other person in charge of a  
10 ~~food establishment or Person In Charge;~~ or

11 (ii) For a temporary food establishment, a food permit holder, owner, manager  
12 ~~or other person in charge of a food establishment or Person In Charge~~ at the location where the  
13 temporary food establishment is located.

14 (2) Or by certified mail, postage prepaid, return receipt requested to the ~~food~~ permit  
15 holder's ~~or permittee's~~ last known address.

16 (b) The person making personal service may provide a written declaration under penalty  
17 of perjury identifying the person served and the time, date, and manner of service as proof of  
18 service.

19 (c) If the service on a food establishment is to a person other than the food permit holder,  
20 the Health Director may send a copy of the notice to the food permit holder by regular mail. The  
21 copy is not required as a part of the notice, and receipt of the copy does not affect the notice.

22 Section 30. That Section 8.20.340 of the Lincoln Municipal Code be amended to read  
23 as follows:

1 **8.20.340 Penalty.**

2 Any person who is found to have violated any provision of ~~this chapter or any sanitation~~  
3 ~~standard or regulation~~ the Lincoln Food Code adopted hereunder shall be subject to a fine of no  
4 more than \$500.00, or imprisonment in the county jail for a period not to exceed six months, or both  
5 such fine and imprisonment. Each day that a violation of the Lincoln Food Code continues is  
6 punishable as a separate and distinct offense. ~~In addition to any penalty sought or obtained under~~  
7 ~~this chapter or other applicable law,~~ Said penalty shall not be exclusive and in addition to  
8 prosecution of any violation, the City Attorney may also institute injunctive or other appropriate  
9 civil proceedings necessary to obtain compliance or to abate any nuisance resulting from violations  
10 of ~~this chapter~~ the Lincoln Food Code.

11 Section 31. That Sections 8.20.030, 8.20.040, 8.20.060, 8.20.100, 8.20.110, 8.20.120,  
12 8.20.130, 8.20.140, 8.20.150, 8.20.170, 8.20.190, 8.20.210, 8.20.220, 8.20.230, 8.20.245, 8.20.260,  
13 8.20.262, 8.20.264, 8.20.270, 8.20.280, 8.20.290, 8.20.300, 8.20.310, 8.20.320, and 8.20.340 of the  
14 Lincoln Municipal Code as hitherto existing be and the same are hereby repealed.

15 Section 32. Pursuant to Article VII, Section 7 of the City Charter, this ordinance shall  
16 be posted on the official bulletin board of the City, located on the wall adjoining the City Clerk's  
17 office at 555 S. 10th Street, in lieu of and in place of newspaper publication with notice of passage  
18 and such posting to be given by publication one time in the official newspaper by the City Clerk.  
19 This ordinance shall take effect and be in force from and after its passage and publication as herein  
20 and in the City Charter provided.

Introduced by:

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Approved as to Form & Legality:

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

Approved this \_\_\_ day of \_\_\_\_\_, 2009:

\_\_\_\_\_  
Mayor