

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

1 AN ORDINANCE amending Section 9.16.145 of the Lincoln Municipal Code  
2 relating to possession of one ounce or less of marijuana to revise the penalties for such offense to  
3 conform to those enumerated by *Neb. Rev. Stat.* § 28-415(13), as amended, effective July 18, 2008;  
4 and repealing Section 9.16.145 of the Lincoln Municipal Code as hitherto existing.

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

6 Section 1. That Section 9.16.145 of the Lincoln Municipal Code be amended to read  
7 as follows:

8 **9.16.145 Possession of Marijuana; One Ounce or Less; Unlawful; Penalty.**

9 (a) It shall be unlawful for any person to knowingly or intentionally possess marijuana  
10 weighing one ounce or less.

11 (b) Penalty.

12 (1) For the first offense, be guilty of an infraction, receive a citation, be fined  
13 ~~\$100.00~~ \$300.00, and be assigned to attend a course as prescribed in *Neb. Rev. Stat.* § 29-433 if the  
14 judge determines that attending such course is in the best interest of the individual defendant;

15 (2) For the second offense, be guilty of a misdemeanor, receive a citation, and  
16 be fined ~~\$200.00~~ \$400.00 and may be imprisoned not to exceed five days; and

17 (3) For the third and all subsequent offenses, be guilty of a misdemeanor, receive  
18 a citation, be fined ~~\$300.00~~ \$500.00, and be imprisoned not to exceed seven days.

19 (4) Any person convicted of violating this section, if placed on probation, shall,  
20 as a condition of probation, satisfactorily attend and complete appropriate treatment and counseling  
21 on drug abuse provided by a program authorized under the Nebraska Behavioral Health Services Act  
22 or other licensed drug treatment facility.

23 Section 2. That Section 9.16.145 of the Lincoln Municipal Code as hitherto existing  
24 be and the same is hereby repealed.

1                   Section 3. That the provisions contained in Sections 1 and 2 hereof shall become  
2 effective on July 18, 2008.

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 \_\_\_\_\_, 2008:

\_\_\_\_\_  
Mayor