

Public Hearing: October 7, 2013

F A C T S H E E T

TITLE: Amending LMC Section 5.04.070 -
Sale [of alcoholic liquor] to Minors &
Incapacitated Persons Prohibited

SPONSOR: Law Dept.

OPPONENTS:

OTHER DEPARTMENTS AFFECTED:

STAFF RECOMMENDATION:

APPLICANT: John McQuinn,
Chief City Prosecutor

REASON FOR LEGISLATION:

AN ORDINANCE amending Section 5.04.070 of the Lincoln Municipal Code, Sale to Minors and Incapacitated Persons Prohibited, by deleting the offense of selling, giving, disposing of, exchanging, delivering, or permitting the sale, gift, or procuring of any alcoholic liquors to a minor or incapacitated person from said Section 5.04.070 as the state statute penalty for said offense is greater than authorized for the City.

D I S C U S S I O N

The state statute penalty for procuring for a minor is significantly greater than the maximum authorized for the City. Violation of the state statute is punishable by up to a \$1000.00 fine, up to one year in jail, or both. Neb. Rev. Stat. §§ 53-180.05(1), 53-180.05(2), 53-180.

The maximum penalty authorized for violation of a Lincoln Municipal Code ordinance is up to a \$500.00 fine, up to six months in jail, or both. LMC § 1.24.010(a) and Neb. Rev. Stat. §15-263. Since the comparable City ordinance cannot be consistent with state law, this portion of the ordinance must be repealed.

POLICY OR PROGRAM CHANGE:

COST OF TOTAL PROJECT:

SOURCE OF FUNDS:

CITY:

NON CITY:

BENEFIT COST:

FACT SHEET PREPARED BY: John McQuinn, Chief City Prosecutor

REVIEWED BY: