



City of Omaha
Jean Stothert, Mayor

Law Department

Omaha/Douglas Civic Center
1819 Farnam Street, Suite 804
Omaha, Nebraska 68183-0804
(402) 444-5115
FAX: (402) 444-5125

Paul D. Kratz
City Attorney

Honorable President

and Members of the City Council,

JAN 19 '21 PM 3:56

Attached is an Ordinance amending sections 20-44 and 20-45 of the Omaha Municipal Code. This Ordinance will clarify language in these sections that was vague and also provide a notice requirement before police make arrests or issue citations.

Your favorable consideration is requested.

Respectfully submitted,

Matthew Kuhse
Acting City Attorney

Referred to City Council for Consideration:

1/19/21
Mayor's Office Date

ORDINANCE NO. 42434

AN ORDINANCE to amend Sections 20-44 and 20-45 of the Omaha Municipal Code; to clarify vague language and provide a notice requirement before police make arrests or issue citations; and to provide the effective date thereof.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OMAHA:

Section 1. That Sec. 20-44 of the Omaha Municipal Code is hereby amended to read as follows:

Sec. 20-44. – Obstructing public roadways.

(a) It shall be unlawful for any person purposely or knowingly to obstruct any highway, street or other public roadway passage, by rendering passage by others unreasonably inconvenient or hazardous, whether the obstruction arises from his or her acts alone or acting in concert with a group of others, without having a permit issued by the City or being otherwise exempted from the permit requirement by Sec. 20-293 of this Code. licensed or privileged to do so.

~~(a) This section shall include games and sports which obstruct the roadway;~~

(b) If conduct that would otherwise violate this section consists of speech, or gathering with others to hear or observe such speech, or of gathering with others to picket or otherwise engage in nonviolent expression, the actor must be informed that they are obstructing traffic and ordered to move or disperse, and be given reasonable time to comply with the order, prior to being subject to arrest or citation.

(1.) The order required by this subsection may be given by a peace officer, a fireman, or a city code enforcement official.

(c) No person shall be guilty under this section if:

(1) No order was given;

(2) An order, if given, was unreasonable in scope; or

(3) An order, if given, was promptly obeyed.

~~(bd) If the offender under subsection (a) conduct that would otherwise violate this section is committed by a person is under 16 years of age, no arrest shall occur until the parent or guardian had been warned of the conduct, after which subsequent violation may result in arrest of such minor and/or their parent.~~

Section 2. That Sec. 20-45 of the Omaha Municipal Code is hereby amended to read as follows:

Sec. 20-45 -- Refusing Lawful Request to Move.

(a) Except as provided in Sec. 20-44(a), it shall be unlawful for any person to purposely or knowingly to fail or refuse to obey a reasonable official request or order to move to:

(a1) Prevent an obstruction of a highway, street or other public roadway passage; or

(b2) Maintain public safety by dispersing persons gathered in dangerous proximity to a fire or other emergency.

(b) No person shall be guilty under this section if:

(1) An order, if given, was unreasonable in scope, or

(2) An order, if given, was promptly obeyed.

Section 3 That this Ordinance shall be in full force and take effect shall be in full force and take effect 15 days from and after the date of its passage

INTRODUCED BY COUNCILMEMBER

Christopher Jerome

APPROVED BY:

Jim Stewart 2-10-2021
MAYOR OF THE CITY OF OMAHA

PASSED FEB 09 2021 7-D

ATTEST:

[Signature] 2-10-2021
CITY CLERK OF THE CITY OF OMAHA

APPROVED AS TO FORM:

Michelle Peters 2/3/21
DEPUTY CITY ATTORNEY DATE