

# **Bond Case Briefs**

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## **MUNICIPAL ORDINANCE - NEBRASKA**

### **Linc-Drop, Inc. v. City of Lincoln**

**United States District Court, D. Nebraska - February 18, 2014 - F.Supp.2d - 2014 WL 595545**

For-profit corporation that owned and maintained donation drop boxes for secondhand clothing donated to non-profit charity brought action challenging constitutionality of municipal ordinance requiring permit for such boxes, limiting issuance of permits to certain non-profit organizations, and requiring that at least 80 percent of proceeds from boxes be used for charitable purposes. Plaintiff moved for preliminary injunction.

The District Court held that:

- Corporation had standing to assert First Amendment claim;
- Corporation was engaged in charitable solicitation;
- Corporation was likely to prevail on merits of its claim that 80 percent requirement violated First Amendment;
- Corporation was likely to prevail on merits of its claim that permit requirement violated First Amendment; and
- Corporation had standing to assert due process claim.

For-profit corporation that owned and maintained donation drop boxes for secondhand clothing donated to non-profit charity was likely to prevail on merits of its claim that municipal ordinance requiring that at least 80 percent of proceeds from boxes be used for charitable purposes violated its First Amendment free speech rights, and thus entry of preliminary injunction barring enforcement of ordinance was warranted. Ordinance was not narrowly tailored to prevent deception and to ensure that funds actually went to benefit charitable organizations.

For-profit corporation was likely to prevail on merits of its claim that municipal ordinance requiring permit for such boxes and limiting issuance of permits to certain non-profit organizations violated its First Amendment free speech rights, and thus entry of preliminary injunction barring enforcement of ordinance was warranted, where ordinance on its face did not purport to require when determination had to be made.