

ORDINANCE NO. _____

1 AN ORDINANCE amending Chapter 12.08 of the Lincoln Municipal Code relating
2 to Parks, General Rules and Regulations, by amending Section 12.08.070, Unlawful to be in Park
3 After Hours, to specify that a violation of that section shall be an infraction; amending Section
4 12.08.340 to specify that a penalty for violation of any provision of Title 12 or any rule or regulation
5 adopted pursuant Title 12 shall be a misdemeanor, unless otherwise specifically provided; and
6 repealing Sections 12.08.070 and 12.08.340 of the Lincoln Municipal Code as hitherto existing.

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

8 Section 1. That Section 12.08.340 of the Lincoln Municipal Code be amended to read
9 as follows:

10 **12.08.070 Unlawful to Be in Park After Hours; Closing Hours; Entering a Closed Area.**

11 (a) It shall be unlawful for any person to occupy or be present in any park or park facility
12 during any hours during which said park or park facility is not open to the public.

13 (b) Subject to the provisions of subparagraphs (c), (d), (e), (f), and (g) of this section, all
14 parks shall be opened daily to the public during the hours of 5:00 a.m. to 11:00 p.m., except
15 Wilderness Park which shall be open from sunrise to sunset, Pioneers Park which shall be open from
16 6:00 a.m. to 11:00 p.m. during daylight savings time and from 7:00 a.m. to sunset during the
17 remainder of the year, and Bill Harris Iron Horse Park and Lincoln Community Foundation Tower
18 Square which shall be open from 6:00 a.m. to 2:00 a.m.

19 (c) Organized events and activities authorized by the Director of Parks and Recreation,
20 such as outdoor athletic competitions, may extend beyond regular park closing hours but shall not
21 extend beyond 12:00 midnight.

1 (d) Multi-use trails and the sidewalks on Centennial Mall shall be open twenty-four hours
2 a day. Hiker-biker trails within parks shall be open the same hours as the associated park area.

3 (e) The Director of Parks and Recreation may temporarily authorize an extension of the
4 hours during which a park shall be open to the public. Such authorization shall be in writing and
5 shall specify the extended hours, the dates during which such extended hours shall be in effect, and
6 the specific park or parks to which such temporarily extended hours shall apply.

7 (f) Any park may be declared closed to the public by the Mayor or Director of Parks and
8 Recreation at any time or at regular or stated intervals when necessary for:

9 (1) the care and maintenance of the park; or

10 (2) the health, safety and welfare of the public; or

11 (3) the protection or preservation of park property. When so closed, the Director
12 shall cause notice to be posted at the entrance to said park to notify the public that the park is closed,
13 and when so posted it shall be unlawful for any person to enter said park; and it shall be unlawful
14 for any person to remain in said park after oral notice by the Director, or any law enforcement officer
15 or other duly authorized representative of the Director that said park is closed, regardless of whether
16 or not the notice has been posted. Such authorization for the closing shall be in writing.

17 (g) Any extension or reduction of park hours by the Director of Parks and Recreation
18 shall be reported to the Parks and Recreation Advisory Board at their next regularly scheduled
19 meeting.

20 (h) Any person who shall violate any provisions of this section shall be deemed guilty
21 of an infraction and upon conviction shall be punished by a fine of not more than \$100.00,
22 recoverable with costs.

1 Section 2. That Section 12.08.340 of the Lincoln Municipal Code be amended to read
2 as follows:

3 **12.08.340 Penalty.**

4 Any person who shall violate any provision of Title 12 or any rule or regulation adopted
5 hereunder for which a penalty is not otherwise specifically provided shall be deemed guilty of a
6 misdemeanor and upon conviction shall be punished by imprisonment in the city jail for a period of
7 not to exceed six months, or by a fine of not to exceed \$500.00, recoverable with costs, or both. Each
8 day that a violation of this title or of the rules and regulations promulgated hereunder continues shall
9 constitute a separate and distinct offense and shall be punishable as such.

10 Section 3. That Sections 12.08.070 and 12.08.340 of the Lincoln Municipal Code
11 as hitherto existing be and the same are hereby repealed.

12 Section 4. That this ordinance shall take effect and be in force from and after passage
13 and publication in one issue of a daily or weekly newspaper of general circulation in the City,
14 according to law.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ____ day of _____, 2015. _____ Mayor
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