

Chapter 12.08

GENERAL RULES AND REGULATIONS

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12.08.010 Definitions.

For the purpose of Title 12, the following definitions are applicable:

Director shall mean the head of the Parks and Recreation Department as designated by the Mayor.

Fireworks shall mean any combustible or explosive composition, or any substance or combination of substances, or articles prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration, or detonation.

Fundraising activities shall mean an activity or event with the primary purpose of raising funds that is sponsored by or for the Parks and Recreation Department, any other city department, or by non-profit organizations specifically organized solely to benefit any city department, the Lincoln Children's Zoo, or the Lincoln Children's Museum.

Hiker-Biker trail shall mean a pathway within a park for recreational use.

Motor vehicle shall mean and include any vehicle propelled by power other than muscular power.

Multi-use trails shall mean the interconnected system of trails for transportation and recreational use.

Park shall mean and include any area of public ground dedicated as a park or held for the enjoyment of the public and managed and maintained by the Parks and Recreation Department within or without the limits of the city which is under the city ownership or control.

Park facility shall mean and include any swimming pool, recreation center, or any other building or facility held for the enjoyment of the public and managed and maintained by the Parks and Recreation Department within or without the limits of the city which is under the city ownership or control.

Roadway shall mean and include every way open to the use of the public for vehicular travel, including any street or highway of the city in or through any park as herein defined, and including any park drive, parkway, and park boulevard open to the public for vehicular travel. This definition shall not include the multi-use trails or the hiker-biker trails within any park. (Ord. 20207 §1; June 29, 2015: prior Ord. 19819 §1; December 17, 2012: Ord. 19716 §1; May 21, 2012: Ord. 13204 § 1; September 14, 1981: Ord. 9078 § 1; August 22, 1966: Ord. 3489 § 30-101, as amended by Ord. 5775; July 12, 1954).

12.08.020 Vehicles in Parks.

Except for personnel assigned to work in a park and individuals with mobility disabilities utilizing wheelchairs or other power-driven mobility devices per approved rules and regulations, it shall be unlawful for any person to operate any motor vehicle in or through any park except on a roadway. The operation of any motor vehicle on a roadway shall be subject to all of the provisions of Title 10 and to such rules and regulations as may be promulgated by the Director and approved by the Mayor. All such rules and regulations shall be filed with the office of the City Clerk, and when so filed they shall be in full force and effect. (Ord. 19716 §2; May 21, 2012: prior Ord. 13204, § 2; September 14, 1981: Ord. 9078 § 2; August 22, 1966: Ord. 3489 § 30-102, as amended by Ord. 5775; July 12, 1954).

12.08.050 Operation of Moped; Definition.

It shall be unlawful for a person to operate a moped in or through any park except on a roadway. The operation of any moped on a roadway shall be subject to all of the provisions of Title 10 and to such rules and regulations as may be promulgated by the Director and approved by the Mayor. All such rules and regulations shall be filed with the office of the City Clerk, and when so filed they shall be in full force and effect.

"Moped," for the purposes of this ordinance, shall be defined as a vehicle capable of being powered by either muscular power or an engine at the discretion of the operator. (P.C. § 12.08.023: Ord. 13204 § 4; September 14, 1981).

12.08.060 Speed Limit in Parks.

It shall be unlawful for any person to drive, operate, or propel over or along any park roadway, hiker-biker trail, or the multi-use trails any vehicle, motor vehicle, moped, bicycle, or tricycle, or to drive or ride any horse or other animal at a greater speed than twenty-five miles per hour. The Director may authorize regulations requiring a speed lower than twenty-five miles per hour on any park roadway, hiker-biker trail, or the multi-use trails or segment thereof. Such regulations shall be approved by the Mayor and filed with the office of the City Clerk. Such lower speed limits shall be posted along the portion so regulated, and upon such posting shall be in full force and effect. (Ord. 19819 §4; December 17, 2012: P.C. § 12.08.030: Ord. 13204 § 5; September 14, 1981: Ord. 3489 § 30-103, amended by Ord. 5775; July 12, 1954).

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

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

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

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

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

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

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

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

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

(3) the protection or preservation of park property. When so closed, the

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

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

(h) Any person who shall violate any provision of this section shall be deemed guilty of an infraction and upon conviction shall be punished by a fine of not more than \$100.00, recoverable with costs. (Ord. 20189 § 1; April 27, 2015: prior Ord. 20087 §1; August 25, 2014: Ord. 19821 §1; January 14, 2013: Ord. 19819 §5; December 17, 2012: Ord. 19716 §3; May 21, 2012: Ord. 18147 §1; March 10, 2003: Ord. 17640 §1; March 20, 2000: Ord. 15947 §1; August 19, 1991: P.C. § 12.08.035: Ord. 15191 §1 May 15, 1989: Ord. 10685 § 1; February 12, 1973).

12.08.080 Animals in Parks.

It shall be unlawful for any person to drive, ride, or lead any horse in or through any park except upon roadways or paths designated by the Director. (P.C. § 12.08.040: Ord. 13204 § 6; September 14, 1981: prior Ord. 9078 § 3; August 22, 1966: Ord. 8171 § 1; September 3, 1963: Ord. 3489 § 30-104 as amended by Ord. 5775; July 12, 1954).

12.08.090 Parking of Vehicles; Authorized Areas.

It shall be unlawful for any person to park or permit to be parked any motor vehicle or other vehicle anywhere in any park except upon parking areas designated by the Director and upon roadways where parking is not prohibited by the Director. (P.C. § 12.08.050: Ord. 9078 § 4; August 22, 1966: prior Ord. 8171 § 2; September 3, 1963: Ord. 3489 § 30-105, as amended by Ord. 5775; July 12, 1954).

12.08.100 Parking of Vehicles After Hours Prohibited.

No person shall park or permit to be parked any motor vehicle in any public park during the hours when said park is not open to the public. For purposes of enforcement of this section, the Director of Parks shall cause an appropriate sign to be posted at or near the entrance to said park or at or near the parking area affected by this section. (P.C. § 12.08.055: Ord. 10945 § 1; November 13, 1973).

12.08.110 Responsibility of Owner of Parked Vehicle.

If any vehicle is found in any park in violation of any of the provisions of this chapter regulating the parking of vehicles, and the identity of the driver cannot be readily determined, the owner or person in whose name such vehicle is registered shall be held prima facie responsible for such violation. (P.C. § 12.08.056: Ord. 10945 § 1; November 13, 1973).

12.08.120 Impounding Vehicles.

In addition to any other penalties provided by Title 12, the provisions of Chapter 10.44 of this code, regarding the impounding of vehicles shall apply to any vehicle found by a police officer to be in violation of any provisions of this chapter. (P.C. § 12.08.057: Ord. 10945 § 1; November 13, 1973).

12.08.130 Payment in Violations Bureau.

The provisions of Chapter 10.06 of this code, regarding the penalties for violation of motor vehicle parking ordinances, and the issuance and payment of parking violation tags or notices, shall apply to parking violation tags or notices issued pursuant to any provision of this chapter. (P.C. § 12.08.058: Ord. 10945 § 1; November 13, 1973).

12.08.140 Travel Trailers in Parks.

It shall be unlawful for any person to park or leave standing any travel trailer unattached to a motor vehicle in any park at any time, and it shall be unlawful for any person to permit any travel trailer to be or remain in any park between the hours of 10 p.m. and 7 a.m. (Ord. 19818 §6; December 17, 2012: P.C. § 12.08.060: Ord. 3489 § 30-106, as amended by Ord. 5775; July 12, 1954).

12.08.160 Advertising in Parks.

It shall be unlawful for any person to place or erect any structure, sign, bulletin board, post, pole, or advertising device of any kind whatever in any park, or in any median islands in the public right-of-way and maintained by the city, or to attach any notice, bill, poster, sign, wire, rope, or cord to any tree, shrub, fence, railing, post, or structure in such areas, except as authorized by the Director in writing in accordance with rules and regulations that may be promulgated by the Director, approved by the Mayor, and filed with the office of the City Clerk. (Ord. 19959 §1; December 16, 2013: P.C. § 12.08.080: Ord. 13204 § 7; September 14, 1981: Ord. 9078 § 5; August 22, 1966: Ord. 8171 § 3; September 3, 1963: Ord. 3489 § 30-108, as amended by Ord. 5775; July 12, 1954).

12.08.170 Destruction of Park Property.

It shall be unlawful for any person to remove, destroy, mutilate, or deface any structure, monument, statue, vase, fountain, wall, fence, railing, vehicle, bench, tree, shrub, fern, plant, flower, or other property in any park or park facility. (Ord. 19716 §4; May 21, 2012: P.C. § 12.08.090: Ord. 3489 § 30-109, as amended by Ord. 5775; July 12, 1954).

12.08.180 Animals Running at Large.

It shall be unlawful for any person to allow or permit any dog or other animal to run at large in any park, or to enter any of the lakes, ponds, fountains, or streams therein.

For the purposes of this section, the term "at large" is defined to mean not under the control of a person either by leash, cord, chain, or confinement within a vehicle or pen or other similar enclosure.

Notwithstanding the foregoing, the Director of the Parks and Recreation Department may designate certain areas to allow dogs to run at large. (P.C. § 12.08.100: Ord. 11291 § 1; March 3, 1975: prior Ord. 10867 § 1; July 23, 1973: Ord. 3489 § 30-110, as amended by Ord. 5775; July 12, 1954).

12.08.190 Ornamentations; Trespass.

It shall be unlawful for any person to walk, stand, sit, or climb any border, flower bed, monument, vase, fountain, railing, or fence or climb any building, sign, tree, lightpole, or cage in any park. (P.C. § 12.08.110: Ord. 13204 § 8; September 14, 1981: prior Ord. 3489 § 30-111, as amended by Ord. 5775; July 12, 1954).

12.08.200 Weapons Prohibited in Parks and Park Facilities.

(a) It shall be unlawful for any person to possess or discharge, or cause to be discharged, within any park or park facility, any firearm, including, but not limited to, any pistol, revolver, shotgun, or rifle.

(b) It shall be unlawful for any person to possess or discharge, or cause to be discharged, within any park or park facility, any air rifle, bow and arrow, crossbow, toy pistol,

toy gun, slingshot, or any other air, gas, manually operated or spring operated gun, weapon, apparatus, or instrument designed or intended to be used for the purpose of throwing or projecting missiles of any kind by any means whatsoever, whether the instrument is called by any name set forth above or by any other name.

(c) Notwithstanding the foregoing, the Director of the Parks and Recreation Department may designate areas in certain parks and park facilities to allow various organized programs to engage in the activities described herein.

(d) The provisions of subsections (a) and (b) of this section shall not apply to duly authorized Parks and Recreation Department employees or law enforcement officers acting in the course of their duty. (Ord. 19959 §2; December 16, 2013: prior Ord. 17365 §1; June 29, 1998: P.C. § 12.08.120: Ord. 12600 § 1; June 25, 1979: Ord. 10868 § 1; July 23, 1973: Ord. 3489 § 30-112, as amended by Ord. 5775; July 12, 1954).

12.08.210 Fireworks Prohibited in Parks.

It shall be unlawful for any person to discharge, shoot, fire, or explode, or cause to be discharged, shot, fired, or exploded any rockets, powder, fireworks, or other dangerous and combustible material at any time within any parks. Notwithstanding the foregoing, the Director may allow public fireworks displays to be conducted in any park, pursuant to Section 9.44.090 of the Lincoln Municipal Code. (P.C. § 12.08.125: Ord. 13204 § 9; September 14, 1981).

12.08.220 Molesting Animals.

It shall be unlawful for any person to in any manner tease, annoy, disturb, molest, catch, injure, kill, or remove from any park any animals, including birds, reptiles, amphibians, mammals, and fish; provided, that it shall not be unlawful to catch fish pursuant to state fishing laws in city-owned ponds, lakes, and waterways, except those located within golf courses. Nothing in this section shall prevent an appropriately authorized city employee from catching or removing any animal from any park while in the performance of his/her official duties. (P.C. § 12.08.130: Ord. 13204 § 10; September 14, 1981: prior Ord. 3489 § 30-113, as amended by Ord. 5775; July 12, 1954).

12.08.230 Selling, Peddling, etc.

It shall be unlawful for any person to have any commercial activity within any park, park facility, or on any roadway within any park, except as authorized by a permit to conduct business on park property pursuant to Section 12.08.320 of this chapter. (Ord. 19819 §6; December 17, 2012: prior Ord. 17640 §3; March 20, 2000: P.C. § 12.08.140: Ord. 9078 § 6; August 22, 1966: Ord. 8171 § 4; September 3, 1963: Ord. 3489 § 30-114, as amended by Ord. 5775; July 12, 1954).

12.08.240 Fastening or Hitching Animals.

It shall be unlawful for any person to hitch any horse or other animal to any tree, shrub, fence, railing, or other structure, except such as are provided for that purpose, or to allow any horse or other animal to remain unhitched beyond the reach of the driver or attendant in any park. (P.C. § 12.08.160: Ord. 3489 § 30-116 amended by Ord. 5775 July 12, 1954).

12.08.250 Games of Chance.

It shall be unlawful for any person to conduct or carry on any game of chance in any park or park facility; provided, however, the Director may approve the conduct of bingo occasions by

organizations permitted by state law to conduct such bingo occasions. All such bingo occasions shall be conducted in full compliance with applicable state law. The Director may at any time revoke an approval given hereunder when such action is deemed to be in the best interests of the city. (Ord. 19959 §3; December 16, 2013: P.C. § 12.08.170: Ord. 13760 § 1; February 13, 1984: Ord. 3489 § 30-117, amended by Ord. 5775; July 12, 1954).

12.08.260 Disorderly Conduct.

It shall be unlawful for any person to conduct or carry on any boisterous or insulting language, or to be guilty of any disorderly, lewd, or lascivious conduct of any kind in any park or park facility. (Ord. 19959 §4; December 16, 2013: P.C. § 12.08.180: Ord. 3489 § 30-118, as amended by Ord. 5894; October 25, 1954).

12.08.270 Alcoholic Liquor Prohibited; Exceptions and Permit Requirements.

It shall be unlawful for any person to consume or to possess any alcoholic liquor in any park or park facility; provided, however, the above prohibition shall not apply to the following as they may be properly licensed or permitted according to the Nebraska Liquor Control Act:

(a) The retail licensed premises consisting of the clubhouse area of golf courses and outdoor areas of any 18-hole golf course;

(b) The premises of the Lincoln Children's Zoo and the Lincoln Children's Museum in conjunction with fundraising activities occurring when the zoo or museum is not otherwise open to the public;

(c) The premises of Hazel Abel Park, Stransky Park, Sunken Gardens, Antelope Park Rose Garden, Woods Park Tennis Center, Jayne Snyder Trails Center, Auld Pavilion, Pinewood Bowl, and Pioneers Park Nature Center, in conjunction with fundraising activities sponsored only by and for the Parks and Recreation Department or by non-profit organizations specifically organized to benefit any city department when the premises or the area of the activity is not otherwise open to the public; and

(d) The premises of Pinewood Bowl, in conjunction with events sponsored by the Parks and Recreation Department and programmed or operated by the Arena operator pursuant to any contracts in effect; and

(e) The premises of the Jayne Snyder Trail Center specifically by a condominium unit owner in the Active Living Center Condominium Association and pursuant to written agreement.

(f) The Director shall develop rules and regulations regarding alcoholic liquor in some or all parks and parks facilities. (Ord. 20364 §1; August 8, 2016: prior Ord. 20207 §2; June 29, 2015: Ord. 19959 §4; December 16, 2013: Ord. 19818 §7; December 17, 2012: Ord. 19579 §1; July 25, 2011: Ord. 19120 §1; August 11, 2008: Ord. 18395 §1; June 28, 2004: Ord. 18260 §1; November 3, 2003: Ord. 17797 §1; February 26, 2001: P.C. § 12.08.190: Ord. 14482 § 1; August 25, 1986: Ord. 3489 § 3119, amended by Ord. 5894; October 25, 1954).

12.08.280 Rules and Regulations; Waterways.

(a) The Director may authorize regulations permitting wading, swimming, bathing, wind sailing, ice skating, water skiing, and the use of any flotation device on all or any portion of any pond, lake, or drainage area within any park. Such regulations may include permission for such water-related recreational activities in all such areas or any portion of any specific area within any park and may provide for general conditions for specific water-related recreational activities, which shall be posted at such areas or at the entrance to such park.

(b) All such rules and regulations shall be approved by the Mayor. The Director shall file all rules and regulations with the office of the City Clerk and when so filed they shall be in full force and effect; provided, when such water-related recreational activities are permitted in any pond, lake, or drainage area of any park, it shall be sufficient that notice be posted at the entrance to such park, or at designated areas within the park indicating the permissible area of such activity.

(c) Any person who shall wade, swim, bathe, wind sail, ice skate, water ski, or use any flotation device on any pond, lake, or drainage area within any park, unless the Director shall have given permission for such activity in the specific pond, lake, or drainage area or portion thereof as posted, shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished as provided in the penalty provision of this chapter. (P.C. § 12.08.191: Ord. 13204 § 11; September 14, 1981).

12.08.290 Hitting Golf Balls Prohibited Except at Golf Courses.

No person shall hit a golf ball in any park; provided, however, that this section shall not apply to anyone hitting a golf ball on a golf course or driving range in conformity with the rules of the United States Golf Association. (P.C. § 12.08.192: Ord. 13204 § 12; September 14, 1981).

12.08.300 Permit for Special Use of Park or Park Facility.

(a) Notwithstanding other provisions of this chapter, the Mayor or Director may grant the special use of any park or park facility or portion thereof for a limited period of time. A permit of this nature shall not be required for rental of certain park facilities or certain uses as designated by the Director by the approved rules and regulations.

(b) The person or organization seeking such permit shall file a written application with the Parks and Recreation Department, upon a form to be furnished by the city. No permit shall be granted if the application is not fully completed and executed. The permit application shall set forth the following:

- (1) The name, address, and telephone number of the person filing the application;
- (2) The name, address, and telephone number of the headquarters of the organization, if an organization is involved, and of the persons who manage such organization who will oversee the use requested;
- (3) The exact use for which the permit is requested;
- (4) The park or park facility or portion thereof requested for such use;
- (5) The dates and hours for which the use is requested;
- (6) The number of persons expected to attend;
- (7) If applicable, the number and types of vehicles expected, and the estimated time of arrival of all vehicles;
- (8) An agreement to indemnify, save, and keep the city free and harmless from any and all loss or damages or claims, including attorney's fees and litigation costs, for damages arising from or out of such use;
- (9) An agreement to comply with all related municipal ordinances, rules, regulations, and other applicable laws;
- (10) A description, including the attachment, support, construction, and design of all signs and banners, subject to approval by the city as required by the rules and regulations; and
- (11) Such other pertinent information as may be requested.

(c) The applicant shall, at the time of making application, pay to the city the uniform permit fee and facility fee based on the fee schedule determined by the Director and Mayor for all permits, which permit fee shall be used to defray the costs related to the issuance of such permit. Admission fees, if any, to any event shall be subject to the approval of the Director. A permit fee shall not be charged if an event is co-sponsored in partnership with the city or an event is in conjunction with fundraising activities sponsored by and for the city or by non-profit organizations specifically organized to benefit the city. The Director shall develop rules and regulations regarding approval of co-sponsorship of events.

(d) The applicant shall maintain public liability insurance for the duration of the permit in a suitable policy form with a minimum combined single limit of \$1,000,000 aggregate for any one occurrence, naming the city as an additional insured. The applicant shall file a certificate of insurance with the Director at the time of making application showing:

- (1) A valid and effective policy or policies of insurance issued by an insurance company authorized to do business in the State of Nebraska;
- (2) The limits of each policy;
- (3) The policy number;
- (4) The name of the insurer;
- (5) The effective date and expiration date of each policy;
- (6) The deductibles or self-insurance retainers of each policy;
- (7) That the city is named as an additional insured; and
- (8) That the Director will be notified thirty days in advance of cancellation or material change to the insurance for any reason.

The applicant shall provide the declarations page or a copy of any policy, complete with endorsements, upon the request of the Director. Any termination, lapse, or reduction of such insurance shall automatically revoke any permit issued pursuant to this section. Waiver of the liability insurance shall be permitted provided the applicant provides written evidence of indigency and the activity is protected by the First Amendment of the United States Constitution. A waiver shall only be permissible for those permits involving use of open park land, not for use of park facilities, or for such events for which an admission fee is charged.

(e) The Director may, as part of such permit, include such conditions as the Director deems necessary for the preservation of the public health, safety, and welfare and for the protection of the park or park facility to be utilized. No applicant shall represent, advertise, promote, or otherwise publish any claim whatsoever related to city endorsement or sponsorship of the event unless authorized by the city in writing.

- (f) No permit shall be issued if the Director finds that the proposed use:
- (1) Will cause unreasonable injury or damage to the park or park facility requested;
 - (2) Conflicts with a prior permit, or a prior application that is likely to be granted, for the same park or park facility and for the same time;
 - (3) Will continue for a duration of such a length as may interfere with use of the park or park facility by the public, including any set-up or tear-down time;
 - (4) Will involve such a number of persons or activities as will exceed the reasonable capacity of the park or park facility requested;
 - (5) Will interfere with the provision of proper fire and police protection to the area adjacent to the park or park facility requested;
 - (6) Will adversely affect adjacent or neighboring properties by causing excessive noise or creating a nuisance;

(7) Will unreasonably interfere with the safe, orderly, and expeditious movement of vehicular or pedestrian traffic; or

(8) Will fail to comply in any respect with the provisions of this chapter or any other applicable law or rules or regulations adopted by the Director.

No permit shall be issued to any applicant that has unpaid or past due fees under this chapter for any prior permit, rental, or license application. Any permit may be revoked for violation of the above requirements or if the use is not conducted in a manner consistent with the representations set forth in the application or in any previous applications by the same applicant. The reason for the denial or revocation shall be provided in writing to the person or organization. A new application must be submitted if any change is made from the application as previously submitted and approved.

(g) Any person or organization aggrieved by any denial or revocation of a permit by the Mayor or Director may appeal such determination to the City Council by setting forth the details of such grievance in a letter to the Council with a copy to the Mayor. Not less than ten days after the filing of such letter, such person or organization shall personally appear before the Council to show why such person is aggrieved and why and how such determination should be modified or reversed by the Council. The City Council shall then make a final determination of the matter in controversy at or before its next regular weekly meeting and shall sustain, modify, or reverse the determination made by the Mayor or Director. (Ord. 19959 §6; December 16, 2013: P.C. § 12.08.195; Ord. 15654 § 1; July 9, 1990: Ord. 12013 § 1; June 27, 1977: Ord. 10293 § 1; November 1, 1971: Ord. 10003 § 1; June 29, 1970).

12.08.310 License for Long-Term or Multiple Use of Park or Park Facility.

(a) Notwithstanding other provisions of this chapter, the Director may grant a license for the long-term or multiple use, not to exceed one year, of Pinewood Bowl, or any athletic field, practice field, municipal swimming pool, or similar park facility to any person, persons, or organization for the purpose of holding any athletic exhibition, sports event, recreational activity, musical concert, play, show, or similar activity for which admissions may be charged.

(b) The person or organization seeking such license shall file a written application with the Parks and Recreation Department, upon a form to be furnished by the city. No license shall be granted if the application is not fully completed and executed. The license application shall set forth the following:

(1) The name, address, telephone number of the licensee, and the name of the persons who will oversee the use requested;

(2) The name, address, and telephone number of the headquarters of the organization, if an organization is involved, and of the persons who manage such organization who will oversee the use requested;

(3) The exact use for which the license is requested;

(4) The park facility requested for such use;

(5) The dates and hours for which the use is requested;

(6) The number of persons expected to attend;

(7) If applicable, the number and types of vehicles expected, and the estimated time of arrival of all vehicles;

(8) An agreement to indemnify, save, and keep the city free and harmless from any and all losses, or damage, or claims, including attorney's fees and litigation costs, for damages arising from or out of such use;

(9) An agreement to comply with all related municipal ordinances, rules, regulations and other applicable laws;

(10) A description, including the attachment, support, construction, and design of all signs and banners, subject to approval by the city as required by the rules and regulations; and

(11) Such other pertinent information or agreements as may be requested.

(c) The applicant shall, at the time of making application, pay to the city the uniform license facility fee based on the fee schedule determined by the Director and Mayor for all licenses, which license fee shall be used to defray the costs related to the issuance of such license. Admission fees, if any, to an event shall be subject to the approval of the Director. The Director shall develop rules and regulations regarding approval of co-sponsorship of events.

(d) The applicant shall maintain public liability insurance for the duration of the license in a suitable policy form with a minimum combined single limit of \$1,000,000 aggregate for any one occurrence, naming the city as an additional insured. The applicant shall file a certificate of insurance with the Director at the time of making application showing:

(1) A valid and effective policy or policies of insurance issued by an insurance company authorized to do business in the State of Nebraska;

(2) The limits of each policy;

(3) The policy number;

(4) The name of the insurer;

(5) The effective date and expiration date of each policy;

(6) The deductibles or self-insurance retainers of each policy;

(7) That the city is named as an additional insured; and

(8) That the Director will be notified thirty days in advance of cancellation or material change to the insurance for any reason.

The applicant shall provide the declarations page or a copy of any policy, complete with endorsements, upon the request of the Director. Any termination, lapse, or reduction of such insurance shall automatically revoke any license issued pursuant to this section.

(e) The Director may, as part of such license, include such conditions as the Director deems necessary for the preservation of the public health, safety, and welfare and for the protection of the park or park facility to be utilized. No applicant shall represent, advertise, promote, or otherwise publish any claim whatsoever related to city endorsement or sponsorship of the event unless authorized by the city in writing.

(f) No license shall be issued if the Director finds that the proposed use:

(1) Will cause unreasonable injury or damage to the park or park facility requested;

(2) Conflicts with a prior license, or a prior application that is likely to be granted, for the same park space or facility and for the same time;

(3) Will continue for a duration of such a length as may interfere with use of the park or park facilities by the public;

(4) Will involve such a number of persons or activities as will exceed the reasonable capacity of the park or park facility requested;

(5) Will interfere with the provision of proper fire and police protection to the area adjacent to the park or park facility requested;

(6) Will adversely affect adjacent or neighboring properties by causing excessive noise or creating a nuisance;

(7) Will unreasonably interfere with the safe, orderly, and expeditious movement of vehicular or pedestrian traffic; or

(8) Will fail to comply in any respect with the provisions of this chapter or any other applicable law or rules or regulations adopted by the Director.

No license shall be issued to any applicant that has unpaid or past due fees under this chapter for any prior permit, rental or license application. Any license may be revoked for violation of the above requirements or if the use is not conducted in a manner consistent with the representations set forth in the application or in any previous applications by the same applicant. A new application must be submitted if any change is made from the application as previously submitted and approved.

(g) Any person or organization aggrieved by any denial or revocation of a license of the Mayor or Director may appeal such determination to the City Council by setting forth the details of such grievance in a letter to the City Clerk with a copy to the Mayor. Not less than ten days after the filing of such letter, such person or organization shall personally appear before the Council to show why such person is aggrieved and why and how such determination should be modified or reversed by the Council. The City Council shall then make a final determination of the matter in controversy at or before its next regular weekly meeting and shall sustain, modify, or reverse the determination made by the Mayor or Director. (Ord. 19959 §7; December 16, 2013: prior Ord. 17640 §4; March 20, 2000: P.C. § 12.08.196: Ord. 12212 § 1; February 27, 1978: Ord. 11915 § 1; March 11, 1977).

12.08.320 Permit to Conduct Business on Park Property.

(a) Notwithstanding other provisions of this chapter, the Director is authorized to grant a permit to conduct business upon property under the control of the Parks and Recreation Department for the purpose of selling refreshments, equipment rentals, sales of merchandise related to a special event, collection of admission fees, collection of donations, or other services which would further the public use and enjoyment of the parks and park facilities. Such permit shall be granted as a privilege only and subject to revocation by the city at any time, and provided, further, that no concession shall be granted which would unreasonably interfere with the use of parks or park facilities by the public. A permit may be granted in conjunction with a permit for special use of park property or license or may be granted independently. Any permit granted which allows the sale of food, beverage, or food- or beverage-related items shall be subject to all applicable health regulations.

(b) The person or organization seeking permission for a permit to conduct business on park property shall file an application with the Parks and Recreation Department, upon a form to be furnished by the city. No permit shall be granted if the application is not fully completed and executed. The permit application shall set for the following:

(1) The name, address, and telephone number of the person filing the application;

(2) The name, address, and telephone number of the headquarters of the organization, if an organization is involved, and of the persons who manage such organization who will oversee the business activity;

(3) The activity which is proposed;

(4) The park or park facility or portion thereof requested for such activity;

(5) The dates and hours for which the activity is requested;

(6) An agreement to save, indemnify and keep the city free and harmless from any and all loss or damages or claims, including attorney's fees and litigation costs, arising from or out of such activity;

(7) An agreement to comply with all related municipal ordinances, rules, regulations and other applicable laws; and

(8) Such other pertinent information, insurance or agreements as may be requested.

(c) The applicant shall, at the time of making application, pay to the city a uniform permit fee to be determined by the Director and Mayor for all permits, which fee shall be used to defray the costs related to the issuance of such a permit, unless the applicant is involved in business activities as part of an event co-sponsored by the city.

(d) The Director may, as part of such permit, include such conditions as the Director deems necessary for the preservation of the public health, safety, and welfare and for the protection of the park or park facility to be utilized, including the requirement of signed waivers from all participants in recreational activities. A permit shall not constitute city endorsement or sponsorship of the use unless the activity is co-sponsored, and no applicant shall represent, advertise, promote, or otherwise publish any claim whatsoever related to city endorsement or sponsorship of the activity unless authorized by the city in writing.

(e) No permit shall be issued if the Director finds that the proposed use:

(1) Will cause unreasonable injury or damage to the park or park facility requested;

(2) Conflicts with a prior permit, or a prior application that is likely to be granted, for the same park space or facility and for the same time;

(3) Will continue for a duration of such a length as may interfere with use of the park or park facilities by the public, including any set-up or tear-down time;

(4) Will involve such a number of persons or activities as will exceed the reasonable capacity of the park or park facility requested;

(5) Will interfere with the provision of proper fire and police protection to the area adjacent to the park or park facility requested;

(6) Will adversely affect adjacent or neighboring properties by causing excessive noise or creating a nuisance;

(7) Will unreasonably interfere with the safe, orderly, and expeditious movement of vehicular or pedestrian traffic; or

(8) Will fail to comply in any respect with the provisions of this chapter or any other applicable law or rules or regulations adopted by the Director.

No permit shall be issued to any applicant that has unpaid or past due fees under this chapter for any prior permit, rental or license application. Any permit may be revoked for violation of the above requirements or if the use is not conducted in a manner consistent with the representations set forth in the application or in any previous applications by the same applicant. A new application must be submitted if any change is made from the application as previously submitted and approved. (Ord. 19959 §8; December 16, 2013: prior Ord. 17640 §5; March 20, 2000: P.C. § 12.08.197: Ord. 11915 § 2; March 11, 1977).

12.08.330 Rules and Regulations.

In addition to the specific authorizations aforementioned, the Director is authorized to promulgate rules and regulations governing the use or activities in any park for the health, safety, and welfare of the public provided that such rules and regulations shall not be inconsistent with

the Charter or with the Lincoln Municipal Code. Such regulations shall be approved by the Mayor and filed with the office of the City Clerk, and when so filed they shall be in full force and effect. (P.C. § 12.08.200: Ord. 13204 § 14; September 14, 1981: prior Ord. 9078 § 7; August 22, 1966: Ord. 8171 § 5; September 3, 1963: Ord. 3489 § 30-120, as amended by Ord. 5775; July 12, 1954).

12.08.340 Penalty.

Any person who shall violate any provision of Title 12 or any rule or regulation adopted hereunder for which a penalty is not otherwise specifically provided shall be deemed guilty of a misdemeanor and upon conviction shall be punished by imprisonment in the city jail for a period of not to exceed six months, or by a fine of not to exceed \$500.00, recoverable with costs, or both. Each day that a violation of this title or of the rules and regulations promulgated hereunder continues shall constitute a separate and distinct offense and shall be punishable as such. (Ord. 20189 §2; April 27, 2015; P.C. § 12.08.210: Ord. 13204 § 15; September 1, 1981).