

## Chapter 12.36

### LINCOLN CHILDREN'S ZOO

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#### **12.36.010**      **Area of Zoo Designated.**

The occupancy and use by the Arnott R. Folsom Zoological Society, formerly known as the Lincoln Children's Zoo Association, and hereinafter in this chapter referred to as the Association, of that certain part of Antelope Park heretofore allocated to and set aside for the use of the Association, which is completely enclosed by fencing, be and the same are hereby ratified, confirmed, and approved, together with the buildings, structures, and equipment therein used in connection with the operation and maintenance of the zoological garden and exhibits therein. The Association is also hereby permitted to occupy an area in said park outside of and contiguous to that part enclosed by fencing, to be used for the purpose of constructing, maintaining and operating a miniature railroad. The total area above described, to be known as the Lincoln Children's Zoo is shown more particularly on a map, three copies of which are attached to Ordinance 12865 and made a part of this chapter. The use and occupancy by the Association as set forth above shall be upon the terms and conditions hereinafter provided in this chapter. (Ord. 19818 §16; December 17, 2012: prior Ord. 12865 § 1; March 10, 1980: Ord. 11885 § 1; January 31, 1977: Ord. 10140 § 1; April 12, 1971: Ord. 7477 § 1; as amended by Ord. 7522; July 17, 1961).

#### **12.36.020**      **Admission Fee and Concessions; Use of Funds Derived Therefrom.**

The said Association shall have the right to charge an admission fee to the premises referred to in Section 12.36.010 hereof in an amount which shall first have been approved by executive order of the Mayor and to operate concessions therein for the sale of refreshments, curios, and other merchandise ordinarily available to visitors to zoological gardens and exhibits of similar character; provided, however, that all revenues derived by the association from such sources shall be expended by it in development, operation, and maintenance of said zoological gardens and exhibits, and for research and education. (Ord. 12865 § 2; March 10, 1980: prior Ord. 7477 § 2; June 5, 1961).

**12.36.030 Manner of Operation.**

The Association shall assume the responsibility and obligation to conduct, operate, and maintain said Lincoln Children's Zoo in a careful, efficient manner. (Ord. 19818 §17; December 17, 2012: prior Ord. 12865 § 3; March 10, 1980: prior Ord. 7477 § 3; June 5, 1961).

**12.36.040 Use of Donations.**

All donations to the Association of money, materials, or zoological exhibits shall by the Association be devoted to the development, improvement, care, maintenance, and operation of said Lincoln Children's Zoo, and for research and education, under the control and jurisdiction of the city. (Ord. 19818 §18; December 17, 2012: prior Ord. 12865 § 4; March 10, 1980: prior Ord. 7477 § 4; June 5, 1961).

**12.36.050 Title to Animals.**

The title to all animals, birds, and reptiles acquired by the Association by purchase or donation shall be vested in the City of Lincoln, provided that the Association may sell or exchange any excess or undesirable specimens of the zoological exhibits covered by this chapter, with the approval of the Director of Parks and Recreation of the City of Lincoln, and title to specimens received by the Association in exchange shall be vested in the city. Upon dissolution of said Association, title to all property, both real and personal, or mixed, acquired by the Association, including, but not limited to, all buildings, structures, exhibits, animals, birds and reptiles, all books, records and equipment of whatever nature, shall vest in the City of Lincoln. (Ord. 10140 § 2; April 12, 1971: prior Ord. 7477 § 5; June 5, 1961).

**12.36.060 Liability Insurance.**

The Association shall at all times protect and save harmless the city from and against all claims for damages on account of injury to persons or property occurring within said Lincoln Children's Zoo or by reason, directly or indirectly, of the maintenance therein of said zoological exhibits, it being expressly intended by this provision to exempt and absolve the City of Lincoln from any such liability whatsoever in any way connected with the maintenance and operation of said Lincoln Children's Zoo and exhibits, and that the Association shall assume full and complete responsibility in the premises. In this connection, the City Council shall have the right to require that the Association furnish and maintain at its own expense for the benefit of the city a policy of insurance in such amount as the Council may by resolution determine. (Ord. 19818 §19; December 17, 2012: prior Ord. 12865 § 5; March 10, 1980: prior Ord. 7477 § 6; June 5, 1961).

**12.36.070 Books, Records, and Reports.**

The books and records of the said Association shall be open at all times to inspection by said city, or its duly authorized representative, and said Association shall file annually with the Director reports of receipts and expenditures for the preceding year. (Ord. 19818 §20; December 17, 2012: prior Ord. 7477 § 7; June 5, 1961).

**12.36.080 Association Bound by Chapter.**

The said Association shall, upon its written acceptance of this chapter, agree to be bound by all the terms, provisions, and conditions hereof. (Ord. 7477 § 8; June 5, 1961).

**12.36.090 Rules and Termination.**

All rules adopted by the Association pertaining to the occupancy and use of the Lincoln Children's Zoo shall be submitted in writing to the Director of Parks and Recreation. The Director shall then review the proposed rules and provide a written response to the Association within thirty days from the receipt of the rules. If no response is received by the Association thirty days after its filing of the rules with the Director, the approval of the Director shall be presumed. If the Director does not approve the rules, the Director and the Association shall meet and confer in an attempt to resolve their differences for a period not to exceed thirty days after receipt of the written objections of the Director. If the Director and Association cannot agree on the rules within the thirty day meet-and-confer period, then the matter shall be submitted to the Mayor who, after public hearing, shall determine the rules and approve the same.

If the city desires to terminate the occupancy and use of the Lincoln Children's Zoo, said termination shall be accomplished by repealing Chapter 12.36 of the Lincoln Municipal Code. (Ord. 19818 §17; December 17, 2012: prior Ord. 12865 § 6; March 10, 1980: Ord. 11885 § 2; January 31, 1977).