

## CHAPTER 15

### PARKS AND RECREATION

#### Article

1. Parks Generally; Swimming Pools. 15-1-1 to 15-1-21.
  - (a) General Regulations. 15-1-1 to 15-1-21.
  - (b) Trees. 15-1-22 to 15-1-27.
  - (c) Special Events. 15-1-28 to 15-1-41.
2. Riverside Zoo. 15-2-1 to 15-2-26.

#### ARTICLE 1

### PARKS GENERALLY; SWIMMING POOLS

#### (a) GENERAL REGULATIONS

#### Section

<u>15-1-1</u>	<u>Parks; identified.</u>
<u>15-1-2</u>	<u>Destruction of property; waste; prohibited.</u>
<u>15-1-3</u>	<u>Same; motor vehicle; defined.</u>
<u>15-1-4</u>	<u>Same; speed regulation.</u>
<u>15-1-5</u>	<u>Same; stop signs.</u>
<u>15-1-6</u>	<u>Dogs; other domesticated animals; at large; prohibited.</u>
<u>15-1-7</u>	<u>Boating and swimming; prohibited; listing of exception; fishing allowed; when.</u>
<u>15-1-8</u>	<u>Other rules; regulations; adoption.</u>
<u>15-1-9</u>	<u>Entering parks; prohibited when; exceptions.</u>
<u>15-1-10</u>	<u>Parks; motor vehicles; locations.</u>
<u>15-1-11</u>	<u>Littering; discharges into water, water facilities.</u>
<u>15-1-12</u>	<u>Starting fires.</u>
<u>15-1-13</u>	<u>Firearms, guns, bows and arrows, similar devices; fireworks.</u>
<u>15-1-14</u>	<u>Horses, cattle.</u>
<u>15-1-15</u>	<u>Monument Valley Pathways; fishing; swimming.</u>
<u>15-1-16</u>	<u>Violations; classification.</u>
<u>15-1-17</u>	<u>Swimming pools; admissions.</u>
<u>15-1-18</u>	<u>Same; promotional discount.</u>
<u>15-1-19</u>	<u>Same; handicapped individual.</u>
<u>15-1-20</u>	<u>Riverside Park campground; fees.</u>
<u>15-1-21</u>	<u>Community festivals, art shows.</u>

## (b) TREES

<a href="#">15-1-22</a>	<a href="#">Definitions.</a>
<a href="#">15-1-23</a>	<a href="#">City Tree Plan; development; maintenance.</a>
<a href="#">15-1-24</a>	<a href="#">Trees; shrubs; species; official lists.</a>
<a href="#">15-1-25</a>	<a href="#">Park trees; distance from corner, hydrants; utility lines.</a>
<a href="#">15-1-26</a>	<a href="#">Same; topping; cutting down; injuring.</a>
<a href="#">15-1-27</a>	<a href="#">Arborists; license; application, fees; insurance.</a>

## (c) SPECIAL EVENTS

<a href="#">15-1-28</a>	<a href="#">Definitions.</a>
<a href="#">15-1-29</a>	<a href="#">Permit; required.</a>
<a href="#">15-1-30</a>	<a href="#">Application procedure; fee.</a>
<a href="#">15-1-31</a>	<a href="#">Permit; application; contents.</a>
<a href="#">15-1-32</a>	<a href="#">Limitations on time and location.</a>
<a href="#">15-1-33</a>	<a href="#">Grounds for denial of application; revocation.</a>
<a href="#">15-1-34</a>	<a href="#">Decision on application.</a>
<a href="#">15-1-35</a>	<a href="#">Permit Conditions.</a>
<a href="#">15-1-36</a>	<a href="#">Insurance.</a>
<a href="#">15-1-37</a>	<a href="#">Duties of permittee.</a>
<a href="#">15-1-38</a>	<a href="#">Appeal procedure.</a>
<a href="#">15-1-39</a>	<a href="#">Special arrangements authorized.</a>
<a href="#">15-1-40</a>	<a href="#">Park Shelters.</a>
<a href="#">15-1-41</a>	<a href="#">Violations.</a>

## (a) GENERAL REGULATIONS

### 15-1-1. Parks; identified.

(1) For the purposes of this Municipal Code the following named parks shall be deemed to be compromised of the areas owned or controlled by the City of Scottsbluff, Nebraska and located at the following addresses:

Bee Lovell Park, 18<sup>th</sup> Street and 10<sup>th</sup> Avenue  
Centennial Park, 400 East 20<sup>th</sup> Street  
Cleveland Field, 1615 West 20<sup>th</sup> Street  
Constitution Park, 1809 3<sup>rd</sup> Avenue  
Don Park, Railroad Street and Avenue I  
Dr. Allan C. Landers Memorial Park, 4205 5<sup>th</sup> Avenue  
East Overland Park, 1221 East 12<sup>th</sup> Street  
Frank Park, 2804 2<sup>nd</sup> Avenue  
Fairview Cemetery, 4109 5<sup>th</sup> Avenue  
Lacy Park, 240071 Highland Road  
McCaffree Park, 600 West 15<sup>th</sup> Street

Mini Park, 18<sup>th</sup> Street and Broadway  
Monument Valley Pathways, Broadway and South Beltline  
Neighbor Park, 9<sup>th</sup> Avenue and 11<sup>th</sup> Street  
Northwood Park, 801 West 31<sup>st</sup> Street  
Pioneer Park 102 27<sup>th</sup> Street  
Platte Valley Park, 1222 Circle Drive  
Riverside Zoo, 1600 South Beltline West  
Riverside Park, 1514 South Beltline West  
Senior Center, 1502 21<sup>st</sup> Avenue  
Splash Arena, 2813 2<sup>nd</sup> Avenue  
Terry Carpenter Park 2902 2<sup>nd</sup> Avenue  
Veterans Park, 715 14<sup>th</sup> Avenue  
Westmoor Park, 1936 Avenue I (Ord 3755, 2003; Ord 4161, 2015)

This section renumbered by the City Clerk pursuant to § 14-2-9.

**15-1-2. Destruction of property; waste; prohibited.**

It shall be unlawful for any person to cut down, injure, or destroy any tree, plant, or shrub or to injure or destroy any building, equipment, or paraphernalia belonging to the City and installed in its parks, or to commit waste of any kind therein. (Ord. 1116)

This section renumbered by the City Clerk pursuant to § 14-2-9.

**15-1-3. Same; motor vehicle; defined.**

For the purposes of this Chapter the term “motor vehicle” shall mean any self-propelled vehicle of whatever nature. (Ord. 2209, 1976; Ord. 1116)

**15-1-4. Speed regulation.**

It shall be unlawful for any person or persons to operate a motor vehicle or an Electric Personal Assistive Mobility Device upon any roadway, thoroughfare, street or place within Lacy Park or Riverside Park at a speed in excess of fifteen (15) miles per hour. It shall be unlawful for any person to operate a bicycle, skates, skateboard, motorized skateboard, or any motorized device within Monument Valley Pathways at a speed in excess of fifteen (15) miles per hour. (Ord. 4048, 2011.)

This section renumbered by the City Clerk pursuant to § 14-2-9.

**15-1-5. Same; stop signs.**

Stop signs shall be erected at all places where any roadway, thoroughfare or street within Riverside Park enters any public or county road or highway. The operator of every motor vehicle, upon approaching any stop sign within the park, and before passing such sign, shall cause the vehicle to come to a complete stop at a point where the front wheels of the vehicle are even with the sign. It shall be unlawful for any person to fail to so stop such vehicle. (Ord. 1116)

**15-1-6. Dogs; other domesticated animals; at large; prohibited.**

It shall be unlawful for any person, firm, corporation or partnership to permit or allow any dog or other domesticated animal to run at large anywhere within any park. Provided, this prohibition shall not apply to dogs or domesticated animals when the same are on a leash in the hands of some person or tied to a permanent object. If a dog defecates within a park the person in charge of the dog shall pick up after it. (Ord. 3489, 1996)

**15-1-7. Boating and swimming; prohibited; listing of exception; fishing allowed; when.**

No boating or swimming is allowed in any park owned by the City. Provided, however, that kayaking, canoeing and non motorized water craft are allowed on the east pond in Riverside Park. Provided further that any kayaking, canoeing, and water craft must not be propelled with a motor and

only in a kayak, canoe or non motorized water craft which is shorter than 14 feet in length and with each occupant of the kayak, canoe or non motorized water craft wearing a life jacket at all times they are on a pond. In addition, all persons under the age of 18 must be accompanied with an adult while on the pond. No swimming, tubes, inflatables or other devises shall be allowed on or in a pond. Fishing is permitted in the ponds at Riverside Park, subject to the applicable regulations of the State of Nebraska.

**15-1-8. Other rules; regulations; adoption.**

The City Manager may prepare such rules and regulations as may be deemed necessary for the management and care of the parks and zoo, and to assure the orderly use of the parks and zoo by the public and the protection thereof from acts of vandalism or malicious mischief. Such rules and regulations shall be submitted to the City Council for approval and adoption and, when approved and adopted by the City Council in Resolution form, such Resolution shall be published in the manner provided for the publication of ordinances, and at least three (3) copies thereof shall be kept on file at the office of the City Clerk for public inspection. (Ord. 3083, 1988)

**15-1-9. Entering parks; prohibited when; exceptions.**

It shall be unlawful for any person to enter, be or remain in or upon Monument Valley Pathways or the Mini Park between the hours of sunset and sunrise of any day, provided, however, that it shall not be unlawful for persons to use the sidewalk in the Mini Park for the purpose of accessing the parking area located immediately east to the Mini Park. Provided further that it shall not be unlawful to enter, be or remain in the Mini Park during the hours of a special event on Broadway, properly authorized by the City. It shall be unlawful for any person to enter, be or remain in or upon any other park or park area of the City between the hours of 11:00 P.M. and 6:00 A.M. of any day. Provided, this prohibition shall not apply to duly authorized occupants or users of camping areas in such parks or of Trails West Camp, or to police, firefighters, park attendants or park or other maintenance personnel of the City, or other public law enforcement officers, while such officers are engaged in the performance of their official duties. (Ord. 3453, 1995; Ord 3731, 2002)

**15-1-10. Motor vehicles; locations.**

It shall be unlawful for any person to operate or park a motor vehicle, other than an Electric Personal Assistive Mobility Device as defined in Section 3-5-1 of the Municipal Code, in any city park except on roadways, thoroughfares, streets, motor vehicle parking areas, or other areas designated by the city for use by motor vehicles. It shall be unlawful for any person to operate or park a motor vehicle and Electric Personal Assistive Mobility Device, except a wheelchair or maintenance vehicle operated by a city employee, anywhere within or upon Monument Valley Pathways. (Ord. 4048, 2011)

**15-1-11. Littering; discharges into water, water facilities.**

It shall be unlawful for any person to:

- (1) drop, throw, place or discard any wastepaper, dirt, weeds, trash, refuse or other rubbish of any sort onto any park except in a designated receptacle, or
- (2) throw, discharge or otherwise place or cause or permit to be placed or discharged into any fountain, pool, pond, lake, stream or other body of water in any park any substance, matter or thing which might cause the water to be harmful to persons or things, to give forth objectionable odors or to appear unsightly, or otherwise pollute the waters. (Ord. 3446, 1995)

This section renumbered by the City Clerk pursuant to § 14-2-9.

**15-1-12. Starting fires.**

It shall be unlawful for any person to start a fire in any park except in receptacles and facilities provided by the City, or in devises such as portable grills or camp stoves which are manufactured

for the purpose of containing fires. (Ord. 3446, 1995)

This section renumbered by the City Clerk pursuant to § 14-2-9.

**15-1-13. Firearms, guns, bows and arrows, similar devices; fireworks.**

It shall be unlawful for any person, except law enforcement officers in the performance of their duty or employees of the City to carry, possess or discharge on or onto any park any firearm, pellet gun or pistol, BB gun, or other similar device, bow and arrow, crossbow, or any other device capable of projecting a missile able to inflict harm to persons or animals or to injure property, except in places and under special regulations as the City Manager or the designee of the City Manager may have adopted for practicing the use of any such devices or giving exhibitions or holding competitions in their use. It shall also be unlawful for any person to possess or discharge any fireworks on, within or onto any park. (Ord. 3446, 1995)

This section renumbered by the City Clerk pursuant to § 14-2-9.

**15-1-14. Horses, cattle.**

It shall be unlawful for any person to ride any horse, or to cause or allow any horse or cattle to be driven through, run loose, staked out, or in any other way to be in any park except in an area designated by the City Manager, or the designee of the City Manager, for such riding or for showing horses or cattle. Provided however, that horses may be ridden on Monument Valley Pathways, and may be ridden on roadways in Lacy Park and Riverside Park. (Ord. 3446, 1995)

This section renumbered by the City Clerk pursuant to § 14-2-9.

**15-1-15. Monument Valley Pathways; fishing; swimming.**

Fishing from the paved path in Monument Valley Pathways is prohibited. The use of Monument Valley Pathways to gain access to the North Platte River for swimming is prohibited.(Ord. 3446, 1995)

This section renumbered by the City Clerk pursuant to § 14-2-9.

**15-1-16. Violations; classification.**

Any violation of any provision of this Chapter or of any rule or regulation approved, adopted, published and filed as provided in this Chapter is a Class II violation.

This section renumbered by the City Clerk pursuant to § 14-2-9.

**15-1-17. Swimming pools; admissions.**

The charges for admission to swimming pools of the City shall be as provided in Chapter 6, Article 6.

This section renumbered by the City Clerk pursuant to § 14-2-9.

**15-1-18. Same; promotional discount.**

If the City Council shall make a determination by resolution that a reduction of the charge prescribed in this Article for annual family season tickets to the City's swimming pools, for tickets of such type which are purchased during a prescribed limited period of time, would be in the public interest, by tending to promote increased purchases of such tickets and thereby increased use of the City's swimming pools, the City Council by resolution may prescribe a reduced charge to be made for annual family tickets procured during a limited period specified in the resolution. (Ord. 2858, 1984)

This section renumbered by the City Clerk pursuant to § 14-2-9.

**15-1-19. Same; handicapped individual.**

No charge shall be made for use of the City’s swimming pools by a physically handicapped individual under the direction of an accompanying qualified person, or for such use by such person, if the handicapped individual, as determined by the Director of Parks and Recreation, is a member of a family whose income does not exceed 80 per cent of the median family income of all non-metropolitan areas in the State of Nebraska, or is an unrelated individual whose income does not exceed 80 per cent of the median income of all unrelated individuals of all non-metropolitan areas of the State, within the meaning of Section 570.3(0) of the Code of Federal Regulations in effect on February 8, 1982. A “qualified person” means, for purposes of this section, either a licensed physical therapist or some other individual who is certified by a licensed physical therapist or a physician, on a form prescribed by the Director, to be qualified to supervise certain physical therapy of the handicapped individual in a swimming pool. (Ord. 2723, 1982)

This section renumbered by the City Clerk pursuant to § 14-2-9.

**15-1-20. Riverside Park campground; fees.**

Users of Riverside Park campground shall pay fees to the City daily for use of facilities at such campground as provided in Chapter 6, Article 6.

This section renumbered by the City Clerk pursuant to § 14-2-9.

**15-1-21. Community festivals, art shows.**

The public parks may be used temporarily for the purpose of conducting therein an community festival or art show. The provisions of Chapter 20 pertaining to such events on the public streets and sidewalks shall be applicable to public parks, unless such provisions are clearly inapplicable to parks. It shall be unlawful to conduct or participate in such an event otherwise than in accordance with the provisions of this Chapter, and of the applicable provisions of Chapter 20.

This section renumbered by the City Clerk pursuant to § 14-2-9.

**(b) TREES**

**15-1-22. Definitions.**

Whenever used in this Chapter, the following words or terms have the following meaning:

(1) “Park tree” means trees and shrubs in public parks of the City and other areas in the City which are owned by the City or in which the City owns an interest (not including public streets and alleys), or which are leased to the City.

(2) “shrubs” means bushes or other woody vegetation used in landscaping which by their name do not normally attain heights in excess of 20 feet.

(3) “trees, large” means trees which by their nature normally attain heights in excess of 45 feet at maturity.

(4) “trees, medium” means trees which by their nature normally attain heights of from 25 to 45 feet at maturity.

(5) “trees, small” means trees which by their nature do not normally attain heights in excess of 25 feet at maturity.

**15-1-23. City Tree Plan; development; maintenance.**

The Park, Cemetery and Tree Board shall develop a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of park trees and street trees (the latter as defined in Chapter 20, Article 7), which it shall recommend to the City Council for adoption by the City Council. Upon adoption of such a plan by the City Council by ordinance, with or without

amendments, the plan shall constitute the official comprehensive City Tree Plan of the City. The Board shall review the plan not less often than annually, and shall recommend to the City Council amendments, if any, which the Board deems to be in the public interest, and the City Council shall by ordinance enact such amendments, if any, as the Council deems to be in the public interest. (Ord. 3103, 1988)

**15-1-24. Trees, shrubs, species; official lists.**

The Park, Cemetery and Tree Board shall recommend to the City Council for adoption a list of tree and shrub species for planting as park trees, and a list of tree and shrub species for planting as street trees. The trees and shrubs shall be listed by common name and include species recommended by the Nebraska Forester's Office for planting in this geographical area. The lists shall include small, medium and large trees and include spacing requirements for each species of street trees. Upon adoption of such lists by the City Council by resolution, the lists shall constitute comprehensive official lists of permissible park and street trees. Copies of the lists shall be available at the office of the Street Superintendent, who also shall distribute copies to nurseries and other businesses in the City which sells trees to the general public. The official lists shall be updated on a regular basis by the Park, Cemetery and Tree Board and City Council in the manner herein provided for the original lists. (Ord. 3161, 1990)

**15-1-25. Park trees; distance from corner, hydrants; utility lines.**

The provisions of Chapter 20, Article 7 concerning the location of street trees in relation to street corners and hydrants, interference of such trees with utility lines, and pruning or removal of such trees by utilities shall apply, also, to park trees. (Ord. 3103, 1988)

**15-1-26. Same; topping; cutting down; injuring.**

The provisions of Chapter 20, Article 7 concerning topping, cutting down, and destruction or injury, of street trees shall apply, also, to park trees. (Ord. 3103, 1988)

**15-1-27. Arborists; license; application fees; insurance.**

The provisions of Chapter 20, Article 7 concerning licenses required of persons engaged in the business or occupation of pruning, treating or removal of street trees and the other provisions in such section shall apply, also, to park trees. (Ord. 3103, 1988)

**(c) SPECIAL EVENTS**

**15-1-28. Definitions.**

The following definitions are applicable to sections 15-1-28 through 15-1-41:

(1) Applicant shall mean any person or organization who seeks a special event permit from the city to conduct or sponsor an event governed by this Chapter. An applicant must be eighteen years of age or older.

(2) Athletic event shall mean an organized occasion in which a group of persons collectively engage in a sport or form of physical exercise in a park, in such a manner as to require exclusive use of a portion of the park. Athletic events include, but are not limited to, bicycle and foot races, and organized practices for athletic events.

(3) Special event shall mean an athletic event, art and craft show, soap box derby, rally, demonstration or other outdoor event that occurs in a public park, which event may in the judgment

of the Director of Parks and Recreation, interfere with the normal use of the park or which may create a significant risk of injury to the public or participants in the event or other persons.

(4) Permittee shall mean any person or organization who has been issued a special event permit by the Director of Parks and Recreation and paid the appropriate permit fee. (Ord. 3739, 2002; Ord. 4055, 2011)

**15-1-29. Permit; required.**

No person shall form, start, engage in, participate in or aid any special event in a park, unless a special event permit shall have been obtained from the Director of Parks and Recreation as provided in this Article.

**15-1-30. Application procedure; fee.**

(1) Any person desiring to sponsor a special event shall apply for a special event permit by filing a verified application with the Director of Parks and Recreation on a form supplied by the Director of Parks and Recreation. Applications must be submitted not less than thirty (30) business days nor more than one (1) year before the event date.

(2) Upon a showing of good cause, the Director of Parks and Recreation shall consider an application for a special permit that is filed after the filing deadline if there is sufficient time to process and investigate the application and obtain police services for the event. Good cause includes but is not limited to a demonstration by the applicant showing that the circumstance that gave rise to the application did not reasonably allow the applicant to file within the time prescribed, and that the event is for the purpose of exercising the right of free speech.

(3) The application shall be accompanied by any applicable fees specified in Chapter 6 of this code.

**15-1-31. Permit; application; contents.**

The application for a special event permit shall set forth on a form to be furnished by the Director of Parks and Recreation:

(1) the name, address and telephone number of the person or organization seeking to conduct such special event,

(2) if the special event is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization, and of the authorized and responsible heads of such organization,

(3) the name, address and telephone number of the person who will be the special event chairman and who will be responsible for its conduct,

(4) the date or dates and times of day when the special event is to be conducted,

(5) a general description of the activities which will be conducted on all dates applied for,

(6) the proposed location of the special event,

**15-1-32. Limitations as to time and location.**

(1) No special event permit shall be granted for a period in excess of five (5) consecutive calendar days. No park or portion thereof shall be the site of any special event for a period in excess of seven (7) days in any calendar month. (Ord. 4055, 2011)

**15-1-33. Grounds for denial of application; revocation.**

(1) The Director of Parks and Recreation shall approve an application for a special event permit



unless he or she determines, from a consideration of the application and other pertinent information that:

- (a) Information contained in the application, or supplemental information requested from the applicant, is found to be false in any material detail; or
- (b) The applicant failed to complete the application form after having been notified of the additional information or documents required; or
- (c) Another special event permit application has been received prior in time, or has already been approved, to hold another event at the same time and place requested by the applicant, as to render the Police Department unable to meet the needs for police services for both events; or
- (d) The size, nature or location of the event will present a substantial risk to the health or safety of the public or participants in the event or other persons; or
- (e) The size of the event will require diversion of so great a number of peace officers of the city to ensure that participants stay within the boundaries of the event, or to protect participants in the event, as to prevent normal protection to the rest of the city; nothing herein authorizes denial of a permit because of the need to protect participants from the conduct of others, if reasonable permit conditions can be imposed to allow for adequate protection of participants with the number of peace officers available to police the event; or
- (f) The location of the event will substantially interfere with any construction or maintenance work scheduled to take place in the City parks or;
- (g) The event shall occur at a time when a school is in session at a location adjacent to the school or class thereof, and the noise created by the activities of the event would substantially disrupt the educational activities of the school or class; or
- (h) The event involves the use of hazardous, combustible or flammable materials which could create a fire hazard.

(2) When the grounds for denial of an application for permit specified in subsection (1)(d) through (1)(h) above can be corrected by altering the date, time, duration, location of the event, the Director of Parks and Recreation shall, instead of denying the application, conditionally approve the application upon the applicant's acceptance of conditions for permit issuance. The conditions imposed shall provide for only such modification of the applicant's proposed event as are necessary to achieve compliance with said subsections.

(3) The Director of Parks and Recreation may revoke a special event permit if, after the issuing of the permit, new information comes to his or her attention which information indicates that any of the grounds specified in this section for denial of the permit do in fact exist.

#### **15-1-34. Decision on application.**

(1) Before acting on an application for a special event permit the Director of Parks and Recreation shall furnish a copy of the application to the City Clerk, Police Chief, the Fire Chief, and to the Public Works Director. The City Clerk, Police Chief, the Fire Chief, and the Public Works Director shall give their comments on the application to the Director of Parks and Recreation in time for the Director of Parks and Recreation to act on the permit within the time specified by this section.

(2) Such action shall be taken no later than ten (10) business days after receiving a completed application and any applicable fee, if applicable. If the application is denied or conditionally approved, the Director of Parks and Recreation shall inform the applicant in writing of the grounds for denial or the conditions on the permit and the applicant's right of appeal. If the Director of Parks

and Recreation relied on information about the event other than that contained in the application, he or she shall inform the applicant of such information. If the Director of Parks and Recreation refuses to consider a late application under Section 15-1-30, he or she shall inform the applicant in writing of the reason for the refusal, and of the applicant's right of appeal.

#### **15-1-35. Permit Conditions.**

The Director of Parks and Recreation may condition the issuance of a special event permit by imposing reasonable requirements concerning the time and place of the event and such requirements as are necessary to protect the safety of persons and property, provided that such conditions shall not unreasonably restrict the right of free speech. Such conditions include but are not limited to the following:

- (1) Alteration of the date, time, or location of the event;
- (2) Requirements for provision of first aid or sanitary facilities;
- (3) Requirements for arrangement of supplemental fire protection personnel to be present at event at the permittee's expense;
- (4) Requirements for use of event monitors and providing notice of permit conditions to event participants;
- (5) Requirements for use of garbage containers, cleanup and restoration of city property;
- (6) Restrictions on use of amplified sound.
- (7) Requirements for the deposit of security to defray the cost of city labor and the use of city equipment to carry out the special event.
- (8) Restrictions on the erection of structures, including but not limited to tents, in connection with the special event.
- (9) Restrictions on the sale of food or other products.

#### **15-1-36. Insurance.**

(1) Before the permit is issued, the applicant shall furnish proof of public liability insurance to protect against loss from liability imposed by law for damages on account of bodily injury and property damage arising from the event. Such insurance shall be an amount not less than \$1,000,000 for one person, \$2,000,000 for any one accident, and \$200,000 for damages to property. The city shall be included as a named insured unless the City Council for good cause waives such requirement. The policy shall be in force during and for twenty-four (24) hours before and after the beginning and end of the special event. The insurance requirements of this subsection shall be waived by the Director of Parks and Recreation for non-athletic events if the following conditions are satisfied:

- (a) The applicant or an officer of the sponsoring organization signs a verified statement that he or she believes the event's purpose is First Amendment expression, and that he or she has determined that the cost of obtaining insurance is so financially burdensome that it would constitute an unreasonable burden on the right of First Amendment expression, or that it has been impossible to obtain insurance coverage. The statement shall include the name and address of one insurance agent or other source for insurance coverage contacted to determine insurance premium rates for insurance coverage.
- (b) The City may, in its discretion, require the applicant to apply for insurance coverage for the event under a policy selected by the City. The applicant must provide any information pertinent to qualifying for the insurance coverage. The premium for such

insurance coverage will be paid by the City rather than the applicant.

(2) In addition, no permit to conduct a special event shall issue until the applicant shall deposit with the City Clerk a surety bond to the City, to be approved by the City Clerk, in the sum of two thousand five hundred dollars (\$2,500.00), or in lieu thereof cash in that amount, conditioned that no damage will be done to the City parks or to sewer, water, electrical or other equipment or property of the City, and that no dirt, paper, litter or other debris will be permitted to remain upon the parks, adjacent streets, sidewalks, alleys or any adjacent private property. This provision shall not be construed to limit the amount of damages for which an applicant or other party may be liable to the City in the event that property is damaged.

(3) If the Director of Parks and Recreation determines that the labor of City employees and/or the use of City equipment by such City employees is necessary to carry out the special event, the Director shall estimate the cost of such labor and equipment as prescribed elsewhere in the municipal code. The permit shall not issue until the applicant deposits with the City adequate security in the amount of 125% of such estimated costs. After the conclusion of the special event, the actual cost incurred by the City shall be calculated and any excess returned to the applicant, provided however, that in the event that City property was damaged at the special event, the excess may be retained to pay for the damage. This provision shall not be construed to limit the amount of damages for which an applicant or other party may be liable to the City in the event the property is damaged. (Ord. 3860, 2005)

**15-1-37. Duties of permittee.**

(1) The permittee shall ensure that the person in charge of the special event carries the special event permit on his or her person for the duration of the event.

(2) The permittee shall ensure that the area used for the event is cleaned and restored to the same condition as existed prior to the event, immediately following the completion of the event.

**15-1-38 Appeal procedure.**

The applicant shall have the right to appeal the denial of a permit or a permit condition. A notice of appeal shall be filed with the City Manager setting forth the grounds for the appeal within five (5) business days after mailing or personal delivery of a notice of denial or permit condition. The City Manager shall hold a hearing no later than five (5) business days after the filing of the appeal and shall render his or her decision no later than one (1) business day after the hearing. The City Manager's decision shall be final, subject only to such judicial review as may be permitted by law.

**15-1-39. Special arrangements authorized.**

(1) The City is authorized to enter into contractual arrangements with non-profit organizations or with other governmental subdivisions who sponsor athletic programs for youth or adults. Such agreements may authorize the exclusive use of certain park facilities appropriate for the athletic program sponsored by such organization or subdivision and may grant to the organization or subdivision an exclusive license to sell refreshments including non-alcoholic beverages near such facilities. The contract shall require the organizations to furnish the Director of Parks and Recreation with a schedule of the organization's events. An organization or subdivision which meets the requirements of this subsection shall not be required to obtain a special event permit.

(2) The City may sponsor programs in City parks. During such programs, the persons participating in the sponsored program shall have exclusive use of the portion of the park involved. No special event permit is required for the programs described in this subsection.

(3) Persons or organizations who are not within subsections (1) and (2) of this section and who desire temporary exclusive use of a part of a City park must obtain a special event permit.

#### **15-1-40. Park Shelters.**

The Director of Parks and Recreation is authorized to permit organizations or individuals to reserve the shelters in any City park. The duration of such reservation shall not exceed twelve (12) consecutive hours, and shall be made at a first come, first served basis. During the time of such reservation, a permittee under the reservation and others associated with the permittee shall have exclusive use of the shelter facility. Any individual or organization desiring to reserve a park shelter shall submit an application to the Director of Parks and Recreation on a form supplied by the Director of Parks and Recreation. The application shall be accompanied by any applicable fees specified in Chapter 6 of this Municipal Code. (Ord. 4055, 2011)

#### **15-1-41. Violations.**

- (1) It is unlawful for any person to sponsor or conduct a special event requiring a special event permit unless a permit has been issued for the event. It is unlawful for any person to participate in such an event with the knowledge that the sponsor of the event has not been issued a permit.
- (2) It is unlawful for any person to interfere with or disrupt a lawful special event.
- (3) The special event permit authorizes the permittee to conduct only such event as is described in the permit in accordance with the terms and conditions of the permit. It is unlawful for any event participant with knowledge thereof to willfully violate the terms and conditions of the permit.
- (4) It is unlawful to unreasonably hamper, impede, or interfere with any portion of a park, the exclusive use of which has been granted to another under the provisions of this Article.
- (5) Any violation of any provision of Section 15-1-28 through Section 15-1-41 is a Class II violation. (Ord. 3739, 2002)

## **ARTICLE 2 RIVERSIDE ZOO**

### **Section**

<a href="#"><u>15-2-1</u></a>	<a href="#"><u>Definitions; generally.</u></a>
<a href="#"><u>15-2-2</u></a>	<a href="#"><u>Same; Director.</u></a>
<a href="#"><u>15-2-3</u></a>	<a href="#"><u>Same; Riverside Zoo.</u></a>
<a href="#"><u>15-2-4</u></a>	<a href="#"><u>Same; Zoo.</u></a>
<a href="#"><u>15-2-5</u></a>	<a href="#"><u>Same; Zoo Supervisor.</u></a>
<a href="#"><u>15-2-6</u></a>	<a href="#"><u>Article 1; provisions; applicability; exceptions.</u></a>
<a href="#"><u>15-2-7</u></a>	<a href="#"><u>Admission fees.</u></a>
<a href="#"><u>15-2-8</u></a>	<a href="#"><u>Same; members of Zoological Society.</u></a>
<a href="#"><u>15-2-9</u></a>	<a href="#"><u>Same; gazebo; picnic area.</u></a>
<a href="#"><u>15-2-10</u></a>	<a href="#"><u>Entry; signs; observance.</u></a>
<a href="#"><u>15-2-11</u></a>	<a href="#"><u>Registration, payment of charges.</u></a>
<a href="#"><u>15-2-12</u></a>	<a href="#"><u>Vehicle; bicycles; watercraft; other transportation equipment; models.</u></a>
<a href="#"><u>15-2-13</u></a>	<a href="#"><u>Animals, animal exhibits, enclosures.</u></a>
<a href="#"><u>15-2-14</u></a>	<a href="#"><u>Property damage; attachment; removal.</u></a>
<a href="#"><u>15-2-15</u></a>	<a href="#"><u>Throwing objects.</u></a>
<a href="#"><u>15-2-16</u></a>	Repealed.

<a href="#"><u>15-2-17</u></a>	<a href="#"><u>Fish, aquatic life.</u></a>
<a href="#"><u>15-2-18</u></a>	<a href="#"><u>Offenses against person; physical force, threats.</u></a>
<a href="#"><u>15-2-19</u></a>	<a href="#"><u>Loudspeakers, amplifiers.</u></a>
<a href="#"><u>15-2-20</u></a>	Repealed.
<a href="#"><u>15-2-21</u></a>	<a href="#"><u>Camping, picnicking.</u></a>
<a href="#"><u>15-2-22</u></a>	<a href="#"><u>Erection of building, tent, booth, stand, other structure.</u></a>
<a href="#"><u>15-2-23</u></a>	Repealed.
<a href="#"><u>15-2-24</u></a>	<a href="#"><u>Food, drinks.</u></a>
<a href="#"><u>15-2-25</u></a>	Repealed.
<a href="#"><u>15-2-26</u></a>	<a href="#"><u>Closing Zoo.</u></a>

**15-2-1. Definitions; generally.**

The terms defined in subsequent sections of this Article shall have the meaning which is stated in those sections. (Ord. 3141, 1989)

**15-2-2. Same; Director.**

The term "Director" means the Director of Parks and Recreation. (Ord. 3141, 1989)

**15-2-3. Same; Riverside Zoo.**

The term "Riverside Zoo" means the Zoo in Riverside Park. (Ord. 3141, 1989)

**15-2-4. Same; Zoo.**

The term "Zoo" means Riverside Zoo. (Ord. 3141, 1989)

**15-2-5. Same; Zoo Supervisor.**

The term "Zoo Supervisor" means the Zoo Supervisor designated by the City Manager. (Ord. 3735, 2002)

**15-2-6. Article 1; provisions; applicability; exceptions.**

The provisions of Article 1 of this Chapter shall also apply to the Zoo premises, to all equipment, animals, birds and reptiles owned by or in the possession or custody of the City, and to all persons on or attempting or proposing to enter the Zoo premises or buildings or structures on the Zoo premises. Provided, nothing in those provisions shall be construed to restrict the scope and effect of provisions in this Article 2. (Ord. 3141 § 2 (part), 1989.)

**15-2-7. Admission fees.**

Visitors at Riverside Park Zoo shall pay to the City on each visit made during the established visiting hours the admission fee provided in Chapter 6, Article 6.

**15-2-8. Same; members of Zoological Society.**

If the City Council by resolution shall determine:

(1) that the Riverside Zoological Society is a corporation organized and existing under the not for profit corporation laws of the State of Nebraska.

(2) that the purpose of the Society is to provide continuous financial and other support to Riverside Zoo,

(3) that under rules and regulations of the Society, all individuals and families are admitted to membership in the Society upon payment of annual membership dues established by the Society without discrimination based upon race, nationality or sex,

(4) that the Society has in writing requested that the City authorize members of the Society

to be admitted to Riverside Park Zoo without payment of admission fees, and

(5) that it would be in the public interest, because of the Society's support of the Zoo, for the City to authorize Society admissions to the Zoo, the City Council may, by a resolution, authorize members of the Society to be admitted to the Zoo without payment of admission fees, subject to compliance with procedural requirements as the resolution shall prescribe. Provided, the Society, prior to enactment of an appropriate resolution, shall file with the City Clerk (a) true copies, certified by the Secretary of the Society, of the Society's Articles of Incorporation, and resolution(s) adopted by the board of directors of the Society, establishing, as a policy of the Society, the above requirements concerning nondiscrimination and the schedule of membership dues, and (b) other records or evidence, if any, as the City Council may require. (Ord. 3735, 2002)

**15-2-9. Same; gazebo, picnic area.**

The gazebo and specifically designated picnic area, or either, may be reserved for use during normal Zoo operation hours for the fee provided in Chapter 6, Article 6. (Ord. 3141, 1989)

**15-2-10. Entry; signs; observance.**

It shall be unlawful for any person to enter on or in any portion of any grounds or buildings of the Zoo where signs have been posted by the Zoo prohibiting entry. (Ord. 3141, 1989)

**15-2-11. Registration, payment of charges.**

It shall be unlawful for any person, unless provided an exemption by the Zoo Supervisor, to enter upon any grounds of the Zoo upon which, or any building of the Zoo in which, is occurring or will occur, or to participate in, any activity for which registration is required by the Zoo Supervisor and a charge has been prescribed by the City, without first being registered and paying the prescribed charge. (Ord. 3735, 2002)

**15-2-12. Vehicles, bicycles, watercraft, other transportation equipment, models.**

It shall be unlawful for any person to:

(1) operate, park or race a motor vehicle, bicycle, jetski, skateboard, watercraft, or radio-controlled models upon the Zoo grounds or within the buildings other than in areas designated for the operation of these vehicles or equipment, or

(2) leave an inoperable vehicle within the Zoo premises for a period exceeding six (6) hours. (Ord. 3141, 1989)

**15-2-13. Animals, animal exhibits, enclosures.**

It shall be unlawful for any person to annoy, harass, poke at, spit on, throw objects at or otherwise intentionally disturb any animal in the Zoo. Nor shall any person, except City employees, throw or place any object in any of the exhibits or animal enclosures within reach of any animal in the exhibit or enclosure unless the Zoo Supervisor shall have provided expressly that certain foods may be given by the public to certain animals. (Ord. 3735, 2002)

**15-2-14. Property damage; attachment; removal.**

It shall be unlawful for any person to:

(1) mark upon, tear up, impair, deface, cut, dig, or in any other way intentionally injure or impair the usefulness of structures, grass, trees, shrubs or plants, pavement, sidewalk or roadway

on the Zoo premises,

(2) attach wires, ropes, placards, notices or other contrivances to any structure, tree, shrub, plant or utility lines on the Zoo premises without prior written permission of the Zoo Supervisor, or

(3) remove property on the Zoo premises which is owned by or in possession of the City without permission of the Zoo Supervisor. (Ord. 3735, 2002)

**15-2-15. Throwing objects.**

It shall be unlawful for any person while on the Zoo premises to throw or propel, or while off the premises to throw or propel onto the premises, any stones, rocks, sticks, bottles or other objects by hand or otherwise. (Ord. 3141, 1989)

**15-2-16. Repealed by Ord. 3446, 1995.**

**15-2-17. Fish, aquatic life.**

It shall be unlawful for any person to fish or remove fish or aquatic life from any stream, pond, lake or other body of water on the Zoo premises unless fishing in the area shall be expressly permitted by the Zoo Supervisor. (Ord. 3735, 2002)

**15-2-18. Offenses against person; physical force, threats.**

It shall be unlawful for any person, except a law enforcement officer or employee of the Zoo acting in the performance of his or her duty, in any way to interfere, by the use of physical force or by the threat of physical force, with any person peacefully moving in and about the Zoo premises. (Ord. 3141, 1989)

**15-2-19. Loudspeakers, amplifiers.**

It shall be unlawful for any person to use a loudspeaker or sound amplifier on the Zoo premises without prior permission of the Zoo Supervisor. (Ord. 3735, 2002)

**15-2-20. Repealed by Ord. 3446, 1995.**

**15-2-21. Erection of building, tent, booth, stand, other structures.**

It shall be unlawful for any person to erect, place or maintain any building, tent, booth, stand or other structure, temporary or otherwise, on the Zoo premises without the written permission of the Zoo Supervisor. (Ord. 3735, 2002)

This section renumbered by the City Clerk pursuant to § 14-2-9.

**15-2-22. Food, drinks.**

It shall be unlawful for any person to take any food or drink into any buildings within the Zoo on or within which restrictions against food or drinks are posted.(Ord. 3735, 2002)

This section renumbered by the City Clerk pursuant to § 14-2-9.

**15-2-23. Repealed by Ord. 3446, 1995.**

**15-2-24. Food, drinks.**

It shall be unlawful for any person to:

- (1) bring food or drink items into the Zoo which were not purchased through Zoo vending operations or served as a part of a special function within the Zoo, or
- (2) take any food or drink into any buildings within the Zoo on or within which restrictions against food or drinks are posted. (Ord. 3141, 1989)

**15-2-25. Repealed by Ord. 3446, 1995.**

**15-2-26. Closing Zoo.**

The Zoo Supervisor may close the Zoo whenever he or she shall determine that the closing is necessary or proper for the health, safety or welfare of persons or Zoo occupants, or protection of property, or for the scheduling of approved special events. Ord. 3735, 2002)

This section renumbered by the City Clerk pursuant to § 14-2-9.