

ORDINANCE NO. _____

1 AN ORDINANCE amending Chapter 14.32 of the Lincoln Municipal Code relating
2 to Special Events by amending Section 14.32.020 to revise the definition of special event to provide
3 that the definition not be limited to uses currently set forth in that section; amending Section
4 14.32.070 to expand the public space in which no special permit shall be issued beginning at 12:30
5 a.m. the day of any University of Nebraska home football game and continuing through 6:30 a.m.
6 the following day; and repealing Sections 14.32.020 and 14.32.070 of the Lincoln Municipal Code
7 as hitherto existing.

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

9 Section 1. That Section 14.32.020 of the Lincoln Municipal Code be amended to
10 read as follows:

11 **14.32.020 Special Event Defined.**

12 (a) Special event shall mean a temporary and exclusive use by any person of public space
13 located within a district zoned for commercial, business, or industrial uses involving any of the
14 following, including but not limited to:

- 15 (1) Amusement devices;
- 16 (2) Carnivals or circuses, including any exhibition involving amusement
17 attractions or rides, spectacles, animals, side shows, games, and the like;
- 18 (3) Commercial advertising;
- 19 (4) Pyrotechnic displays of any kind;

- 1 (5) Inflatable devices in excess of four feet in diameter, including any hot air
2 balloons or any other inflatable object;
- 3 (6) Live animals, except for animals aiding persons with disabilities;
- 4 (7) Noise disturbances as defined and regulated under Chapter 8.24 of this code,
5 including activities for which a variance has been granted under § 8.24.150;
- 6 (8) Powered equipment requiring connection to public power supplies or separate
7 generator or power supply equipment, including:
 - 8 (i) heating, cooling, refrigerating, or cooking devices; or
 - 9 (ii) sound amplification, public address, loud speaker, audio, video, or
10 television systems;
- 11 (9) Racing or athletic competitions and uses, including any motor vehicle racing
12 or running, marathons, cross country, bicycle, moped, skateboards, roller-skates, or any other contest
13 or exhibition that is competitively timed, or speed related;
- 14 (10) Sales of alcoholic beverages, including any activity requiring a special
15 designated permit or other permit under the Nebraska Liquor Control Act;
- 16 (11) Sales of goods and merchandise, including food, clothing, supplies,
17 equipment, concessions, souvenirs, balloons, candy, jewelry, and any other similar items offered for
18 sale;
- 19 (12) Commercial signs, including signs permitted in § 14.32.140;
- 20 (13) Spotlights, including any displays involving any laser or other concentrated
21 beam of light; or

1 (14) Structures, including stages, booths, canopies, awnings, risers, bleachers,
2 fences, partitions, stands, or similar constructions.

3 (b) Special event shall not include (i) the use of public space by governmental agencies
4 acting within the scope of their authority, or (ii) authorized uses in the public space permitted by
5 other chapters of this title.

6 Section 2. That Section 14.32.070 of the Lincoln Municipal Code be amended to
7 read as follows:

8 **14.32.070 Application; Review; Requirements.**

9 (a) Upon receipt of an application, the City Clerk shall forward the same to the Mayor
10 for review. No permit shall be issued if the Mayor finds that the proposed special event:

11 (1) Will cause unreasonable injury or damage to the public space requested;

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

14 (3) Will continue for a duration longer than seven days, including any set-up or
15 tear-down time;

16 (4) Will involve such a number of persons or activities as will exceed the
17 reasonable capacity of the public space requested;

18 (5) Will interfere with the provision of proper fire and police protection to the
19 area adjacent to the public space requested;

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

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

3 (8) Will be conducted primarily for the purpose of monetary gain or commercial
4 advertisement;

5 (9) Will fail to comply in any respect with the provisions of this chapter or any
6 other applicable law.

7 (b) No permit shall be issued to any applicant that has unpaid or past due fees under this
8 chapter for any prior special event.

9 (c) No permit shall be issued for any special event to be held during the following time
10 periods and locations:

11 (1) Between the hours of 12:30 a.m. and 6:30 a.m. on any day. The reasonable
12 and necessary time for set-up, tear-down, and preparation activities related to a special event may
13 be excepted from the strict application of this subsection.

14 (2) Beginning at 12:30 a.m. the day of any University of Nebraska home football
15 game and continuing through 6:30 a.m. the following day within any public space as follows:

16 (i) Within the area from the west line of ~~8th~~ 7th Street to the east line of
17 17th Street and from the south line of K Street to the north line of ~~R~~ T Street; or

18 (ii) Upon Avery Avenue; Charleston Street; State Fair Park Drive; New
19 Hampshire from the west line of 10th Street to the east line of 14th Street; First Street from the south
20 line of Charleston to the north line of Superior; Military Avenue; P Street from the west line of 17th
21 Street to the east line of 27th Street; Cotner Boulevard from the north line of Vine Street to the south
22 line of O Street; or

1 (iii) Upon the following arterial streets as designated in Chapter 10.26:
2 Ninth, Tenth, Eleventh, Thirteenth, Fourteenth, Sixteenth, Seventeenth, Twenty-first, Twenty-
3 seventh, Thirty-third, Forty-eighth, K, L, O, Q, R, T, U, X, Y, Nebraska Highway, Sun Valley
4 Boulevard, Capitol Parkway, Cornhusker Highway, Holdrege, Normal Boulevard, Superior, South,
5 Van Dorn, Vine, West By-Pass, Salt Creek Roadway, Antelope Valley Parkway, Rosa Parks Drive,
6 NW 12th and NW 48th.

7 (d) No permit shall be issued for any special event to be held on any arterial street
8 between the hours of 7:00 a.m. and 9:00 a.m.; 11:30 a.m. to 1:00 p.m.; and 3:30 p.m. to 6:30 p.m.,
9 Monday through Friday, without provision being made for an adequate number of police officers
10 to provide for the safe, orderly, and expeditious movement of vehicular and pedestrian traffic.

11 (e) If the permittee fails to provide necessary services and equipment reasonably required
12 for the special event, the City may provide or arrange for the same and, where allowed under this
13 chapter, charge the permittee for any costs related thereto as part of the fees.

14 (f) In determining whether an application should be approved, the Mayor may consider:

15 (1) Whether, in holding any previous special events, the applicant has conformed
16 to all permit requirements and the provisions of this chapter;

17 (2) The financial and practical ability of the applicant to conduct the proposed
18 special event in conformance with the provisions of the permit and this chapter.

19 (g) No permit shall be issued for a special permit within three days (excluding Saturdays,
20 Sundays, and City-observed holidays) after the application was filed with the City Clerk.

21 Section 3. That Sections 14.32.020 and 14.32.070 of the Lincoln Municipal Code
22 as hitherto existing be and the same are hereby repealed.

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

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2009: _____ Mayor
