

ORDINANCE NO. _____

TECHNICAL AMENDMENTS

1 AN ORDINANCE amending Chapter 4.20 of the Lincoln Municipal Code, relating to
2 the Library Board, by amending Section 4.20.010 to remove provisions relating to the initial
3 appointments of members to the Library Board, and amending Section 4.20.020 by removing
4 obsolete language that made the Library Board responsible for functions that are now performed by
5 the Purchasing Division; amending Chapter 8.32 of the Lincoln Municipal Code, relating to Solid
6 Wastes, by amending Section 8.32.150 to provide that increase in the occupation tax on solid wastes
7 collected within the city limits, or collected outside the city limits and placed in public sanitary
8 landfills, shall not take effect until September 1, 2013; amending Chapter 10.28 of the Lincoln
9 Municipal Code relating to One-Way Street System by amending Section 10.28.020 to indicate that
10 “P” Street is a two-way street between Tenth and Eleventh Streets; amending Chapter 12.04 of the
11 Lincoln Municipal Code, relating to Parks and Recreation Advisory Board, by amending Section
12 12.04.020 to revise language to accord with current activities and responsibilities of the Parks and
13 Recreation Advisory Board; amending Chapter 12.08 of the Lincoln Municipal Code, relating to
14 General Rules and Regulations for Parks, by amending Section 12.08.140 to clarify the description
15 of trailers that may not occupy parks during certain hours and amending Section 12.08.270 to reflect
16 the renaming of Lincoln Children’s Zoo; amending Chapter 12.24 of the Lincoln Municipal Code,
17 relating to Golf and Tennis under the Parks and Recreation Department, amending Chapter 12.28,
18 relating to fishing in parks, and amending Chapter 12.32 of the Lincoln Municipal Code, relating
19 to Boating in parks, by amending Sections 12.24.010, 12.24.020, 12.24.030, 12.24.060, 12.28.010,
20 12.28.040, and 12.32.040, to update language and the title of the Director of the Parks and
21 Recreation Department, and to clarify procedures for approving and filing regulations; amending

1 Chapter 12.36, relating to Folsom Children’s Zoo, by amending the title of the chapter and Sections
2 12.36.010, 12.36.030, 12.36.040, 12.36.060, 12.36.070, and 12.36.090 to reflect the renaming of the
3 zoo as Lincoln Children’s Zoo, and updating the title of the Director of the Parks and Recreation
4 Department, and repealing Sections 4.20.010, 4.20.020, 8.32.150, 10.28.020, 12.04.020, 12.08.140,
5 12.08.270, 12.24.010, 12.24.020, 12.24.030, 12.24.060, 12.28.010, 12.28.040, 12.32.040, 12.36.010,
6 12.36.030, 12.36.040, 12.36.060, 12.36.070, and 12.36.090 as hitherto existing.

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

8 Section 1. That Section 4.20.010 of the Lincoln Municipal Code be amended to read as
9 follows:

10 **4.20.010 Board of Directors; Appointment; Qualifications; Term.**

11 There shall be appointed by the City Council a Library Board of seven directors who shall
12 be residents of the City of Lincoln. The directors ~~first appointed~~ shall hold their office ~~one for a~~
13 ~~term of one year, one for a term of two years, one for a term of three years, one for a term of four~~
14 ~~years, one for a term of five years, one for a term of six years, and one for a term of seven years from~~
15 ~~the date of appointment, which shall be at the last meeting of the City Council in August, and one~~
16 ~~director shall be appointed annually thereafter for a term of seven years~~ prior to the September
17 Library Board meeting. No director shall serve more than one consecutive term of seven years. An
18 appointment of a director to fill an unexpired term shall not preclude that member from serving a
19 subsequent term of seven years Such directors shall hold office until their successors are elected and
20 qualified. Vacancies on said board shall be filled by the City Council by appointment for the
21 unexpired term. No director shall receive any pay or compensation for any services rendered as a
22 member of the board.

23 Section 2. That Section 4.20.020 of the Lincoln Municipal Code be amended to read
24 as follows:

1 **4.20.020 Powers and Duties.**

2 Said Board of Library Directors shall have and exercise the following powers:

3 (a) To meet and organize by the election of one of their number as president of the board
4 and by the election of a secretary and such other officers as the board may deem necessary;

5 (b) To have supervision of the public library facilities, its appurtenances and fixtures, and
6 rooms containing the same, directing the affairs;

7 (c) To select and make purchases of books, ~~pamphlets, magazines, periodicals, papers,~~
8 ~~maps, journals, furniture, fixtures, stationery, and supplies for such library~~ and all forms of
9 information to enrich people's lives;

10 (d) To authorize the use of such libraries by nonresidents of the city and to fix charges
11 therefore;

12 (e) To make and adopt, amend, modify, or repeal bylaws, rules, and regulations not
13 inconsistent with law for the care, use, government, and management of such library facilities and
14 the business of said board, fixing, and enforcing penalties for the violation thereof; and

15 (f) To have control of the expenditures of all taxes levied for library purposes and of the
16 expenditure of all monies available by gift or otherwise for the erection of library buildings and of
17 all other monies belonging to the Library Fund. Said board shall keep a record of its proceedings.

18 Section 3. That Section 8.32.150 of the Lincoln Municipal Code be amended to read
19 as follows:

20 **8.32.150 Occupation Tax.**

21 (a) There is hereby imposed an occupation tax of ~~\$9.00~~ \$7.00 on each ton of refuse
22 collected by a refuse hauler within the corporate limits of the City of Lincoln, and a tax of ~~\$9.00~~
23 \$7.00 on each ton of refuse collected by a refuse hauler outside the corporate limits of the City of
24 Lincoln and deposited in the public sanitary landfills as designated in Section 8.32.040 of the
25 Lincoln Municipal Code; effective September 1, 2013, the rate of occupation tax on refuse collected
26 within the corporate limits as provided herein, and on refuse collected outside the corporate limits

1 and deposited in the public sanitary landfills as provided herein, shall be raised to \$9.00 per ton. The
2 occupation taxes authorized herein shall be used exclusively for funding solid waste management
3 programs, including the payment of principal and interest on revenue bonds issued by the City of
4 Lincoln.

5 (b) Each refuse hauler shall remit to the Public Works and Utilities Department payment
6 of occupation taxes due and owing from the previous calendar month, together with a complete and
7 detailed statement of (1) the tonnage of refuse collected within the corporate limits of the City of
8 Lincoln, and (2) the tonnage of refuse collected outside of the corporate limits of the City of Lincoln
9 and deposited in the public sanitary landfills during that period. The statement shall identify any
10 tonnage claimed to fall under an exemption to the occupation tax set forth in subparagraph (d)
11 hereof. Such statement shall be duly verified and sworn to by the officer or officers in charge of the
12 business. All such businesses shall at all reasonable times during business hours permit the City,
13 through its officers, agents, or representatives, to inspect the books and records of any such business
14 for the purpose of verifying such report or reports.

15 (c) All refuse collected by refuse haulers within the corporate limits, whether destined for
16 deposit in the public sanitary landfills as designated in Section 8.32.040 or for deposit elsewhere,
17 shall, before leaving the corporate limits of the City of Lincoln, be weighed at the scales located at
18 the public sanitary landfill at 56th Street and Bluff Road or at such other scales approved by the
19 Director of Public Works and Utilities. The refuse hauler shall, at that time, advise the sanitary
20 landfill operator or his designated representative of the amount of such tonnage destined for deposit
21 outside the State of Nebraska. Any refuse not being deposited at the public sanitary landfills
22 designated under Section 8.32.040, whether destined for deposit inside or outside the State of
23 Nebraska, shall be weighed and the driver of the vehicle shall be provided a certificate of weight
24 which shall be displayed upon demand to any police officer of the City of Lincoln.

25 (d) The occupation tax provided herein shall not be imposed upon (1) refuse destined for
26 deposit at any location outside the State of Nebraska; (2) building rubbish or demolition debris

1 lawfully being deposited in the 48th Street public sanitary landfill; (3) liquid waste, as defined in
2 Section 8.32.080 herein; or (4) recyclables, including recyclables mixed with refuse, destined for
3 a materials recovery facility licensed by the Nebraska Department of Environmental Quality per
4 Title 132 or the Federal Resource Conservation and Recovery Act.

5 Section 4. That Section 10.28.020 of the Lincoln Municipal Code be amended to read
6 as follows:

7 **10.28.020 "P" Street.**

8 "P" Street shall be one-way eastbound between Ninth and Tenth Streets and between
9 Eleventh and Twenty-seventh Streets.

10 Section 5. That Section 12.04.020 of the Lincoln Municipal Code be amended to read
11 as follows:

12 **12.04.020 Powers and Duties.**

13 The Park and Recreation Advisory Board shall act in an advisory capacity to the Mayor, the
14 City Council, and ~~to the Director of the Department to which the Park Department, including~~
15 ~~recreational activities, is assigned, and shall prepare a long-range program for the development of~~
16 ~~the Parks within the city's park system and the promotion of the recreational activities. Its~~
17 ~~recommendations thereon shall be submitted to the aforesaid Director for presentation to the City~~
18 Council for final approval regarding parks, recreational facilities, programs, and activities. The
19 Board shall have no power to expend funds of the City or to incur any indebtedness which is binding
20 upon the City.

21 Section 6. That Section 12.08.140 of the Lincoln Municipal Code be amended to read
22 as follows:

23 **12.08.140 ~~House~~Travel Trailers in Parks.**

24 It shall be unlawful for any person to park or leave standing any ~~house~~ travel trailer
25 unattached to a motor vehicle in any park at any time, and it shall be unlawful for any person to
26 permit any ~~house~~ travel trailer to be or remain in any park between the hours of 10 p.m. and 7 a.m.

1 Section 7. That Section 12.08.270 of the Lincoln Municipal Code be amended to read
2 as follows:

3 **12.08.270 Alcoholic Liquor Prohibited; Exceptions and Permit Requirements.**

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

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

9 (b) The premises of the [Folsom Lincoln](#) Children's Zoo and the Lincoln Children's
10 Museum in conjunction with fundraising activities occurring when the zoo or museum are not
11 otherwise open to the public; and

12 (c) The premises of Hazel Abel Park, Stransky Park, Sunken Gardens, Antelope Park Rose
13 Garden, and Pioneers Park Nature Center, in conjunction with fundraising activities sponsored by
14 and for the Parks and Recreation Department or by non-profit organizations specifically organized
15 to benefit the Parks and Recreation Department. Fundraising activities shall be allowed to occur
16 only where the premises or the area of the activity is not otherwise open to the public;

17 (d) The premises of Pinewood Bowl for Parks and Recreation Department sponsored
18 events.

19 Section 8. That Section 12.24.010 of the Lincoln Municipal Code be amended to read
20 as follows:

21 **12.24.010 Golf ~~Links Courses~~ and Tennis Courts under Park Department.**

22 All golf ~~links courses~~ and tennis courts operated by the city in any of its public Parks, or
23 upon any other property owned and controlled by the city, is assigned to the Park Department under
24 the jurisdiction of ~~the~~ Director of the Department of Parks and Recreation.

25 Section 9. That Section 12.24.020 of the Lincoln Municipal Code be amended to read
26 as follows:

1 **12.24.020 Golf Permits and Fees.**

2 Any person desiring to make use of or play the game of golf upon any golf [links course](#)
3 constructed and maintained by the city, in any of the public parks of the city or upon any other
4 property owned or controlled by the city, shall pay a fee therefor, together with such fee for the use
5 of conveniences furnished by the city, in an amount to be fixed by the [Superintendent of Parks](#)
6 [Director](#) and approved by the Mayor.

7 Section 10. That Section 12.24.030 of the Lincoln Municipal Code be amended to read
8 as follows:

9 **12.24.030 Golf Fees Placed in Golf Fund.**

10 All fees collected from persons playing the game of golf upon golf [links courses](#) owned or
11 maintained by the city, as aforesaid, shall be placed by the City Treasurer in a separate fund to be
12 designated as the "golf fund." Such fees shall be used only for the operation, maintenance,
13 improvement, and extension of present golf [links courses](#), or the construction and maintenance of
14 additional golf [links courses](#) and all necessary expense incident thereto.

15 Section 11. That Section 12.24.060 of the Lincoln Municipal Code be amended to read
16 as follows:

17 **12.24.060 ~~Superintendent~~[Director](#) to Control Golf ~~Links~~[Courses](#) and Tennis Courts.**

18 The ~~Superintendent of Parks~~[Director](#) shall manage and control all golf [links courses](#) and
19 tennis courts maintained and operated by the City as park property, except as herein provided, and
20 is hereby authorized to promulgate and enforce such rules and regulations for the governing of
21 persons playing on such golf [links courses](#) and tennis courts as may be necessary and expedient,
22 which rules and regulations shall be subject to approval by the Mayor [and filed with the office of](#)
23 [the City Clerk](#). For infraction of such rules and regulations, ~~he may deny~~ the guilty person [may be](#)
24 [denied](#) the privilege of playing thereon.

25 Section 12. That Section 12.28.010 of the Lincoln Municipal Code be amended to read
26 as follows:

1 **12.28.010 Definitions.**

2 For the purpose of this chapter the following definitions are applicable:

3 **Lake** shall mean and include every lake or body of water located within any park owned
4 and/or controlled by the City.

5 **Fishing or fish** (verb form) shall mean the act of catching, or trying to catch, fish.

6 **Ice-fish** shall mean the act of catching or attempting to catch fish while being upon the ice-
7 covered portion of a lake.

8 ~~**Superintendent of Parks** shall mean the person duly appointed or acting in such capacity
9 for the city, or any person designated by such Superintendent.~~

10 Section 13. That Section 12.28.040 of the Lincoln Municipal Code be amended to read
11 as follows:

12 **12.28.040 Rules and Regulations.**

13 The ~~Superintendent of Parks-Director~~ is hereby authorized to promulgate such rules and
14 regulations governing fishing upon the lakes within the parks as may be necessary, which rules and
15 regulations shall, before becoming effective, be approved ~~and adopted by resolution of the City~~
16 ~~Council~~ by the Mayor and filed with the office of the City Clerk. The ~~Superintendent of Parks~~
17 Director shall have control of all fishing and shall enforce all the provisions of this chapter and all
18 rules and regulations adopted hereunder. The ~~Superintendent of Parks~~ Director shall have and is
19 hereby vested with authority to suspend or revoke fishing privileges for violation of any of the rules
20 and regulations adopted pursuant to the provisions of this chapter, or for refusal of any person to
21 comply with the provisions hereof, or rules and regulations adopted pursuant hereto.

22 Section 14. That Section 12.32.040 of the Lincoln Municipal Code be amended to read
23 as follows:

1 **12.32.040 ~~Superintendent~~Director to Control Boating.**

2 The ~~Superintendent of Parks~~ Director shall manage and control all boating and other activity
3 upon or about any lake located within any park owned and controlled by the city, and is hereby
4 authorized to promulgate such rules and regulations for the governing of persons engaged in boating,
5 or using the boating or other facilities of such lakes, as may be necessary, which rules and
6 regulations shall first be approved by the Mayor and filed with the office of the City Clerk.

7 Section 15. That the title of Chapter 12.36 of the Lincoln Municipal Code be and the
8 same is hereby amended to read as follows:

9 **Chapter 12.36**

10 **~~FOLSOM LINCOLN~~ CHILDREN'S ZOO**

11 Section 16. That Section 12.36.010 of the Lincoln Municipal Code be amended to read
12 as follows:

13 **12.36.010 Area of Zoo Designated.**

14 The occupancy and use by the Arnott R. Folsom Zoological Society, formerly known as the
15 Lincoln Children's Zoo Association, and hereinafter in this chapter referred to as the Association,
16 of that certain part of Antelope Park heretofore allocated to and set aside for the use of the
17 Association, which is completely enclosed by fencing, be and the same are hereby ratified,
18 confirmed, and approved, together with the buildings, structures, and equipment therein used in
19 connection with the operation and maintenance of the zoological garden and exhibits therein. The
20 Association is also hereby permitted to occupy an area in said park outside of and contiguous to that
21 part enclosed by fencing, to be used for the purpose of constructing, maintaining and operating a
22 miniature railroad. The total area above described, to be known as the Folsom Lincoln Children's
23 Zoo is shown more particularly on a map, three copies of which are attached to Ordinance 12865
24 and made a part of this chapter. The use and occupancy by the Association as set forth above shall
25 be upon the terms and conditions hereinafter provided in this chapter.

1 Section 17. That Section 12.36.030 of the Lincoln Municipal Code be amended to read
2 as follows:

3 **12.36.030 Manner of Operation.**

4 The Association shall assume the responsibility and obligation to conduct, operate, and
5 maintain said [Folsom Lincoln](#) Children's Zoo in a careful, efficient manner.

6 Section 18. That Section 12.36.040 of the Lincoln Municipal Code be amended to read
7 as follows:

8 **12.36.040 Use of Donations.**

9 All donations to the Association of money, materials, or zoological exhibits shall by the
10 Association be devoted to the development, improvement, care, maintenance, and operation of said
11 [Folsom Lincoln](#) Children's Zoo, and for research and education, under the control and jurisdiction
12 of the City.

13 Section 19. That Section 12.36.060 of the Lincoln Municipal Code be amended to read
14 as follows:

15 **12.36.060 Liability Insurance.**

16 The Association shall at all times protect and save harmless the city from and against all
17 claims for damages on account of injury to persons or property occurring within said [Folsom](#)
18 [Lincoln](#) Children's Zoo or by reason, directly or indirectly, of the maintenance therein of said
19 zoological exhibits, it being expressly intended by this provision to exempt and absolve the City of
20 Lincoln from any such liability whatsoever in any way connected with the maintenance and
21 operation of said [Folsom Lincoln](#) Children's Zoo and exhibits, and that the Association shall assume
22 full and complete responsibility in the premises. In this connection, the City Council shall have the
23 right to require that the Association furnish and maintain at its own expense for the benefit of the
24 City a policy of insurance in such amount as the Council may by resolution determine.

25 Section 20. That Section 12.36.070 of the Lincoln Municipal Code be amended to read
26 as follows:

1 **12.36.070 Books, Records, and Reports.**

2 The books and records of the said Association shall be open at all times to inspection by said
3 City, or its duly authorized representative, and said Association shall file annually with the ~~City~~
4 ~~Council-Director~~ reports of receipts and expenditures for the preceding year.

5 Section 21. That Section 12.36.090 of the Lincoln Municipal Code be amended to read
6 as follows:

7 **12.36.090 Rules and Termination.**

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

19 If the city desires to terminate the occupancy and use of the ~~Folsom Lincoln~~ Children's Zoo,
20 said termination shall be accomplished by repealing Chapter 12.36 of the Lincoln Municipal Code.

21 Section 22. That Sections 4.20.010, 4.20.020, 8.32.150, 10.28.020, 12.04.020,
22 12.08.140, 12.08.270, 12.24.010, 12.24.020, 12.24.030, 12.24.060, 12.28.010, 12.28.040, 12.32.040,
23 12.36.010, 12.36.030, 12.36.040, 12.36.060, 12.36.070, and 12.36.090 of the Lincoln Municipal
24 Code as hitherto existing be and the same are hereby repealed.

1 Section 23. Pursuant to Article VII, Section 7 of the City Charter, this ordinance shall
2 be posted on the official bulletin board of the City, located on the wall across from the City Clerk's
3 office at 555 S. 10th Street, in lieu of and in place of newspaper publication with notice of passage
4 and such posting to be given by publication one time in the official newspaper by the City Clerk.
5 This ordinance shall take effect and be in force from and after its passage and publication as herein
6 and in the City Charter provided.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2012: _____ Mayor
