

ORDINANCE NO. _____

1 AN ORDINANCE amending Chapter 12.08 of the Lincoln Municipal Code relating
2 to General Rules and Regulations for parks by amending Section 12.08.160 to provide that the
3 Director's authorization for advertising in parks be in writing; amending Section 12.08.200,
4 12.08.250 and 12.08.260 to provide that the provisions of said sections shall apply to any park or
5 park facility; amending Section 12.08.270 to provide that alcohol may be permitted for fundraising
6 activities sponsored by nonprofit organizations to benefit any city department; amending Section
7 12.08.300 to set forth conditions relating to special use permits for the use of any park or park
8 facility; amending Section 12.08.310 to set forth conditions relating to a license for long-term or
9 multiple use of parks or park facilities; amending Section 12.08.320 to set forth conditions for a
10 permit to conduct business on park property; and repealing Sections 12.08.160, 12.08.200,
11 12.08.250, 12.08.260, 12.08.270, 12.08.300, 12.08.310, and 12.08.320 of the Lincoln Municipal
12 Code as hitherto existing.

13 Section 1. That Section 12.08.160 of the Lincoln Municipal Code be amended to read
14 as follows:

15 **12.08.160 Advertising in Parks.**

16 It shall be unlawful for any person to place or erect any structure, sign, bulletin board, post,
17 pole, or advertising device of any kind whatever in any park, or in any median islands in the public
18 right-of-way and maintained by the city, or to attach any notice, bill, poster, sign, wire, rope, or cord
19 to any tree, shrub, fence, railing, post, or structure in such areas, except as authorized by the Director
20 in writing in accordance with rules and regulations ~~he/she has~~ that may be promulgated by the
21 Director, and which are approved by the Mayor, and filed with the office of the City Clerk.

1 Section 2. That Section 12.08.200 of the Lincoln Municipal Code be amended to read
2 as follows:

3 **12.08.200 Weapons Prohibited in Parks and Park Facilities.**

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

7 (b) It shall be unlawful for any person to possess or discharge, or cause to be discharged,
8 within any park or park facility, any air rifle, bow and arrow, crossbow, toy pistol, toy gun, slingshot,
9 or any other air, gas, manually operated or spring operated gun, weapon, apparatus, or instrument
10 designed or intended to be used for the purpose of throwing or projecting missiles of any kind by any
11 means whatsoever, whether the instrument is called by any name set forth above or by any other
12 name.

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

16 (d) The provisions of subsections (a) and (b) of this section shall not apply to duly
17 authorized Parks and Recreation Department employees or law enforcement officers acting in the
18 course of their duty.

19 Section 3. That Section 12.08.250 of the Lincoln Municipal Code be amended to read
20 as follows:

21 **12.08.250 Games of Chance.**

22 It shall be unlawful for any person to conduct or carry on any game of chance in any park or
23 park facility; provided, however, the Director may approve the conduct of bingo occasions ~~in~~
24 ~~recreation centers~~ by organizations permitted by state law to conduct such bingo occasions. All such

1 bingo occasions shall be conducted in full compliance with applicable state law. The Director may
2 at any time revoke an approval given hereunder when such action is deemed to be in the best
3 interests of the city.

4 Section 4. That Section 12.08.260 of the Lincoln Municipal Code be amended to read
5 as follows:

6 **12.08.260 Disorderly Conduct.**

7 It shall be unlawful for any person to conduct or carry on any boisterous or insulting
8 language, or to be guilty of any disorderly, lewd, or lascivious conduct of any kind in any park or
9 park facility.

10 Section 5. That Section 12.08.270 of the Lincoln Municipal Code be amended to read
11 as follows:

12 **12.08.270 Alcoholic Liquor Prohibited; Exceptions and Permit Requirements.**

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

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

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

21 (c) The premises of Hazel Abel Park, Stransky Park, Sunken Gardens, Antelope Park
22 Rose Garden, and Pioneers Park Nature Center, in conjunction with fundraising activities sponsored
23 by and for the Parks and Recreation Department or by non-profit organizations specifically organized
24 to benefit ~~the Parks and Recreation Department~~ any city department. Fundraising activities shall be

1 allowed to occur only where the premises or the area of the activity is not otherwise open to the
2 public; and

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

5 Section 6. That Section 12.08.300 of the Lincoln Municipal Code be amended to read
6 as follows:

7 **12.08.300 Permit for ~~Exclusive~~ Special Use of Park Property or Park Facility.**

8 (a) Notwithstanding other provisions of this chapter, the Mayor or Director may grant
9 the ~~exclusive special~~ use of any park or ~~portion or park~~ facility or portion thereof for a limited period
10 of time, ~~not to exceed seven days for a noncommercial purpose and charge therefor such uniform~~
11 ~~rates as the Mayor may establish, provided that the granting of such use will not impair the city's~~
12 ~~ability to provide adequate park facilities for the use of the public during such period of time. A~~
13 permit of this nature shall not be required for rental of certain park facilities or certain uses as
14 designated by the Director by the approved rules and regulations.

15 (b) ~~Before the Mayor or Director may issue any permit hereunder, t~~The person or
16 organization seeking such permit shall file ~~an~~ a written application with the Parks and Recreation
17 Department, upon a form to be furnished by the city. No permit shall be granted if the application
18 is not fully completed and executed. The permit application shall set ~~setting~~ forth the following:

19 (1) The name, address, and telephone number of the person filing the application;
20 (2) The name, address, and telephone number of the headquarters of the
21 organization, if an organization is involved, and of the persons who manage such organization who
22 will oversee the use requested;

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

24 (4) The park or ~~portion or park~~ facility or portion thereof requested for such use;

1 (5) The ~~exact dates~~; and if ~~applicable~~ the hours; for which the use is requested;

2 (6) The number of persons expected to attend;

3 (7) If applicable, the number and types of vehicles expected, ~~including the number~~
4 ~~and types of any camping vehicles~~ and the estimated time of arrival of all vehicles;

5 (8) ~~If required by the Mayor, an~~ An agreement to indemnify, save, and keep the
6 city free and harmless from any and all loss or damages or claims, including attorney’s fees and
7 litigation costs, for damages arising from or out of such use;

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

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

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

13 (c) ~~— If the Mayor or Director determines that the use requested is different from the regular~~
14 ~~and normal use of such park property, the Mayor or Director may require as a condition of granting~~
15 ~~such use the providing of the surety bond and liability insurance specified herein. In making this~~
16 ~~determination, the Mayor or Director shall consider the nature of the proposed use, the nature of the~~
17 ~~subject park property, and the reasonable adaptability of the same to such use, the number of persons~~
18 ~~expected to use such park property under such permit, the past experience the city and other~~
19 ~~governmental subdivisions have had with this type of use in parks, the effect such use would be~~
20 ~~likely to have on the neighborhood adjacent to such park property, and the nature of the organization~~
21 ~~or group which would be using such park property under such permit. The Mayor or Director shall~~
22 ~~not discriminate against any person because of race, color, religion, sex, ancestry, age, disability, or~~
23 ~~national origin in making such determination. In no case shall the Mayor or Director permit, or~~
24 ~~continue to permit, a use of park property under the provisions of this section if it reasonably appears~~
25 ~~that such use would effect, or is effecting to a substantial extent, either at the location of the subject~~
26 ~~park property or in the neighborhood adjacent to such property an interference with fire or police~~
27 ~~protection, physical damage to persons or property, a disturbance of the peace, or a health hazard.~~

28 ~~— (d) (1) Any surety bond required hereunder shall be in the sum of \$5,000.00~~
29 ~~conditioned that the person or organization to whom such a permit is issued, its heirs, successors,~~
30 ~~and assigns, shall:~~

31 ~~— (i) comply with all applicable laws and regulations;~~

32 ~~— (ii) save and keep the city free and harmless from any and all loss or~~
33 ~~damage to city property;~~

1 ~~_____ (iii) fully and completely protect the city against any and all litigation~~
2 ~~growing out of the granting of such use or anything done under such permit;~~

3 ~~_____ (iv) return the park property to the same condition and degree of~~
4 ~~cleanliness that it was in prior to the commencement of the use by said person or organization;~~

5 ~~_____ (v) remove any item of property left or placed in or on the subject park~~
6 ~~property by such person or by such organization or any member thereof;~~

7 ~~_____ (vi) faithfully and completely perform and observe all of the terms and~~
8 ~~conditions of such permit; and~~

9 ~~_____ (vii) where the city requires compensation by the person or by the~~
10 ~~organization or its members as a condition of such use of park property, promptly and fully pay the~~
11 ~~city such compensation. Said bond shall not be liable for personal injury, nor shall it be liable for~~
12 ~~property damage resulting to persons or organizations other than the City of Lincoln. Said bond shall~~
13 ~~be executed by a bonding company or surety company authorized to do business in the State of~~
14 ~~Nebraska, and shall be approved as to form by the City Attorney before the commencement of such~~
15 ~~use.~~

16 ~~_____ (d) (2) Whenever insurance is required of a permittee under this chapter such~~
17 ~~permittee shall:~~

18 ~~_____ (i) At all times maintain public liability insurance in the form of a~~
19 ~~commercial or comprehensive general liability policy, or an acceptable substitute policy form as~~
20 ~~permitted by the City Attorney, with a minimum combined single limit of \$500,000.00 aggregate for~~
21 ~~any one occurrence. The coverages required herein shall be subject to review and approval by the~~
22 ~~City Attorney for conformance with the provisions of this section:~~

23 ~~_____ (ii) At all times keep on file with the City Clerk a current certificate of~~
24 ~~insurance signed by a qualified agent of an insurance company licensed to do business in the State~~
25 ~~of Nebraska and approved by the City Attorney for conformance with the provisions of this section~~
26 ~~evidencing the existence of valid and effective policies of insurance naming the city as an additional~~
27 ~~insured for the coverage required by subsection (i) of this section, the limits of each policy, the~~
28 ~~policy number, the name of the insurer, the effective date and expiration date of each policy, the~~
29 ~~deductibles or self-insurance retainers of each policy, and a copy of an endorsement placed on each~~
30 ~~policy requiring thirty days' notice by mail to the City Clerk before the insurer may cancel the policy~~
31 ~~for any reason, and upon request of the City Clerk or the City Attorney, a copy of any endorsements~~
32 ~~placed on such policies or the declarations page of such policies.~~

33 ~~_____ Any termination, lapse, or reduction of such insurance shall automatically revoke any~~
34 ~~permit issued pursuant to this chapter.~~

35 (c) The applicant shall, at the time of making application, pay to the city the uniform
36 permit fee and facility fee based on the fee schedule determined by the Director and Mayor for all
37 permits, which permit fee shall be used to defray the costs related to the issuance of such permit.

38 Admission fees, if any, to any event shall be subject to the approval of the Director. A permit fee
39 shall not be charged if an event is co-sponsored in partnership with the city or an event is in

1 conjunction with fundraising activities sponsored by and for the city or by non-profit organizations
2 specifically organized to benefit the city. The Director shall develop rules and regulations regarding
3 approval of co-sponsorship of events.

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

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

10 (2) The limits of each policy;

11 (3) The policy number;

12 (4) The name of the insurer;

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

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

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

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

18 The applicant shall provide the declarations page or a copy of any policy, complete with
19 endorsements, upon the request of the Director. Any termination, lapse, or reduction of such
20 insurance shall automatically revoke any permit issued pursuant to this section. Waiver of the
21 liability insurance shall be permitted provided the applicant provides written evidence of indigency
22 and the activity is protected by the First Amendment of the United States Constitution. A waiver

1 shall only be permissible for those permits involving use of open park land, not for use of park
2 facilities, or for such events for which an admission fee is charged.

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

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

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

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

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

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

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

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

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

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

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

9 (eg) Any person or organization aggrieved by any ~~determination of~~ denial or revocation
10 of a permit by the Mayor or Director made under any provision of this section may appeal such
11 determination to the City Council by setting forth the details of such grievance in a letter to the
12 Council with a copy to the Mayor. Not less than ~~five~~ ten days after the filing of such letter, such
13 person or organization shall personally appear before the Council to show why such person is
14 aggrieved and why and how such determination should be modified or reversed by the Council. The
15 City Council shall then make a final determination of the matter in controversy at or before its next
16 regular weekly meeting and shall sustain, modify, or reverse the determination made by the Mayor
17 or Director.

18 Section 7. That Section 12.08.310 of the Lincoln Municipal Code be amended to read
19 as follows:

20 **12.08.310 License for Long-Term or Multiple Use of Park ~~Property~~ or ~~Recreational~~**
21 **Facilities Park Facility.**

22 (a) Notwithstanding other provisions of this chapter, the Director may grant a license for
23 the long-term or multiple use, not exceed one year, of Pinewood Bowl, or any athletic field, practice

1 ~~field, municipal swimming pool, or similar recreational park facility upon such terms deemed in the~~
2 ~~best interest of the city, to any person, persons, or organization for the purpose of holding any~~
3 ~~athletic exhibition, sports event, recreational activity, musical concert, play, show, or similar activity~~
4 ~~for which admissions may be charged, provided, however:~~

5 ~~————— (1) — Any such activity shall be conducted pursuant to the rules and regulations as~~
6 ~~established therefor by the Director or the Mayor pursuant to Section 12.08.330 of this chapter;~~

7 ~~————— (2) — Admission fees, if any, to such event shall be subject to the approval of the~~
8 ~~Director;~~

9 ~~————— (3) — The city may retain for its own use a percentage of any such admission as may~~
10 ~~be previously determined by the Director, or may require the licensee to pay such other consideration~~
11 ~~as may be agreed upon between the licensee and the Director;~~

12 ~~————— (4) — The use of such facilities shall only be granted to the licensee for such times~~
13 ~~as are reasonably necessary for holding the activity for which the license was granted, and in no~~
14 ~~event shall a license be granted which would unreasonably interfere with the use of park facilities~~
15 ~~by the public;~~

16 ~~————— (5) — Such license shall be granted as a privilege only and shall be revocable at any~~
17 ~~time by the city.~~

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

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

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

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

5 (34) The park facility requested for such use;

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

7 (56) The number of persons expected to attend;

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

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

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

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

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

18 ~~(7) A requirement that the licensee shall furnish to the city liability insurance in~~
19 ~~the minimum amount of \$1,000,000.00 for the injury or death of any number of persons in any one~~
20 ~~occurrence, and \$100,000.00 for property damage in any one occurrence, and both the licensee and~~
21 ~~the city shall be insureds thereunder. Separate policies or certificates of insurance showing the~~
22 ~~licensee to be covered under one policy, and the city to be covered under another policy, may be filed~~
23 ~~in lieu of a single policy or certificate at the option of the licensee. All such policies or certificates~~

1 shall be issued by companies authorized to do business in the State of Nebraska, and shall be
2 approved as to form by the City Attorney before any license granted hereunder is effective;

3 ~~_____ (8) Such other information, terms, or conditions as may be deemed necessary by~~
4 ~~the Director.~~

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

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

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

16 (2) The limits of each policy;

17 (3) The policy number;

18 (4) The name of the insurer;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 (g) Any person or organization aggrieved by any denial or revocation of a license of the
13 Mayor or Director may appeal such determination to the City Council by setting forth the details of
14 such grievance in a letter to the City Clerk with a copy to the Mayor. Not less than ten days after the
15 filing of such letter, such person or organization shall personally appear before the Council to show
16 why such person is aggrieved and why and how such determination should be modified or reversed
17 by the Council. The City Council shall then make a final determination of the matter in controversy
18 at or before its next regular weekly meeting and shall sustain, modify, or reverse the determination
19 made by the Mayor or Director.

20 Section 8. That Section 12.08.320 of the Lincoln Municipal Code be amended to read
21 as follows:

1 **12.08.320 Concessions Permit to Conduct Business on Park Property.**

2 (a) Notwithstanding other provisions of this chapter, the Director is authorized to grant
3 ~~concessions to occupy or remain~~ a permit to conduct business upon property under the control of the
4 Parks and Recreation Department for the purpose of ~~providing~~ selling refreshments, equipment
5 rentals, sales of merchandise related to a special event, collection of admission fees, collection of
6 donations, or other services which would further the public use and enjoyment of the parks and park
7 ~~properties~~ facilities. Such ~~concessions~~ permit shall be granted ~~upon such terms and conditions as~~
8 ~~may be deemed by the Mayor to be in the best interests of the city; provided, however, that such~~
9 ~~concessions shall be granted~~ as a privilege only and subject to revocation by the city at any time, and
10 provided, further, that no concession shall be granted which would unreasonably interfere with the
11 use of parks or park ~~properties~~ facilities by the public. A permit may be granted in conjunction with
12 a permit for special use of park property or license or may be granted independently. Any ~~concession~~
13 permit granted which ~~permits~~ allows the sale of food, beverage, or food- or beverage-related items
14 shall be subject to all applicable health regulations.

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

- 19 (1) The name, address, and telephone number of the person filing the application;
20 (2) The name, address, and telephone number of the headquarters of the
21 organization, if an organization is involved, and of the persons who manage such organization who
22 will oversee the business activity;

1 (3) The activity which is proposed;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 Section 9. That Sections 12.08.160, 12.08.200, 12.08.250, 12.08.260, 12.08.270,
2 12.08.300, 12.08.310, and 12.08.320 of the Lincoln Municipal Code as hitherto existing be and the
3 same are hereby repealed.

4 Section 10. That this ordinance shall take effect and be in force from and after passage
5 and publication in one issue of a daily or weekly newspaper of general circulation in the City,
6 according to law.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2013:

Mayor