

ORDINANCE NO. 348 (26)

AN ORDINANCE OF THE CITY OF ALBION, NEBRASKA AMENDING ALBION MUNICIPAL CODE, CHAPTER 1, ARTICLE XII – PARKS AND SWIMMING POOL; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF ALBION, NEBRASKA AS FOLLOWS:

SECTION 1: ARTICLE XII – PARKS AND SWIMMING POOL is hereby repealed and replaced with the following:

ARTICLE XII – PARKS AND SWIMMING POOL

SECTION 1-1201: CITY PARKS; OPERATION AND FUNDING

The City owns and operates city parks, campgrounds, and other recreational areas. The City Council, for the purpose of defraying the cost of the care, management and maintenance of the city park may each year levy a tax not exceeding the maximum limit prescribed by state law on the actual valuation of all real estate and personal property within the corporate limits that is subject to taxation. The revenue from the said tax shall be known as the Park Fund and shall remain in the custody of the city treasurer. The City Council shall have the authority to adopt rules and regulations for the efficient management of the city parks and other recreational areas of the City. The City shall not enter into a contract of any nature which involves an expenditure of funds, except for ordinary operating expenses, unless the contract has been approved by resolution of the majority of the members of the City Council prior to the contractual agreement.

SECTION 1-1202: CITY SWIMMING POOL; OPERATION AND FUNDING

The City owns and manages the city swimming pool. The City Council, for the purpose of defraying the cost of the management, maintenance and improvements of the swimming pool, may each year levy a tax not exceeding the maximum limit prescribed by state law on the actual valuation of all real estate and personal property within the City that is subject to taxation. The revenue from the said tax shall be known as the Pool Fund and shall include all gifts, grants, deeds of conveyance, bequests or other valuable income producing personal property and real estate from any source for the purpose of endowing the swimming pool. The Swimming Pool Fund shall at all times be in the custody of the city treasurer. The city administrator shall provide overall supervision of the swimming pool. The city administrator shall have the power and authority to hire and supervise the swimming pool manager and such employees as he/she may deem necessary and shall pass such rules and regulations for the operation of the swimming pool as may be proper for its efficient operation. All actions by the city administrator shall be under the supervision and control of the City Council.

SECTION 1-1203: CITY SWIMMING POOL; ADMISSION CHARGE

The City Council may, for the purpose of defraying the expenses involved in maintaining, improving, managing and beautifying the swimming pool, set a reasonable admission charge by resolution for the use by any person of the city swimming pool. The said charges shall be on file at the office of the city clerk and shall also be posted in a conspicuous place at the swimming pool for public inspection. Such rates may be structured for classes of persons in a reasonable manner; provided that nothing herein shall be construed to permit or allow discrimination on the basis of race, creed, color or national origin in the classification of persons for admission charges.

SECTION 1-1204: CITY PARKS, CAMPGROUNDS, AND SWIMMING POOL; PROHIBITIONS

It shall be unlawful for any person in the city parks campgrounds, city swimming pool, any city recreation area or the sports complex to:

- 1 Engage in threatening, abusive, insulting or indecent language or engage in any disorderly conduct or behavior tending to breach the public peace.
- 2 Mark, deface, disfigure, injure, tamper with or displace or remove any buildings, tables, benches, fire places, railings, paving or paving materials, water lines or other public utilities, or parts of appurtenances thereof; signs, notices or placards whether temporary or permanent; monuments, stakes, posts or other boundary markers; or other structures or equipment, facilities or park property or pool property, recreational property or sports complex property or appurtenances whatsoever, either real or personal.
- 3 Fail to cooperate and maintain restrooms and washrooms in a neat and sanitary condition. No person over the age of six years shall use the restrooms or washrooms designated for the opposite sex.
- 4 Dig or remove any artifacts, soil, rock, sand, stones, trees, shrubs, plants or other wood or materials, or make any excavation by tool, equipment, blasting or other means or agency or look for coins or other minerals without the permission of the City of Albion.
- 5 Construction or erect any building or structure of whatever kind, whether permanent or temporary, or run or string any public service, utility into or upon such lands except by permission of the City of Albion.
- 6 Damage, cut, carve, mark, transplant or remove any plant, or injure the bark, or pick flowers or seed of any tree or plant, dig in or otherwise disturb grass areas, or in any other way injure the natural beauty or usefulness of any area without the permission of the City of Albion.
- 7 Climb any tree or walk, climb, stand, or sit upon monuments, vases, planters, fountains, railings, fences or upon any other property not designated or customarily used for such purpose.
- 8 Attach any rope or cable or other contrivance to any tree, fence, railing, bench or other structure without the permission of the City of Albion.
- 9 Take into, carry through, or put into any park, swimming pool or swimming pool area, recreation area or city sports complex any rubbish, refuse, garbage or other material. Such refuse and rubbish shall be deposited in receptacles provided. Where receptacles are not provided, all such rubbish or waste shall be carried away from the above areas by the person responsible for its presence and properly disposed of elsewhere.
- 10 Cause or permit any animal to run loose; tie or hitch an animal to any tree or plant; or to ride a horse without permission of the City of Albion.
- 11 No motor vehicles, travel trailers, trailers, or bicycles are allowed in the parks or campgrounds except on the roadways and paths provided for such vehicles and in no event is any unlicensed motor vehicle, travel trailer, or trailer permitted within the confines of the park. No motorized vehicles are allowed on sidewalks, trails, or bike paths. This section shall not be applicable to scooters, power chairs or electric wheelchairs having more than two (2) wheels which are designed for and being utilized by individuals with limited mobility.
- 12 Park a vehicle anywhere except on a designated parking area or street. No person shall park or leave standing any vehicle in a park in an area where parking is legally permitted for a period of time exceeding twenty-four (24) hours without a valid permit.
- 13 Ride a bicycle except on hard surface areas or without reasonable regard to the safety of others.
- 14 Wash any vehicle.
- 15 Have possession of any pistol or revolver or objects upon which loaded or blank cartridges may be used unless permission is obtained from the City; have possession of any rifle, shotgun, BB gun, air gun, spring gun, slingshot, bow or other weapon in which the propelling force is gunpowder, a spring or air.
- 16 Have possession of or set off any fireworks.
- 17 Expose or offer for sale any article without a license or permission of the City.

18 Kindle, build, maintain or use a fire except in places provided for such purposes. Any fire shall be continuously under the care and direction of a competent person from the time it is kindled until it is extinguished. No person shall throw away or discard any lighted match, cigar, cigarette, tobacco, paper or other material within or against any building, vehicle or under any tree or in underbrush or other improvements owned by the City.

19 Have possession of alcoholic beverages, or controlled dangerous substances, drink or use the same or bring alcoholic beverages into the area other than designated camping areas.

20 Solicit contributions for any purpose, whether public or private, except for ball teams.

21 Enter an area posted as "Closed to the Public," except employees of the City.

22 Be in the swimming pool building or area inside the swimming pool fence, except when the swimming pool is open for swimming purposes. Pool employees, city employees and other persons authorized by the City are allowed in the above area for examination of the swimming pool and for employment purposes and for repair of the swimming pool and improvements.

SECTION 1-1205: RECREATIONAL TRAILS; RULES FOR USE; PENALTY

The City of Albion Recreational Trails are intended primarily for pedestrian and bicycling use. Use of motorized vehicles by the general public on the trails is prohibited except for emergency vehicles and electrically powered mobility devices for persons with disabilities.

Pets are allowed on the trails but must be leashed and under control of a competent person. However, the deposit of animal waste on or about the trails is strictly prohibited and any person who shall fail to remove said waste deposited by an animal under their control shall be in violation of this section.

SEC. 1-1206. PARKS; ALBION CAMPGROUNDS; OVERNIGHT CAMPING.

It shall be unlawful to camp overnight in the park except in accordance with rules and regulations for overnight camping at the Albion Campground in the areas designated for overnight camping. The Albion Campground is not a mobile home park and is not intended for permanent residency. Overnight camping is hereby defined as the temporary lodging out of doors for outing, vacation or other outdoor recreational purposes and presupposes the occupancy of a shelter designed for such purpose such as a tent, trailer, station wagon, pick-up camper, camper-bus, or other vehicle modified as suitable for camping, and the possession and use of camping equipment after park hours.

SEC. 1-1207. PARKS; ALBION CAMPGROUNDS; CAMPING, PERMIT TO OCCUPY AND REVOCATION PROVISIONS.

In exchange for camping fees (as defined and set forth below) the City will permit Campers to occupy and use the Campsite only for temporary or periodic recreational camping uses (and to cooperatively use the publicly accessible portions of the Property in common with other permitted users), so long as the Campers are using the Campsite and the Property in strict compliance with all laws, the Rules and Regulations contained in this article, and is otherwise acting responsibly. However, City reserves the right to revoke the permit to occupy and use Campsite at any time, for any reason or for no reason. Campers will cause all of Campers' visitors, guests, and invitees to review and to comply with and abide by the Rules and Regulations contained in this article.

SEC. 1-1208. PARKS; ALBION CAMPGROUNDS; CAMPING, FEES.

Fees for overnight camping shall be set by Resolution of the Mayor and City Council. Fees shall be time based, and valid stays shall expire according to said fee schedule.

SEC. 1-1209. PARKS; ALBION CAMPGROUNDS; CAMPING, TIME LIMIT.

The maximum number of consecutive nights that an overnight camper, as defined in this Chapter, may stay at the campground area which is designated for overnight camping is thirty (30), unless given written consent by the Mayor and City Administrator.

SEC. 1-1210. PARKS; ALBION CAMPGROUNDS; CAMPING, EXPIRATION AND/OR TERMINATION OF STAY

Upon the expiration or earlier termination, or City's revocation of Campers' Permission to occupy and use the Campsite and the Property, Campers will immediately vacate and surrender the Campsite to City, in the same condition as received. All of Campers' property (including Campers, Vehicles, temporary structures, or other personal property and equipment) not so removed by Campers will be deemed abandoned by Campers, and of no value, and may be removed and disposed of by City, in City's sole discretion, and at Campers' sole cost and expense.

SEC. 1-1211. PARKS; ALBION CAMPGROUNDS; FIRES AND FIREWORKS.

Open fires shall be permitted in controlled fire pits, unless otherwise banned by Fire Chief, Fire Marshal, or by order of the Governor of the State of Nebraska. It shall be illegal for any person to ignite fires in any other place or have any open fires other than above stated. It shall be legal to use privately owned cooking devices such as gasoline or propane stoves, charcoal grills and similar devices provided that the use of such devices is restricted to the picnic shelters and camping areas and provided further that no property, real or personal, is subject to damage from the use of such device. The possession or use of fireworks in the parks is prohibited except by special permission of the city council. Management personnel may temporarily suspend the right to have fires of any kind in the park.

SEC. 1-1212. PARKS; ALBION CAMPGROUNDS; VENDING.

The vending of various goods, services, products or commodities is permitted at the Albion Campgrounds; however, such vending is conditional upon the vendor first obtaining a Non-Resident sales permit as outlined in Albion Municipal Code, Chapter 4, Article III.

SEC. 1-1213. PARKS; ALBION CAMPGROUNDS; MISCELLANEOUS OFFENSES.

(a) The following acts shall be unlawful:

- (1) The removal of any public property.
- (2) The removal of any equipment.
- (3) Entering or climbing upon or tampering with publicly owned motor vehicle and power equipment.
- (4) The cutting, picking, defacing, injuring or carrying away of any flowers, trees, shrubs or other plants.
- (5) The defacement, damage or alteration of any building or structure.

(b) No structure shall be permanently or semi-permanently installed except by written consent of the council.

SEC. 1-1215. PARKS; ALBION CAMPGROUNDS; CAMPING, MAINTENANCE, REPAIR AND ALTERATION.

Campers shall, at Campers' sole cost and expense, keep and maintain the Campsite and every part thereof, and all the amenities, facilities and equipment of City on the Campsite, including all Services (as defined in Section 1-1216 below), and all of Campers' property (including Campers' Campers, Vehicles, and all temporary structures) placed or kept on the Campsite in connection with Campers' occupancy of the Campsite, in good order, condition and repair, ordinary wear and tear excepted. Without limiting the foregoing, Campers shall, upon demand by City, repair, or remove/replace any of Campers' property (including Campers' Campers, Vehicles and/or temporary structures) that falls into disrepair or otherwise falls below the quality standards of the Property, as determined by the City in City's sole discretion. City shall have no obligation whatsoever to alter, improve or repair the Campsite or the Property or any parts thereof (including the Amenities and/or the Services). In the event of any damage to the Campsite or the Property (including any Amenities and/or the Services), caused in whole or in part by the act, neglect, fault, or omission of Campers (or any of Campers' visitors, guests or invitees), Campers shall reimburse to City the cost of such repair or maintenance immediately upon demand.

Any Amenities on the Property (including the Services) are provided by City solely as a convenience for Campers and other users of the Property. The City makes no representation, warranty or promise regarding such Amenities, City shall have no obligation to provide these or any other Amenities, or provide the Services or any other services (including, without limitation, no obligation to provide any security services), or to repair or maintain any such Amenities (or Services), or keep them open or available for use by Campers or any other users. The City has the absolute right, at any time, to alter or remove any such Amenities (including the Services) or any other aspect of the Property, or to close them or prohibit their use by Campers or any other users, whether by reason of an act of God, inclement weather (as determined by City in its sole discretion), strike, illness, any act or order of public authority, epidemic or pandemic, or any other event beyond the control of City, or otherwise. In any such event, City shall have no liability to Campers or any of Campers' visitors, guests or invitees, or any other user.

Campers shall not make any alteration, addition, or improvement to the Campsite (whether structural or non-structural).

SEC. 1-1216. PARKS ; ALBION CAMPGROUNDS; UTILITIES/SERVICES.

The Campsite is currently equipped with certain utility hookups for Campers' use, including electricity, water and sanitary sewer connections, and the Property has certain garbage/refuse containers for Campers' use in common with other users of the Property (collectively "Services"). All such Services furnished by City are done so solely as a convenience for Campers and other users of the Property. The City makes no representation, warranty or promise regarding the Services, City shall have no obligation to provide the Services or any other services (including, without limitation, no obligation to provide any security services), or to repair or maintain any such Services, or keep any such Services open or available for use by Campers or any other users, and City does not provide an uninterrupted source of electrical power, water or sewer or other Services. Under no circumstance will City be liable to Campers or any other users if any Services are interrupted or terminated, whether because of repairs, installations, improvements or causes beyond City's reasonable control, or otherwise, nor shall any such interruption or termination entitle Campers to any credit or refund, nor relieve Campers from fulfillment of any covenant, condition or payment or performance obligation under this Agreement.

SEC. 1-1217. PARKS ; ALBION CAMPGROUNDS; HAZARDOUS SUBSTANCES.

Campers shall not cause or permit any Hazardous Substance to be used, stored, generated, or disposed of on or in the Campsite or the Property by Campers or any of Campers' visitors, guests, or invitees. However, Campers may bring to the Campsite limited quantities of fuels used for camping and recreational purposes in connection with Campers' use of the Campsite and the Property (and the surrounding area's recreational facilities), such as limited amounts of propane or other camping fuels, and gasoline or other boat/motor vehicle fuels, all of which must be stored by Campers in sealed, safe and environmentally appropriate (non-leaking) containers, limited to five (5) gallons total, and otherwise stored and handled by Campers in compliance with all laws and regulations, and the Rules and Regulations. If Hazardous Substances are used, stored, generated, or disposed of on or in the Campsite or the Property in violation of the foregoing, or if the Campsite or the Property become contaminated in any manner due to any act or omission of Campers

or any of Campers' visitors, guests or invitees, Campers shall indemnify, defend and hold harmless City from and against any and all Claims or Liabilities including, without limitation, any decrease in value of the Property and any and all sums paid for settlement of any Claims or Liabilities, litigation expenses, attorneys' fees, consultation and expert fees of whatever kind or nature, known or unknown, contingent or otherwise arising therefrom. This indemnification includes, without limitation, all costs incurred because of any investigation of the Campsite or the Property or any cleanup, removal, remediation, or restoration mandated by a federal, state, or local agency or political subdivision. The provisions of this section shall be in addition to any other obligations and liabilities Campers may have to City or at law or equity and shall survive the expiration or earlier termination of this Agreement or City's revocation of Campers' Permission to occupy and use the Campsite and the Property. As used herein, "Hazardous Substance" means any substance that is toxic, flammable, ignitable, reactive, or corrosive and/or that is regulated by any local government, the State of Nebraska, or the United States Government. "Hazardous Substance" includes all materials or substances that are defined as "hazardous waste", "extremely hazardous waste", or a "hazardous substance" or similar term pursuant to state, federal, or local governmental law now or hereafter enacted. "Hazardous Substance" includes, without limitation, asbestos, polychlorobiphenyls ("PCB's) and petroleum products.

SEC. 1-1218. INTERPRETATION.

Nothing in this article shall be construed to:

- (1) Extend any assurance that the premises are safe for any purpose;
- (2) Confer upon any person the legal status of an invitee or licensee to whom a duty of care is owed; or
- (3) Assume responsibility for or incur liability for injury or damages to any person or property.

SEC. 1219. COMPLIANCE.

The doing of anything prohibited under this article shall be deemed unlawful and any person so violating this chapter shall be deemed guilty of an offense and shall be fined in a sum not more than \$500.00 for each offense. Each day's maintenance of the same shall constitute a separate offense.

SECTION 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: The ordinance shall be in full force and effect on the 1ST day of JUNE, 2026 and after its passage, approval, and publication according to law.

INTRODUCED BY _____.

PASSED AND ADOPTED BY A VOTE OF ____ TO ____ ON THIS
____ DAY OF _____, 2026.

PUBLISHED _____, 2026.

City of Albion, Nebraska

Mayor

ATTEST:

Clerk

{SEAL}

DRAFT