

ORDINANCE NO. 348 (26)

AN ORDINANCE OF THE CITY OF ALBION, NEBRASKA AMENDING ALBION MUNICIPAL CODE, CHAPTER 1, ARTICLE XII – PARKS AND RECREATION; 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SECTION 1: ARTICLE XII – PARKS AND RECREATION is hereby repealed and replaced with the following:

ARTICLE XII – PARKS AND RECREATION

SECTION 1-1201: CITY RECREATION AREAS; 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 these recreational areas 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 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 RECREATION AREAS; 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.

SECTION 1-1203: CITY RECREATION AREAS; PROHIBITIONS

It shall be unlawful for any person in the city recreation areas, which shall include all parks, campgrounds, swimming pool, and other city recreation areas, to:

- 1 Mark, deface, disfigure, injure, tamper with or displace or remove any buildings, tables, benches, railings, paving or paving materials, 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, equipment, facilities or city property, or appurtenances whatsoever, either real or personal.
- 2 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.
- 3 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.

- 4 Construct or erect any building or structure of whatsoever, whether permanent or temporary, or run or string any public service or utility into or upon such lands except by permission of the City of Albion.
- 5 Damage, cut, carve, disturb, injure, mark, transplant or remove any plant, or seed of any plant, or in any other way injure the natural beauty or usefulness of any area without the permission of the City of Albion.
- 6 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.
- 7 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.
- 8 Take into, carry through, or deposit any rubbish, refuse, garbage or other material except when deposited in provided receptacles. 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.
- 9 Cause or permit any animal to run loose without a leash and/or not under the control and supervision of a competent person; or to ride a horse without permission of the City of Albion.
- 10 Travel within any city recreation area with a motor vehicle, travel trailer, or bicycle outside of a roadway or path provided for such vehicles. No motor vehicles are allowed on sidewalks, trails, or bike paths.
- 11 Enter into or remain in any city recreation area with an unlicensed motor vehicle, travel trailer, or trailer.
- 12 Park a motor vehicle outside of a designated parking area or street. No person shall park or leave standing any motor vehicle in a city recreation area for a period of time exceeding twenty-four (24) hours without express permission of the City of Albion.
- 13 Ride a bicycle without reasonable regard to the safety of others.
- 14 Wash any vehicle.
- 15 Possess or use of any fireworks without special permission of the City. Expose or offer for sale any article without a license or permission of the City.
- 16 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.
- 17 Possess or consume alcoholic beverages or controlled substances This regulation shall not apply to alcoholic beverages or controlled substances possessed or consumed within the confines of a validly occupied campground space by the valid occupier or their guests.
- 18 Solicit contributions for any purpose, whether public or private, except with the permission of the City.
- 19 Enter any area posted as "Closed to the Public."
- 20 Deposit or fail to remove any animal waste generated or deposited by any animal owned by or under the control of the offender.
- 21 Enter or remain within the swimming pool building or area inside the swimming pool fence when said facility is closed. This regulation shall not apply to pool employees, city employees and other persons there with the authorization of the City.

SEC. 1-1204. 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.

SECTION 1-1211: 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 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 1-1212: 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 of the city swimming pool by any person. 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.

SEC. 1-1221. CAMPING; GENERALLY

It shall be unlawful to camp overnight on City property except as provided in Section 1-1222 and subject to the provisions of this Article with express permission of the City. 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. 1-1222. CAMPING; PERMIT TO OCCUPY AND REVOCATION PROVISIONS

Camping shall be permitted in the Albion Campgrounds provided the camper obtains a permit to occupy and use a Campsite within the Campgrounds. In exchange for camping fees as established in Section 1-1223 the City will permit Campers to occupy and use the Campsite for temporary recreational camping uses, and to cooperatively use the publicly accessible portions of the Campgrounds in common with other permitted users, so long as the campers are using the Campsite and Campgrounds in strict compliance with all laws, including the rules and regulations contained in this Article, and are otherwise acting responsibly.

The Campground is not a mobile home park and is not intended for permanent residency.

The City reserves the right to revoke any permit to occupy and use the Campsite at any time, for any 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. 1-1223. 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. 1-1224. CAMPING; TIME LIMIT.

The maximum number of consecutive nights that an overnight camper, as defined in this Chapter, may stay at the Campgrounds is thirty (30), without express written authorization from the City.

SEC. 1-1225. CAMPING; EXPIRATION AND/OR TERMINATION OF STAY

Upon the expiration or earlier termination of Camper's permit to occupy and use the Campsite, Camper 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 Camper, and of no value, and may be removed and disposed of by City, in City's sole discretion, and at Camper's sole cost and expense.

SEC. 1-1226. CAMPING; FIRES AND FIREWORKS.

Open fires shall be permitted in controlled fire pits, unless otherwise banned by the Albion Fire Chief, Fire Marshal, or 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. Management personnel may temporarily suspend the right to have fires of any kind in city recreation areas.

SEC. 1-1227. CAMPING; 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. 1-1228. CAMPING; MAINTENANCE, REPAIR AND ALTERATION.

Camper shall, at Camper's sole cost and expense, keep and maintain the Campsite, and all amenities, facilities and equipment of City on the Campsite, including all Services (as defined in Section 1-1229 below), and all of Camper's property (including Campers, Vehicles, and all temporary structures) placed or kept on the Campsite in connection with Camper's occupancy of the Campsite, in good order, condition and repair, ordinary wear and tear excepted.

Without limiting the foregoing, Camper shall, upon demand by City, repair or remove/replace any of Camper's property (including Campers, Vehicles and/or temporary structures) that fall into disrepair or otherwise become unsightly or unsafe, as determined by the City in its sole discretion. City shall have no obligation whatsoever to alter, improve or repair the Campsite or any parts thereof. In the event of any damage to the Campsite (including any Services), caused in whole or in part by the act, neglect, fault, or omission of Camper (or any of Camper's visitors, guests or invitees), Camper shall reimburse to City the cost of such repair or maintenance upon demand.

Any Amenities on the Property (including the Services) are provided by City solely as a convenience. 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 Camper 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 Campgrounds, or to close them or prohibit their use by Camper 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 Camper or any of Camper's 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) without express written permission of the City.

SEC. 1-1229. CAMPING; UTILITIES/SERVICES.

Campsites may be equipped with utility hookups for Camper's use, including electricity, water and sanitary sewer connections, and the Campgrounds may have other services for Camper's use in common with other users of the Campgrounds. All such services are furnished by City solely as a convenience for Camper and other users of the Campgrounds. The City makes no representation, warranty or promise regarding the services, City shall have no obligation to provide any services, including any security services, or to repair or maintain the same. Under no circumstance will City be liable to Camper or any other user 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 Camper to any credit or refund, nor relieve Camper from fulfillment of any covenant, condition, payment or performance.

SEC. 1-1230. CAMPING; HAZARDOUS SUBSTANCES.

Camper shall not cause or permit any hazardous substance to be used, stored, generated, or disposed of on or in the Campsite or the Campgrounds by Camper or any of Camper's visitors, guests, or invitees. However, Camper may bring to the Campsite limited quantities of fuels used for camping and recreational purposes in connection with Camper's use of the Campsite and the Campgrounds 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 Camper in sealed, safe and environmentally appropriate (non-leaking) containers, limited to five (5) gallons total, and otherwise stored and handled by Camper 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 Campgrounds in violation of the foregoing, or if the Campsite or the Campgrounds become contaminated in any manner due to any act or omission of Camper or any of Camper's visitors, guests or invitees, Camper 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 Campgrounds 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 Campgrounds 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 Camper may have to City or at law or equity and shall survive the expiration or earlier termination of the permit. 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 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. 1-1290. VIOLATION: PENALTY.

Any person, firm, association or corporation who shall violate any of the provisions of this Article XII for which no other penalty is provided, shall, upon conviction, be deemed guilty of an infraction, and be fined in any sum not more than \$500.00 for each offense, and 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}