

**CITY OF KEARNEY
PARK & RECREATION DEPARTMENT**

PARK RULES AND REGULATIONS

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I. Definitions

The following words, terms and phrases shall have the meanings ascribed to them, except where the context clearly indicates a different meaning:

Agent means Park Superintendent, Recreation Superintendent, Senior Center Director, or Office Manager.

Department means the Park & Recreation Department.

Director means a person so designated and in charge of the Park & Recreation Department and its divisions.

Park means a playground, recreation center or any other area in the City, owned or used by the City, and devoted to active or passive recreation, including all planted expressways, parkways maintained by the City, except the parkway strips between curb and sidewalks along the several streets and expressways of the City.

Permit means a document issued by the Park & Recreation Department giving authorization for a specific activity on a public site.

Public water means Cottonmill Lake, Yanney Park Lake, Kea Lake, and other bodies of water larger than one acre as shown in the stormwater drainage plan.

Smoking means the combustion of any cigar, cigarette, pipe or other similar article, using any form of tobacco or other combustible substance in any form. This includes the carrying or holding of a lighted pipe, cigar, or cigarette of any kind, or any other lighted smoking equipment or device, and the lighting or emitting or exhaling the smoke of a pipe, cigar, or cigarette of any kind.

Tobacco Products mean any cigar, cigarette, chewing tobacco, snuff or other tobacco derivative.

Vehicle means any wheeled conveyance, whether motor-powered or drawn. Exception is made for baby carriages, bicycles and tricycles on designated paths, and vehicles in the service of the City.

"Wild bird" includes all undomesticated birds native to North America and undomesticated game birds implanted in North America by governmental agencies and any domestic duck or goose released by any private person or recreational authority upon any recreational area within this park.

"Wild animal" includes any undomesticated animal.

II. Vehicles, Speeding, Traffic Signs & Trail Use

Commercial Vehicles Prohibited in Parks; Exception.

1. It shall be unlawful for any person operating a vehicle in any park or recreation area of the City to fail or refuse to obey all traffic signs, or other traffic-control devices regulating the operation, stepping or parking of vehicles. It shall be unlawful for other than authorized personnel to park or drive on lawns, fields, or any other place other than upon roadways and parking areas clearly constructed and established for such purposes within the parks, parkways or other recreational facilities of the City. Laws pertaining to streets and highways pertain also to park roads, except the pedestrians shall have the right-of-way over vehicles in park areas. Chapter 8 of the Kearney City Code pertaining to motor vehicles and traffic is hereby specifically adopted and made applicable to the Cottonmill Park area. All vehicles used for the purpose of transporting freight and merchandise, or brick, stone or gravel, and all those commonly known as trailers, trucks or delivery wagons, are prohibited from entering upon or being driven through any of the public parks of the City, except by special permission of the Director or his/her agent subject to appropriate conditions and safeguards.
2. It shall be unlawful to use ATV's in any park except by special permission of the Director or his/her agent.

Parking & Selling of Vehicles in City Parks.

1. Where vehicle parking lots or areas have been set aside in public parks in the City, no vehicle shall be driven over or across the curbs, sidewalks, grass or lawn within such park, but shall be parked on such lots within and between the lines designating a single vehicle parking space and not otherwise. Where parking lots or areas within public parks of the City have been designated for head-in parking to front on a visible parking line without delineated single vehicle spaces, the front of the vehicle shall be placed on the parking line and as near as practicable to the side of the last parked vehicle in line. No vehicle shall be parked or left behind any other vehicle in the parking line or back of such parking line in any manner so as to obstruct, block or hinder ingress or egress from the line. Officers of the Police Department of the City shall issue to violators of this section traffic tickets or notices to answer to charges in the manner prescribed by the applicable ordinances and the case shall proceed in accordance with such applicable sections. Where a vehicle is parked or left in violation of this section in such a manner as to obstruct or block traffic, and the owner or operator of the vehicle refuses to or will not move such vehicle or cannot be found, police officers of the City may move or impound the vehicle so that traffic will not be impeded. Parking shall not be permitted during regular closing hours or in any area closed by the Director of Park & Recreation. Vehicles may be parked in park and recreation areas only if the occupants are engaged in activity connected with the area.
2. Selling, or leaving a vehicle "for sale", in any park or park parking lot is prohibited.

Washing or Servicing of Vehicles.

1. Washing or servicing of vehicles in any park or recreation area in the City is prohibited.

Traffic Signs and Speeding.

1. It is unlawful to ride, drive or go at a rate of speed faster than speed limits as posted on standard traffic signs, upon any bicycle, motorcycle or any other vehicle whatsoever, upon any drive or street in any park of the City, or to ride or drive any wheeled vehicle upon any walk except baby carriages, bicycles or tricycles on designated hike/bike paths at the posted speed limits and except for special occasions and under special situations, the Director, may be authorized to issue written permission.

Bicycling & Trail Use.

1. All bicycle riders shall obey traffic signs and laws regulating the operation, stopping or parking of vehicles. Bicycle riding will be governed further by safe riding practices and consideration for the use of park and recreation areas, trails, and pathways by others. Bicycle riding is prohibited on playgrounds, tennis

courts and game courts, in pavilions or in any area where other activities are in progress.

2. Every person operating a bicycle upon a city trail shall ride as near to the right side of the trail as practicable, exercising due care, by giving an audible announcement, when passing a pedestrian or another cyclist.
3. Persons operating bicycles upon a city trail shall ride single file.
4. Every person operating a bicycle upon a city trail shall exercise the highest degree of care to avoid colliding with another trail user.
5. Motorized vehicles or motorized modes of transportation are prohibited on the trails, except for motorized wheelchairs or motorized assisted bicycles that are used by people with a disability, and authorized vehicles such as park utility vehicles, golf carts, and police motorcycles.
6. Pedestrians on a city trail shall remain as near to the right side of the trail as practicable.
7. Persons responsible for a dog on any City trail must have the dog on a leash. The dog shall be reined in to within four (4) feet of the responsible person whenever it approaches or is approached by another trail user.

III. Rentals and Fees

Facility Use Agreements for Park Buildings or Park Open Space.

The Director of Park & Recreation or designee, is hereby authorized to issue facility use agreements relating to any exclusive use or accommodation of any park or recreation facility or park open space of the City. The Director or his/her agent shall set the requirements for the issuance of any agreement and may include in those requirements a corresponding fee or deposit. The Director or his/her agent shall have the power and authority to cancel any agreement for violation of the requirements of the permit and violation of any of the rules and regulations set forth herein.

1. The Director or his/her agent may restrict the hours, days, and weeks of use of any recreation center or building; and the Director or his/her agent may restrict or remove any user, individual or group for violation of any of the rules and regulations set forth herein.
2. Buildings, facilities, and park open space in and used by the Department are governed by their own established regulations posted at the facility and available at the main Park & Recreation office at 2005 1st Avenue.

Shelters, Buildings, Amphitheaters.

Reservation of park buildings may be obtained by permit issued by the Director or his/her agent. Otherwise, all use of shelters shall be on a first-come, first-serve basis.

Group Use of Parks.

Any group of more than 25 persons shall have on hand a permit signed by the Director of Park & Recreation or designee, allowing such a group to assemble in the park. Groups shall be orderly and law-abiding.

Park & Recreation User Fees.

User fees for use of park and recreation services are hereby established and approved as:

1. *Fees; generally.* User fees are established as those fees charged for the use of park and recreation services, rentals, facilities, membership fees and other recreational uses as specified in City of Kearney Comprehensive Fee Schedule which from time to time will be amended by the City Council. The Comprehensive Fee Schedule is available on the City's web site at www.cityofkearney.org.
2. *Collection; disposition.* All user fees listed shall be collected and credited to the appropriate funds of the City.
3. *Fee reductions.* User fees may be reduced for residents of the City of Kearney who demonstrate a limited income. Procedures for said reductions, including amount of the reduction and eligibility criteria, have been established by the City Council and are administered by the Director or his/her agent.

IV. Hours

Park Hours.

1. All City parks and trails shall normally be open from 5:30 a.m. to 11:00 p.m. daily, and normally be closed from 11:00 p.m. to 5:30 a.m.
2. Cottonmill Park shall normally be opened from 7:00 a.m. to 10:00 p.m. daily, and normally be closed from 10:00 p.m. to 7:00 a.m. from April to September, and shall normally be opened from 7:00 a.m. to sundown from September to April and normally be closed from sundown to 7:00 a.m. from April to September except for activities and events sponsored by the Department or authorized by permission of the Director or his/her agent.
3. Person's may not remain, stay, or loiter in any parks and/or trails when closed, unless a written authorization has been issued by the Director or his/her agent.

Hours for Lighted Fields/Tennis Courts.

1. Artificially lighted athletic fields in the parks have the lights turned off at 10:30 p.m. except Centennial and Harvey Park. An inning in progress, however, may be completed; but no inning will start after 10:30 p.m. except at Centennial and Harvey, where no inning will start after 11:30 p.m.
2. Artificially lighted tennis courts and basketball courts in the parks shall have the lights turned off by 11:00 p.m.

V. Winter Sports

1. No ice skating, or ice hockey, on any water body supervised by the department or included in any park or recreation facility is permitted unless the specific area to be used is so posted or public announcement has been made by the Director of Park & Recreation allowing such activity. When such areas are open for use, they are subject to rules and regulations on program and safety as issued by the Director or his/her agent.
2. There is no area identified as a “sledding hill” in the City park system.
3. Ice fishing is allowed on public waters but people will be doing so at their own risk.
4. It shall be unlawful to use snowmobiles in any park.

VI. Public Waters

Swimming & Bathing.

1. Swimming is only allowed at Cottonmill Park Lake, Yanney Park Lake, and Kea Lake as part of a scheduled and supervised recreational program sponsored by the Department or authorized by the Director. Any allowed swimming activity shall be subject to specific rules and regulations which may be issued and enforced by the Director or his/her agent.
2. Swimming pools – Use of swimming pools shall be subject to specific rules and regulations posted at the facility.
3. Swimming is available at Cottonmill Park in the southeast swimming area separated from the main lake from sunrise to sunset. Persons will swim at their own risk, and no lifeguards will be on duty.
4. Bathing is not permitted in any fountain, pond, stream, lake or other public waters located in a park.

Boating.

1. General – Boats, with a no wake restriction with a maximum of five (5) miles per hour, are allowed on Cottonmill Lake for public users. Only non-motorized boats are allowed at Yanney Lake for public users unless authorized by the Director or his/her agent. State regulations must be followed, with regard to boats, at Kea Lake.
 - a. Age of operator – anyone operating a motorboat or personal watercraft in Nebraska must be at least eighteen (18) years of age but can be ages fourteen (14) through seventeen (17) if they have successfully completed the Nebraska boating safety course and are in possession of a valid certificate card.
 - b. Registration – All boats must conform to the State of Nebraska boating statutes.
 - c. Buoys – Boaters shall observe and remain clear of all areas marked by buoys.
 - d. Docks – The dock area is for loading and unloading activity only, and boats may not be tied to docks any longer than necessary to accomplish this activity.
 - e. Group Boating Activities – Any group activity, organized race, regatta, class, or any other type of organized boating activity shall be approved in advance in writing by the Director or his/her agent.
 - f. Boats shall follow a counter-clockwise sailing traffic pattern whenever possible.
 - g. Glass Containers and Littering – Glass containers are prohibited upon the lake, dock areas, or launch ramp area. Discarding food, objects or waste of any kind or type into the lake, upon the dock areas, or in the launch ramp area is prohibited.
 - h. Park Supervisor – The Park Supervisor or designee may order inexperienced operators from the lake when in the Park Supervisor's judgment such operators constitute a safety hazard to themselves or other operators. The Park Supervisor may also order from the lake, person or crafts operating in a reckless or careless manner or in disregard of or in violation of Department of Park & Recreation rules and regulations. The Park Supervisor shall have the authority to close the lake because of inclement weather or any other unsafe condition.

VII. Athletic Fields, Courts & Play Areas

1. The Director or his/her agents shall enforce all rules and regulations pertaining to activities upon any athletic field, court or play area in any park or recreation facility of the City. The Director or his/her agents shall have the power to issue rules and regulations governing such athletic fields, and copies of such rules and regulations shall be on file with the Department and the City Clerk.
2. All teams or individuals shall relinquish play on any athletic field or court to any individuals or teams when permits for use of such facility shall have been issued by the Director or his/her agent.
3. The Director or his/her agents may restrict or remove any player, players, teams or leagues from all public fields, courts or play areas for a specified time for violation of rules and regulations set forth in this article or issued by the Director.
4. The Director or his/her agents shall have the authority to close any or all public fields, courts or play areas when use of such area shall create maintenance problems as a result of weather or other conditions.

VIII. Wildlife

1. It is unlawful for any person to willfully and unnecessarily shoot, capture, harass, injure or destroy any wild bird or wild animal anywhere within the parks, except as an act of self-defense or in the defense of others. City employees are authorized to capture any wild bird or wild animal as necessary.
2. No person shall willfully destroy, rob or disturb the nest, nesting place, burrow, eggs or young of any wild bird or wild animal anywhere within the parks.
3. The provisions of this division do not apply to the personnel of any police, fire or animal control agency or to the state division of wildlife or department of health or other state or federal agency, when such persons are acting within the scope of their official duties as employees of such agencies.
4. The provisions of this section are not intended to allow or authorize in any manner the destruction of any bird or animal protected by state or federal law.
5. No person shall release or introduce any exotic or wild bird, or wild animal in any park without written permission from the Director.

IX. Fishing & Hunting

1. Fishing shall be in accordance with Nebraska state law, observing both fishing size and possession limits.
2. No person shall clean fish at a park.

3. No person shall hunt in any park, except as authorized by the Director in special circumstances.

X. Horseback Riding

1. Horseback riding is not permitted on the concrete hike/bike trails and in City neighborhood parks, except Cottonmill Park and Meadowlark North Park along the grass and dirt trails only, unless approved by the Director or his/her agent.
2. Where permitted, horses shall be thoroughly broken and properly restrained, and ridden with due care, and shall not graze or go unattended, nor shall they be hitched to any object.
3. Owners are responsible for horse waste clean-up.

XI. Animals

1. No person shall hitch, fasten, lead, drive or let loose any animal of any kind in a city park. Dogs shall be permitted if they are kept on a leash by a cord or chain, except for certified assistance dogs or in areas specifically designated for pet exercise or training such as the Meadowlark Hills Dog Park. On special occasions and under special situations, the Director or his/her agents shall be authorized to issue a special permit to allow other animals in the park.
2. Owners are responsible for animal waste clean-up. (City Code)
3. Users should refer to the sign posted at off-leash dog area at Meadowlark North Park.

XII. Fires

1. No person shall start or maintain a fire in any park except in existing grills or fire pits provided for that purpose without the written permission of the Director or his/her agent.
2. Any person who starts or maintains a fire in these authorized areas shall exercise continuous supervision from the time the fire is kindled until it is extinguished.
3. The Fire Department may, at its discretion, prohibit fires for limited periods at any location for any purpose when it is necessary for the continued protection of the park. This is known as a "fire ban".

XIII. Weapons & Fireworks

1. No person, except those with law enforcement, shall possess or discharge any firecrackers, rockets, torpedoes, or any other fireworks, or air guns or slingshots

or any device which would, or could project any object, which would or could create a fire hazard, or any hazard or danger to the public, except for special circumstances and occasions when under specific supervision, the Director or his/her agent shall be authorized to issue written permission.

2. Bow and arrows may be used in areas specifically dedicated for such use or with written permission from the Director or his/her agent.
3. Golf is prohibited in the parks. (City Code)

XIV. Metal Detectors

1. In park open space areas, metal detectors may be used to find items that are lying on the surface of the ground. A metal detector may not be used in specific use areas such as, historical register sites, athletic fields, playgrounds, golf courses, and landscape beds. Digging, removal or any damage to the ground surface to find items is not allowed, unless approved by the Director.
2. The Department requests that all found items be turned into the main office with the purpose of notifying the original owner. If after 30 days, the item is not claimed, it will be returned to the person finding the item.

XV. Pollution

1. It shall be unlawful for any person in a park to throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, lake or other body of water in or adjacent to any park or any tributary, stream, storm sewer, or drain flowing into such waters, any substance, matter, liquid or solid, which may result in the pollution, discoloration or contamination of said waters.
2. It shall be unlawful to leave garbage, cans, bottles, papers or other refuse in a park other than in receptacles provided for such refuse. If no receptacle is provided, such persons shall remove all trash, waste, or garbage from the park, lake, or other recreational area or facility and properly dispose of it elsewhere.
3. Garbage or refuse shall not be brought into the parks to dump in receptacles as per City Code 5-212.

XVI. Advertising, Posting Signs, Selling Goods or Services

1. It shall be unlawful for any person in a park to paste, glue, tack or otherwise post any sign, or advertisement on any park ground without written permission from the Director or his/her agent.
2. It shall be unlawful to distribute, post, place or erect any advertising, handbill, circular, bill, notice, paper or other advertising device within the parks or park facilities without written consent of the Director or his/her agent. City Code 7-101

3. It shall be unlawful to sell or offer for sale any food, drinks, confections, merchandise or services without written agreement or permit issued by the Director or his/her agent. City Code 7-101

XVII. Conduct & Loitering

1. It shall be unlawful to participate in any activity on any public park area when such activity may create a danger to the public or may be considered a public nuisance. The Director of Park & Recreation or designee may designate particular locations within areas for specific activities. Overnight camping is prohibited on any park property except by written permission issued by the Director or his/her agent.
2. It shall be unlawful to damage, cut, break, injure, deface or disturb any tree, shrub, plant, rock, building, cage, pen, monument, fence, bench or other structure, apparatus or property, or to pluck, pull up, cut, take or remove any shrub, brush, plant or flower, or to mark or write upon, paint, or deface in any manner any building, monument, fence, bench, or other structure without written permission of the Director or his/her agent, except for City employees engaged in City work.
3. Works, remains or artifacts of archeological, geological or historical value may not be disturbed or removed. No structure of any kind shall be erected or semi-permanently installed on any park land unless otherwise written permission of the Director or his/her agent.
4. It shall be unlawful to cut or remove any wood, turf, grass, soil, rock, sand, gravel or fertilizer without written permission of the Director or his/her agent.
5. It shall be unlawful to play, or bet at or against any game which is played, conducted, dealt or carried on with cards, dice, or other device, for money, chips, shells, credit or any other representative of value, or to maintain or exhibit any gambling table or other instrument of gambling or gaming without written permission of the Director or his/her agent.
6. It shall be unlawful to use any type of sound amplification system unless a written consent or permit is issued by the Director or his/her agent.
7. It shall be unlawful for any person(s) to engage in loud, boisterous, threatening, abusive, insulting or indecent language; or to engage in any disorderly conduct or behavior tending to a breach of public peace, and no person shall commit, any obscene, lewd or indecent act, or create a nuisance in any park.
8. It shall be unlawful to disturb or disrupt, any picnic, meeting, service, concert, exercise or exhibition. Section 8-1702 of the Kearney City Code pertaining to offenses shall be and is hereby specifically made applicable to the Cottonmill Park area.

9. No person or group shall engage in fighting, quarreling, wrangling, riotous clamor or tumult in any park.
10. It shall be unlawful to beg or solicit within any park.

XVIII. Alcohol & Tobacco

Alcohol.

1. It shall be unlawful to be under the influence of alcohol, or consume or possess alcoholic beverages in City parks or in park facilities. (City Code)
2. There is a smoking ban in all City buildings including the following Park & Recreation facilities: Yanney Park E.R.C., Mitzi's Pavilion, Harmon Park Activity Center, Harmon and Centennial Park Swimming Pools and Bath Houses, Peterson Senior Activity Center, Meadowlark Hills Golf Course, and Cottonmill Lodge.

Tobacco Free Parks Courtesy Rule.

1. The use of smoking cigarettes, cigars, cigarillos, pipes, electronic cigarettes, or other tobacco products shall be discouraged on any outdoor park or recreational property of the City of Kearney with the exception of the Meadowlark Hills Golf Course grounds.
2. The use of tobacco products shall be discouraged on any outdoor park or recreational property of the City of Kearney with the exception of the Meadowlark Hills Golf Course grounds.
3. No tobacco products shall be discarded or thrown onto the ground on any park or recreational property of the City of Kearney.
4. The Tobacco-Free Courtesy Rule for the City of Kearney Park & Recreation Properties will be self-enforced by park users. Although police and/or park staff may request the tobacco user cease using tobacco products and/or leave the park property, the intent is for residents and visitors to willingly respect the policy and not use tobacco products while on any park or recreational property of the City of Kearney with the exception of the Meadowlark Hills Golf Course grounds.
5. Smoking not permitted in any indoor City of Kearney Park & Recreation facility.

XIX. Certain Rules & Regulations to be Posted

The Director shall recommend to the City Manager such rules and regulations as he/she deems best for the management of the public parks, and where such rules have been adopted for a specific park area and posted within the specific park so regulated, any person found guilty of violating such rules or any rules in this document shall be guilty of

an infraction with a fine in an amount not exceeding one hundred dollars (\$100.00) for each violation.

XX. Application of Kearney City Code

The ordinances and City Code of the City of Kearney, Nebraska are hereby adopted and made applicable to all park areas, including the Cottonmill Park and Kea Lake areas.

XXI. Banning People from City Parks

The Director shall have the power to ban any person from being at City Parks if that person has engaged in criminal activity in a City Park which shall include, but not be limited to, the use, possession, sale, or distribution of illegal drugs; use or possession of alcohol; disturbing the peace; contributing to the delinquency of a minor; false reporting; obstructing a police officer; or any other criminal activity.

The Director shall also have the power to ban any person from all City Parks for violating Park rules or who have been warned and fail to comply with Park rules.

The Director will provide the person to be banned with a letter explaining that the individual is banned from all City Parks and designating the time period that the party will be banned, with such ban not to exceed 90 days on the first offense and no more than one year on the second offense.

If the banned person is a minor, the Director shall also provide notice to the parent(s) or guardian(s) of the minor child.

A person banned from all City Parks shall not be restricted going to a polling place in order to vote should their polling place be located at a City Park building.

A person that has received a letter banning them from City Parks may appeal this determination to the Park advisory board if they file a letter of appeal with the City Clerk within 10 days of the date of the letter. The Park Advisory Board will review the appeal at its next board meeting and its determination on the appeal will be the final determination by the City.

Any person that fails to comply with the ban notice shall be guilty of criminal trespass as found in City Code Section 8-1605 and may not avail themselves to the defense that the Park is public property. The letter banning a person from all City parks will take effect immediately and an appeal of the letter will not stay enforcement of the ban pending appeal.