

**TITLE IX: GENERAL REGULATIONS**

Chapter

**90. LEISURE AND RECREATION**

**91. HEALTH AND SAFETY**

**92. PUBLIC WAYS AND PROPERTY**

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*Cross-reference:*

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**CHAPTER 90: LEISURE AND RECREATION**

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***PARKS AND RECREATIONAL FACILITIES***

**§ 90.01 OPERATION AND FUNDING.**

(A) If the city has already acquired or hereafter acquires land for park purposes or recreational facilities or has already built or hereafter builds swimming pools, recreational facilities, or dams, the Mayor and City Council may each year make and levy a tax upon the taxable value of all the taxable property in the city. The levy shall be collected and put into the city treasury and shall constitute the park and recreation fund of the city. The funds so levied and collected shall be used for amusements, for laying out, improving, and beautifying such parks, for maintaining, improving, managing, and beautifying such swimming pools, recreational facilities, or dams, and for the payment of salaries and wages of persons employed in the performance of such labor.

(Neb. RS 17-951)

(B) If the Mayor and City Council create a Board of Park Commissioners or Board of Park and Recreation Commissioners, when such Board has been appointed and qualified, all accounts against the park fund or park and recreation fund, as the case may be, shall be audited by the Board, and warrants against the fund shall be drawn by the Chairperson of the Board, and warrants so drawn shall be paid by the City Treasurer out of the fund.

(Neb. RS 17-952)

(C) (1) Whether the title to real estate for parks, public grounds, swimming pools, or dams, either for recreational or conservational purposes, shall be acquired by gift, devise, or purchase as provided in Neb. RS 17-948, the jurisdiction of the City Council or Park Board shall at once be extended over such real estate; and the City Council or Park Board shall have power to enact bylaws, rules or ordinances for the protection and preservation of any real estate acquired as herein contemplated, and to provide rules and regulations for the closing of the park or swimming pool, in whole or in part, to the general public, and charge admission thereto during such closing, either by the city or by any person, persons, or corporation leasing same. They may provide suitable penalties for the violation of such bylaws, rules, or ordinances; and the police power of the city shall be at once extended over the same.

(Neb. RS 17-949)

(2) The Park Board shall not enter into a contract of any nature that 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.

***Statutory reference:***

*Levy limits, see Neb. RS 77-3442*

*Parks and recreational facilities generally, see Neb. RS 17-948 through 17-952*

**§ 90.02 INJURY TO PROPERTY.**

It shall be unlawful for any person to maliciously or willfully cut down, injure, or destroy any tree, plant, or shrub in any city park or recreational facility. It shall be unlawful for any person to injure or destroy any sodded or planted area or injure or destroy any building, structure, equipment, fence, bench, table, or any other property of any city park or recreational area. No person shall commit any waste on or litter the city parks or other public grounds.

Penalty, see § 10.99

***Statutory reference:***

*Littering of public and private property, see Neb. RS 28-523*

***LIBRARY***

**§ 90.15 FUNDING.**

(A) (1) If the City Council has established a public library free of charge for the use of the inhabitants of the city or contracted for the use of a public library already established, the Council may levy a tax of not more than \$0.105 on each \$100 upon the taxable value of all the taxable property in the city annually to be levied and collected in like manner as other taxes in the city. The levy shall be subject to Neb. RS 77-3442 and 77-3443. The amount collected from such levy shall be known as the library fund.

(Neb. RS 51-201)

(2) The fund shall also include all gifts, grants, deeds of conveyance, bequests, or other valuable income-producing property and real estate from any source for the purpose of endowing the public library.

(B) All taxes levied or collected and all funds donated or in any way acquired for the erection, maintenance, or support of the public library shall be kept for the use of the library separate and apart from all other funds of the city, shall be drawn upon and paid out by the City Treasurer upon vouchers signed by the president of the Library Board and authenticated by the secretary of the Board, and shall not be used or disbursed for any other purpose or in any other manner. The city may establish a public library sinking fund for major capital expenditures.

(Neb. RS 51-209)

(C) Any money collected by the library shall be turned over at least monthly by the Librarian to the City Treasurer along with a report of the sources of the revenue.

**§ 90.16 LIBRARY BOARD; GENERAL POWERS AND DUTIES.**

(A) The Library Board shall have the power to make and adopt such bylaws, rules, and regulations for its own guidance and for the government of the library and reading room as it may deem expedient, not inconsistent with Neb. RS 51-201 through 51-219.

(Neb. RS 51-205)

(B) The Library Board shall have exclusive control of expenditures, of all money collected or donated to the credit of the library fund, of the renting and construction of any library building, and the supervision, care, and custody of the grounds, rooms, or buildings constructed, leased, or set apart for that purpose.

(Neb. RS 51-207)

(C) The Library Board may erect, lease, or occupy an appropriate building for the use of such a library, and appoint a suitable librarian and assistants, fix the compensation of such appointees, and remove such appointees at the pleasure of the Board. The governing body of the city shall approve any

personnel administrative or compensation policy or procedure before implementation of such policy or procedure by the Library Board.

(D) The Library Board may establish rules and regulations for the government of the library as may be deemed necessary for its preservation and to maintain its usefulness and efficiency. The Library Board may fix and impose, by general rules, penalties and forfeitures for trespasses upon or injury to the library grounds, rooms, books, or other property, for failure to return any book, or for violation of any bylaw, rule, or regulation. The Board shall have and exercise such power as may be necessary to carry out the spirit and intent of Neb. RS 51-201 through 51-219 in establishing and maintaining the library and reading room.

(Neb. RS 51-211)

#### **§ 90.17 GROUNDS AND BUILDING.**

The Library Board may purchase or lease grounds, exercise the power of eminent domain, and condemn real estate for the purpose of securing a site for a library building. The procedure to condemn property shall be exercised in the manner set forth in Neb. RS 76-704 through 76-724.

(Neb. RS 51-210)

#### **§ 90.18 SALE AND CONVEYANCE OF REAL ESTATE.**

(A) The Library Board may, by resolution, direct the sale and conveyance of any real estate owned by the Board or by the public library, which is not used for library purposes, or of any real estate so donated or devised to the Board or to the library upon such terms as the Board may deem best.

(B) Before any such sale is made the Library Board shall advertise the sale once each week for 3 consecutive weeks in a legal newspaper published or, if none is published, of general circulation in the city. The notice shall set out the time, place, terms, manner of sale, legal description of such real estate, and the right to reject any and all bids. If the bid or bids have not been rejected, then the real estate shall be sold to the highest bidder for cash, and the Chairperson of the Library Board, upon resolution of the Library Board directing him or her so to do, shall convey the real estate to the purchaser of such real estate upon his or her payment of his or her bid. If within 30 days after the third publication of the notice a remonstrance against the sale is signed by 30% of the registered voters of the city voting at the last regular city election and is filed with the City Council, the property shall not then, nor within 1 year thereafter, be sold. If the date for filing the remonstrance falls upon a Saturday, Sunday, or legal holiday, the signatures shall be collected within the 30-day period, but the filing shall be considered timely if filed or postmarked on or before the next business day.

(Neb. RS 51-216)

**§ 90.19 MORTGAGES; RELEASE OR RENEWAL.**

The president of the Library Board shall have the power to release, upon full payment, any mortgage constituting a credit to the library fund and standing in the name of the Library Board. The signature of the president on any such release shall be authenticated by the secretary of the Board. The president and secretary in like manner, upon resolution duly passed and adopted by the Board, may renew any such mortgage.

(Neb. RS 51-206)

**§ 90.20 COST OF USE.**

(A) Except as provided in division (B) of this section, the library and reading room shall be free of charge for the use of the inhabitants of the city, subject always to such reasonable regulations as the Library Board may adopt to render the library of the greatest use to the inhabitants. The Library Board may exclude from the use of the library and reading rooms any person who willfully violates or refuses to comply with rules and regulations established for the government thereof.

(Neb. RS 51-212)

(B) The public library shall make its basic services available without charge to all residents of the city. The Board may fix and impose reasonable fees, not to exceed the library's actual cost, for nonbasic services.

(Neb. RS 51-211)

(C) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**BASIC SERVICES.** Include, but are not limited to, free loan of circulating print and nonprint materials from the local collection and general reference and information services.

**NONBASIC SERVICES.** Include, but are not limited to, use of:

- (a) Photocopying equipment;
- (b) Telephones, facsimile equipment, and other telecommunications equipment;
- (c) Media equipment;
- (d) Personal computers; and
- (e) Videocassette recording and playing equipment.

(Neb. RS 51-201.01)

**§ 90.21 DISCRIMINATION PROHIBITED.**

No library service shall be denied to any person because of race, sex, religion, age, color, national origin, ancestry, physical handicap, or marital status.  
(Neb. RS 51-211)

**§ 90.22 ANNUAL REPORT.**

The Library Board shall, on or before the second Monday in February in each year, make a report to the City Council of the condition of its trust on the last day of the prior fiscal year. The report shall show all money received and credited or expended; the number of materials held, including books, video and audio materials, software programs, and materials in other formats; the number of periodical subscriptions on record, including newspapers; the number of materials added and the number withdrawn from the collection during the year; the number of materials circulated during the year; and other statistics, information, and suggestions as the Library Board may deem of general interest or as the City Council may require. The report shall be verified by affidavit of the president and secretary of the Library Board.  
(Neb. RS 51-213)

**§ 90.23 PENALTIES; RECOVERY; DISPOSITION.**

Penalties imposed or accruing by any bylaw or regulation of the Library Board and any court costs and attorney's fees may be recovered in a civil action before any court having jurisdiction, such action to be instituted in the name of the Library Board. Money, other than any court costs and attorney's fees, collected in such actions shall be placed in the treasury of the city to the credit of the library fund. Attorney's fees collected pursuant to this section shall be placed in the treasury of the city and credited to the budget of the City Attorney's office.  
(Neb. RS 51-214)

**§ 90.24 DONATIONS.**

Any person may make donation of money, lands, or other property for the benefit of the public library. The title to property so donated may be made to and shall vest in the Library Board and their successors in office, and the Board shall thereby become the owners thereof in trust to the uses of the public library.  
(Neb. RS 51-215)



**§ 90.25 IMPROPER BOOK REMOVAL.**

It shall be unlawful for any person not authorized by the regulations made by the Library Board to take a book from the public library without the consent of the Librarian or an authorized employee of the library. Any person removing a book from the library without properly checking it out shall be deemed to be guilty of an offense.

Penalty, see § 10.99

