

## NEBRASKA ADMINISTRATIVE CODE

Last Approved Date: ~~July 18, 2014~~ June 24, 2013

Title 163 - Nebraska Game and Parks Commission

Chapter 5 – State Parks Regulations

001 General regulations governing the administration and use of state park property

~~Under the provisions of sections 37-301 through 37-313, 37-337 through 37-352, 37-434 through 37-446, 37-1001 through 37-1015, 37-1264 and 37-1266, 60-314 and 60-3,105, 60-680, 60-6,190, 60-6,334, and 60-6,353 through 60-6,362, the following rules and regulations are adopted and promulgated by the Nebraska Game and Parks Commission to govern the administration, use, maintenance and protection of all state parks, state historical parks, state recreation areas and state recreation trails under the ownership or control of said Commission. These rules and regulations are effective following enactment by the Game and Parks Commission, approval by the Attorney General and Governor, and when five days have elapsed since filing with the Secretary of State.~~

The following regulations are prescribed by the Game and Parks Commission, State of Nebraska in accordance with Neb. Rev. Stat. §§ 37-301 through 37-313, 37-337 through 37-352, 37-434 through 37-446, 37-1001 through 37-1015, 37-1264 and 37-1266, 60-314 and 60-3,105, 60-680, 60-6,190, 60-6,334, and 60-6,353 through 60-6,362. Rules and regulations are adopted and promulgated to govern the administration, use, maintenance and protection of all state parks, state historical parks, state recreation areas and state recreation trails under the ownership or control of said Commission. For purposes of these regulations, unless context otherwise requires, the definitions found in Chapter 37, sections 202 through 247 of the Game Law, are used. These regulations are effective following enactment by the Commission, approval by the Attorney General and Governor, and when five days have elapsed since filing with the Secretary of State.

The rules and regulations contained in this section shall apply to all persons entering, using, residing in, visiting or who are otherwise within the boundaries of any state owned or controlled park, historical park, recreation area or recreation trail administered by the Commission. The special regulations contained in this section also apply to all persons entering, using, residing in or visiting the areas for which such special regulations are adopted.

### DEFINITIONS

The following definitions shall apply to all regulations contained in this section.

- (a) Commission shall mean the Nebraska Game and Parks Commission.
- (b) Director shall mean the Director of the Game and Parks Commission.

- (c) Superintendent shall mean any official in charge of a park area, or his authorized representative.
- (d) Law Enforcement Officer shall mean any duly constituted and credentialed law enforcement officer, local, state or federal, including but not limited to Commission Conservation Officers.
- (e) Park Area shall mean all state owned or controlled parks, historical parks, recreation areas, and recreation trails administered by the Commission.

PART 5 - State Park Regulations

- 001.01 Abandoned Property
- 001.02 Aircraft and Powerless Flight
- 001.03 Audio Devices
- 001.04 Begging and Soliciting
- 001.05 Camping
- 001.06 Closures
- 001.07 Dogs, Cats and Other Pets & Livestock
- 001.08 Explosives and Fireworks
- 001.09 Fires
- 001.10 Fishing, Hunting, Trapping, Use of Firearms, Bow and Arrows, Paint Ball Weapons, and Other Projectile Devices
- 001.11 Intoxication; Consumption of Alcohol, Open Alcohol Containers
- 001.12 Permits, Motor Vehicle Entry
- 001.13 Permits, Special Occasions
- 001.14 Property, Preservation of Public
- 001.15 Property, Authorized Installation
- 001.16 Sanitation
- 001.17 SCUBA Diving
- 001.18 Skating, Skateboards

Title 163  
Chapter 5

- 001.19 Snowmobiles
- 001.20 Swimming and Wading
- 001.21 Traffic
- 001.22 Vending
- 001.23 Water Skiing
- 001.24 Water Sports - General
- 001.25 Winter Sports
- 001.26 Standards
- 001.27 Disorderly Conduct
- 001.28 All-Terrain Vehicles and Other Motorized Off-Highway Amphibious Vehicles
- 001.29 State Recreation Trails
- 001.30 Exceptions to Regulations

001.01 Abandoned Property

001.01A Abandonment of any vehicle or other personal property is prohibited and such property may be impounded by the Superintendent or Law Enforcement Officer.

001.01B Leaving any vehicle or other personal property unattended for longer than 24 hours, without prior permission of the Superintendent is prohibited and any property so left may be impounded by the Superintendent or Law Enforcement Officer. In the event unattended property interferes with the safe or orderly management of the park area, it may be impounded by the Superintendent or Law Enforcement Officer at any time, and such property shall be impounded at the expense of the owner.

001.02 Aircraft and Powerless Flight

001.02A The operation or use of aircraft on lands or waters other than at landing areas designated in special regulations is prohibited. Where water surface is designated as a landing area, the operation or use of aircraft on the water within 500 feet of bathing beaches, boat docks, piers, ramps, or within 1 mile of water control structures is prohibited.

001.02B Except in extreme emergencies involving the safety of human life or threat of serious property loss, the air delivery of any person or thing by parachute, helicopter or other means without prior written permission of the Commission is prohibited.

001.02C The provisions of this section shall not be applicable to aircraft engaged on official business of the State Government, or used in emergency rescue in accordance with the directions of the Superintendent, or forced to land due to circumstances beyond the control of the operator.

001.02D The operation of aircraft shall be in accordance with current applicable regulations of the Federal Aviation Agency.

001.02E The launching or landing of sailplanes, gliders, balloons, body kites, hang gliders and other devices designed to carry persons or objects through the air in powerless flight is prohibited without a written permit from the Commission specifying the conditions under which such launching or landing is to be conducted.

#### 001.03 Audio Devices

001.03A The operation or use of any audio device including a radio, television set, musical instrument, or a device producing noise such as an electric generating plant, a motor vehicle, a motorized toy, or other equipment driven by a motor or engine in such a manner or at such time so as to unreasonably annoy or endanger persons in campgrounds, picnic areas or at other public places or gatherings is prohibited.

001.03B The operation or use of a public address system, whether fixed, portable, or vehicle mounted, on lands, waters or highways, is prohibited, except when such use or operation is in connection with a public gathering or special event for which a permit has been issued.

#### 001.04 Begging and Soliciting

001.04A Begging is prohibited.

001.04B Hitchhiking or the soliciting of transportation is prohibited, except in emergencies and cases of vehicle breakdown.

001.04C Commercial soliciting of any kind without a permit is prohibited: Provided, that this section shall not apply to transactions with authorized concessionaires.

001.05 Camping

001.05A Camping is defined as the temporary lodging out-of-doors for outdoor recreational purposes and presupposes occupancy of a shelter designed for such purpose (i.e. sleeping bag, tent, trailer or other recreational vehicle).

001.05B Camping and the use of trailers or other camping unit is permitted only at designated locations. Within designated locations, the pitching of tents or parking of trailers or other camping units is permitted only at designated sites.

001.05C Camping is permitted for a maximum of 14 days on any single area during any 30-day period except as provided in Section 001.05J. The installation of permanent camping facilities is prohibited.

001.05D The digging or leveling of ground at any campsite is prohibited except with permission of the Superintendent.

001.05E Camper units may not exceed 102 inches in width, 40 feet in length, or 13 ½ feet in height as defined by section 60-314.

001.05F Camping equipment must be completely removed and the sites cleaned prior to departure.

001.05G Quiet shall be maintained in all campgrounds between the hours of 10 p.m. and 6 a.m.

001.05H The reservation of campsites designated as "reservable" in designated campgrounds is permitted through the Commission's reservation system. The reservation of campsites not designated as "reservable" by leaving a vehicle or other property unattended is prohibited without the prior permission of the Superintendent and such property is subject to impoundment by the Superintendent or Law Enforcement Officer in accordance with Section 001.01.

001.05I Where indicated by appropriate sign at the entrance to a designated camping area, permission to enter or occupy such area is reserved to campers between the hours of 10 p.m. and 6 a.m. No other persons shall have permission to enter or occupy such areas unless specifically authorized by the Superintendent.

001.05J Designated campsites may be rented for periods up to 90 days.

001.06 Closures

001.06A The Commission may establish a reasonable schedule of visiting hours for all or portions of a park area and close to public use all or any portion of a park area when necessary for the protection of an area or the safety and welfare

of persons or property by the posting of appropriate signs indicating the extent and scope of such closure.

001.06B All persons shall observe and abide by officially posted signs designating closed areas and visiting hours.

001.07 Dogs, Cats, Other Pets & Livestock

001.07A Dogs, cats and other pets are prohibited unless they are crated, caged, or on a leash or otherwise under physical restrictive control at all times. Leashes may not exceed six (6) feet in length. Pets which become a nuisance shall be removed from the area.

001.07B Pets are prohibited in public eating places and food stores, public buildings, and on designated swimming beaches. This paragraph shall not apply to guide dogs.

001.07C Dogs, cats or other pets running at large and observed by an authorized person in the act of killing, injuring or molesting humans or wildlife may be disposed of in the interest of public safety and protection of the wildlife.

001.07D In park areas where hunting is permitted, the use of hunting dogs is allowed provided the area is open to hunting and the dogs' owners or handlers accompany and have control of such dogs and are responsible for the actions of such dogs.

001.07E Grazing or ranging domestic animals or poultry is prohibited without prior written authorization by the Commission.

001.07F Horseback riding and the use of pack animals is permitted only on roadways, designated equestrian trails, and on designated areas.

001.07G Riding or hitching horses, or other saddle or pack animals in campgrounds or picnic areas, or within the immediate vicinity of trail shelters, eating or sleeping establishments or other areas of public gatherings, except where trails and facilities are provided for such use, is prohibited.

001.07H Riders shall slow their horses to a slow trot or walk when passing persons on foot or bicycle.

001.07I Pedestrians on trails shall remain quiet when horses or pack animals are passing.

001.08 Explosives and Fireworks

001.08A The use or possession of explosives is prohibited except upon written permission of the Commission.

001.08B The use or possession of fireworks is permitted only in areas or portions of areas designated for such use by appropriate Commission posting. No permission is granted for the use or possession of such fireworks in other than designated areas and such possession and use shall conform to applicable laws of the State of Nebraska.

001.08C Organized fireworks displays open to the general public without charge and sponsored by a responsible agency or organization, may be permitted by written authorization by the Commission and the State Fire Marshal.

001.09 Fires

001.09A The kindling of any fire is permitted only: In designated camping and picnic grounds when the fire is confined in a fireplace provided for the use of visitors, or in grills, or in locations specified by the Superintendent; or in stoves or lanterns using gasoline, propane, butane gas or similar fuels.

001.09B Fires must be kindled in such manner that no tree, shrub, grass or other combustible matter will be set on fire or caused to be set on fire.

001.09C When no longer needed, the fire shall be completely extinguished. Leaving a fire unattended is prohibited.

001.09D Throwing or dropping a lighted cigarette, cigar, pipe heel, match or other burning material is prohibited.

001.09E The kindling of fires on park lands owned or controlled by the Commission may be prohibited by the Superintendent by posted signs when the fire hazard makes such action necessary.

001.09F The Superintendent, during such periods of time as he may prescribe, may prohibit smoking on any park lands, including roads and trails, by the posting of appropriate signs.

001.09G The kindling of fires or the use of any type of cooking device is expressly prohibited on any designated swimming beach.

001.10 Fishing, Hunting, Trapping, Use of Firearms, Bow and Arrows, Paint Ball Weapons, and Other Projectile Devices

001.10A Fishing is permitted on all park lands subject to general fishing regulations and to specific local regulations.

001.10B Any area or portion of area may be closed to all or any form or method of fishing by posting of appropriate signs.

001.10C Fishing from or within 20 yards of any public boat ramp, boat dock, mooring area or swimming beach is prohibited.

001.10D Fishing from motor road bridges is prohibited.

001.10E Hunting or the use of firearms, bow and arrow or other projectile devices is prohibited on state parks, state recreation areas or state historical parks with the following exceptions:

001.10E1 State Recreation Areas or portions thereof are open to hunting subject to general hunting regulations from the first Tuesday following Labor Day through conclusion of the Spring Turkey season, unless prohibited or restricted by appropriate signs or specific area regulations. Hunting is prohibited within 100 yards of any public-use facility or activity area, including picnic areas, campgrounds, private cabin and concession areas, boat ramps and parking lots.

001.10E2 State Park Areas and State Historical Parks or portions thereof open to hunting in accordance with general hunting regulations and special area regulations.

001.10E3 Firearms used by law enforcement officers in performance of their duties.

001.10E4 Firearms used in training sessions by Commission personnel or firearms or other projectile devices used in exhibitions authorized by the Commission.

001.10E5 Firearms or other projectile devices authorized for use by the public on designated ranges.

001.10E6 Fishing with bow and arrow is permitted subject to general fishing regulations and to specific local regulations.

001.10F Trapping of furbearers, including unprotected species, is permitted on state recreation areas only during trapping seasons established annually by the Commission for protected species, subject to general trapping regulations for state-controlled lands unless prohibited or restricted by appropriate signs or specific area regulations. Trapping is prohibited within 100 yards of any public-use facility or activity area, including picnic areas, campgrounds, private cabin and concession areas, boat ramps and parking lots.

001.10G Trapping on state parks and historical parks and within 100 yards of public-use facilities and activity areas on state recreation areas is authorized only by special permit and only at such times as when the



superintendent determines sufficient depredation is occurring to warrant the removal of surplus furbearers. Such special permit shall be granted to an applicant or applicants selected by a drawing.

001.10H Applications for depredation trapping permits shall consist of a letter directed to the Commission's Central offices requesting such a permit to trap at a specific area or areas. Applications shall be filed not later than August 31 of each year.

001.10I The use of and/or possession of paint ball weapons of any type shall be prohibited on park areas.

On January 1, 2011, the following Section 001.11 shall become effective and shall supersede and take the place of any prior version of that section.

001.11 Intoxication: Consumption of Alcohol, Open Alcohol Containers

001.11A Consumption of alcoholic beverages on park areas owned or controlled by the Commission is permitted with the following exceptions:

001.11A1 Consumption is prohibited on all roadways, designated swimming areas and parking areas.

001.11A2 Consumption of alcohol may be prohibited on any park area or portions thereof with the use of appropriate signage.

001.11A3 Consumption is prohibited between the hours of 10 p.m. and 6 a.m.

001.11B Containers of alcoholic beverages whose single liquid capacity is greater than one gallon are prohibited.

001.11C Presence in a park area when under the influence of alcohol or drugs, to a degree that may endanger oneself, or another person, or property, or may cause unreasonable interference with another person's enjoyment of a park area is prohibited.

001.12 Permits, Motor Vehicle Entry

Except as hereinafter provided, it shall be unlawful for any motor vehicle to enter a state park area designated as a permit area without properly displaying a valid motor vehicle entry permit in accordance with applicable state park regulations. ~~For purposes of this section, unlicensed mopeds shall be exempt from the motor vehicle entry permit requirement.~~

001.12A Definitions

Permit: Shall mean motor vehicle entry permit.

Permit Area: Those areas of the Nebraska State Park System designated by the Game and Parks Commission for which entry permits shall be required.

001.12B Operation

Designated permit areas or portions thereof requiring a valid motor vehicle entry permit shall be defined as follows unless otherwise posted: All State Parks, all State Historical Parks and all State Recreation Areas except the Ak-Sar-Ben Aquarium parking facility at Schramm Park State Recreation Area. Those sites within such areas designated as concession and/or seasonal cabin areas shall be classified as exempt from the entry permit requirement. Motor vehicles visiting and/or utilizing the premises of a designated Club Site lease within the confines of a permit area shall not be exempt from the permit requirement.

Annual and Duplicate Annual Permits shall be permanently affixed to the inside, lower left-hand corner (drivers side) of the windshield of motor vehicles with windshields. In the case of motor vehicles without windshields, it shall be the responsibility of the operator to permanently affix the permit to the vehicle so as to be readily visible to inspection by any Commission employee. Motor vehicles bearing dealer number plates shall display a valid motor vehicle entry permit but are not required to have such permit permanently affixed.

Temporary (Daily) permits shall be temporarily affixed to the inside, lower left-hand corner (driver's side) of the windshield of motor vehicles with windshields. In the case of motor vehicles without windshields, it shall be the responsibility of the operator to temporarily affix the permit to the vehicle so as to be readily visible to inspection by any Commission employee. Permits shall be valid only for the dates indicated on the permit and for the vehicle to which it is issued. Permits are non-transferable.

Self-Service Temporary (Daily) Permits shall be valid only for the area where purchased. It shall be the responsibility of the operator to date and complete the pay envelope, tear off the receipt which shall be the temporary permit, and deposit payment therefore into the drop box provided. The self-service temporary permit shall be displayed in a location so as to be readily visible to inspection by a Commission employee. Self-service temporary permits are non-transferrable.

Permits shall be available to the public in four forms:

Annual, temporary (daily), self-service temporary (daily) and duplicate annual. The annual permit may be purchased by any person and shall be valid through

December 31 of the year for which issued. The fee shall be ~~twenty-five~~ thirty dollars for annual permits valid on or after January 1, ~~2012~~ 2017. The temporary and self-service temporary permit may be purchased by any person and shall be valid until noon of the day following the activation date. The fee of a temporary permit valid before January 1, ~~2012~~ 2017 shall be ~~four~~ five dollars. The fee of a temporary permit valid on or after January 1, ~~2012~~ 2017 shall be ~~five~~ six dollars.

The registered owner of two or more motor vehicles may purchase one duplicate annual permit for each permit purchased. The duplicate annual permit shall be used on the purchaser's vehicle. The fee is ~~twelve~~ fifteen dollars ~~and fifty cents~~. To qualify, the registered owner must purchase an annual permit and surrender the completed receipt obtained therewith as proof of purchase of said annual permit. The duplicate annual permit is valid through December 31 of the year for which issued.

Duplicate annual permits may be obtained only from the Commission's Headquarters and District Offices, areas of the state park system where Commission offices are maintained, from designated permit vendors, online, and designated Commission employees. Annual and temporary permits may be purchased from designated vendors of hunting and fishing permits in addition to the above Commission installations and employees. ~~A permit holder who sells his or her vehicle to which a valid annual or duplicate annual permit has been attached may purchase a duplicate annual permit upon surrendering the original permit or a substantial portion thereof.~~

Permit vendors shall be entitled to collect and retain a fee of one dollar for each annual or duplicate annual permit sold and thirty-five cents for each temporary permit sold as reimbursement for the clerical work of issuing the permit and remitting therefore. The issuing fee shall be collected in addition to the purchase price established for each permit. Issuing fees shall not be collected for self-service temporary permits.

#### 001.12C Who Is Required?

Permits shall be required for all motor vehicles entering designated permit areas at any time of the year, except such vehicles as are specifically exempted in section 37-436. For purposes of this section, exempt motor vehicles bearing state licenses shall be defined as those motor vehicles owned or operated by the state, counties, municipalities or school districts for which distinctive license plates have been issued.

#### 001.12D Replacement Permits

A replacement annual or duplicate annual permit may be obtained at no cost in exchange for any valid annual or duplicate annual permit, ~~damaged while being affixed to a motor vehicle or shown to be defective. The owner of a permit damaged as the result of a broken windshield requiring replacement may~~

~~likewise obtain a replacement permit at no cost. To qualify for a replacement permit, the owner of a valid permit shall surrender all or more than half (1/2) of such permit to an employee at a designated Commission office.~~ A replacement permit must correspond to the same year, and is valid through December 31 of the year for which issued.

~~Free replacement permits may not be obtained for any other reason.~~

~~To qualify for a replacement permit, the owner of a damaged or defective permit shall surrender all of such permit or a substantial portion thereof. In instances involving a broken windshield, a receipt or other proof of purchase of a replacement windshield shall also be presented for verification.~~

Replacement permits may be obtained only from the Commission's Central and District Offices, areas of the state park system where Commission offices are maintained and from designated Commission employees.

### 001.13 Permits, Special Occasion

#### 001.13A Special Events

001.13A1 Sports events, pageants, re-enactments, regattas, entertainments and the like, characterized as public spectator attractions or participant activities, are allowed, provided written permission therefor has been given by the Superintendent. Such permits shall be issued only after a finding that the issuance of such permit will not be inconsistent with the purposes for which the area is established and maintained and will not unreasonably interfere with use of the area by the general public. A permit shall be denied if such activities would:

- (1) Cause injury or damage to park resources; or
- (2) Be contrary to the purposes for which the park area was established; or unreasonably impair the atmosphere of peace and tranquility maintained in the park area; or
- (3) Unreasonably interfere with interpretive, visitor service or other program activities, or with the administrative activities of the Commission; or
- (4) Substantially impair the operation of public use facilities or services of Commission concessionaires or contractors; or
- (5) Present a clear and present danger to the public health and safety; or

(6) Result in significant conflict with other existing uses.

001.13A2 An application for such a permit shall set forth the name of the applicant, the date, time, duration, nature and place of the proposed event, an estimate of the number of persons expected to attend, a statement of equipment and facilities to be used, and any other information required by the Superintendent. The application shall be submitted so as to reach the Superintendent at least 72 hours in advance of the proposed event.

001.13A3 As a condition of permit issuance, the Superintendent may require:

(1) The filing of a bond payable to the Commission, in an amount adequate to cover costs such as restoration, rehabilitation, and cleanup of the area used, and other costs resulting from the special event. In lieu of a bond, a permittee may elect to deposit cash equal to the amount of the required bond.

(2) In addition to the requirements of paragraph 001.13A3(1), the acquisition of insurance in which the Commission is named as a co-insured in an amount sufficient to protect the Commission.

001.13A4 The permit may contain such conditions as are reasonably consistent with protection and use of the park area for the purposes for which it is established. It may also contain reasonable limitations on the equipment used and the time and area within which the event is allowed.

001.13A5 Violation of the terms and conditions of a permit issued in accordance with this section is prohibited and may result in the suspension or revocation of the permit.

#### 001.13B Public Meetings, Assemblies

001.13B1 Public meetings, assemblies, gatherings, demonstrations, parades, religious services and other expressions of views are allowed within park areas, provided written permission therefor has been given by the Superintendent in accordance with Commission policy.

001.13B2 An application for such a permit shall set forth the name of the applicant, the date, time, duration, nature and place of the proposed event, an estimate of the number of persons

expected to attend, a statement of equipment and facilities to be used, and any other information required by the Superintendent.

001.13B3 The Superintendent shall, without unreasonable delay, issue a permit on proper application unless:

(1) A prior application for a permit for the same time and place has been made that has been or will be granted and the activities authorized by that permit do not reasonably allow multiple occupancy of that particular area; or

(2) It reasonably appears that the event will present a clear and present danger to the public health or safety; or

(3) The event is of such nature or duration that it cannot be reasonably accommodated in the particular location applied for, considering such things as damage to park resources or facilities, impairment of a protected area's atmosphere of peace and tranquility, interference with program activities, or impairment of public use facilities.

001.13B4 If a permit is denied, the applicant shall be so informed in writing, with the reasons for the denial set forth.

001.13B5 The Superintendent shall designate on a map, that shall be available in the office of the Superintendent, the locations available for public assemblies. Locations may be designated as not available only if such activities would:

(1) Cause injury or damage to park resources; or

(2) Unreasonably impair the atmosphere of peace and tranquility maintained in the park area; or

(3) Unreasonably interfere with interpretive, visitor service or other program activities, or with the administrative activities of the Commission; or

(4) Substantially impair the operation of public use facilities or services of Commission concessionaires or contractors; or

(5) Present a clear and present danger to the public health and safety.

001.13B6 The permit may contain such conditions as are reasonably consistent with protection and use of the park area for the purposes for which it is established. It may also contain

reasonable limitations on the equipment used and the time and area within which the event is allowed.

001.13B7 No permit shall be issued for a period in excess of 7 days, provided that permits may be extended for like periods, upon a new application, unless another applicant has requested use of the same location and multiple occupancy of that location is not reasonably possible.

001.13B8 It is prohibited for persons engaged in activities covered under this section to obstruct or impede pedestrians or vehicles, or harass park visitors with physical contact or persistent demands.

001.13B9 A permit may be revoked under any of those conditions, as listed in paragraph 001.13B3 of this section, that constitute grounds for denial of a permit, or for violation of the terms and conditions of the permit. Such a revocation shall be made in writing, with the reason(s) for revocation clearly set forth, except under emergency circumstances, when an immediate verbal revocation or suspension may be made to be followed by written confirmation within 72 hours.

001.13B10 Violation of the terms and conditions of a permit issued in accordance with this section may result in suspension or revocation of the permit.

#### 001.13C Sale or Distribution of Printed Matter

001.13C1 The sale or distribution of printed matter is allowed within park areas, provided that a permit to do so has been issued by the Superintendent, and provided further that the printed matter is not solely commercial advertising.

001.13C2 The Superintendent shall, without unreasonable delay, issue a permit on proper application unless:

- (1) A prior application for a permit for the same time and place has been made that has been or will be granted and the activities authorized by that permit do not reasonably allow multiple occupancy of that particular area; or
- (2) It reasonably appears that the sale or distribution will present a clear and present danger to the public health and safety; or
- (3) The number of persons engaged in the sale or distribution exceeds the number that can be reasonably accommodated in the

particular location applied for, considering such things as damage to park resources or facilities, impairment of a protected area's atmosphere of peace and tranquility, interference with program activities, or impairment of public use facilities; or

(4) The location applied for has not been designated as available for the sale or distribution of printed matter; or

(5) The activity would constitute a violation of an applicable law or regulation.

001.13C3 The Superintendent shall designate on a map that shall be available in the office of the Superintendent the locations available for the sale or distribution of printed matter. Locations may be designated as not available only if the sale or distribution would:

(1) Cause injury or damage to park resources; or

(2) Unreasonably impair the atmosphere of peace and tranquility maintained in the park area; or

(3) Unreasonably interfere with interpretive, visitor service or other program activities, or with the administrative activities of the Commission; or

(4) Substantially impair the operation of public use facilities or services of Commission concessionaires or contractors; or

(5) Present a clear and present danger to the public health and safety.

001.13C4 The permit may contain such conditions as are reasonably consistent with protection and use of the park area for the purposes for which it is established.

001.13C5 No permit shall be issued for a period in excess of 7 consecutive days, provided that permits may be extended for like periods, upon a new application, unless another applicant has requested use of the same location and multiple occupancy of that location is not reasonably possible.

001.13C6 It is prohibited for persons engaged in the sale or distribution of printed matter under this section to obstruct or impede pedestrians or vehicles, or harass park visitors with physical contact or persistent demands, misrepresent the purposes or affiliations of those engaged in the sale or distribution,



or misrepresent whether the printed matter is available without cost or donation.

001.13C7 A permit may be revoked under any of those conditions, as listed in paragraph 001.13C2 of this section, that constitute grounds for denial of a permit, or for violation of the terms and conditions of the permit. Such a revocation shall be made in writing, with the reason(s) for revocation clearly set forth, except under emergency circumstances, when an immediate verbal revocation or suspension may be made to be followed by written confirmation within 72 hours.

001.13C8 Violation of the terms and conditions of a permit issued in accordance with this section may result in suspension or revocation of the permit.

#### 001.13D Filming Still and Motion Pictures

The filming of still or motion pictures of lands and facilities owned or controlled by the Commission for commercial purposes is prohibited unless written permission therefor has been given by the Commission.

#### 001.14 Property, Preservation of Public

001.14A The possession, destruction, injury, defacement, removal or disturbance in any manner of any building, sign, equipment, monument, statue, marker or other structure, or of any animal or plant matter and direct or indirect products thereof, including but not limited to petrified wood, flower, cane or other fruit, egg, nest, or nesting site, or of any soil, rock or mineral formation, artifact, relic, historic or prehistoric feature, or of any other public property of any kind without prior permission of the Superintendent is prohibited.

001.14B The gathering or possession for personal consumption or use of only such fruits and berries as the Superintendent may designate is permitted. All such fruits and berries shall be picked only by hand. The gathering or collecting of such objects for the purpose of sale is prohibited.

001.14C The possession and use of metal detectors is prohibited; Provided, possession of such a device is permitted subject to the following provisions:

001.14C1 Metal detectors may be used year around at designated state recreation area swimming beaches posted as open to such activity. During the period May 22 through September 7, usage is restricted to the hours of 6:00 a.m. and

9:00 a.m., daily. Metal detectors must remain below the vegetation line above the beach.

001.14C2 Metal detectors are limited to portable, hand-held devices only and digging equipment is limited to hand tools not exceeding twelve inches in length by four inches in width and sand scoops and sieves not over ten inches in diameter.

001.14C3 Operators of a metal detector shall wear or carry a litter apron or bag, and all litter found is to be deposited in an approved trash receptacle.

001.14C4 Operators may keep any non-identifiable items with a nominal value of less than \$25.00. Identifiable items, such as rings, watches, etc., and all other items of value exceeding \$25.00 are to be deposited with the park superintendent. These provisions apply to all lost and found articles including those found without the aid of a metal detector.

001.14C5 All historical, archeological or paleontological items found are to be left undisturbed and their location reported to the park superintendent.

001.14C6 Use of metal detectors in State Parks and State Historical Parks is expressly prohibited except as herein provided.

001.14C7 Owners of lost items may use a metal detector in areas where their use is otherwise prohibited, only upon prior arrangement with the park superintendent.

001.14D The destroying, digging, removing, or possession of any tree, shrub or plant is prohibited; Provided that the collection and possession of dead wood found on the ground for use as fuel in campgrounds or picnic areas is permitted except as posted by appropriate signs.

001.14E Dead timber which has been cut down and stockpiled for removal from the park area by Commission personnel, may be further cut and removed from the area by the public with the permission of the Superintendent for personal consumption at home. The removal for the purpose of sale is prohibited.

001.14F Entering, climbing upon, or tampering with State-owned motor vehicles and motorized or power equipment is prohibited.

001.15 Property, Authorized Installation

001.15A No structure shall be permanently or semi-permanently installed except by written consent of the Commission including fishing shelters or blinds provided that:

001.15B Persons who place an ice fishing shelter on or over designated water areas under the jurisdiction of the Game and Parks Commission shall each year obtain a permit from the Commission pertaining to the building or erection of such shelter for noncommercial purposes. Application forms may be obtained by writing to the Nebraska Game and Parks Commission, Post Office Box 30370, Lincoln, Nebraska, 68503, or from District Offices or Conservation Officers.

001.15C Ice Fishing shelters may be placed and used under proper permit at the following State Recreation Area lakes through February 10 of each year unless otherwise posted as closed:

Bluestem, Branched Oak, Conestoga, Olive Creek, Pawnee, Stagecoach, Wagon Train, Enders, Medicine Creek, Red Willow, and Swanson Reservoirs, Box Butte, Bridgeport, Calamus Reservoir, Cottonwood, Fremont Lakes, Gallagher Canyon, Johnson Lake, Fort Kearny, Lake Maloney, Lake McConaughy, Lake Minatare, Lake Ogallala, Lewis and Clark Lake, Louisville Lakes, Merritt Reservoir, Oliver Reservoir, Pibel, Rockford, Summit, Sutherland Reservoir, Sherman Reservoir, Willow Creek and Walgren. The size of any ice fishing shelter shall not be larger than 4 ft. 6 in. width x 8 ft. length with 8 in. wide runners, 6 inches in distance from the floor, and constructed of floatable materials.

001.15D The cost of such permit shall be affixed at \$5.00 each. Fish shelters must display on the outside door the name and address of the owner and the permit number shall be affixed to the door of same in letters not less than 6" in height.

001.15E The door to any fish shelter shall be constructed so that it can be opened from the outside at all times when in use and the shelters may be locked when not in use. The Commission shall remove, burn or otherwise destroy or dispose of such structures found on the ice after February 10 each year. The contents of any such structures left on the ice shall be seized by the Commission and held for a period of thirty days. After such period, shelters and articles which have not been claimed by the owner may be retained by the State for Disposal through the State Property Officer.

001.15F The above regulations do not apply to temporary, portable shelters that are erected and removed from frozen surfaces daily.

001.15G Hole size made for ice fishing on any area under jurisdiction of the Game and Parks Commission shall not exceed 10 inches in diameter.

001.15H Daily waterfowl hunting blinds may be installed and used on state recreation areas, provided that no blinds may be installed and used on areas posted as closed to such activities.

001.15I Waterfowl hunters installing and using daily blinds on state recreation areas shall be responsible for removing such blinds and other personal property from the area at the close of hunting each day. Nothing contained herein shall give permission to install seasonal or permanent blinds on state recreation areas.

001.15J Hunting blinds and other personal property remaining on a state recreation area following close of hunting shall be impounded in accordance with Section 001.01.

001.15K No person shall enter upon any area, or portion of any area, which is temporarily closed to general public access and which is posted with appropriate signs.

001.15L Digging or seining for any purpose on State owned or controlled areas is prohibited.

001.15M No publicly owned personal property may be removed from any area or be moved from its general location without specific permission from the Commission or its authorized agents or employees.

001.15N Management personnel are specifically authorized to remove structures and facilities in accord with applicable regulations.

001.15O Failure by the permittee to remove his ice shelter by the dates specified and in the manner stipulated in these regulations shall be cause to revoke such permit and to restrict the permittee for future consideration of such permits.

#### 001.16 Sanitation

001.16A All garbage, papers, cans, bottles, waste materials and rubbish of any kind must be deposited in places or containers designated for the disposal thereof, or removed from the area.

001.16B Draining or dumping refuse or wastes from any trailer, or other vehicle except in places or receptacles provided for such use is prohibited.

001.16C Cleaning food, fish or fowl or washing clothing, vehicles, campers, or articles of household use at campground hydrants is prohibited.

001.16D Polluting or contaminating in any manner any watershed, water supplies or water used for drinking purposes is prohibited.

001.16E Fish entrails or other inedible parts of fish may be disposed of by placing in a trash receptacle provided. Placing into fresh waters or onto public land is prohibited.

001.16F Depositing any body waste in or on any portion of any comfort station or other public structure except into fixtures provided for that purpose is prohibited. Placing any bottle, can, cloth, rag, metal, wood or stone substances in any of the plumbing fixtures of such structure or station is prohibited.

001.16G Urinating or defecating other than at the places provided therefor is prohibited.

001.16H Using Government refuse containers or other refuse facilities for dumping household or commercial garbage or trash brought as such from private property is prohibited.

## 001.17 SCUBA Diving

### 001.17A Definitions

001.17A1 SCUBA Diving is defined as swimming with the aid of self-contained underwater breathing apparatus (airtank) and shall not apply to snorkeling.

001.17A2 A Diver Down flag is defined as a flag at least twelve (12) inches in height and at least twelve (12) inches in width with a red background and a white diagonal stripe that is one-fifth the width of the flag.

### 001.17B SCUBA Diving Activities

001.17B1 SCUBA Diving is prohibited within 200 feet of the outer limits of designated swimming, boat mooring, boat docking or boat launching areas.

001.17B2 It shall be unlawful to fail to display the Diver Down flag when SCUBA diving or for a SCUBA diver to exceed a one hundred fifty feet (150) radius from the Diver Down flag or to

display a Diver Down flag when not actively engaged in SCUBA diving.

001.17B3 SCUBA diving is permitted in all waters owned or controlled by the Commission except in waters and at times where such activity is prohibited in the interest of public safety or health.

#### 001.17C Boat Operation Within SCUBA Operations

001.17C1 It shall be unlawful to operate any vessel within one hundred fifty (150) feet of a Diver Down flag except that this restriction shall not apply to vessels engaged in law enforcement activities, vessels engaged in rescue operations, or vessels tendering the diving operation.

#### 001.18 Skating, Skateboards

The use of roller skates and skateboards is prohibited except in locations designated by the Commission by the posting of appropriate signs.

#### 001.19 Snowmobiles

##### 001.19A Control Generally

Except as hereinafter provided, no person shall operate any snowmobile within areas of the State Park System unless such snowmobile has been registered in accordance with applicable state law.

##### 001.19B Definitions

Person: Any individual, partnership, corporation, the state and its agencies and subdivision, and any body of persons, whether incorporated or not;

Snowmobile: A self-propelled vehicle designed for travel on snow or ice steered by skis or runners, and supported in part by skis, belts, or cleats;

Owner: A person, other than a lienholder, having the property in or title to a snowmobile entitled to the use or possession thereof;

Operate: To ride in or on and control the operation of a snowmobile;

Operator: Every person who operates or is in actual control of a snowmobile;

Register: The act of assigning a registration number to a snowmobile;

Roadway: That portion of a highway or park interior road, designed, or ordinarily used for vehicular travel.

#### 001.19C Registration Requirements

All snowmobiles MUST be registered.

Applications for registration of snowmobiles should be made to the County Treasurer in your county of residence.

#### 001.19D Out-of-State Snowmobiles

Snowmobiles from a state other than Nebraska may be operated within state park areas providing said snowmobiles are properly registered in accordance with the laws of their home state.

#### 001.19E Required Equipment

No snowmobile shall be operated within areas of the State Park System unless equipped with the following equipment:

At least one head lamp and one tail lamp, each of minimum candlepower as prescribed by the Department of Motor Vehicles.

A minimum of sixteen (16) square inches of reflective material mounted on each side forward of the handlebars.

Brakes, each of which shall conform to standards prescribed by the Department of Motor Vehicles.

A muffler in good working order which blends the exhaust noise into the overall snowmobile noise and is in constant operation to prevent excessive or unusual noise. The exhaust system shall not emit or produce a sharp popping or crackling sound.

#### 001.19F Operation

No snowmobile may be operated within State Park Areas on other than designated trails, roadways, and parking areas. Snowmobiles may also be operated during specified hours on the frozen surface of the following designated lakes unless otherwise closed: Bluestem, Branched Oak, Conestoga, Olive Creek, Pawnee, Stagecoach, Wagon Train, Enders, Medicine Creek, Red Willow, and Swanson Reservoirs; Box Butte, Calamus Reservoir, Fremont Lakes, Gallagher Canyon, Johnson Lake, Lake Maloney, Lake McConaughy, Lake Minatare, Lake Ogallala, Lewis & Clark Lake, Louisville Lakes, Merritt Reservoir, Oliver Reservoir,

Rockford, Sherman Reservoir, Summit, Sutherland Reservoir, Willow Creek and Walgren.

The Director of the Game and Parks Commission and his designated representatives reserve the right to temporarily close any state park area or portion thereof to snowmobile activities for the following reasons: Insufficient snow cover (less than 4 inches), insufficient lake ice (less than 8 inches), safety, weather, resource protection, civil emergencies or other management considerations at the sole discretion of the Commission.

The operation of snowmobiles on designated lake surfaces is at the sole risk of the operator. The Commission assumes no responsibility for safety of said operation.

Snowmobile operators are responsible for inspecting frozen lake surfaces for sufficient ice thickness (minimum 8") and for possible hidden hazards prior to any such operation. Snowmobile operators are cautioned to be alert for soft ice caused by flowing springs, streams, and rivers, and also caused by variations in temperature.

Snowmobiles shall not be operated within any portion of a designated area which has been marked off or otherwise posted as closed to snowmobiles operation by the Commission.

Snowmobiles shall not be operated in a manner intended to or reasonably be expected to harass, drive or pursue any wildlife.

Snowmobiles shall not be operated at speed exceeding that which is safe and reasonable when passing within thirty (30) yards of any property, ice fishing shelter, trail head, boat ramp, immobile snowmobile, or person walking on or fishing through the ice. In no case, shall any person or persons operate a snowmobile so as to cause discomfort, hazard or damage to the person or property of others.

Snowmobiles may be operated within state park areas only between the hours of one-half hour before sunrise and 9:00 p.m. or as posted.

001.19G Who may operate

No person under the age of twelve years may operate a snowmobile on state park lands unless accompanied by a parent, guardian or other person over eighteen years of age.

No person over the age of twelve years and under the age of sixteen years shall operate a snowmobile on state park lands unless such person holds a valid snowmobile safety certificate or is accompanied by a person



fourteen years of age or over who holds a valid snowmobile safety certificate, or is accompanied by a person over the age of eighteen years.

001.19H Unlawful Acts

It shall be unlawful for any person to drive or operate any snowmobile in the following unsafe or harassing way:

At a rate of speed greater than reasonable or proper under existing conditions;

In a careless, reckless, or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto;

While under the influence of intoxicating liquor or narcotics or habit-forming drugs;

Without a lighted head and tail lamp when required for safety; and;

In a tree nursery or other area of new plantings in a manner which damages or destroys growing stock.

001.19I Special Events

The Director of the Game and Parks Commission may issue special temporary permits to persons and organizations desiring to conduct organized group outings, trail rides, rallies, and other similar events. In permitting such events, the Director may prescribe such restrictions or conditions as he may deem advisable.

001.19J In Case of an Accident

The operator of a snowmobile involved in a collision, accident, or other casualty shall give his name, address, and the number of such snowmobile in writing to any injured person and to the owner of any property damaged in such collision, accident, or casualty.

When a collision, accident, or casualty involving a snowmobile results in death or injury to a person or damage to property in excess of one hundred dollars, the operator of such snowmobile shall file with the Department of Motor Vehicles a report of same prescribed by D.M.V. regulations.

001.20 Swimming and Wading

001.20A Swimming and wading are permitted in designated areas only.

001.20B The use of flotation devices within designated swimming areas is prohibited, except such devices as are approved by the United States Coast Guard. The use of surfboards and similar devices, and the throwing of frisbees, balls and other similar devices within designated swimming areas is prohibited.

001.20C Swimming from vessels underway is prohibited.

001.20D Swimming or wading within 20 yards of a boat ramp, boat dock or mooring facility is prohibited.

001.20E Shallow water or surface diving within designated swimming areas is prohibited.

001.20F Possession of glass food or beverage containers on beach areas is prohibited.

#### 001.21 Traffic

001.21A Except for motorized vehicles exempted under 003.02, it shall be unlawful to park, tow or otherwise operate any motor vehicle, trailer or cabin trailer within the confines of a park area which does not bear valid license plates and is not registered in accordance with applicable state laws. All such vehicles not properly licensed and registered shall be in violation and may be impounded by the superintendent or law enforcement officer.

001.21B It shall be unlawful for any person not possessing a valid motor vehicle operator's license to operate a motor vehicle of any type within the confines of a park area.

001.21C It shall be unlawful to park, tow or otherwise operate any motor vehicle, trailer or cabin trailer on other than those areas or portions of areas, roadways, campgrounds, beaches and parking areas as may be designated by the Commission for such operation.

001.21D All traffic laws and state park regulations governing operation of motor vehicles on roadways of the state park system shall further apply to motor vehicle, all-terrain vehicle, off-highway amphibious vehicle and motorized transportation device operation on those off-road portions of park areas, including but not limited to campgrounds, beaches and parking areas, as may be designated by the Commission for motor vehicle, all-terrain vehicle, off-highway amphibious vehicle or motorized transportation device operation.

001.21E Mobile homes occupying rental sites in concession mobile home parks shall be properly registered and shall display valid license plates in such a manner as to be easily observed from the road.

001.21F Motor vehicles may be operated on the beaches of Lake McConaughy and Lake Minatare State Recreation Areas provided that operation is restricted to only those portions of beach posted as open to motor vehicle traffic. The maximum speed allowable on beaches shall be 15 mph and access to the beaches shall be restricted to designated access points only.

001.21G The following constitutes unsafe motor vehicle operation and is prohibited:

001.21G1 Operating a motor vehicle without due care or at a speed greater than that which is reasonable and prudent considering wildlife, traffic, weather, pedestrians, road and light conditions, and road character;

001.21G2 Operating a motor vehicle in a manner which unnecessarily causes its tires to squeal, spin, skid or break free of the travel surface;

001.21G3 Failing to maintain that degree of control of a motor vehicle necessary to avoid danger to persons, property or wildlife;

001.21G4 Operating a motor vehicle while allowing a person to ride on or within any vehicle, trailer or other mode of conveyance towed behind the motor vehicle unless specifically designed for carrying passengers while being towed; or

001.21G5 Operating a motor vehicle while allowing a person to ride on any exterior portion of the motor vehicle not designed or intended for the use of a passenger. This restriction does not apply to a person seated on the floor of a truck bed equipped with sides, unless otherwise prohibited by state law.

## 001.22 Vending

001.22A The vending, including mobile vendors, of various goods and services, products and commodities, may be permitted on park lands with the prior written authorization of the Commission. The vending of any such goods and services, products and commodities without written authorization of the Commission is prohibited.

001.22B No park area shall be used as a headquarters or residence by any person or group engaged in commercial or professional activities without prior written authorization of the Commission.

001.22C The sale or distribution of printed matter is permitted within park areas provided a permit to do so is issued in advance by the Commission.

001.22D Persons engaged in the sale or distribution of printed matter shall not obstruct or impede pedestrians or vehicles, harass park visitors with physical contact or persistent demands, misrepresent the purposes or affiliations of those engaged in the sale or distribution or misrepresent whether the printed matter is available without cost or donation.

### 001.23 Water Skiing

001.23A The towing of persons on water skis, surfboards and similar devices by vessels is permitted on areas posted as open to such activities except on those portions of water surface restricted by buoy markers or signs, provided such activity is conducted in accordance with appropriate regulations.

### 001.24 Water Sports – General

001.24A Areas on which water related recreational activities are permitted may be zoned to separate or define activities. Such zoning may prescribe the area in which the public may engage in any such activities, or may limit the hours during which the public may engage in any such activities. Such zoning shall be clearly indicated by such signs, markers, buoys, or other appropriate devices in widespread and common use for such purposes.

001.24B The number of participants engaging in any of the above-mentioned water related recreation activities on any area owned or controlled by the Commission may be limited by management personnel of the Commission when conditions warrant such limitations in the interests of public health, safety or welfare.

001.24C Management personnel of the Commission are herewith specifically authorized and empowered to declare emergencies and to require the participants in any or all of the water related activities mentioned in the foregoing on any such areas, to cease such activity and to temporarily vacate the water area, or a portion of the water area, in the event of a water accident, severe weather, or similar emergency. No person shall have permission to engage in any such activity in any such area or portion thereof during such declared emergency.

001.24D Appropriate fees may be established and collected by the Commission for participation in any or all of the various water related activities mentioned in the foregoing at any area owned or controlled by the Commission. In such event, the fee shall be made known to the public by signs or such other means as appropriate, and participation in any such activity shall be conditional upon payment of the fee.

001.24E Watercraft shall not be left unattended in or near waters owned or controlled by the Commission except at designated mooring, anchoring or beaching locations.

001.24F Docks installed adjacent to boat ramps shall be used only for the following purposes: Launching and recovery of watercraft, and embarking and disembarking passengers. The mooring of watercraft at such docks for any other reason or for a period of time greater than that reasonable to accomplish the permitted activities is prohibited.

#### 001.25 Winter Sports

001.25A Skiing, sledding, tobogganing, snowshoeing, skating and similar winter sports are permitted except upon roads and parking areas when such roads and parking areas are open to motor vehicle traffic and in other places where these activities are prohibited by appropriate regulations and/or posted signs.

001.25B The towing of persons on skis, sleds or other sliding devices by a motor vehicle or snowmobile is prohibited.

001.25C The operation and use of snowmobiles shall be in accordance with appropriate regulations and state laws.

#### 001.26 Standards

001.26A The standards established in these regulations are in furtherance of the preservation and protection of the natural, scenic, historic, pastoral, and fish and wildlife values and provide for the enhancement of the recreation values of the park area.

001.26B Use and development of property will be in conformance with applicable Federal, State and Local laws, regulations and ordinances.

001.26C Development, improvement and use of the property will not materially detract from the scenic, natural, historic, pastoral and fish and wildlife values of the area.

001.26D There will be adequate provision for disposal of solid and liquid waste originating on or resulting from use of the property.

001.26E All new utilities will be underground.

001.26F No structures or other improvements will be constructed in or encroaching upon stream beds, banks and flood plains of live or intermittent streams. Stream beds, banks and flood plains will not be disturbed, except as may be necessary to construct, operate and maintain irrigation, fisheries, utilities, roads and similar facilities or improvements. Any such necessary encroachment will avoid impeding water flow, sedimentation of streams or entrance of deleterious materials into streams.

001.26G Private Cabin Areas and Club Site Areas

001.26G1 No buildings or structures or part thereof shall be erected, constructed, reconstructed, altered, moved or used for any purpose, except in conformance with the standards established herein.

001.26G2 No excavation or topographic change shall be permitted except that required for foundations, utilities, or roads, that would modify or change the scenic beauty of natural hillsides.

001.26G3 All new buildings shall be set in a minimum of ten (10) feet from each side of property line.

001.26G4 All new buildings shall be set back a minimum of forty (40) feet from center of roadway or twenty (20) feet from front property line, whichever is greatest.

001.26G5 All new buildings shall be set in a minimum of twenty (20) feet from the rear property boundary line.

001.26G6 Only one single-family dwelling is permitted for each cabin lot.

001.26G7 No new building shall exceed a single story in height as determined from ground level. Construction of basements in new or existing buildings shall not be permitted. This section does not apply to the private cabin area at Sherman State Recreation Area where basements, tornado shelters and second floors are permitted at the request of the landowner, the Loup Basin Reclamation District.

001.26G8 No new building shall have a floor space less than 300 square feet nor greater than 700 square feet. Additions to existing buildings presently having a floor space of 700 square feet or greater shall not be permitted. This section does not apply to the private cabin area at Sherman State Recreation Area where cabins with a maximum of 1500 square feet of enclosed living space and outbuildings of 1200 square feet are permitted at the request of the landowner, the Loup Basin Reclamation District.

001.26G9 No new building shall be erected with foundation pillars or stilts that exceed 36 inches above ground level. If used, pillars or stilts must be enclosed. This section does not apply to the private cabin area at Sherman State Recreation Area at the request of the landowner, the Loup Basin Reclamation District.

001.26G10 All new buildings shall be constructed of such material as to blend with the natural landscape (logs, shakes, rough lumber, finish siding, native stone or brick).

001.26G11 Mobile or semi-mobile homes are permitted only in approved mobile home parks.

001.26G12 All new buildings shall employ non-reflective roofing materials.

001.26G13 Paints or stains shall be of earth tones common to the area. Bright, disharmonious colors are prohibited.

001.26G14 All buildings and structures, including fences, shall be maintained in a useable and serviceable condition, or removed. Cabin lots are to be maintained in a clean and orderly condition.

001.26G15 Owner identification and sale signs shall not exceed 2 square feet in size.

#### 001.26H Concession Areas

001.26H1 Services provided must serve needs which are not readily or adequately provided for in an adjacent community, and must be compatible with the purposes for which the area was established.

001.26H2 Building architecture is to be compatible with the pastoral environment, rustic in nature, harmoniously colored and have non-reflective roofs and sidings.

001.26H3 Building height shall be in keeping with building size, scale, set back from roads and property boundaries, site size, building design and type of use.

001.26H4 Buildings shall be set back from center line of roads to provide for unhampered traffic flow and general safety.

001.26H5 Only signs identifying the commercial enterprise being conducted on the property are permitted. Such signs shall not exceed 20 square feet in area, 6 feet in length and 15 feet in maximum height. Signs are to be subdued in appearance and harmonizing in design and color with the surroundings.

001.26H6 No flashing lights.

001.26H7 No new mobile or semi-mobile homes and mobile home parks shall be permitted except where they may be located without substantially impairing or detracting from the scenic, natural, historic, pastoral, and fish and wildlife values of the area.

#### 001.27 Disorderly Conduct

001.27A Disorderly conduct is prohibited.

001.27B Disorderly conduct is committed when a person causes public alarm, nuisance, jeopardy or violence, or recklessly creates a risk thereof, by:

001.27B1 Engaging in fighting or threatening, or in violent behavior; or

001.27B2 Using language, an utterance, or gesture, or engaging in a display or act which is obscene, physically threatening or menacing, or done in a manner which is likely to inflict injury or incite an immediate breach of the peace; or

001.27B3 Making noise which is unreasonable, considering the nature and purpose of the actor's conduct, location, time of day or night, and other factors which would govern the conduct of a reasonably prudent person under the circumstances; or

001.27B4 Creating or maintaining a hazardous or physically offensive condition.

001.27C Persons committing disorderly conduct may be evicted from the area.



001.28 All-Terrain Vehicles and Other Motorized Off-Highway Amphibious Vehicles

001.28A Definitions

Person: Any individual, partnership, corporation, the state and its agencies and subdivisions, and any body of persons, whether incorporated or not;

All-Terrain Vehicle: Any motorized off-highway vehicle which (1) is fifty inches or less in width, (2) has a dry weight of nine hundred pounds or less, (3) travels on three or more low-pressure tires, (4) is designed for operator use only with no passengers or is specifically designed by the original manufacturer for the operator and one passenger, (5) has a seat or saddle designed to be straddled by the operator, and (6) has handlebars or any other steering assembly for steering control;

Motorized Off-Highway Amphibious Vehicle: Any motorized amphibious off-highway vehicle which (1) is seventy inches or less in width, (2) has a dry weight of eleven hundred pounds or less, (3) travels on tracks or low ground pressure tires, (4) is designed for transporting persons, equipment or supplies, and (5) has a hand-controlled skid-steering assembly for steering control;

Owner: A person, other than a lienholder, having the property in or title to an all-terrain or motorized off-highway amphibious vehicle entitled to the use or possession thereof;

Operate: To ride in or on and control the operation of an all-terrain or motorized off-highway amphibious vehicle; and,

Operator: Every person who operates or is in actual control of an all-terrain or motorized off-highway amphibious vehicle.

001.28B Required Equipment

No all-terrain or motorized off-highway amphibious vehicle may be operated within areas of the State Park System unless equipped with the following equipment:

At least one head lamp and one tail lamp, each of minimum candle power as prescribed by the Department of Motor Vehicles for all-terrain vehicles.

A brake system maintained in good operating condition which shall conform to standards prescribed by the Department of Motor Vehicles for all-terrain vehicles.

An adequate muffler system in good working order which blends the exhaust noise into the overall all-terrain or motorized off-highway amphibious vehicle noise and is in constant operation to prevent excessive or unusual noise. The exhaust shall not emit or produce a sharp popping or crackling sound.

A bicycle safety flag which extends not less than five feet above ground attached to the rear of the vehicle. The bicycle safety flag shall be triangular in shape with an area of not less than thirty inches and be day-glow in color.

#### 001.28C Operation

All-terrain and motorized off-highway amphibious vehicles may be operated during specified hours within state park areas on the frozen surfaces of the following designated lakes only, unless otherwise posted closed to such use: Bluestem, Branched Oak, Conestoga, Olive Creek, Pawnee, Stagecoach, Wagon Train, Enders, Medicine Creek, Red Willow, and Swanson Reservoirs; Box Butte, Calamus, Fremont Lakes, Gallagher Canyon, Johnson Lake, Lake Maloney, Lake McConaughy, Lake Minatare, Lake Ogallala, Lewis and Clark Lake, Louisville Lakes, Merritt Reservoir, Oliver Reservoir, Rockford Lake, Sherman Reservoir, Summit Lake, Sutherland Reservoir, Willow Creek Lake and Walgren Lake.

The Director of the Game and Parks Commission and his designated representatives reserve the right to temporarily close any state park area or portion thereof to all-terrain and motorized off-highway amphibious vehicle activities for the following reasons: insufficient lake ice (less than eight inches), safety, weather, resource protection, civil emergencies or other management considerations at the sole discretion of the Director.

The operation of all-terrain and motorized off-highway amphibious vehicles on designated lake surfaces is at the sole risk of the operator. The Commission assumes no responsibility for safety of said operation.

All-terrain and motorized off-highway amphibious vehicle operators are responsible for inspecting frozen lake surfaces for sufficient ice thickness (minimum 8 inches) and for possible hidden hazards prior to any such operation. All-terrain and motorized off-highway amphibious vehicle operators are cautioned to be alert for soft ice caused by flowing springs, streams, and rivers and also caused by variations in temperature.

All-terrain and motorized off-highway amphibious vehicles shall not be operated within any portion of a designated area which has been marked

off or otherwise posted as closed to all-terrain and motorized off-highway amphibious vehicle operation by the Commission.

All-terrain and motorized off-highway amphibious vehicles shall not be operated in any manner intended to or reasonably be expected to harass, drive or pursue any wildlife.

All-terrain and motorized off-highway amphibious vehicles shall not be operated at speed exceeding that which is safe and reasonable when passing within thirty (30) yards of any property, ice fishing shelter, boat ramp, immobile snowmobile, all-terrain or motorized off-highway amphibious vehicle, or a person walking on or fishing through the ice. In no case, shall any person or persons operate an all-terrain vehicle so as to cause discomfort, hazard or damage to the person or property of others.

All-terrain and motorized off-highway amphibious vehicles may be operated on designated frozen surfaces within state park areas only between the hours of ½-hour before sunrise and 9:00 p.m., or as posted.

All-terrain and motorized off-highway amphibious vehicles may be operated in boat ramp parking lots between the hours of ½-hour before sunrise and 9:00 p.m., or as posted, to facilitate loading and off-loading said vehicles and providing access to frozen lake surfaces via boat ramps.

#### 001.28D Who may operate

Any person operating an all-terrain or motorized off-highway amphibious vehicle within a state park area shall be at least sixteen years of age and shall have a valid motor vehicle operator's license.

#### 001.28E Unlawful Acts

It shall be unlawful for any person to drive or operate any all-terrain or motorized off-highway amphibious vehicle in the following unsafe or harassing way:

At a rate of speed greater than reasonable or proper under existing conditions;

In a careless, reckless, or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto;

While under the influence of intoxicating liquor or narcotics or habit-forming drugs; and,

Without a lighted head and tail lamp when required for safety.

001.28F In Case of an Accident

The operator of an all-terrain or motorized off-highway amphibious vehicle involved in a collision, accident, or other casualty shall give his name, address, and the number of such all-terrain or motorized off-highway amphibious vehicle in writing to any injured person and to the owner of any property damaged in such collision, accident, or casualty.

When a collision, accident, or casualty involving an all-terrain or motorized off-highway amphibious vehicle results in death or injury to a person or damage to property in excess of one hundred dollars, the operator of such all-terrain or motorized off-highway amphibious vehicle shall file with the Department of Motor Vehicles a report of same as prescribed in D.M.V. regulations for all-terrain vehicles.

001.29 State Recreation Trails

001.29A Permits, Trail User, Voluntary

001.29A1 Voluntary, non-mandatory, Trail User Permits may be purchased for use on sections of designated state recreation trails designated as open for public use. Voluntary permits may be purchased from any Game and Parks Commission District Office and from self-service drop boxes provided at trail heads. Revenues received will be utilized by the Commission to assist with funding trail development, maintenance and enforcement of rules and regulations.

001.29A2 Voluntary Trail User Permits are available in two forms: Annual and Daily. Voluntary Annual permits may be purchased by any person and shall be valid through December 31 for the year for which issued. The annual fee shall be ten dollars. Voluntary daily permits may be purchased by any person and shall be valid for the day indicated on the permit. The daily fee shall be two dollars.

001.29B Motor Vehicles Prohibited

001.29B1 Except as hereinafter provided, it shall be unlawful to park, tow, or otherwise operate a motor vehicle on any section of a state recreation trail in other than designated parking areas. This provision shall include, but shall not be limited to, trucks, automobiles, motor cycles, mini bikes, mopeds, all-terrain vehicles, motorized off-highway amphibious vehicles, and

snowmobiles. State Recreation Trails are for non-motorized recreational use only.

001.29B2 Vehicles owned by the Commission, its agents or contractors, engaged in servicing, enforcement, maintenance, repair, or construction activities, and vehicles employed in enforcement and emergency response activities, are exempt from this provision.

001.29C Camping, Hunting, Trapping, Fires, Use of Fire Arms, Paint Ball Weapons, Bow and Arrows and other Projectile Devices Prohibited:

001.29C1 State recreation trails are available for day use activities only. Camping or other overnight use is expressly prohibited. Trails are open to public use only between the hours of one-half hour before sunrise and one-half hour after sunset.

001.29C2 The kindling of fires on state recreation trails is prohibited.

001.29C3 Hunting, trapping, or the use of firearms, bow and arrow, paint ball weapons, or other projectile devices is prohibited on state recreation trails.

001.29D Equestrian Use, Permitted

Horseback riding is permitted on state recreation trail rights-of-way, subject to the following provisions:

001.29D1 Horseback riders shall not ride on trail surfaces except when wetlands or terrain necessitates crossing bridges and road intersections.

001.29D2 Horseback riders shall dismount when crossing bridges.

001.29E Livestock Use, Prohibited

Without the prior permission of the Superintendent, livestock may not be grazed, pastured or driven on any portion of any recreational trail rights-of-way. If permitted by the superintendent, the following provisions apply:

001.29E1 Livestock, including horses, cattle, swine, sheep and poultry shall be kept off the maintained trail surface, except(1) at crossings of public roads and highways, (2) at farm crossings designated for use by proprietors of lands adjoining such right-of-way for which written crossing agreements have been issued by

the commission and, (3) when wetlands or terrain necessitates crossing bridges.

001.29E2 Permission shall be subject to such conditions as are reasonably consistent with protection and use of the recreational trail for the purposes for which it is established. Such permission may also contain reasonable limitations on the equipment used and the time and area within which the livestock activity may be allowed.

001.29E3 Permission may be suspended or revoked by the Superintendent for failure by the permittee to comply with any provisions of this section.

#### 001.29F Trail Use Generally

Bicyclists shall yield the right of way to all other trail users. Pedestrians shall yield the right of way to horseback riders.

#### 001.29G Boundary Fences, Responsibilities of Commission and Adjacent Landowners, Procedures for Applying for Funding

001.29G1 Boundary fences of State Recreational Trails shall be constructed and maintained as prescribed in Section 37-1012, R.R.S. 2000. For this section, a boundary fence shall be a wire fence of at least four barbed wires, of a size not less than twelve and one-half gauge fencing wire, the wire to be secured to posts, the posts to be at no greater distance than one rod from each other, or a fence of any type that is agreed to by the Commission and adjoining landowners.

001.29G2 The Commission will participate in one hundred percent of the costs for labor and materials for construction of new or replacement fencing, as agreed upon between the adjacent landowner and the Commission, for developed portions of recreational trails open to the public. The Commission will participate on a fifty-fifty basis with adjacent landowners for construction of new or replacement fencing, or repairs to existing fencing, on undeveloped portions of recreational trails not open to public use.

001.29G3 The responsibility of the Commission for fences along a state recreational trail shall not exceed the amount appropriated to the Commission by the Legislature for such purpose during any biennium, provided the Commission may use any funds specifically gifted or obtained by grant application for the sole purpose of providing fencing for a state recreational trail. The

amount of funding available to a single landowner shall not exceed twenty-five percent of the Commission's total appropriation in any one year, unless uncommitted funds are available following processing of all other applications.

001.29G4 Prior to commencing any work, adjacent landowners shall submit application in writing to the Commission for funding assistance in the construction of any new fence, replacement fence or fence repair. Costs incurred by the landowner for new fence, replacement fence or fence repair prior to submitting application to the Commission may not be reimbursed. Application shall be mailed or hand-delivered to: Division of State Parks, Nebraska Game and Parks Commission, 2200 North 33<sup>rd</sup> Street, Lincoln, NE 68503-0370. Commission staff and the landowner will jointly review each request for new or replacement fence and mutually agree upon the type and amount of fence to be constructed.

001.29G5 Applications for Commission participation in construction of new or replacement fence must be submitted no later than April 1<sup>st</sup> of each calendar year for consideration in that year. Requests will be prioritized, based upon condition of existing fence and urgency.

001.29G6 Applications for Commission participation in the repair of existing fence shall be considered and prioritized in the order in which received. In the case of emergency fence repair involving livestock on the trail or roadway, the landowner may undertake such repairs without prior notification, provided such notification is given in writing within seven calendar days of completion of such work. To obtain reimbursement of costs, the landowner will be required to submit original receipts for materials purchased. Only actual and reasonable material costs will be reimbursed. "Actual costs of materials" shall be defined as those posts (steel or wood), wire (barbed or smooth), staples, and insulators purchased to affect the repairs. There will be no reimbursement for labor, mileage, gasoline, tools, meals, lodging, or other costs. Replacement materials may be offered as reimbursement, if acceptable to the landowner.

On January 1, 2011, the following Section 001.11 shall become effective and shall supersede and take the place of any prior version of that section.

001.30 Exceptions to Regulations

001.30A Nothing in the foregoing shall be construed as prohibiting the Nebraska Game and Parks Commission or their duly appointed agents or

employees from the conduct of their assigned duties in the administration, maintenance and development of areas owned or controlled by the Commission.

001.30B In the event of natural disaster, state or national emergency, civil disorder, accident, or other situation wherein the conduct of activities otherwise permitted under these regulations may constitute a hazard to the public health, safety or welfare, or inhibit rescue, recovery, post-disaster or development operations, management personnel of the Commission or Law Enforcement personnel are herewith specifically empowered and directed to take such measures at their disposal to preserve the public health, safety and welfare and to expedite rescue, recovery and operations, to include the temporary suspension of any or all activities contemplated in these regulations on any area or portion of any area owned or controlled by the Commission and the temporary closure and/or evacuation of any such area.