

DISTRICT RECREATION AREA REGULATIONS

LOWER ELKHORN NATURAL RESOURCES DISTRICT

Adopted November 21, 1985
(Revised January 2021)

LOWER ELKHORN NATURAL RESOURCES DISTRICT DISTRICT RECREATION AREA REGULATIONS

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001 GENERAL REGULATIONS GOVERNING THE ADMINISTRATION AND USE OF DISTRICT PROPERTY.

Under the provisions of Sections 2-3202, 60-677, 60-6,190, and 39-312, Reissue Revised Statutes of Nebraska 1943, the following rules and regulations are adopted and promulgated by the Lower Elkhorn Natural Resources District to govern the administration, use, maintenance, and protection of all District Recreation Areas under the ownership or control of said District. These rules and regulations are effective November 21, 1985.

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 District owned or controlled Recreation Area administered by the District. 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.

Under Neb. Rev. Stat. §2-3292(2), any person who camps, picnics, hikes, backpacks or engages in any other unauthorized activity in a recreation area on land not designated as camping, picnicking, hiking, backpacking, or similar area by the District or fails to observe the posted conditions governing use of such area shall be guilty of a Class V misdemeanor.

DEFINITIONS

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

- a. District shall mean the Lower Elkhorn Natural Resources District
- b. Manager shall mean the General Manager of the Lower Elkhorn Natural Resources District.
- c. Law Enforcement Officer shall mean any duly constituted and credentialed law enforcement officer, local, state, or federal; including Nebraska Game and Parks Commission Officers or Deputy Conservation Officer, local police officer, member of the State Patrol, sheriff, or deputy sheriff.
- d. Recreation Area shall mean all district owned or controlled public access areas administered by the District.
- e. Special Area Regulations are regulations adopted by the District Board of Directors for a particular Recreation Area or a part thereof.

001.01 ABANDONED PROPERTY

- 001.01A** Leaving any vehicle or other personal property unattended for longer than 72 hours, without prior written permission of the authorized representative of the District is prohibited and any property so left may be impounded by Manager or Local and/or State Law Enforcement agencies. In the event unattended property

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interferes with the safe or orderly management of the Recreation Area, it may be impounded at the expense of the owner.

001.02 CAMPING

001.02A Camping is defined as temporary lodging out-of-doors for outdoor recreational activity, presupposes the occupancy of a shelter, such as a sleeping bag, tent, motor vehicle, trailer, or other vehicle. Camping equipment may not exceed 8' width and 40' length.

001.02B Camping is permitted on District Recreational Areas, only in areas designated with appropriate signs.

001.02C Group type camping by youth groups, civic groups, clubs, organizations, and other similar groups, is authorized by written or oral permission. ~~only~~. Quiet shall be maintained in all campgrounds between the hours of 10:00 p.m. and 6:00 a.m.

001.02D Camping on District Recreation Areas is permitted for a maximum of fourteen consecutive days within any thirty day period.

001.02E In the RV camper area, one tent is permitted in addition to the RV camper on each pad for no additional charge. Each additional tent will be charged a daily fee. A late charge will apply if not paid within one hour after arrival.

001.02F In the tent camping area, a fee will be charged for each tent. A late charge will apply if not paid within one hour after arrival.

001.02G The Superintendent may allow camping in undesignated areas outside of the campground when those locations can appropriately accommodate for overnight occupancy and assess a camping fee.

001.02H The Superintendent may designate campsites or specific areas for extended rental for periods up to, but not exceeding, 30 days.

001.02I The reservation of campsites designated "for advance reservations" is permitted through the District's reservation system and is subject to the District's reservation procedures.

001.02J Campsites identified as "first come, first served" and not designated as "for advance reservations" may be purchased when available and unoccupied. At the time of the purchase, the patron must be able to physically occupy the campsite immediately. If the patron is unable to immediately and physically occupy the campsite at the time of purchase, the Park Superintendent, or their designee, may approve a delayed arrival, not to exceed 12:00 pm (noon) of the following day.

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A campsite must be properly registered and paid for before a patron can physically occupy any site.

Reserving a campsite by leaving a vehicle or other property unattended is prohibited without prior permission of the Park Superintendent and such property is subject to impoundment by the Park Superintendent or Law Enforcement Officer in accordance with Sub-section 001.01.

001.03 CLOSURES

001.03A The District may establish a reasonable schedule or visiting hours for all or portions of a District Recreation Area and close to public use all or any portion of a District Recreation Area when necessary for the protection of an area or the safety and welfare of persons or property by the posting of appropriate signs in indicating the extent and scope of such closure. (*See Attachment A*)

001.03B All persons shall observe and abide by officially posted signs designating closed areas and visiting hours.

001.04 FIRES, FIREWORKS

001.04A Fires are permitted only in fireplaces, grills, or fire rings provided by the District; or in privately owned devices, such as gasoline or propane stoves, charcoal grills, or similar devices which do not pose a fire threat to surrounding grass or trees. Open fires not contained in the above mentioned facilities or devices are prohibited.

001.04B Leaving a fire unattended is prohibited.

001.04C The authorized representative of the District is authorized to temporarily revoke permission for fires of any kind on District Recreation Area by the posting of signs at the public entrances to the area when it is determined that the use of fires could be hazardous to health, safety, or welfare of persons, property, or wildlife resources.

001.04D The use of fireworks of any kind on District Recreation Areas is prohibited, except with written permission of the authorized representative of the District.

001.05 FISHING, HUNTING, TRAPPING

001.05A Fishing is permitted on all District Recreation Areas subject to state fishing regulations; provided that the authorized representative of the District may close all or any portion of any area to fishing by the posting of appropriate signs. All fishing

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lines must be attended at all times.

001.05B Hunting or the use of firearms (except for rifles, handguns, and muzzleloaders), bow and arrow, or other legal projectile device is permitted on District Recreation Areas or portions thereof, from the first Tuesday after Labor Day through March 31, except within 100 yards of public use facilities or activity area; including picnic areas, campgrounds, swimming beaches, boat ramps, and fishing piers, parking lots, or where prohibited by appropriate signs, or where special area regulations restrict or prohibit these activities. Rifles, handguns or muzzleloaders and their use is prohibited unless specifically permitted by appropriate signs. *(January 1996)*

001.05C Trapping is permitted on District Recreation Areas in accordance with general state trapping regulations and only by written permission of the District.

001.05D The use of/or possession of paint ball weapons of any type shall be prohibited on District Recreation Areas.

001.06 **POSSESSION OF ALCOHOL OR ILLEGAL DRUGS**

001.06A The possession or consumption of alcoholic beverages or illegal drugs of any kind or nature on District Recreation Areas is prohibited. All law enforcement personnel and agents of the District shall have the right to inspect all persons, their automobiles, and personal property on District Recreation Areas to determine that no such alcohol or drugs are in their possession. Any person refusing to cooperate in such an inspection shall be denied access to the Area and may be removed from the Area. Consent to such an inspection is a specific requirement for presence at a District Recreation Area. *(July 1994)*

001.06B Presence in a District Recreation 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 an area is prohibited.

001.07 **PERMITS. SPECIAL OCCASION**

001.07A Sports events, pageants, weddings, re-enactments, regatta, entertainment and the like, characterized as public spectator attractions or participant activities, are prohibited unless written or oral permission therefore has been given by the District. Such permits shall be issued only after a finding that the issuance of such permit will be inconsistent with the purposes for which the area is established and maintained and will cause minimum possible interference with use of the area by the general public. The permit may contain such reasonable conditions and

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restrictions as to the duration and area occupied as are necessary for the protection of the area and public use thereof.

001.07B Applications for a Special Occasion Permit shall be received by the District not later than fourteen (14) days prior to the requested special activity and shall set forth the following: The name of the applicant; the date; time; duration; nature; and place of the proposed activity; an estimate of the number of persons expected to attend; and a statement of equipment and facilities to be used in connection therewith.

001.07C As a condition of the permit issuance, the District may require the filing of a bond with satisfactory surety payable to the District, to cover costs such as restoration, rehabilitation, and cleanup of the area used, and other costs resulting from the permittees' activity. In lieu of a bond, a permittee may elect to deposit cash equal to the amount of the required bond.

01.07 PETS, LIVESTOCK, AND OTHER ANIMALS

001.08A Dogs, cats, or other pets must be caged, crated, or on a leash of no longer than 12' or otherwise physically restrained while on any District Recreation Area, except by special provisions as listed below.

001.08B The use of hunting dogs for training or hunting on District Recreation Areas is permitted only in areas open to hunting, during the period of the first Tuesday after Labor Day through March 31. Specific dog training areas, as posted by appropriate signage, may be open year round. Dog owners or handlers must accompany and have control of the dogs and are responsible for the actions of such dogs.

001.08C Pets are prohibited in public buildings and on designated swimming beaches. This paragraph shall not apply to certified service animals.

001.08D Grazing or ranging domestic livestock is prohibited without prior written authorization by the District.

001.08E Horseback riding is prohibited on District Recreation Areas except on roadways or where permitted by appropriate signs.

01.08 F Any pet with a propensity to threaten or harm others, in the judgment of District or law enforcement personnel, will be removed from the premises.

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01.09 PRESERVATION OF PUBLIC PROPERTY

001.09A The possession, destruction, injury, defacement, removal, or disturbance 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 fruit, egg, nest, den, or of any soil, rock, or mineral formation, artifact, relic, historic or prehistoric feature, or of any other public property of any kind is prohibited on District Recreation Areas; provided that the authorized representative of the District may issue special permission or authorization permitting such activities where it is in the best interest of the public and wildlife resources.

001.10 ICE FISHING, HUNTING BLINDS, TREE STANDS, SEINING

001.10A Temporary portable ice fishing shelters can be erected on District Recreation Area waters. These shelters must be removed daily. Permanent type shelters are prohibited.

001.10B Ice fishermen are responsible for judging the safety of the ice. The District takes no responsibility for the safety or strength of the ice at any time.

001.10C Ice fisherman must comply with all fishing regulations of the State of Nebraska and Nebraska Game and Parks Commission.

001.10D Temporary portable waterfowl hunting blinds may be used on District Recreation Areas only in areas open to hunting and during legal hunting season. These blinds must be removed at the end of each hunting day. Permanent type blinds are prohibited.

001.10E Temporary portable type tree stands may be placed and used on District Recreation Areas only in areas open to hunting and during legal hunting season. In addition, portable type tree steps that attach to the tree with chains or ropes are permitted on these areas. These tree stands must be removed at the end of each hunting day. Permanent type tree stands and steps are prohibited.

01.10 F Digging or seining for any purpose on District Recreation Areas is prohibited.

01.11 SANITATION

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001.11A 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.

001.11B Drainage or dumping refuse or wastes from any trailer, or other vehicle, except in places or receptacles provided for such use, is prohibited. Only paid and registered campers are permitted to place waste refuse in the dump station. Anyone found violating this section will be subject to criminal prosecution.

001.11C Polluting or contaminating in any manner, in any watershed, water supplies, or water used for drinking purposes is prohibited.

001.11D Fish cleaning on picnic tables, water hydrant platforms or other facilities is prohibited. Inedible fish parts can be placed only in receptacles provided at the fish cleaning station.

001.11E 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 substance in any of the plumbing fixtures of such structure or station is prohibited.

001.11F Urinated or defecating other than at the places provided therefor is prohibited.

01.11 G Using District trash receptacles for dumping household or commercial garbage or trash brought as such from private property is prohibited.

01.12 **SWIMMING, WADING, BOATING, AND OTHER WATER RELATED ACTIVITIES**

001.12A Swimming is prohibited in all waters of District Recreation Areas, except where posted signs permit this activity. Where permitted, swimming shall be at the sole risk of the participant.

001.12B The use of floatation devices within designated swimming areas is prohibited, except such devices as are approved by the United States Coast Guard. Use of surfboards and similar devices, the throwing of frisbees, balls, and other similar within designated swimming areas is prohibited.

001.12C Wading for the purpose of fishing or hunting is permitted on District Recreation Areas at the sole risk of the participant, except that wading shall be prohibited on those areas that are posted with appropriate signs, within 20 yards of a boat ramp, or where prohibited by special area regulations.

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001.12D No wake boating (5 mph maximum) is permitted on District Recreation areas subject to restrictions as posted on each area, or as specified in special area regulations.

001.12E Boat ramps and docks shall be used only for launching and recovery of watercraft, and embarking and disembarking passengers. Use of these facilities for other purposes such as fishing, sunbathing, swimming, or mooring unattended boats is prohibited.

01.12 F Boats are not allowed within thirty (30) feet of the handicapped fishing pier. Anyone found boating within 30 feet of the handicapped fishing pier will be subject to criminal prosecution.

01.13 **TRAFFIC**

001.13A It shall be unlawful for any person to operate a motorized vehicle on other than roadways, parking areas or trails specifically designated for vehicle use. This shall include all trucks, automobiles, motorcycles, trail bikes, mini-bikes, snowmobiles, four-wheel drive vehicles, and all-terrain vehicles; provided that nothing in this section shall prohibit management personnel from using these vehicles for emergency or management purposes.

001.13B It shall be unlawful to park, tow or otherwise operate any motor vehicle, trailer or camper within the confines of the District 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 Park Superintendent or Law Enforcement Officer.

001.13C It shall be unlawful for any person to operate any vehicle within the boundaries of any District Recreation Area at a speed greater than is reasonable and prudent under the prevailing conditions, or in excess of any maximum posted speed limits.

001.13D It shall be the duty of each vehicle operator to obey all traffic regulatory signs as posted on each area and the traffic laws of the State of Nebraska.

01.13 E All all-terrain vehicles (ATV's) and utility task vehicles (UTV's) are prohibited.

01.14 **VENDING**

01.14 A The vending of various goods, services, products, or commodities is prohibited on

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all District Recreation Areas, unless permitted under a written agreement with the District.

01.15 WINTER SPORTS

001.15A Skiing, sledding, tobogganing, showshoeing, 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.

001.15B The towing of persons on skis, sleds, or other sliding devices by a motor vehicle or snowmobile is prohibited.

01.15 C The operation and use of snowmobiles is prohibited. (May 1987)

01.16 STANDARDS

001.16A 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 District Recreation Area.

01.16 B Use and development of property will be in conformance with applicable federal, state, and local laws, regulations, and ordinances.

01.17 EXCEPTIONS TO REGULATIONS

001.17A Nothing in the foregoing shall be construed as prohibiting the Lower Elkhorn Natural Resources District 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 District.

01.17 B In the event of natural disaster, state or national emergency, civil disorder, accident, or other situations where 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, the Manager is herewith specifically empowered and directed to take such measures at this disposal to preserve the public health, safety and welfare and to expedite

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rescue, recovery and operations, to include the temporary suspension of any or all activities contemplated in these regulations or any area or portion of any area owned or controlled by the District and the temporary closure and/or evacuation of any such area.

01.18 PENALTIES

001.18A A violation or violations of any of the regulations of the Lower Elkhorn Natural Resources District shall carry penalties as set by the Nebraska Statutes. (See NRS Sections 2-3292 through 2-32,100.) (2006)

01.18 B Three or more violations in one year of any of the regulations of the District by any person or persons shall prohibit that person or persons from admittance to any recreation area under the authority of the District for one year. Offenders shall also remain subject to criminal penalties as set forth by Nebraska Statutes (See NRS Sec. 2-3292 through 2-32,100.) (2006)

01.19 CONDUCT

001.19A Making noise, vulgar language or gestures 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 shall be removed from the premises. Anyone found violating this section will be subject to criminal prosecution.

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ATTACHMENT A

July 1996

Maskenthine Recreation Area - Close the beach area between the hours of 9:00 p.m. and 6:00 a.m. every night during the season that swimming is allowed.

Pilger Recreation Area - Close the area between the hours of 10:00 p.m. and 6:00 a.m.

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ATTACHMENT B

4-Wheel ATV Exception for Ice Fishing

1. The Lower Elkhorn Natural Resources District will issue a permit for a handicapped applicant to ride a 4-wheel ATV on the ice of Maskenthine Lake and Maple Creek Recreation Area for the purpose of ice fishing. The permit will be required to be renewed annually (expiration date of March 31).
2. To qualify for the LENRD permit, the applicant must first possess a Nebraska Department of Motor Vehicles Handicapped Parking Permit. The holder of the LENRD permit must carry both permits with him/her on the ice and must show the permits upon request of any law enforcement officer or LENRD employee.
3. Only the permit holder can operate and ride on the 4-wheel ATV.
4. Operation hours 7:30 a.m. to 5:30 p.m.
5. Maximum speed on the ice is 5 MPH.
6. Operators are responsible for inspection of the frozen lake surface for sufficient ice thickness (minimum 8 inches).
7. The ATV must enter and exit the ice from the boat ramp area only, and travel only to the location where fishing will occur and back.
8. Only a person 16 years and older may be issued a permit.

Violation of any of the rules regarding ATV use on the lake will result in the revocation of the permit.