

Guidelines for Obtaining An Amusement License for Public Events

Carefully review these guidelines. Failure to complete all requirements could result in the delay or denial of your application.

Introduction

Pursuant to the authority granted by Nebraska Revised Statutes §23-813 through §23-818 (Reissue 1997), any person, firm partnership, corporation or other entity seeking to obtain an amusement license for a mass gathering, open to the public, including and without limiting the generality thereof, carnival, circuses, fairs, festivals, music festivals and other amusements, to be held outside the limits of any incorporated city or village in Lancaster County, shall comply with the conditions and limitations set out below.

The issuance of an amusement license in no way relieves the holder of such license from complying with any other applicable law or regulation.

Property owned or operated by the United States, the State of Nebraska, or the County of Lancaster or other political subdivision of the State of Nebraska, or the County of Lancaster or other political subdivision of the State of Nebraska is not subject these guidelines.

Definitions

Multiple Events: Multiple events to be held in the same calendar year may be included on the same application so long as the location, nature and purpose of the events are the same.

Application Process

1. If your amusement license application is filed in the County Clerk's office **no less than 45 working days** (excluding holidays) prior to the date of your event, **the County Clerk's office will do the following:**
 - a. The County Clerk's office will request review and approval letters **as needed** from other County agencies as required.
 - b. The Clerk's office will set the date for the required public hearing and advertise the hearing as required by Nebraska Revised Statute §23-815 for two consecutive weeks. You will be notified of, and expected to attend, this public hearing to answer any questions or concerns prior to your event.
 - c. After your public hearing, the Lancaster County Board of Commissioners will vote to approve or deny your application. Written notification of the Board's action will be sent to you for your records.
2. If your amusement license application is **not** filed in the County Clerk's office **45 working days** (excluding holidays) prior to the date of your event, **the applicant will be required to do the following:**

- a. The applicant must make a sufficient number of copies of the application, deliver the copies to the appropriate agencies, and request review and approval letters **as needed** from the following agencies: Lancaster County Engineering Department; Lincoln-Lancaster County Health Department, the City of Lincoln Building and Safety Department; the Lancaster County Sheriff's Department; City of Lincoln Public Works & Utilities Department, Nebraska Department of Roads. These letters must be received by the County Clerk's office **prior** to your hearing for the Board of Commissioners review.
- b. One original copy of the application must be filed with the County Clerk.
- c. If the application filing date meets the statutory requirement for publication notice of the public hearing, the Clerk's office will set the date for the required public hearing, advertise the hearing as required by Nebraska Revised Statute §23-815 for two consecutive weeks. You will be notified of, and expected to attend, this public hearing to answer any questions or concerns prior to your event. **Failure to allow adequate time for statutorily required publication WILL result in denial of your application.**
- d. After your public hearing, the Lancaster County Board of Commissioners will vote to approve or deny your application. Written notification of the Board's action will be sent to you for your records.

Fees

License Fee:

A statutory license fee of \$10 shall be filed with each application for an amusement license.

Publication Cost:

A notice of public hearing is required for two consecutive weeks by Nebraska Revised Statute §23-815. Pursuant to Nebraska Revised Statute §23-815 the applicant shall agree to direct billing of the cost of publication of the public hearing.

Other Fees:

The applicant will be required to pay any other fees associated with necessary licenses, inspections, and as required by any other State Statutes currently in effect or hereinafter enacted.

Site Map:

If the County supplies a site map, the applicant is required to pay the cost of producing the map when it is delivered to the applicant. This will be an additional \$10.00 charge.

Application for License Requirements

The application for an amusement license shall contain the following information:

1. Applicant(s) name, date of birth, social security number, business and residence addresses and telephone numbers, and a phone number which can be used to contact the applicant during the event.
2. Event manager(s) name, date of birth, business and residence addresses and phone numbers and a phone number which can be used to contact the event manager during the event.
3. Nature and purpose of the proposed event.
4. Location of the premises involved, to include exact address or legal description.
5. Date(s) and hours during which the proposed event will be held. Indicate rain date, if applicable.
6. Number of people expected to attend and the basis upon which such estimate is made.
7. Seating arrangements.
8. Details concerning any temporary structure proposed to be built or erected and any permanent structure to be used for the proposed event.
9. Detailed site map showing the proposed location of the gathering site and the lot lines. The detailed site map will show all parking, exits and entrances, aisles, concessions, stage area, medical facilities, provision for emergency vehicle movement, sanitary facilities, motor vehicle ingress and egress, electrical wiring, seating arrangements, fencing, signs, etc., as applicable. Please also indicate the location of any residence within 500 feet of the perimeter of the event location.

PLEASE NOTE: Upon request the County Clerk's office will assist applicants in obtaining a map of the event location from the County's Geographical Information System database. Along with the map applicants will receive a list of abutting properties, owners names and mailing addresses. **A FEE OF \$10 WILL BE CHARGED TO THE APPLICANT TO COVER THE COST OF PRODUCING THE MAP.**

10. The application shall bear the signatures of the applicant, the property owner or lessee, and the event manager or their authorized representatives.

Public Hearing Requirement

According to Nebraska Revised Statute §23-815, notice of a public hearing on this amusement license application must be published for two consecutive weeks in a legal newspaper of general circulation in Lancaster County. The notice will state the date and time of the public hearing on this application. If the application is filed with the County Clerk's office allowing for the statutorily required publication of this notice, the County Clerk's office will set the hearing date and time. The applicant will be notified of, and expected to attend, this public hearing to answer any questions or concerns prior to the event. **Failure to allow adequate time for statutorily required publication WILL result in denial of your application.**

Liability Insurance Requirements

The Applicant will indemnify and hold harmless, to the fullest extent allowed by law, Lancaster County, Nebraska from and against all losses, claims, damages and expenses, including attorney's fees, arising out of and resulting from the issuance of an amusement license to the applicant that results in bodily injury, sickness, disease, death or injury to or destruction of tangible property, including the loss of use resulting therefrom and is caused in whole or in part by the applicant, any subcontractor, anyone directly or indirectly employed by any of them, anyone for whose acts any of them may be liable, or anyone attending any event held pursuant to an amusement license held by the applicant.

The Applicant shall, prior to the Event, provide proof of insurance coverage in a form satisfactory to the County, which shall not withhold approval unreasonably. The coverages and minimum levels required by this license are set forth below and shall be in effect for all dates and times of the Event pursuant to this license. The Event shall not commence under this license until all insurance obligations herein are met to the satisfaction of the County, which shall not unreasonably withhold approval. Self-insurance shall not be permitted unless consent is given by the County prior to execution of the license. Deductible levels shall be provided in writing from the Applicant's insurer and will be no more than \$10,000.00 per occurrence. The Applicant shall not allow any subcontractor to commence any activity until all similar insurance required of the subcontractor has been so obtained and approved by the County.

1.1 Commercial General Liability

The Applicant shall provide proof of Commercial General Liability Insurance with the coverages and at the minimum limits set forth herein. These minimum limits can be met by primary and umbrella liability policies. Coverage shall include: Premises-Operations, Products/Completed Operations, Contractual, Broad Form Property Damage, and Personal Injury and shall be no less than \$1,000,000.00 Each Occurrence and \$2,000,000.00 Aggregate. Such coverage shall be endorsed for the general aggregate to be on a **PER PROJECT** basis, and the Applicant shall provide an additional insured endorsement acceptable to the County. The description of operations must state "Blanket coverage for all projects and operations of Applicant" or similar language that meets the approval of the County, which approval shall not be unreasonably withheld.

1.2 Liquor Liability Insurance

If the Applicant plans to sell alcoholic beverages in conjunction with its Event, Applicant shall take out and maintain a host liquor liability insurance policy protecting the County against claims for damages from bodily injury, including wrongful death; personal injury liability; and property damage. The minimum acceptable limits of liability to be provided by such insurance shall be as follows:

\$1,000,000.00 Each Occurrence
\$5,000,000.00 Aggregate

2. Additional Insured

An Additional Insured endorsement shall be provided to County naming County as additional insureds using ISO additional insured endorsement (CG20 10), edition date 11/85, or an equivalent (e.g. CG 2010, edition date 10/93, plus CG 20 37, edition date 10101), under the commercial general liability policy and liquor liability policy. Said insurance shall be written on an **OCCURRENCE** basis, and shall be **PRIMARY, with any insurance coverage maintained by the County being secondary or excess.**

3. Certificates

The Applicant shall provide certificates of insurance and endorsements evidencing compliance with these requirements. Upon request, the Applicant shall furnish a full and complete copy of any policy of insurance, required by this Permit, to the County within a reasonable time, not to exceed thirty days. The certificates of insurance shall provide for at least thirty (30) days firm written notice in the event of cancellation. Intent to notify is not acceptable. During the term of the Agreement and during the period of any required continuing coverages, the Applicant shall provide, prior to expiration of the policies, certificates and endorsements evidencing renewal insurance coverages. The parties agree that the failure of County to object to the form of a certificate and/or additional insured endorsement provided shall not constitute a waiver of this requirement. **The original certificate and a copy shall be provided to the Lancaster County Clerk's Office at 555 South 10th Street, Room 108, Lincoln, NE 68508. The Lancaster County Clerk's Office will forward a copy to the Lancaster County Risk Manager.**

4. Immunity

Nothing contained in this clause or other clauses of these Guidelines shall be construed to waive the Sovereign Immunity of the County.

5. Reservation of Rights

The County reserves the right to require a higher limit of insurance or additional coverages when the County determines that a higher limit or additional coverage is required to protect the County or the interests of the public. Such changes in limits or coverages shall be eligible for a change order or amendment to the Contract.

Checklist

General Requirements

Time Limitations:

The time schedule and duration of the event shall be carefully considered at all stages of planning for the event. The County Board may condition the final granting of the amusement license upon adherence to specific time limitations.

Notification Requirements:

The applicant shall be responsible (prior to the public hearing), for notification of the property owners or one of the adult occupants of each occupied residence or business located within 500 feet of the perimeter of the mass gathering area regarding: the nature of the event, the date(s) and times(s) of the event and the date of the public hearing. The notification shall also contain a phone number where the applicant can be reached in the event those notified have further questions.

Required Space:

The area shall contain adequate space to accommodate the anticipated crowd.

Lighting:

If any portion of the gathering will be held after sunset the site shall be provided with adequate lighting, directed inward, with an emphasis on insuring that no direct lighting shall extend beyond the area of the event.

Unattended Children:

No child under 12 years of age shall be permitted to attend the gathering unless such child is accompanied by an adult.

Nuisance or Hazardous Conditions:

Should activities at the event result in litter, illegal dumping, nuisance, unsafe, or hazardous conditions, including, but not limited to: discharge of sewage or wastewater to the surface of the ground or into waterways; spills or releases of gasoline, diesel oil, hydraulic fluid, or hazardous materials; the holder of the public event license shall be held fully responsible for cleaning up and abating such conditions. This shall include full reimbursement, including costs for staff time of agencies, such as the Lincoln-Lancaster County Health Department, County Engineering Department, Sheriff's office and their contractors for such abatement if deemed necessary by any of these agencies.

Garbage and Refuse:

Applicant will ensure that adequate sanitary facilities are provided and maintained for the storage and disposal of all garbage and refuse. The applicant will be responsible for providing an adequate number of covered waste receptacles. Clean up of the gathering site, parking areas and all immediately surrounding properties, including public roadsides within 200 feet of each entrance to the gathering site must occur within 24 hours of the gathering. All garbage and refuse must be removed from the site within 24 hours. All garbage and refuse must be disposed of in a State of Nebraska licensed landfill.

Lincoln-Lancaster Health Department Contact Issues

3140 'N' Street, Lincoln, NE
(402) 441-8020 for more information

Noise Level:

Gatherings must maintain noise levels that are reasonable and do not disturb the peace. Even if an amusement license is issued it does not preclude the Lancaster County Sheriff's office, the City of Lincoln Police Department, or any other local law enforcement agency, from issuing citations for disturbing the peace or any other violation of the law.

Toilet Facilities:

Adequate toilet facilities and lavatories, per Health Department guidelines, shall be provided by the applicant. Such facilities shall be located so as to be conveniently available and meet Americans With Disabilities Act (ADA) requirements. All portable toilet facilities must meet the requirements of Lincoln Municipal Code 24.38 - Individual Sewage Disposal Systems, Section 100 - Chemical toilets, and County Resolution 2832 Regulating Individual Sewage Disposal Systems, Section 10 - Chemical Toilets. All such toilet facilities shall be located and constructed so as to not constitute a threat of ground or surface water pollution and shall be maintained in a clean and sanitary condition at all times.

Water Supply:

For any gathering of four hours or more in duration, the applicant shall provide an adequate potable water supply. If drinking water is supplied at the event, it must comply with all aspects of Federal and State law with regard to the Safe Drinking Water Act. It must originate from an approved source and be stored, transported, distributed, etc., so that it does not contaminate the water in any way. Private water wells will not be approved to provide drinking water for such events.

Vector Control:

When the Health Director determines that mosquitoes and biting flies and other potential disease carrying vectors are present at the gathering site in levels that pose a nuisance to people, the applicant will be required to take adequate control measures to reduce the vector population to a satisfactory level for the duration of the event. No pesticide application is allowed within 24 hours of occupation of

the site. Pesticides can only be applied by a person holding the appropriate certification as issued by the State of Nebraska.

Food Service:

If food is to be served or provided at the event, the applicant must contact the Lincoln-Lancaster County Health Department prior to the issuance of the public event license and talk with the Food Team Supervisor. All food must come from Federal/State approved sources. All food operations at the event must be licensed by the Lincoln-Lancaster County Health Department. Any food catered to the event must be catered by a food establishment holding the appropriate license issued by the State of Nebraska under the Nebraska Pure Food Act and/or the Lincoln-Lancaster County Health Department.

City of Lincoln Public Works and Utilities Department Contact

555 S. 10th St., Suite 203, Lincoln, NE
(402) 441-7838 for more information

Lancaster County Engineering Contact

444 Cherrycreek Rd. Bldg. C, Lincoln, NE
(402) 441-7681 for more information

Nebraska Department of Roads Contact

1500 Hwy. N-2, Lincoln, NE
(402) 471-4567 for more information

Parking Areas:

Applicant shall provide parking areas off public roadways to fully serve all reasonably anticipated requirements. Parking must meet Public Works and Utilities Department, Lancaster County Engineering or State of Nebraska Department of Roads requirements depending on what roads are impacted.

Lancaster County Sheriff's Department Contact Issues

575 S. 10th St., Lincoln, NE -**Attn: Criminal Investigations Sergeant's Desk**
(402) 441-6500 for more information

Traffic Control:

Applicant shall ensure that provisions are made for traffic control measures that will preclude hazards to vehicular and pedestrian traffic. Such measures shall be subject to review by the Sheriff's office, the State Patrol, and any other local law enforcement agencies.

Exits, Freedom of Movement:

Gathering areas and the surrounding sites will be arranged so as to have sufficient exit aisles adequate in size to allow unhindered direct travel. Such aisles shall lead to readily accessible exits. All parking areas shall be arranged and maintained at all times in such a manner as to allow the passage of

emergency vehicles and no vehicle shall be allowed to be parked in such manner as to hinder the exit of another vehicle.

First Aid Emergency Vehicles:

Emergency first aid facilities shall be provided by the applicant to fully serve all reasonably anticipated requirements. If public telephone service, cellular phones, or two way radio service with "911" emergency capabilities are not available on the gathering site or on the property immediately adjacent to the site, at least one ambulance shall be available at all times on the gathering site. Access for emergency vehicles will be shown on the detailed site map.

Security Enforcement:

The applicant shall provide a security enforcement plan which shall be subject to review as to its adequacy by the County Sheriff and any other local law enforcement agency. Security enforcement shall include maintenance of external as well as internal crowd control and good order, and sufficient guards for crowd control and security enforcement shall be provided by the applicant.

Fire Protection District/State Fire Marshall Contact Issue

Fire Protection:

All readily combustible material, such as loose straw or sawdust, shall be cleared away from the gathering area, by the applicant, so as to protect against the hazard of fire. In addition, the applicant shall be responsible for securing full compliance with all other applicable fire and safety regulations and requirements of the County of Lancaster or the State of Nebraska. ***Applicant is responsible for contacting the local Fire Protection District. The local Fire Chief has authority to approve plans. The State Fire Marshall can assist if applicant cannot contact a local Fire Protection District.***

City of Lincoln Building and Safety Department Contact Issue

(402) 441-7528 for additional information

Electrical Wiring, Buildings or Structures or Zoning Issues:

Any electrical wiring, and any building or structure erected or used for any mass gathering, shall be constructed and maintained in such a manner as to be safe. Applicant is responsible for contacting the proper agencies for guidance, licenses and inspections.

Electrical: Applicant shall be responsible for securing temporary electrical service from the electrical service provider and obtaining all licenses and inspections for electrical wiring. A license will be required and an address is necessary to obtain the license.

Alcoholic Liquor at Event

Pursuant to Nebraska Revised Statute §53-186.01, the following will apply to all amusement licenses granted for mass gatherings.

There shall be no sale of alcohol except in compliance with Liquor Licensing Rules and Regulations.

1. It shall be unlawful for any person owning, operating, managing or conducting any dance hall, restaurant, cafe', club or any place open to the general public to license or allow any person to consume alcoholic liquor upon the premises, except as licensed by a license theretofore issued to such premises pursuant to this act.
2. It shall be unlawful for any person to consume alcoholic liquor in any dance hall, restaurant, cafe', club or any place open to the general public except as licensed by a license theretofore issued to such premises pursuant to this act.
3. Any person violating Subsection (1) of this section shall be guilty of a misdemeanor and shall, upon conviction thereof, be subject to the penalties contained in Section 53-1100.
4. Any person violating Subsection (2) of this section shall be guilty of a misdemeanor and shall, upon conviction thereof, be subject to the penalties contained in Section 53-180.05.

PLEASE NOTE: If a Special Designated License is required, that application must be received by the County Clerk's office at the same time the amusement license application is received. The application for the Special Designated License is available at the Nebraska Liquor Control Commission. County requirements to obtain an SDL are available on the Lancaster County Clerk's website:

<http://www.ci.lincoln.ne.us/cnty/clerk/index.htm>

Or you may call the County Clerk's office at (402) 441-7481 for more information.

Granting of an Amusement License

After the public hearing, the County Board may, at its discretion, grant or withhold the amusement license. The County Board may condition the final granting of the license upon full compliance with any other reasonable standards they may request. Failure to obtain a license as required by the Statutes of the State of Nebraska shall subject persons responsible for the mass gathering to the penal provisions outlined in Nebraska Revised Statute §23-813. The County Board shall also have recourse to those statutes licensing the restraining and enjoining of such gatherings.