

ORDINANCE 3-2019

AN ORDINANCE AMENDING CHAPTER 19, ARTICLE I, SECTION 19-6 OF THE OWENSBORO MUNICIPAL CODE TO ADDRESS THE PHYSICAL CONTROL OF DOGS WITHIN THE NEW DOG PARK.

WHEREAS, the City of Owensboro has authorized the opening a new dog park, in which dog owners will be able to permit their dogs to run freely and off of a leash; and

WHEREAS, creation of the new dog park requires that the City amend Section 19-6 of the Owensboro Municipal Code to address physical control of dogs therein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF OWENSBORO, KENTUCKY, AS FOLLOWS:

Section 1. That Chapter 19, Article I, Section 19-6 of the Owensboro Municipal Code be, and hereby is, amended to read as follows:

It shall be unlawful for any person other than law enforcement personnel engaged in the exercise of their official duties, authorized city personnel, agents or contractors, while in a park, to:

- (1) *Damage or Removal.* Mark, deface, disfigure, tamper with, or displace or remove any buildings, tables, benches, trash receptacles, paving materials, signs, markers, public utilities, or other structures or equipment, facilities or other park property, except sidewalk chalk.
- (2) *Removal or Injury of Natural Resources.* Cut, remove or destroy any tree, sapling, seedling, brush, shrub, or flower, whether alive or dead, or chip, blaze, box, girdle, trim or otherwise deface or injure any tree or shrub or break or remove any branch, foliage, flower or any tree or shrub, or pick, gather, uproot, remove or destroy any flower plant or grass, including the making of any trails, paths or walkways.
- (3) *Erection of Structures.* Construct, erect or place any building or structure, including tents, shade units or inflatables, of whatever kind whether permanent or temporary, or run any public service utility into, upon or across such land.
- (4) *Animals.*
 - a. Fail to have physical control of the animal by leash or lead line or by obedient command control at all times, except within a location designated by the City as a dog park. [times.]

- b. To bring any domestic animal other than an assistance [a ~~seeing-eye~~] dog, into any restricted area of a park.
- (5) *Littering.*
 - a. Litter from the park: Throw or deposit litter on the grounds, streets, sidewalks, fountain, or lakes in any park, except within public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park. If there is an activity that requires more public receptacles than are provided, all such litter shall be removed from the park by the person responsible for it and shall be properly disposed of elsewhere.
 - b. Litter carried inside the park: To put into a park, or park dumpster any litter generated outside the park.
- (6) *Operation of Motorized Vehicles.* Operate a motorized vehicle, excluding golf carts on a golf course, within the confines of a park, except upon roadways designed and maintained for vehicular traffic within the park. This does not include service and emergency vehicles, motorized wheelchairs or other equipment used by handicapped persons.
- (7) *Parking of Motorized Vehicles.* Park a motorized vehicle in any area of the park except a properly designated parking area or lot specifically for motor vehicles; or to leave or park any vehicle in a park while closed. The registered owner(s) of any vehicle parked in violation of this section shall be removed from the premises at the owner's expense.
- (8) *Swimming.* Swim, bathe, or wade in any lake or fountain, except in spray grounds or pools.
- (9) *Camping.* Set up tents, park recreational vehicles, or assemble any other shelters for the purpose of camping overnight in a park.
- (10) *Fire.* Build or maintain a fire except in an authorized park, personal grill or approved barbecue pit in a park.
- (11) *Weapons.* Throw, use or discharge any deadly weapon or other firearm, knife, ax, missile-throwing device, BB gun, slingshot, crossbow, explosive or other dangerous instrument as defined in the Kentucky Penal Code. Recreational activities involving the propulsion or throwing of a ball or other object shall be confined to areas within the park that are designated for such recreational activity.
- (12) *Golf.* Play or practice golf in a park, except at a location designated by the city commission as a golf course.
- (13) *Pyrotechnics.* Possess, display, use, set off or attempt to ignite any firecracker, fireworks, smoke bombs, rockets or other pyrotechnics.
- (14) *Personal Conduct.* Engage in any disorderly conduct or any other unlawful behavior or activity in violation of the Kentucky Penal Code and/or the Owensboro Municipal Code, as each may be amended from time to time, in a city park.

- (15) *Solicitation, Advertising, Peddling, or Vending and Signs in Parks.* Commercially advertise, or to sell, vend, display, peddle, hawk, promote, or solicit for the purpose of selling any goods, products, wares, merchandise, or services within the boundaries of any park. No person shall post, erect any sign, advertisement or inscription.
- (16) *Alcoholic Beverages and Illegal Controlled Substances.*
- a. Possess, consume, dispense or sell any alcoholic beverage in any city park, except that such prohibition shall not apply to any location where the city manager has granted a variance which permits the possession, consumption, dispensing, or selling of alcoholic beverages and has been issued in accordance with the provisions of section 19-7 of this chapter, and, provided that any person serving alcoholic beverages on any city property have valid TIPS training or other equivalent training as required by this Code.
 - b. Possess, consume, dispense or sell any illegal controlled substances or enter upon or remain on any city park property while said person is under the influence of any illegal controlled substances or alcoholic beverage.

Section 2. This ordinance shall become effective upon its adoption and publication according to law.

INTRODUCED AND PUBLICLY READ ON FIRST READING, this the 5th day of March, 2019.

PUBLICLY READ AND APPROVED ON SECOND READING, this the 19th day of March, 2019.

Thomas H. Watson, Mayor

ATTEST:

Beth Cecil, City Clerk