

ORDINANCE 11-2023

AN ORDINANCE AMENDING CHAPTER 19, ARTICLE I, SECTION 19-5 OF THE OWENSBORO MUNICIPAL CODE, ENTITLED "PARK HOURS" WHICH CHANGES THE HOURS OF OPERATION FOR SMOTHERS PARK TO 5:00 A.M. TO 12:30 A.M; AND AMENDING CHAPTER 19, ARTICLE I, SECTION 19-6, OF THE OWENSBORO MUNICIPAL CODE, ENTITLED "RESTRICTED ACTIVITIES" TO UPDATE LANGUAGE CONCERNING REQUIRED TRAINING FOR INDIVIDUALS WHO HAVE BEEN GRANTED A VARIANCE TO SELL ALCOHOLIC BEVERAGES ON CITY PROPERTY.

WHEREAS, Chapter 19, Article I, Section 19-5 of the Owensboro Municipal Code states that Smothers Park will be open on a twenty-four (24) hour basis; and

WHEREAS, there has been an increase in illegal activity occurring at night in Smothers Park which has caused damage to park facilities and resulted in the need for greater police presence in the park; and

WHEREAS, in order to promote public safety and reduce the strain on public resources, it is necessary to reduce the hours of operation for Smothers Park; and

WHEREAS, Chapter 19, Article I, Section 19-6 of the Owensboro Municipal Code requires individuals receiving a variance to sell alcoholic beverages on city property to have "valid TIPS training or other equivalent training required by this Code"; and

WHEREAS, TIPS training is no longer available to individuals in Kentucky; and

WHEREAS, the ordinance section requiring such training needs to be updated to correctly describe the training offered.

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

Section 1. That Chapter 19, Article I, Section 19-5 of the Owensboro Municipal Code be, and the same is hereby amended, to read as follows:

Section 19-5. Park hours.

- (a) It shall be unlawful for any person or vehicle except law enforcement officers, authorized city personnel, or other authorized agents or contractors employed by the city for a specific purpose, to enter, remain within, drive a vehicle in or attempt to park within a park outside of the posted hours of operation unless approved by permit, or unless such person is participating in authorized and scheduled activities.
- (b) Park hours of operation are 5:00 a.m. until 10:00 p.m. unless otherwise designated and posted by the parks and recreation director.
- (c) Exceptions.
 - (1) *Legion Park.* The basketball court and street soccer court within this park shall be open on a twenty-four (24)-hour basis solely for the purpose of playing basketball and street soccer.
 - (2) *English Park.* Accessible shorelines of this river front park may be used on a twenty-four(24)-hour basis solely for the purpose of lawful fishing, barge repair, or temporary overnight tie-ups. Use of launching ramp shall be permitted on a twenty-four(24)-hour basis solely for the purpose of launching or loading a licensed boat or personal watercraft.
 - (3) *Smothers Park.* With the exception of the Lazy Dayz Playground and Ronald L. Logsdon Spray Park, Smothers Park shall be open ~~[on a twenty-four (24)-hour basis]~~5:00 a.m. to 12:30 a.m.
 - (4) *Adkisson Green Belt Park.* 5:00 a.m. to dusk.

Section 2. That Chapter 19, Article I, Section 19-6 of the Owensboro Municipal Code be, and the same is hereby amended, to read as follows:

Sec. 19-6. Restricted activities.

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.
 - b. To bring any domestic animal, other than an assistance 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.]~~ appropriate training as dictated by the Kentucky Department of Alcoholic Beverage Control.
- 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.

INTRODUCED AND PUBLICLY READ ON FIRST READING, this 4th day of April, 2023.

PUBLICLY READ AND APPROVED ON SECOND READING, this the 18th day of April, 2023.

Thomas H. Watson, Mayor

ATTEST:

Beth Davis, City Clerk

