

COMMISSIONERS' ORDINANCE NO. O-18-22

AN ORDINANCE AMENDING CHAPTER 94, PARKS AND RECREATION AND PUBLIC PROPERTY, OF THE COVINGTON CODE OF ORDINANCES.

* * * *

WHEREAS, Chapter 94 of the Covington Code of Ordinances provides the general provisions, rules, and regulations related to the City's parks and recreation system; and

WHEREAS, the City wishes to set forth a formal system to designate, name, and classify the parks and/or park property within its parks and recreation system; and

WHEREAS, the City also desires to establish rules and regulations for city-owned dog parks and disc-golf courses, as well as update the charges for the rental or reservation of its park property; and

WHEREAS, these initiatives provided the City with an opportunity to review Chapter 94 in its entirety and propose additional revisions to various sections to better align with the current operations and management of the parks and recreation system; and

WHEREAS, the City's Neighborhood Services Department, Parks and Recreation Division staff recommends adopting the proposed additions and amendments to Chapter 94 as set forth herein.

NOW THEREFORE,
BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY
OF COVINGTON, KENTON COUNTY, KENTUCKY:

Section 1

Section 94.001 of the Covington Code of Ordinances is amended to read as follows:

§ 94.001 [~~STEINFORD PARK IN MAINSTRASSE.~~] **DEFINITIONS.**

[~~The public parks on Sixth Street between Philadelphia Street and the railroad facility adjacent to Johnson Street in the city are named "Steinfeld Park". An appropriate plaque indicating the name of the parks and the accomplishment of George and Rose Steinfeld shall be erected in the vicinity of the 500 block of the park.~~]

PARK OR PARKS. The term "park" shall be defined as any City-owned tract of land, and the property therein, that has been designated by the City Board of Commissioners to be used for park purposes, recreational activities, outdoor education and/or the preservation of urban green space.

Section 2

Section 94.002, which reads as follows, is added to and amends the Covington Code of Ordinances:

§ 94.002 CITY PARK CLASSIFICATIONS.

(A) All City Parks established by the City Board of Commissioners pursuant to § 94.016(A) of this Chapter shall be classified as one of the following:

(1) “Satellite Park” is the classification for a City Park that offers limited amenities and limited space. The Park’s core function is to provide a specific purpose to the community, and rarely offers services outside of its designed purpose. Satellite Parks are less than one (1) acre in size.

(2) “Neighborhood Park” is the classification for a City Park that provides services for the general Covington Community. Patrons of Neighborhood Parks are primarily City of Covington residents in the surrounding neighborhood(s). Neighborhood Parks are greater than one (1) acre, but less than or equal to twenty-five (25) acres in size.

(3) “Regional Park” is the classification for a City Park offering services or amenities that offer value to an audience larger than City of Covington residents. Regional Parks are greater than twenty-five (25) acres in size.

(4) “Public Green Space” is the classification for a City Park offering mainly organic, natural recreation opportunities and limited man designed amenities. There is no size standard for Public Green Spaces.

Section 3

Section 94.003, which reads as follows, is added to and amends the Covington Code of Ordinances:

§ 94.003 CITY PARKS AND RECREATION SYSTEM AVAILABLE TO THE PUBLIC.

Upon the establishment of a City Park, the Park shall be added to the City Parks and Recreation System established by the City Board of Commissioners in this Section. The City Parks and Recreation System sets forth the name, address, and park classification of each City Park available to the public for use. If a City Park is decommissioned by the City Board of Commissioners, the City Park shall be removed from the City Parks and Recreation System. The current City Parks and Recreation System follows:

| | | |
|----------------------------|---|-----------------------|
| Covington Park System | | |
| Current as of May, 2022 | | |
| FACILITY NAME | ADDRESS | CLASSIFICATION |
| 30th Street and Decoursey | Decoursey Ave, Covington, KY 41015 | Neighborhood Park |
| 35th and Carlisle | Carlisle Ave. Covington, KY 41015 | Neighborhood Park |
| Annie Hargraves Park | W Robbins St &, Chesapeake St, Covington, KY 41011 | Satellite Park |
| Austinburg Park | 502-16 E 15th St, Covington, KY 41014 | Neighborhood Park |
| Barb Cook Park | Ashland Dr & Madison Ave | Neighborhood Park |
| Basil Lewis Park | 129 W 10th St, Covington, KY 41011 | Satellite Park |
| BF Howard Park | E 11th St, Covington, KY 41011 | Satellite Park |
| Bill Cappel Sports Complex | 4305 Decoursey Ave, Covington, KY 41015 | Regional Park |

| | | |
|--------------------------------------|---|-------------------|
| Clayton Meyer Park | Thomas St & Glenway Ave | Satellite Park |
| Covington Plaza | 1 Madison Ave, Covington, KY 41011 | Regional Park |
| Devou Park | 790 Park Ln | Regional Park |
| Father Hanses Park | Hermes Ave, Covington, KY 41011 | Satellite Park |
| George Rogers Clark Park | 301 Riverside Dr, Covington, KY 41011 | Neighborhood Park |
| Goebel Park | 501 Philadelphia St, Covington, KY 41011 | Neighborhood Park |
| Hands Pike Park | 1233 Hands Pike, Covington, KY 41017 | Neighborhood Park |
| Kenny Sheilds Park | 620 W 9th St, Covington, KY 41011 | Neighborhood Park |
| Lance Corporal Justin Sims Mem. Park | W 16th St & Euclid Avenue | Satellite Park |
| Licking River Greenway Trail | Begins at Holmes High School to Randolph Park | Public Greenspace |
| Peaselburg Park | W 23rd St & Howell St | Satellite Park |
| Randolph Park | 226 E 8th St, Covington, KY 41011 | Neighborhood Park |
| Riverfront Commons Trail System | N/A | Public Greenspace |
| Senator Gus Sheehan Park | Parkway Ave, Covington, KY 41011 | Neighborhood Park |

Section 4

Section 94.015 of the Covington Code of Ordinances is amended to read as follows:

§ 94.015 USE OF PARKS, PUBLIC PROPERTY BY PUBLIC.

(A) Parks are constructed and maintained for the use of the public at large and shall be opened daily to all citizens on equal terms. No person shall be given special privileges in any public park or be permitted to make use of them for any purpose not practically common to all and not in consonance with proper uses of the parks.

(B) No person shall be in any **City** [~~Devou~~] Park after dusk or before dawn, except as follows:

- (1) When traveling through the park using a vehicle permitted by § 94.025 of this chapter;
- (2) When attending or participating in an activity authorized by a permit issued pursuant to § 94.017 of this chapter. However, family parties or small picnic groups shall not be permitted between the hours of dusk and dawn; and

(3) When attending a function in the [~~Devou Park Memorial Building,~~] Drees Pavilion at the Devou Memorial Overlook, the Devou Park golf course clubhouse, the Behringer-Crawford Museum, evening events at the park bandshell and other evening events authorized by the City Manager, which includes the right of travel to and from said buildings and events and to and from respective parking lots and spaces for the purpose of boarding and disembarking a vehicle.

(C) All other city parks other than Devou Park, Covington Plaza and Steinford Park are open from dawn to dusk, **unless given written permission from City Manager in the form of a Special Event Permit pursuant to § 93.30 et al. of this Code.**

(D) It shall be unlawful for any person to willfully enter upon or remain within any city [~~p~~]Parks during such hours as the [~~p~~]Parks are closed to public use or on other property owned by the city that is closed to the public. Such presence shall be grounds for immediate arrest.

Penalty, see § 94.999

Section 5

Section 94.016 of the Covington Code of Ordinances is amended to read as follows:

§ 94.016 POWERS AND ~~[DUTIES OF BOARD OF COMMISSIONERS]~~ **MANAGEMENT.**

(A) The **City** Board of Commissioners shall have power **to establish a park, playground and recreation system, to name a City Park or rename City park property, and** to close any or all of the ~~[p]~~**Parks** whenever, in its judgment, such action is necessary.

(B) The **City** Board of Commissioners **authorizes the City Manager, or his or her designee to:**

~~(1) [be authorized to p]~~**Post** signs within any ~~[p]~~**Park** ~~[p]~~**Property** setting forth the way, or the limitation to which, the property may be used. These signs shall become a part of this chapter. Any violations of the provisions of any sign posted pursuant to this section shall be subject to the penalties imposed in § 94.999 of this chapter.

~~(2) [The Board of Commissioners is given full authority to i]~~**Issue** temporary orders and regulations for the use and occupancy of the ~~[p]~~**Parks** for special occasions as they may arise. The regulations so issued shall be observed and complied with by the persons using the ~~[p]~~**Parks**.

(C) **Notwithstanding the authority delegated to the City Manager above, the City Board of Commissioners charges the City Parks and Recreation Division of the Neighborhood Services Department with the responsibility to provide, equip, maintain, and conduct the City's parks and recreation system, subject to the orders, control, and direction of the City Board of Commissioners.**

Section 6

Section 94.017 of the Covington Code of Ordinances is amended to read as follows:

§ 94.017 PERMITS REQUIRED FOR CERTAIN ACTIVITIES.

(A) *Public meetings.* No person shall hold or attend any public meeting, discussion, debate, picnic or gathering of any kind on or within park property without first obtaining a permit from the City Manager. However, **City-appointed board meetings**, family parties or small groups of picnickers shall not be required to obtain written permission.

(B) *Parades.* No person shall engage in any parade, drill or procession of any kind on or within any park property without first obtaining a permit from the City Manager.

(C) *Music concerts.* No person, except a single player playing privately, shall play upon or operate any musical instrument, or hold any musical concert on or within any public park property, without first obtaining a permit from the City Manager.

(D) *Flags, banners and signs.* No person shall display any banner, flag, target, sign or device for advertising or other commercial purpose on or within any public park property without first obtaining a permit from the City Manager.

(E) *Selling goods.* No person shall sell or expose anything for sale within any public park property or on any sidewalk bounding such property without first having obtained a permit from the City Manager.

(F) *Fireworks.* No person shall bring, display, or discharge any fireworks within park property without first having obtained a permit therefor from the City Manager.

(G) *Use of boats.* No person shall place or use any boat, skiff, or vessel on the waters of any park without first obtaining a permit therefor from the City Manager.

(H) *Going on ice.* No person shall go upon any ice in any park without first obtaining a permit from the City Manager.

(I) *Use of parks.* The City Manager may, in his or her reasonable discretion, issue permits for the use of public parks or portions thereof for special sporting events.

(J) Unmanned Aircraft Systems. Subject to applicable Federal Aviation Administration regulations, no person or persons shall take off or land unmanned aircrafts (including drones and model airplanes) in any City Park without first having obtained written permission from the City Parks and Recreation Division and the City Manager.

(K) Mobile Food Vending Services. No mobile food vendor is authorized to sell food and/or non-alcoholic beverage items on park property, without first having obtained a permit for mobile food vending services from the City Manager and shall be limited to areas approved on a city special event permit.

Penalty, see § 94.999

Section 7

Section 94.018 of the Covington Code of Ordinances is amended to read as follows:

§ 94.018 RACING PROHIBITED.

No person shall engage in or in any way be a party to, any race of any kind, whether between animals, bicycles, motorcycles, automobiles or vehicles of any kind or otherwise on or within park property. **Exceptions may be made for individuals or events that have obtained written permission from the City Parks and Recreation Division and the City Manager.**

Penalty, see § 94.999

Section 8

Section 94.021 of the Covington Code of Ordinances is amended to read as follows:

§ 94.021 ANIMAL REGULATIONS AND DOG PARKS.

(A) (1) No person shall take or permit any dog or other domestic animal on or within any property where a sign is posted prohibiting dogs or other domestic animals. In parks where no such signs are posted, no person shall take or permit a dog or other domestic animal within the park property unless the dog or other domestic animal is held by a leash, chain or cord.

(2) Any person having the custody and control of any dog or domestic animal in a city park shall have the responsibility for cleaning up feces of the animal and disposing of such feces in a sanitary manner. It shall also be the duty of said person to have in his or her possession suitable equipment or supplies to pick up, remove and dispose of the animal feces.

(3) The provisions of this section shall not apply to the ownership or use of ~~[guide dogs by blind persons]~~ **service animals**, ~~[, help dogs]~~ or dogs used in police activities of the city, such as canine corps or tracking dogs used by or with the permission of the City's Police Department.

(B) No person shall permit any animal of any kind, including horses, cattle, goats, swine, and fowl to run at large within ~~[public]~~ **City** ~~[p]~~ **Park** ~~[p]~~ **Property**.

(C) No person shall tie any animal to any tree or plant or other object.

(D) City-Owned Dog Parks. It shall be unlawful for any person or persons to utilize the City-owned dog parks in a manner which violates the following rules and regulations:

- (1) Any person or persons entering a City-owned dog park acknowledge(s) the risks and possible dangers associated with dog parks and assume the risk of injury to themselves and their dogs.**
- (2) City-owned dog parks are open from dawn to dusk. No person or persons and/or dogs are permitted in City-owned dog parks when the Park is closed.**
- (3) City-owned dog parks are closed when City personnel are conducting maintenance. No person or persons and/or dog(s) shall be permitted into City-owned dog parks when City personnel are conducting maintenance.**
- (4) City-owned dog parks are for use of dogs and their owners and/or handlers only. No other animals are permitted in the City-owned dog parks. Owners and/or handlers are responsible for the behavior of their dog(s).**
- (5) Owners and/or handlers must be at least 16 years of age to enter a City-owned dog park alone. Children under 13 must be accompanied by an adult and always supervised.**
- (6) Dogs must be leashed upon entering/exiting City-owned dog parks. Dogs outside of City-owned dog parks must comply with city leash laws.**
- (7) Dogs must be supervised with leashes readily available.**
- (8) Dog owners or handlers shall pick-up, seal and remove their dog's or dogs' waste. Dog waste must be cleaned up immediately.**
- (9) Aggressive dogs are not permitted on the premises and should be removed immediately upon acting aggressively.**

(10) Dogs shall be under voice control of their owners and/or handlers at all times.

(11) Dog owners and/or handlers shall fill any holes created by their dog(s).

Penalty, see § 94.999

Section 10

Section 94.026 of the Covington Code of Ordinances is amended to read as follows:

§ 94.026 USE OF LAKES.

Except during the hours and at the places designated by the Board of Commissioners, no person shall bathe, swim or fish in any of the lakes, pools, streams or fountains within any park property. No person shall send or throw anything whatsoever into any lakes, pools, streams or fountains, or in any manner disturb the waterfowl, birds, fish or animals within any park property. **This shall include use of remote-operated or miniature boats and watercraft.**

Section 11

Section 94.028 of the Covington Code of Ordinances is amended to read as follows:

§ 94.028 SWINGS AND HAMMOCKS.

No person shall put up or use any **permanent swings or hammocks** in any [p]Park, except on posts or other places designated by the **City** Board of Commissioners for this purpose. **Portable Hammocks are permitted in City Parks under the following conditions:**

- (a) No permanent anchors such as screws or eyebolts may be used;**
- (b) Trees must be at least eight (8) inches in diameter at the point of strap contact to ensure they are strong enough to support the hammock;**
- (c) Straps must be two (2) inches wide, preferably made of nylon or polypropylene;**
- (d) Padding must be used underneath straps to preserve the integrity of the tree bark;**
- (e) No more than two straps may be attached to a single tree;**
- (f) Cutting or pruning fauna for hammock utilization is prohibited; and**
- (g) Hammocks may not be attached to park property unless written permission has been obtained from the City Parks and Recreation Division and the City Manager.**

Penalty, see § 94.999

Section 12

Section 94.030 of the Covington Code of Ordinances is amended to read as follows:

§ 94.030 GOLF AND DISC GOLF COURSES.

(A) The rules and regulations of all public courses shall be approved by the [~~Board of Commissioners~~] **City Manager pursuant to § 94.16(B) of this Chapter.**

(B) All persons within the limits of any public course must always abide by the rules and regulations of the course, which are posted in the Devou Park golf course clubhouse, upon the **golf and disc golf courses, and/or on information kiosks throughout City park property.**

(C) Any person violating this system may be punished as prescribed by § 94.999 of this chapter and be excluded from the use of any course controlled by the **City** Board of Commissioners.

Penalty, see § 94.999

Section 13

Section 94.032 of the Covington Code of Ordinances is amended to read as follows:

§ 94.032 DEVOU PARK REGULATIONS.

(A) The following acts shall be prohibited in Devou Park:

(1) Throwing, dropping, depositing, discarding or otherwise disposing of litter or any liquid waste, whether from a vehicle or otherwise.

(2) Operating a hand-held metal detection device or other similar device used for the purpose of detecting hidden, concealed or buried coins, jewelry, historical artifacts or other items in any portion of Devou parks without first obtaining a permit pursuant to § 94.035 of this chapter and KRS 164.720; **and**

~~(3) Violating § 94.015(B)(2) of this chapter;~~

~~(4) Violating § 94.024 of this chapter, as it applies to all Devou Parks;~~

~~(5) Violating § 94.031 of this chapter, as it applies to all Devou Parks; however, individuals may possess glass bottles and containers at the Devou Park Memorial Building or the Devou Park golf course and clubhouse;~~

~~(6) Violating § 94.034 of this chapter, as it applies to Devou Parks; and~~

~~(7) Violating § 94.035 of this chapter.~~

(3) Violating §§ 94.015 through 94.036 of this chapter.

(B) The above-referenced acts shall constitute public nuisances and may be enforced by Devou Park Rangers, **Police Department Officers, [as well as other] and** Code Enforcement Officers pursuant to Ch. 92 of this code of ordinances, including, but not limited to, the procedural

guidelines for citations, hearings and appeals contained in §§ 92.17, 92.18 and 92.19 of this code of ordinances.

Penalty, see 94.999

Section 14

Section 94.036 of the Covington Code of Ordinances is amended to read as follows:

§ 94.036 [PARK RENTAL FEES] ***CHARGES FOR USE OF PARK FACILITIES.***

[Fees for the rental of shelters and green space within city parks shall be set according to the following schedule:]

(A) All charges for use of City park property, including but not limited to facilities, shelters, and green space, shall be approved by the City Board of Commissioners.

(1) The charges for the rental of shelters and green space within City Parks shall be as follows:

| | Residents | Non-Residents |
|--|-----------------|---|
| Breaden, Volpenhein and Stone Shelters in Devou Park | \$50.00 per day | [\$75] <i>\$80.00 per day</i> |
| All other shelters and green space in [c]City [p]Parks | \$35.00 per day | [\$50] <i>\$55.00 per day</i> |

(2) No person or persons shall engage in, participate in, aid, form, or start any special event or festival in or upon City park property without obtaining written permission from the City Manager via a Special Event Permit under § 93.30 et al. of this Code. Any charges for use of any City park property for special events and festivals are set forth in the City’s Special Events Ordinance, specifically § 93.31.

(3) Notwithstanding the abovementioned charges for special events and festivals, the charge for the rental of Covington Plaza shall be \$500.00 per day.

Section 15

That this ordinance shall take effect and be in full force when passed, published, and recorded according to law.

Joseph W. Meyer
MAYOR

ATTEST:
Susan E. B.
CITY CLERK

Passed: August 9, 2022 (Second Reading)

July 19, 2022 (First Reading)