

ORDINANCE NO. 2563

**ORDINANCE AMENDING SECTION 96 OF THE ERLANGER
CODE OF ORDINANCES AND ORDINANCE NUMBERS 1603, 2153,
2302, AND 2343 RELATED TO PARK REGULATIONS**

WHEREAS the City of Erlanger Parks Task Force Committee has been working on a master plan for parks in the City of Erlanger for several years; and

WHEREAS a part of this master plan includes use of the Erlanger city parks; and

WHEREAS, the Erlanger City Council wishes to simplify and make consistent regulations related to parks in the City of Erlanger; and

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

Underlined portions are to be added and portions stricken are to be removed.

SECTION I

§ 96.01 PARKS, PLAYGROUND AND RECREATION SYSTEM.

Pursuant to the authority of KRS 97.020, there is hereby created and established a parks, playground and recreation system for the city for the health, welfare, benefit and use of the citizens, residents and taxpayers thereof; and nobody shall cause, promote, allow, aid, assist, encourage or engage in any activity within any park or playground of the city which is contrary thereto.

PARK REGULATIONS

§ 96.15 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ANYBODY. Any human being, or any organization or combination thereof, in the form of a corporation, partnership, joint venture, unincorporated, associated or otherwise.

ATHLETIC TEAM. A group of persons recognized as a team by any league.

~~CITY.~~ The Public Affairs Committee of the city or their designee.

~~—DRUG.~~ See KRS 218.010(13).

~~EVERYBODY. Every human being, or any organization or combination thereof, in the form of a corporation, partnership, joint venture, unincorporated, associated or otherwise.~~

~~—NOBODY. No human being, or any organization or combination thereof, in the form of a corporation, partnership, joint venture, unincorporated, associated or otherwise.~~

PARK. Any area owned or operated by the city for recreational purposes.

SIGN. Any written or graphic announcement, declaration, demonstration, display, illustration, insignia or illumination used to advertise or promote the interests of any person.

§ 96.16 AMPLIFIED SOUND.

No person shall cause or permit the amplification of any sound within a park ~~unless a permit therefor has been obtained from the city.~~ that may be heard from Anybody within 50 feet of the sound unless approved by the City Administrator.

§ 96.17 VENDORS.

No person shall sell or expose for sale any goods, property or material within any park unless a ~~permit therefor has been obtained from the city.~~ approved by the City Administrator.

~~§ 96.18 RACES.~~

~~—No person shall conduct, engage in or attend any vehicular races or speed contests in a park.~~

~~§ 96.19 BALL PLAYING.~~

~~—No person shall propel a solid ball, except soft rubber balls, on or into any portion of a park except those portions which are designated therefor.~~

~~§ 96.20 CLIMBING FENCES SURROUNDING PARKS.~~

~~—No person shall climb upon, over or under any fences within or enclosing any park.~~

~~§ 96.21 OPERATION OF BICYCLES, MOTOR VEHICLES IN PARKS.~~

~~—Nobody other than officers and employees of the city shall conspire, cause, permit, promote, encourage, aid, assist or engage in any of the following activities or occurrences anywhere in any park in the city:~~

~~—(A) The operation or use of any non-motorized wheeled vehicle upon any park area, other than recreational trails and other park areas that have been identified and designated for such use by signs installed and maintained by the city; and~~

~~—(B) The operation or use of any motor vehicle upon any park area other than paved driveways parking areas that have been identified and designated for such use by signs installed and maintained by the city, with the exception of three-wheeled vehicles propelled by batteries of 12 volts or less, and used by a person with ambulatory handicaps.~~

§ 96.22 DRUGS; FIREWORKS.

Nobody shall conspire, cause, permit, promote or encourage or engage in the possession of any ~~dangerous~~ illegal drugs, or any fireworks. ~~brass knuckles, blackjack, billy or a knife with a gravity or switchblade, or a blade in excess of three inches.~~

§ 96.23 FIRES.

No person shall cause, permit or attend, or use any fire within a park except in the grills and fireplaces provided therefor, unless ~~a permit therefor has been obtained from the city.~~ approved by the City Administrator.

§ 96.24 DEPOSITING GARBAGE, REFUSE IN CONTAINERS.

No person shall cause or permit any trash, garbage, refuse or other waste materials to be thrown, scattered, dumped or deposited in any park except in containers provided therefor.

§ 96.25 CLOSING HOURS.

Nobody shall cause, promote, allow, aid, assist, encourage or engage in any use of any park or playground of the city anytime after sunset and before sunrise, unless approved by the City Administrator.

§ 96.26 RESERVATION OF SHELTER AREAS.

~~The Mayor shall establish, by executive order, regulations for the reservation of shelter areas in the parks and recreation areas of the city for the private use of citizens and residents thereof.~~ Shelters may be reserved by calling the city office at 859-727-2525.

~~§ 96.27 TOYS.~~

~~—Nobody other than officers and employees of the city shall conspire, cause, permit, promote, encourage, aid, assist or engage in any of the following activities or occurrences anywhere in any park in the city:~~

~~—(A) The operation of any remote controlled aircraft, including, without limitation, drones:~~

~~—(B) The use of metal detectors; and~~

~~—(C) Any digging or other movement of soil.~~

~~§ 96.28 ANIMALS.~~

~~—Nobody other than officers and employees of the city shall conspire, cause, permit, promote, encourage, aid, assist or engage in any of the following activities or occurrences anywhere in any park in the city: the use of any portion of a park by any animal for the purpose of defecation, without removing the defecated material to a waste disposal container.~~

~~§ 96.29 PROHIBITING THE USE OF FLAGSHIP PARK BY ORGANIZED ATHLETIC TEAMS.~~

~~—(A) Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.~~

~~—ATHLETIC TEAM. A group of persons recognized as a team by any league or any other group of athletic teams organized to compete among themselves.~~

~~—EVERYBODY. Every human being, or any organization or combination thereof, in the form of a corporation, partnership, joint venture, unincorporated association or otherwise.~~

~~—NOBODY. No human being, or any organization or combination thereof, in the form of a corporation, partnership, joint venture, unincorporated association or otherwise.~~

~~—(B) Prohibitions. Nobody shall, by act or omission, conspire, cause, permit, promote, allow, assist, encourage or engage in the use of Flagship Park in the city for:~~

~~—(1) Organized practices by any members of any athletic team; and~~

~~—(2) Games between athletic teams.~~

~~§ 96.28 ORGANIZED ATHLETIC TEAMS.~~

No Athletic Team shall practice or compete on any field or at any Erlanger Park without receiving a permit by the City of Erlanger and no Athletic Team shall receive a permit in any Erlanger Park that does not have the required field or facilities for the specific sport.

§ 96.99 PENALTY.

(A) Civil penalties. Each separate violation of this chapter constitutes a civil offense, for which:

(1) The maximum civil fine required by KRS 65.8808(2)(b)(1) that may be imposed for each separate violation of this chapter is hereby established as \$500 for a first violation, \$750 for a second occurrence of the same violation and \$1,000 for the third and each subsequent occurrence of the same violation, plus the costs of collection, including, without limitation, court costs and attorney fees; and

(2) The specific civil fine required by KRS 65.8808(2)(b)(2) that may be imposed for each separate violation of this chapter is hereby established as \$100 for a first violation, \$250 for a second occurrence of the same violation and \$500 for the third and each subsequent occurrence of the same violation, plus the costs of collection, including, without limitation, court costs and attorney fees.

(B) Criminal penalties. Each separate violation of this chapter shall be a misdemeanor for which everybody convicted thereof in a court of competent jurisdiction shall be sentenced to pay a criminal fine not to exceed the maximum amount of \$500 as set forth in KRS 534.050(2)(a) or a term of imprisonment not to exceed the maximum period of 12 months as set forth in KRS 532.090(1), or both.

SECTION II

That if any section, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or otherwise invalid, such infirmity shall not affect the validity of the remainder of the Ordinance.

SECTION III

This Ordinance shall be in effect when read, passed, and published according to law. This Ordinance may be published in abbreviated form.

ADOPTED THIS 18th DAY OF JULY, 2023.

1st Reading: July 11, 2023.

2nd Reading: July 18, 2023. Vote: 9 Yes, 0 No.

APPROVED:

By: Jessica Fette, Mayor
City of Erlanger

ATTEST:

Sherry Hoffman, City Clerk