

By-laws concerning the use of the Fühlinger See athletic and recreational area

from 10/06/2024

In its meeting on 10/06/2024, the Council of the City of Cologne passed the following amendment to the by-laws concerning the use of the Fühlinger See athletic and recreational area from 29 June 1984 in the version of the 6th amendment by-laws from 10/06/2024, on the basis of §§ 7 paragraph 5 and 130 paragraph 1 of the Municipal Code for the State of North Rhine-Westphalia (GO NRW) in the version of the announcement from 14 July 1994 (GV.NRW. p. 666) in the version valid during the passing of these by-laws:

I. General

§ 1 General purpose and purview

(1) The Fühlinger See athletic and recreational area is a public facility of the City of Cologne. According to these by-laws, it serves as a place of recreation, leisure and athletic activity for the general public. The appeal of the Fühlinger See for nature activities, athletics, recreation and culture is to be maintained. A balanced relationship between all user groups must be created. The Fühlinger See is in the purview of the Cologne Landscape Plan, which defines the protected landscape L6 "*Fühlinger See und Freiraum östlich Fühlingen*" ("Fühlinger See and open area east of Fühlingen"). Users' interests in recreation and leisure must be in harmony with the requirements of natural preservation and ecological maintenance, in particular water ecology. The stipulations of the Landscape Plan of the City of Cologne from 13/05/1991, in its respectively current version, apply independently of these by-laws.

(2) The location, scope and partitioning can be seen in the attached plan, which is part of these by-laws.

§ 2 General conduct

(1) The by-laws of the Fühlinger See athletic and recreational area are binding for all users. By entering the area, all users accept these by-laws as well as any other applicable regulations.

(2) Users must abstain from any activities that violate public morals, safety, peace or order. Disturbing, harassing or endangering other persons is prohibited.

(3) Polluting bodies of water, green spaces or other areas is prohibited. Every user is liable for damages in the event of misuse, culpable pollution or harm to the area. Each user is responsible for properly disposing of waste.

(4) Users are not allowed to use musical instruments, audio playback devices or other media (such as mobile telephones) that could disturb other persons.

(5) Officials from the *Sportamt* (Sports Office) of the City of Cologne enforce house rules on all users. Instructions issued by these officials must be followed. Users who violate these by-laws can be temporarily or permanently denied access or banned

from the athletic and recreational area. Non-adherence to this ban will result in criminal charges for disturbance of the peace.

(6) Advertisements for goods, foods, beverages or printed goods, the setting up of stands and other means of sale, and the offering or rendering of other services on the premises of the athletic and recreational area and in the respective parking areas P1, P2, P4, P5 and P8 are only allowed with permission from the Athletic Office of the City of Cologne.

§ 3 Events

(1) Events of any sort require approval from the Sports Office of the City of Cologne.

(2) The Sports Office of the City of Cologne can partially or entirely restrict the use of the athletic and recreational area (in particular pathways, green spaces, swimming areas, lakes, regatta course, parking facilities, sports facilities) without compensation for cause, such as imminent overcrowding, or in the interest of events. It may also take all necessary measures to ensure this.

§ 4 Permits

(1) Any permits required on the basis of these by-laws must be requested in advance from the Sports Office of the City of Cologne (fuehlingersee@stadt-koeln.de). It may be granted with conditions, restrictions and/or a time limit, and may be subject to revocation.

(2) Photographs and videos intended for commercial purposes or for the press require prior authorisation from the Sports Office of the City of Cologne.

(3) Any permits must be kept on the applicant's person and presented on request.

II. Use of bodies of water

§ 5 Water sports

(1) Lakes 2 through 6 are to be used for recreational sports with non-motorised water vehicles and water sports equipment (such as stand-up paddle boards, surfboards, inflatable pool mattresses, inflatable dinghies, rowboats, canoes).

(2) Users engage in water sports at their own risk.

(3) The use specified in § 5 paragraph 1 does not apply to:

a) Lake 1 and Lake 7

b) the natural outdoor pool in Lake 5

(4) Lakes 3 and 4 can be used as alternative transit lakes for rowboats and canoes as needed.

(5) Users are not allowed to

a) swim or enter the water when not permitted to do so by these by-laws,

b) jump from bridges,

c) use water vehicles and water sports equipment with combustion or electrical engines (such as motorboats, model boats, eFoils, jet skis). This does not apply to rescue vehicles of the DLRG or other water rescue organisations, work vehicles of the Sports Office of the City of Cologne, or water vehicles for which a special permit has been granted for purposes of events or work duties,

d) use a foil board,

e) enter the dock areas, pontoons, work platform, launch area and launch points. This does not apply to rowing and canoeing clubs, nor to schools during training and competitions,

f) enter water that has frozen over.

(6) All water vehicles and water sports equipment used in the water must be safe to use. The pertinent regulations, in particular the Inland Waterways Ordinance from 16/12/2011 in its respectively current version, apply to the construction, rigging and usage regulations thereof.

§ 6 Regatta course

(1) The regatta course is solely to be used for school and club athletics training and competitions in rowing and canoeing.

(2) Recreational sports are not permitted.

(3) Swimming, entering the water or otherwise entering the regatta course (such as with a stand-up paddle board, boat, inflatable pool mattress, surfboard, foil board, kickboard, model boat) is prohibited.

(4) The regatta course entrance for rowboats and canoes leads from and to the jetties via Lakes 5 and 6, or via Lakes 3 through 5 and 6 as needed.

(5) Events and training camps, or any use other than that specified in § 6 paragraph 1, require approval from the Sports Office of the City of Cologne.

(6) The Sports Office of the City of Cologne can restrict regular operations of the regatta course and adjacent lakes, or approve a different type of use, as needed.

§ 7 Natural outdoor pool

(1) In deviation from § 5 paragraph 5 a), swimming and entering the water are permitted in the natural outdoor pool adjoining Lake 5 during the regular hours of operation.

(2) The Sports Office of the City of Cologne can approve commercial use of the premises of the natural outdoor pool if this is compliant with the nature of the uses specified in § 7 paragraph 1.

The premises would then be a private facility instead of a public facility during such use. All public law permits must be presented to the Sports Office of the City of Cologne.

(3) Operation of the natural outdoor pool is subject to the following requirements:

a) The hours of operation are publicly disclosed.

b) The amount of the admission fee is based on that of the Vingst natural outdoor pool.

c) Appropriate prices must be charged for all fees for children, adolescents and families for purposes of commercial use.

d) Special consideration must be paid to the justified interests of the local residents with regard to noise.

(4) §§ 15 and 16 of the respectively current version of the Sports Site Ordinance (*Sportstättensatzung*) apply to the natural outdoor pool as long as it is operated as a public facility.

§ 8 Swimming areas

(1) Use of the swimming areas in Lakes 1 and 7 is permitted during usage hours, in deviation from § 5 paragraph 5 a).

(2) The usage hours are announced publicly, and the swimming areas must be vacated when these hours are over.

(3) Users use the swimming area, including its infrastructure, at their own risk, regardless of the operators' obligation to keep the premises safe for traffic. The operators are not liable for force majeure, happenstance or defects that are not immediately identified even with the appropriate level of diligence.

(4) Access to the swimming area is prohibited to:

a) persons under the influence of intoxicants,

b) persons with animals,

c) persons who wish to use the premises or swimming area for commercial or unusual purposes.

(5) Persons who require mobility assistance can only enter the swimming area with a suitable companion.

(6) Children under 7 years of age can only use the swimming area with a suitable companion who is at least 18 years of age.

(7) Users use the swimming area at their own risk. There are no lifeguards. Parents or chaperones must supervise their children or the persons they are chaperoning. The swimming premises can only be entered via the designated entrances. Pushing or throwing other persons in are prohibited. Jumping into the swimming area, in particular headfirst, is prohibited due to the particular safety hazard that this entails.

(8) Use of the swimming areas in Lakes 1 and 7 for purposes other than swimming (such as entering them with a stand-up paddle board, boat, surfboard, foil board, model boat) is prohibited.

§ 9 Scuba diving

(1) Scuba diving is permitted in Lakes 4, 5 and 6.

(2) Lake 5 has an accessible scuba diving launch point. The alternative launch point is in Lake 6. Direct launch in Lake 4 is not possible.

(3) Scuba diving requires a permit from the City of Cologne. The scuba diving permit is valid for the entire diving season from 01/04 to 31/03 of the following year (year permit) or for the day on which the permit is issued (day permit).

(4) A usage fee is charged for the use of the area allowed for scuba diving in accordance with the fee regulations for diving at Fühlinger See.

(5) Issuance of a permit requires:

a) proof of diving certification (at least Padi (Open Water Diver), CMAS (1 star/bronze) or an equivalent certificate according to DIN/EN 14153-2 (independent divers),

b) insurance coverage for any potential costs of recovery.

(6) Commercial diving schools can request a day permit on behalf of diving students.

(7) The Sports Office of the City of Cologne can partially or entirely restrict scuba diving at Lakes 4, 5 and 6 as needed.

(8) Ice diving is prohibited.

§ 10 Angling and fishing

(1) Angling and fishing require a permit from the Sports Office of the City of Cologne.

(2) Angling and fishing are prohibited:

a) in the natural outdoor pool,

b) at swimming areas during usage hours,

c) in the regatta course and its entrances on weekdays from 8:00 to 20:30 and on weekends and holidays from 9:00 to 19:00,

d) in the regatta course and its entrances during events,

e) at docks, jetties and pontoons.

(3) Fishing umbrellas and shelters without a base can be set up when angling or fishing to protect against wind and the elements. These must immediately be disassembled when requested by the Sports Office of the City of Cologne.

III. Use of green and traffic spaces

§ 11 Use of the area

(1) Green spaces can be used for recreation and leisure when such activities are compliant with these by-laws.

(2) Camping and overnighting are not allowed. The Sports Office of the City of Cologne can grant a permit for this on request.

(3) Grilling is allowed in accordance with the State Emissions Protection Act of North Rhine-Westphalia (*Landes-Immissionsschutzgesetz Nordrhein-Westfalen*), provided there are no foreseeable fire hazards or other risk of disturbing other persons or the environment through smoke, odour or ashes. A suitable grill with a minimum elevation of 30 cm off the ground must be used. Disposable grills are not permitted. Any harm or damage such as the spread of a fire, or burning or singeing the ground beneath the grill, must be prevented. Only common, commercially available

substances can be used for grilling. Alcohol and other liquid charcoal lighters are prohibited.

(4) Igniting or keeping an open fire is prohibited.

(5) Dogs are not allowed in the areas designated as a natural outdoor pool, swimming area or lounging area. In other areas, they must be kept on a lead.

(6) Persons must immediately resolve any contamination or pollution caused by animals (droppings) within the grounds to which these by-laws apply.

(7) Horseback riding is only permitted in the designated riding trails.

(8) Feral domestic pigeons, wild pigeons, water birds, hares, rabbits and fish must not be fed. This includes laying out or offering food in any manner.

(9) Drones, model aircraft and unmanned flying devices are not allowed in the athletic and recreational area. The Sports Office of the City of Cologne can grant a permit for this.

(10) Slacklining and similar activities that damage trees are solely permitted in the slackline park.

(11) Private structures (such as pavilions, beer garden tends, stages) in the grounds to which these by-laws apply require a permit from the Sports Office of the City of Cologne

(12) In all other instances, the respectively current version of the Cologne City Regulations (*Kölner Stadtordnung – KSO*) from 14 April 2014 – Abl. StK 2014, p. 241 et seq, 2017, p. 51, 2018, p. 11 apply.

§ 12 Traffic

(1) The respectively current road traffic regulations apply to the roads, pathways and parking areas of the athletic and recreational area.

(2) Parking in the parking areas is free of charge.

(3) During the summer season from 01/04 to 30/09, the City of Cologne may charge a fee or commission the charging thereof at the parking areas P1, P2, P4, P5 and P8 from Fridays to Sundays and on holidays. The charging of such a fee would be in accordance with the respectively current version of the regulations for charging parking fees at Fühlinger See.

(4) Driving, parking, and taking or leaving motor vehicles, vehicles and trailers outside of the roads and parking areas are prohibited. This does not apply to rescue, cleaning and other service vehicles and wheelchairs.

(5) During competitions, only the competition supervisors with bicycles with or without an auxiliary motor can use the banks along the regatta course.

IV. Other regulations

§ 13 Liability

Visitors use the athletic and recreational area at their own risk.

§ 14 Violations

(1) Persons who deliberately or negligently conduct the following actions are acting in violation of these by-laws, regardless of any special national or state regulations:

1. causing harm to or endangering persons or items (§ 2 paragraph 2),
2. polluting bodies of water, green spaces or other areas (§ 2 paragraph 3),
3. conducting marketing measures, offering or distributing goods or printed texts, setting up sales facilities or other stands, or offering or rendering other services in the athletic and recreational area without a permit from the City of Cologne (§ 2 paragraph 6),
4. conducting events of any sort in the athletic and recreational area without a permit from the City of Cologne (§ 3 paragraph 1),
5. using water vehicles and water sports equipment in Lakes 1 and 7 as well as the regatta course (§ 5 paragraph 3, § 6 paragraph 2),
6. angling or fishing without a permit from the City of Cologne or violating § 10 paragraph 2,
7. using the natural outdoor pool or swimming areas outside of swim times (§ 7 paragraph 1),
8. a) using the lakes for water sports in violation of the by-laws or without a permit from the City of Cologne (§ 5),
b) diving in the designated diving areas of Lakes 4, 5 and 6 without a permit, or offering commercial diving instruction without a permit (§ 9),
9. a) swimming when not allowed by these by-laws (§ 5 paragraph 5 a)),
b) jumping from bridges (§ 5 paragraph 5 b)),
10. a) using water vehicles and water sports equipment with combustion or electrical motors (such as motorboats, model boats, eFoil, jet skis) (§ 5 paragraph 5 c)),
b) using a foil board (§ 5 paragraph 5 d)),
11. entering the jetties, docks, pontoons, work platform, start area and launch points. This does not apply to rowing and canoeing clubs or schools during training and competitions (§ 5 paragraph 5 e)),
12. violating the ice diving ban (§ 9 paragraph 8),
13. using unsafe water sports equipment (§ 5 paragraph 6),
14. camping or overnighting without a permit from the City of Cologne (§ 11 paragraph 2),
15. causing fire hazards, disturbances due to smoke, odour or ashes while grilling; using an unsuitable grill (disposable grill); using substances that are not commonly commercially available, alcohol or other liquid charcoal lighters (§ 11 paragraph 3),
16. igniting or keeping an open flame (§ 11 paragraph 4),
17. taking dogs into the designated natural outdoor pool, swimming areas or lounging areas, or taking them into other areas without a lead (§ 11 paragraph 5),

18. not immediately removing contamination or pollution caused by animals (droppings) (§ 11 paragraph 6),
19. riding on horseback outside of the designated riding trails (§ 11 paragraph 7),
20. feeding or leaving food out for feral domestic pigeons, wild pigeons, water birds, hares, rabbits or fish (§ 11 paragraph 8),
21. using drones, model aircraft and unmanned flying devices in the athletic and recreational area without a permit from the City of Cologne (§ 11 paragraph 9),
22. using musical instruments, audio playback devices or other media that could disturb other persons (§ 2 paragraph 4),
23. slacklining outside of the designated areas (§ 11 paragraph 10),
24. holding an event without the required permit (§ 3 paragraph 1),
25. driving, parking, taking or leaving a motor vehicle, vehicle or trailer outside of the roads and parking areas (§ 12 paragraph 4).

(2) A violation may be met with a fine of up to 1,000 euros.

(3) Furthermore, anyone who significantly or repeatedly violates these by-laws despite warnings may be temporarily or indefinitely banned from using the area or portions thereof according to the circumstances of the respective violation. Any permits or exceptions afforded to this individual can be revoked. Claims to damages or reimbursement are ruled out.

§ 15 Public announcement

In cases when these by-laws refer to a public announcement, this is to be done via a flyer or similar manner at the entrance to the natural outdoor pool, the boat house or the respective areas concerned in the announcement. The public announcement at the natural outdoor pool and boat house is pertinent.

§ 16 Exceptions

In justified instances, the City of Cologne may allow exceptions on request, provided these are in compliance with the purpose and order of the athletic and recreational area and do not contravene any other public interests.

V. Closing provisions

§ 17 Coming into effect

These by-laws come into effect on the day following their public announcement.