Statutes of the Fühlinger See Sports and Recreation Facilities
dated April 27, 2021

In its meeting that took place on 23/03/2021, the City of Cologne Council - based on §§ 7, 41 paragraph 1 sentence 2 letter f of the Municipalities Code of the State of North Rhine-Westphalia (GV NRW p. 666) – decided to amend the currently applicable version of the Statutes regarding the utilisation of the Fühlinger See Sports and Recreation Facilities, set out in the version of the Statutes of June 29, 1984, with the version of the 5th amendment of the Statutes of 27/04/2011:

I. General

§ 1 General purpose of use and area of application

(1) The sports and recreation facilities Fühlinger See are public facilities of the City of Cologne. According to these Statutes they offer recreation, leisure- and sports activities that are open to everybody. It is important that the attractiveness of the natural environment of the Fühlinger See as well as activities regarding sports, leisure and culture is maintained. A balance between all groups of amenities used must be established. Fühlinger See is located within the nature preserve L6 "Fühlinger See and undeveloped parcel east of Fühlingen“ as defined by the Cologne Landscape Plan. The interest of users for recreation and leisure time must be harmonised with the requirements of the protection of nature and the landscape conservation, in particular regarding the aquatic ecology. The provisions of the Landscape Plan of the City of Cologne of 13/05/1991 in its relevant applicable version remain unaffected by these Statutes.

(2) The attached plan - being part of these Statutes - shows the location, extent and arrangement.

§ 2 General behaviour

(1) While using the sports and recreation facilities at the Fühlinger See, visitors have to adapt their behaviour and the condition of their belongings such that within the scope of the purpose of use neither persons nor objects are damaged. Obstruction and harassment are to be minimized, if complete avoidance isn’t possible. (2) It is prohibited to pollute bodies of water, green spaces or other areas. If an area is polluted the person responsible is obliged to remove the leftovers. Should this person not comply with this or only insufficiently, the City of Cologne can clean the area at his/her expenses.

(3) Announcements made by supervisors through loudspeakers must be followed accordingly and at once.

§ 3 Advertising, offering goods

Offering or distributing goods or printed media, setting up booths and other selling facilities as well as offering or preparing other services on the grounds of the sports and recreation facilities and the appertaining parking areas P1, P2, P3, P4, P5, P6, P7, and P8 is only permitted if approved by the City of Cologne.

§ 4 Events

(1) Carrying out events of any kind must be approved by the City of Cologne.

(2) The City of Cologne is authorised to restrict the use of the sports and recreation facilities for important reasons, in part or completely, such as preventing overcrowding or in favour of large events without reimbursements and to set up the measures required in such a case.
§ 5 Permission
In so far as a permission issued by the City of Cologne is required according to these Statutes, this permission must be applied for in good time. It can be approved with conditions and requirements, may be restricted, or be issued with a revocation proviso.

II. Using the water spaces
§ 6 Lake 1, 3, and 4
(1) Lakes 1, 3, and 4 are used for water crafts and water sports equipment during the indicated fixed times.

(2) It is prohibited to use water crafts and water sports equipment with combustion or electric motors.

(3) In addition, Lakes 1 and 4 can also be made available to commercially let rowing boats and pedal boats with the permission of the City of Cologne. Beyond that Lake 1 - with the permission of the City of Cologne - is available for water sports equipment with electric motors and for commercially letting this equipment.

§ 7 See 2
Lake 2 is exclusively reserved for fishing.

§ 8 Lake 5
(1) Lake 5 and those green spaces in immediate vicinity is used as an open-air swimming pool in the separated off part within the times set for swimming and also for adventure sports. The remaining area of Lake 5 is reserved for scuba diving, stand-up paddling and also serves as access for rowers and canoeists to the jetties and the regatta field.

(2) Scuba diving requires permission by the City of Cologne. The diving permit is issued by the Sports Department of the City of Cologne for the overall diving season between 01/04 and 31/03 of the following year (annual permit) or in case of one-day diving, a day permit is issued. The permit is issued under the following prerequisites:

1. a diving certification (at least Open Water Diver CMAS (one star) / Bronze or an equivalent certificate in compliance with DIN/EN 14153-2 (individual diver)

2. as well as insurance for possible rescue costs.

Commercially operating diving schools with permission for the Fühlinger See (Lake 5) can apply for a day permit for their diving students.

Prerequisite for obtaining the permission for a diving school is that they submit

1. a trade registration located in Cologne;

2. a list of the diving teachers in charge;

3. diving teachers’ license for all diving teachers;

4. insurance certificates for all diving teachers as well as

5. insurance certificates for all diving students.

§ 8 para. 2 sentence 2 is not applicable to diving students for which the diving school has applied for a permit. Only diving schools located in Cologne may offer diving lessons. The permit for diving may be refused in an individual case if, upon permitting further divers, it is to be expected that this may present a danger to other divers, swimming guests, other users of the sports and recreation facilities Fühlinger See or plants and animal life.

(3) Under private law a user fee is payable in accordance with a special regulation of fees for scuba diving in the area assigned for diving.
The City of Cologne can allow that within its boundaries the area allocated to the open-air swimming pool is used commercially, provided this complies with the type of utilisation described under paragraph 1, sentence 1; in this constellation it is subsequently not a public but a private facility. The operator of such a facility is then required to submit relevant public permits and approvals to the Sports Department.

The operator of the open-air swimming pool is obliged to observe the following regulations: the opening times of the swimming pool must be made public. The entrance fee for the swimming pool must relate to the entrance fee of the natural open-air swimming pool Vingst. Beyond that socially-acceptable prices should be offered within the scope of the commercial use with regard to children, youths, and families. The neighbours in the vicinity of the swimming pool are entitled to be considered, especially regarding the utilisation of the swimming pool area and the emissions generated around this area.

In general §§ 17 and 18 of the Statutes of Sports Facilities in their relevant applicable version apply to the swimming pool in so far as it is a public facility.

§ 9 Lake 6

(1) This lake is used as a passageway for recreational sports and rowing and canoeing sports of schools, universities and clubs for training and competitions.

(2) In case of special events, the City of Cologne can restrict the recreational and training operations on Lake 6 in parts or completely. The restricted area is cordoned off with special marking floats.

§ 10 Lake 7

Lake 7 is used for recreational water sports devices without motor and within the assigned training field of canoe polo sports.

§ 11 Regatta lanes

(1) The regatta lanes are exclusively reserved for the training and competition of the rowing and canoeing sports of schools, universities, and clubs. Bathing is not permitted in the regatta lanes. An approval from the City of Cologne is required for using this area for events and other types of sports.

(2) In a special case the City of Cologne can restrict the training sessions and other uses of the regatta lanes in part or completely, in favour of approved events.

(3) Fishing in the regatta lanes and its access paths is only permitted before 8 a.m. and after 8.30 p.m. during the week, and only before 9 a.m. and after 7 p.m. at weekends and bank holidays. Fishing is, however, not allowed within the scope of events taking place at the regatta lanes.

§ 12 General rules for all water areas

(1) It is not allowed
   a) to go swimming unless these Statutes allow this;
   b) to jump from bridges;
   c) to use water vehicles and water sports devices as well as model boats with combustion or electric motors (with the exception of model boats with electric motors that cannot move faster than 5 km/h due to their design). DLRG rescue vehicles and other water rescue organisations, vehicles of the City of Cologne and water vehicles that have a special permit issued within the scope of events are exempt from this restriction.
   d) to use water vehicles and water sports devices, with the exception on Lakes 1, 3, 4, 5, 6, and 7 in compliance with §§ 6, 8, 9, 10;
e) to go ice diving;

f) to use model boats on the regatta field as well as Lakes 1 and 2, outside of authorised events;

g) to enter and stay on the jetties including the start area; exempt from this ruling are the rowing and canoeing clubs, universities and schools during their training sessions and competitions.

(2) Walking on frozen waters is done at own risk.

(3) All water vehicles used on any lakes, including water sports devices, must be safe to operate. The regulations, especially those of the Inland Waterways Ordinance of 16/12/2011 in its relevant applicable version apply to the design and equipment as well as the driving rules.

(4) Only able swimmers are allowed to use the regatta lanes and the lakes due to the special risks involved.

(5) Fishing is only allowed with a special permit from the City of Cologne. Apart from a few exceptions (steep embankments, areas of plants or animals that are specially protected, areas of reeds), fishing is allowed along all waterfronts.

On Lakes 2, 3, 5, 6, and 7 only leaseholders are allowed to fish exclusively, even from a non-motorised boat. §§ 6 to 11 of these Statutes give more details on this regulation.

III. Utilisation of green areas and traffic areas

§ 13 Utilising the facilities

(1) Unless the use opposes the intended purpose of these Statutes, green areas can be accessed for recreational and leisure time activities.

(2) Camping and staying overnight is not allowed. The City of Cologne may grant exceptional permission in a specific case.

(3) Team games of club teams, for example football or handball, are not permitted.

(4) Within the scope of regulations of the Emission Protection Act of the State of North Rhine-Westphalia barbecues are allowed, provided they do not represent a danger or nuisance to other persons or the environment due to a fire hazard or considerable harassment caused by smoke, smell or fly ash. A suitable barbecue set should be used, set up by observing a sufficient distance to the ground. It is prohibited to use disposable barbecues. Care must be taken to avoid damaging the underground, to prevent a fire from spreading, burning or singing the ground. Only those substances are allowed for barbecues as offered by the trade; it is prohibited to use methylated spirit or other liquid barbecue lighters.

(5) Lighting or keeping an open fire going is prohibited altogether. It is furthermore prohibited to throw away smouldering objects or other objects that are suitable to cause a fire.

(6) Dogs are not allowed on the green spaces marked for the swimming pool or recreation; they must be on a lead in all the other areas.

(7) Animal holders are responsible to remove at once any animal excrement from the area of use to which these Statutes apply.

(8) Horse riding is only allowed on the specially marked bridle paths across the overall facilities.

(9) It is not allowed to feed feral house pigeons, wild pigeons, water fowl, and fish. Feeding in terms of sentence 1 also applies to laying down food or offering food in another way.
(10) It is also prohibited to generate excessive and avoidable noise suitable to harass or disturb in general or individual persons.

(11) It is not allowed to operate model aeroplanes or unmanned flying devices within the area of the sports and recreation facilities. The City of Cologne may issue an exceptional permission in an individual case.

(12) Slack-lining and similar types of sport that damage trees are only allowed in the areas especially designed for this activity.

(13) Private installations (pavilions, beer tent furniture etc.) can only be set up within the area of application of these Statutes with the permission of the City of Cologne.


§ 14 Traffic
1) The road traffic regulations in their relevant applicable version apply to all roads, paths, and parking lots of the sports and recreation area.

(2) In general parking is free of charge.

(3) However, the City of Cologne may raise a fee on parking areas P1, P2, P4, P5, and P8 during the summer season between 01/04 and 30/09, on bank holidays and weekends (Friday to Sunday) to guarantee an orderly parking, the flow of cars arriving and leaving and also to allow access for rescue vehicles. The fees comply with the fee regulation of parking fees raised at the Fühlinger See in its relevant applicable version.

(4) Driving, parking, bringing or parking motor vehicles, vehicles and trailers is prohibited outside of roads and car parks, with the exception of rescue, cleaning and other official service vehicles or wheelchairs.

(5) The paths alongside the banks of the regatta lanes may only be used by trainers or competition aids with bicycles with and without auxiliary motor during competition events.

IV. Other regulations

§ 15 Liability

(1) Using the sports and recreation facilities is done at own risk.

(2) The City of Cologne is liable for damage caused in the area of the facilities – except in case of injuring life, body or health – only in case if its employees act intentionally or grossly negligent. A possible contributory negligence of the injured person remains unaffected.

§ 16 Infringements

(1) Irrespective of the special regulations set out in federal or state law, the person conducts himself/herself disorderly if he/she acts intentionally or grossly negligent regarding these Statutes by

1. causing damage or endangering persons or objects (§ 2, para. 1);
2. contaminating water, green areas or other areas (§ 2 para. 2);
3. advertising, offering or distributing goods or print media, setting up sales units or other booths or offering or carrying out other services within the sports and recreational facilities without having obtained permission from the City of Cologne to do so (§ 3);
4. carrying out events of any kind in the sports and recreational facilities without having obtained permission from the City of Cologne (§ 4, para. 1);
5. using Lakes 1 to 7 or the regatta lanes with water vehicles or water sports devices outside of the regular publicly announced hours (§§ 6 to 11);
6. fishing without a City of Cologne permit (§ 12 para. 5);
7. using the swimming pool outside of the official hours (§ 8 para. 1);
8. a) using the swimming pool, Lake 5 (§ 8), the regatta lanes (§ 11) or Lake 6 (§ 9) for water sports contrary to the Statutes or without having the necessary permit from the City of Cologne;
8. b) diving or offering diving lessons commercially in the area marked for scuba diving of Lake 5 without permission (§ 8);
9. swimming, unless permitted by these Statutes (§ 12 para. 1 letter a);
10. jumping from bridges (§ 12 para. 1 letter b);
11. operating water vehicles or water sports devices as well as model boats in so far as the use of such vehicles is not permitted within the scope of these Statutes (§ 12 para. 1 letters c, d and f);
12. operating flying models or unmanned flying devices in the area of the sports and recreational facilities (§ 13 para. 11);
13. a) violating the ice diving prohibition (§ 12 para. 1, letter e);
13. b) persons accessing or staying on jetties and the Start area who not belong to the named group of users (§12 para. 1, letter g);
14. using water sports equipment that is not safe to operate (§ 12 para. 2);
15. camping or staying overnight without permission granted by the City of Cologne (§ 13 para. 2);
16. carrying out team games by club teams, for example, football or handball (§ 13 para. 3);
17. causing a danger by setting fire to the surrounding area while barbecuing, causing a nuisance by smoke, smell or fly ash, using an unsuitable barbecue (disposable barbecue set), not using substances as offered by the trade, methylated spirit or other liquid fire lighters (§ 13 para. 4);
18. lighting or maintaining open fires (§ 13 para. 5);
19. bringing along dogs to the areas marked for the swimming pool or recreational areas or not keeping dogs on a lead in the other areas (§ 13 para. 6);
20. not cleaning up dog excrements at once (§ 13 para. 7),
21. riding on bridle paths not marked as such (§ 13 para. 8),
22. feeding or leaving food for feral house pigeons, wild pigeons, water fowl or fish (§ 13 para. 9);
23. generating excessive and avoidable noise that is harassing or disturbing individuals or the general public (§ 13 para. 10);
24. slack-lining in places not provided for this activity (§13 para. 12);
25. acting without official permit (§13 para. 13);
26. driving, parking, bringing along or leaving cars, vehicles or trailers in the mentioned areas (§ 14 para. 4).
(2) An offence can be fined with up to 1,000.00 Euros.
(3) In addition, it is possible that those, infringing the regulations of these Statutes considerably or repeatedly in spite of being reminded, and considering the relevant circumstances in an individual case, can be excluded from using the facilities overall or in part for a specific time or indefinitely. A once granted permission or exception can be revoked. Claims for reimbursement or compensation are excluded.

§ 17 Public notification

(1) In so far as these Statutes refer to a public notification, a notice or a similar notification is displayed at the entrance to the swimming pool, boathouse or other places involved. The notice at the swimming pool and boathouse is the decisive one to observe.

(2) §§12 para. 3 and 11 para. 2 of these Statutes remain unaffected.

§ 18 Exceptions

The City of Cologne can, in an individual case, and in so far as this complies with purpose and order of the sports and recreational facilities, and also provided this does not contradict any other public interests, approve exceptions upon application.

V. Final provisions

§ 19 Coming into effect

These Statutes come into effect on the day following their public announcement in the official gazette of the City of Cologne.

The afore-mentioned Statutes are herewith announced publicly. (Reference is made to § 7 GO NW not incorporated into the Cologne Charter.

Reference is made to the legal consequences in compliance with § 7 para. 6 sentence 1 of the municipal regulation for the State of North Rhine-Westphalia.

§7 para. 6 sentence 1 of the municipal regulation as follows:

"The infringement of regulations of procedures or formal regulations of this law cannot be asserted against the statutes, other local regulations and plans of utilisation of areas once a year following its announcement has expired, unless

a) a necessary approval is missing or a prescribed notification procedure was not carried out,

b) the statutes, other local regulations or the plan for utilising areas is not made public appropriately,

c) the mayor has objected to the council order beforehand

or

d) the complained about lack of form or procedure is presented to the municipality prior to the expiration and the infringed legal requirement and the fact is quoted to which the complaint refers."

Cologne, April 27, 2021

Mayor of the City of Cologne
Henriette Reker