

ORDINANCE NO. _____ N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
ESTABLISHING CHAPTER 9.05 TO ESTABLISH REGULATIONS FOR USE OF SKATE PARKS

WHEREAS, the City Council of the City of El Paso de Robles has approved the construction of a skate park in Pioneer Park; and

WHEREAS, California Health and Safety Code Section 115800 mandates that local public agencies that operate facilities for recreational skateboard use and do not supervise them must adopt an ordinance requiring any person riding a skateboard at the skate park to wear a helmet, elbow pads and knee pads; and

WHEREAS, the City of El Paso de Robles desires to operate the skate park in a safe and responsible manner; and

WHEREAS, in order to operate the skate park in a safe and responsible manner, rules and regulations governing use of the park facility are necessary;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Chapter 9.05 (Skate Parks) of the Municipal Code is hereby established to read as follows:

9.05.010 Skate Park Facility Use and Fines

- a. Definitions: For the purpose of this section, the following definitions shall apply:
 1. Skate board: A skate board is a board-like object which has two axles attached to the bottom of the board-like object with two wheels attached to each axle and the user rides or stands upon the board-like object.
 2. In-line skates: In-line skates are footwear containing four or more axles mounted in a straight line extending generally from or behind the heel of the footwear to or in front of the toe of the footwear with a single wheel attached to each axle.
- b. All users of the skate park facility are required to wear appropriate safety gear, including helmets, elbow pads and knee pads at all times, pursuant to the requirements of California Health and Safety Code Section 115800.
- c. The skate park facility is for use by persons using skate boards and in-line skates only. All other uses are prohibited.
- d. Smoking is not permitted at the skate park facility.
- e. All persons using the skate park facility shall do so at their own risk.
- f. A violation of any part of this ordinance is an infraction and the fine for such violation shall be as follows:
 1. For a first offense, the fine shall be \$20.00;
 2. For a second offense, the fine shall be \$50.00;
 3. For a third or subsequent offense within any 12 month period, the offender's right to use the skate park facility shall be suspended for a period of not less than 6 consecutive months.

9.05.020 Posting of Skate Park Facility Regulations

The Director of Public Works shall ensure that the skate park facility is posted with signs affording reasonable notice of the following:

- a. That any person riding a skateboard in the facility must wear a helmet, elbow pads, and knee pads, and that any person failing to do so will be subject to citation as provided for in Section 9.05.010.G.
- b. That in-line skating is deemed to be a hazardous recreational activity and that the City of Paso Robles entity may not be liable for injuries incurred by persons participating in the hazardous recreational activity in the skate park facility.

9.05.030 Record of Skate Park Facility Injuries

- a. The Director of Public Works shall maintain a record of all known or reported injuries incurred by a skateboarder and/or an in-line skater in the skate park facility.
- b. The Director of Administrative Services shall maintain a record of all claims, paid and not paid, including any lawsuits and their results, arising from those incidents that were filed against the City. Copies of these records shall be filed annually, no later than January 30 each year, with the California Judicial Council.

SECTION 2. Publication. The City Clerk shall cause this ordinance to be published once within fifteen (15) days after its passage in a newspaper of general circulation, printed, published and circulated in the City in accordance with Section 36933 of the Government Code.

SECTION 3. Severability. If any section, subsection, sentence, clause, or phrase of the Ordinance is, for any reason, found to be invalid or unconstitutional, such finding shall not affect the remaining portions of this Ordinance.

The City Council hereby declares that it would have passed this ordinance by section, subsection, sentence, clause, or phrase irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases are declared unconstitutional.

SECTION 4. Inconsistency. To the extent that the terms of provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior City ordinance(s), motion, resolution, rule, or regulation governing the same subject matter thereof and such inconsistent and conflicting provisions of prior ordinances, motions, resolutions, rules, and regulations are hereby repealed.

SECTION 5. Effective Date. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the 31st day after its passage.

Introduced at a regular meeting of the City Council held on December 7, 1999, and passed and adopted by the City Council of the City of El Paso de Robles on the 21st day of December, 1999, by the following roll call vote, to wit:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

Duane J. Picanco, Mayor

ATTEST

Sharilyn M. Ryan, Deputy City Clerk